

ILLINOIS POLLUTION CONTROL BOARD  
December 5, 1996

CITY OF BELLEVILLE,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 97-98
	)	(Provisional Variance - Water)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Respondent.	)	

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

Pursuant to Section 35(b) of the Environmental Protection Act (Act) (415 ILCS 5/35(b)), the City of Belleville (petitioner) has requested that the Illinois Environmental Protection Agency (Agency) recommend that the Board grant a provisional variance from Section 35(b) of the Act (415 ILCS 5/35(b)), to the petitioner. Such request for a provisional variance and the notification of recommendation was filed with the Board by the Agency on December 3, 1996. Pursuant to Section 35(b) of the Act, the Board must issue the variance within two (2) days of this filing.

Pursuant to Section 35(b) of the Act (415 ILCS 5/35(b)), the Agency, by and through its Director, Mary A. Gade, seeks a provisional variance to allow petitioner to continue to operate its wastewater treatment facility while repairs are made to the tertiary sand filters.

Specifically, the Agency recommends that we grant petitioner a 45-day provisional variance for its St. Clair County facility from the total suspended solids effluent discharge requirements, as set forth in 35 Ill. Adm. Code 304.102(a) and 304.141(a). This variance period shall begin on November 19, 1996 and continue until the work on the tertiary sand filters is completed, but not longer than 45 days.

The Agency recommends that the Board grant the requested provisional variance with specified conditions. The Agency agrees that the repairs are necessary. The Agency anticipates that the requested provisional variance would have minimal environmental impact on the receiving stream. The Agency is unaware of any public water supplies that the requested provisional variance would adversely impact. The Agency maintains that a grant of a provisional variance would violate no federal laws. The Agency believes that a denial of the requested provisional variance would create an arbitrary or unreasonable hardship on the petitioner.

Provisional variances are by their very nature temporary. The responsibilities of the Agency and the Board in these short-term provisional variances are different from the

responsibilities in standard variances. (See 415 ILCS 5/35(b) & 36(c).) In provisional variances it is the responsibility of the Agency to make the technical determinations and finding of arbitrary or unreasonable hardship. The Board's responsibility is to adopt a formal order, to assure the formal maintenance of the record, to assure the enforceability of the variance, and to provide notification of the action by a press release.

Having received the Agency recommendation that a denial of the requested relief would impose an arbitrary or unreasonable hardship, the Board hereby grants the petitioner a provisional variance from 35 Ill. Adm. Code 304.102(a) and 304.141(a), on the following conditions:

1. The term of this provisional variance shall commence on November 19, 1996 and continue until the work on the tertiary sand filter is completed, but not longer than 45 days.
2. During the term of this provisional variance, petitioner shall meet monthly average concentration limit of 30 mg/l for total suspended solids. Petitioner shall continue to meet the additional effluent limits in its National Pollutant Discharge Elimination System Permit No. IL0021873.
3. The petitioner shall notify Barb Conner by telephone, at 217/782-9720, when the work on the tertiary filter is completed. Petitioner shall confirm this notice in writing within five (5) days, addressed as follows:

Illinois Environmental Protection Agency  
Bureau of Water, Compliance Assurance Section  
Attention: Barb Conner  
2200 Churchill Road  
P.O. Box 19276  
Springfield, Illinois 62794-9276

4. The petitioner shall operate its plant during the term of this provisional variance in a manner that assures the best effluent practicable. Additionally, petitioner shall perform the necessary repair work on the clarifier as expeditiously as possible to minimize the time period that the tertiary filter is out of service.

The petitioner shall execute a copy of a certificate of acceptance of this provisional variance and forward that copy to the Agency addressed as is the written notice required in the above condition; the petitioner shall forward that copy within ten (10) days of the date of this order of the Board, and the certificate of acceptance shall 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 97-98, December 5, 1996.

\_\_\_\_\_  
Petitioner

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

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

IT IS SO ORDERED.

Board Member K.M. Hennessey abstained.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that  
the above order was adopted on the \_\_\_\_ day of \_\_\_\_\_, 1996, by a vote of  
\_\_\_\_\_.

\_\_\_\_\_  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board