

ILLINOIS POLLUTION CONTROL BOARD

April 19, 2001

HENNEPIN PUBLIC WATER DISTRICT,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 01-142
	)	(Provisional Variance – Water)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

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

On April 17, 2001, 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 Hennepin Public Water District (Hennepin) for its wastewater treatment facility, located in the Village of Hennepin, Putnam County. The requested variance is from the total suspended solids (TSS) and carbonaceous biochemical oxygen demand (CBOD) effluent concentration limits in the Board's rules and contained in National Pollutant Discharge Elimination System (NPDES) Permit IL0025313, during replacement of the clarifier drive mechanism and scum removal equipment.

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 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 Board grants the petitioner a provisional variance from 35 Ill. Adm. Code 304.120(a) and 304.141(a), and from the excess flow limitations of NPDES Permit IL0023345. However, during this provisional variance period, petitioner must still meet the monthly average effluent concentration limits of 60 mg/L for TSS and 50 mg/L for CBOD.

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

1. The variance must begin when the petitioner notifies the Agency that repairs have begun and continues for 45 days from that date or until completion of the work, whichever occurs first.

2. During the variance period, petitioner must meet the monthly average effluent concentration limits of 60 mg/L for TSS and 50 mg/L for CBOD.
3. Petitioner must notify Barb Conner of the Agency's Springfield office by telephone at 217-782-9720 when the installation begins and again when the installation is completed. Written confirmation of each notice must be sent within five days to the following address:

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

4. Petitioner must sign a certificate of acceptance of this provisional variance and forward that certificate to Barb Conner at the address indicated above within ten days of the date of this order, that is on or before April 29, 2001. The certification must 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 01-142 dated April 19, 2001.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Authorized Agent

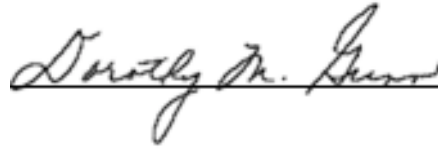
\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

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 101.520, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 19th day of April 2001 by a vote of 6-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board