

ILLINOIS POLLUTION CONTROL BOARD

July 27, 2000

CITY OF WOOD DALE,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 01-13
	)	(Provisional Variance - Water)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

ORDER OF THE BOARD (by C.A. Manning):

On July 25, 2000, the Illinois Environmental Protection Agency (Agency) filed a request for a provisional variance and notification of recommendation. The Agency recommends that the Board grant a 45-day provisional variance to the City of Wood Dale for its wastewater treatment plant. The provisional variance would allow this DuPage County petitioner to perform necessary repair work. In making its recommendation, the Agency states that failure to grant the requested provisional variance for 45 days will result in an arbitrary or unreasonable hardship on the petitioner.

The Board grants the petitioner a provisional variance from the effluent limits set forth in 35 Ill. Adm. Code 304.141(a) and the excess flow limits in National Pollutant Discharge Elimination System (NPDES) Permit No. IL0034274. The Board is required, in a provisional variance, to adopt a formal order, assure formal maintenance of the record, assure the enforceability of the variance, and provide notification of the action by press release. Pursuant to Section 35(b) of the Environmental Protection Act (415 ILCS 5/35(b) (1998)), the Board must issue the provisional variance within two days of the filing.

The provisional variance is granted, subject to the following conditions:

1. The variance shall begin on the date during 2000, when petitioner begins to divert flow through its excess flow facilities and shall continue for 45 days or until the package plants are returned to service, whichever occurs first.
2. During the variance period, petitioner shall be allowed to divert excess flow over 1.165 million gallons per day into its excess flow facilities. Petitioner shall still be limited to the excess flow effluent limits provided in its NPDES Permit No. IL0034274.
3. Petitioner shall notify Maureen Brehmer of the Agency by telephone at 708/338-7900 when the package plants have been taken out of service and again when they

have been returned to service. Written confirmation of each notice shall be sent within five days to the following address:

Illinois Environmental Protection Agency  
Bureau of Water, Compliance Assurance Section  
Attention: Mark Books  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

- 4. Petitioner shall sign a certificate of acceptance of this provisional variance and forward that certificate to Mark Books at the address indicated above within ten days of the date of this order. The certification should take the following form:

CERTIFICATION

I (We), \_\_\_\_\_, hereby accept and agree to be bound by all terms and conditions of the order of the Pollution Control Board in PCB 01-13 dated July 27, 2000.

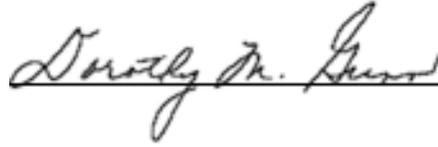
\_\_\_\_\_  
Petitioner  
\_\_\_\_\_  
Authorized Agent  
\_\_\_\_\_  
Title  
\_\_\_\_\_  
Date

- 5. Petitioner shall perform the necessary repair work on the package plant as expeditiously as possible to minimize the time period that the package plants are out of service. Petitioner shall also to monitor and maintain compliance with all other parameters and conditions specified in NPDES Permit No. IL0034274.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) provides for the appeal of final Board orders to the Illinois Appellate Court within 35 days of service of this order. Illinois Supreme Court Rule 335 establishes such filing requirements. See 172 Ill. 2d R. 335; see also 35 Ill. Adm. Code 101.246, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 27th day of July 2000 by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board