

ILLINOIS POLLUTION CONTROL BOARD
June 2, 1988

BARTLOW BROTHERS, INC. and)
CITY OF RUSHVILLE)
)
Petitioners,)
)
v.) PCB 88-93
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

OPINION AND ORDER OF THE BOARD (by J.D. Dumelle):

This matter comes before the Board upon a June 1, 1988, Recommendation of the Illinois Environmental Protection Agency (Agency). The Agency recommends that Petitioners be granted a provisional variance for a period of 45 days or until June 30, 1988 to allow the Bartlow Brothers lagoons to be drained for improvements.

After investigation of Petitioners' request, the Agency has concluded that there are no reasonable alternatives to lowering the lagoons in order to do the necessary work, and recommends that the provisional variance be granted subject to certain conditions.

The Board notes an inconsistency in Petitioner's request. On page one of the Agency Recommendation 35 Ill. Adm. Code 302.209(b) is referenced; but on page three, 35 Ill. Adm. Code 304.141 is referenced. The Board presumes that 304.141 is the correct reference.

This Opinion constitutes the Board's findings of fact and conclusions or law in this matter.

ORDER

Bartlow Brothers, Inc. and the City of Rushville are hereby granted a provisional variance from 35 Ill. Adm. Code 304.141 subject to the following conditions:

1. This variance shall commence upon initiation of bypassing Bartlow Brother, Inc. lagoons and continue for a period of 45 days or until June 30, 1988, whichever occurs first.

2. During the period of this variance, the effluent discharged from the Bartlow Brother, Inc. lagoons shall be limited to 60 mg/l BOD and 80 mg/l TSS, monthly averages.
3. The City shall notify W. Bud Bridgewater of the Agency's Springfield Regional Office via telephone at 217/786-6892 when bypassing of the lagoon is begun and when it is returned to service. Written confirmations of each notification shall be sent within 5 days to the following addresses:

Illinois Environmental Protection Agency
4500 South 6th Street
Springfield, Illinois 62706
ATTN: W. Bud Bridgewater

Illinois Environmental Protection Agency
Compliance Assurance Section
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276
ATTN: Mark T. Books

4. Bartlow Brother's Inc. and the City of Rushville shall perform laboratory analysis as required in their respective permits.
5. Within 10 days of the date of the Board's Order, Petitioners shall execute a Certificate of Acceptance and Agreement which shall be sent to Mark T. Books at the address indicated above.

This variance shall be void if Petitioner fails to execute and forward the certificate within the ten day period. The ten day period shall be held in abeyance during any period that this matter is being appealed. The form of said Certification shall be as follows:

CERTIFICATION

I, (We), Bartlow Brothers Inc. and the City of Rushville, having read the Order of the Illinois Pollution Control Board, in PCB 88-93, dated June 3, 1988, understand and accept the said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

Petitioner

By: Authorized Agent

Title

Date

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 2nd day of June, 1988 by a vote of 7-0.

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