

ILLINOIS POLLUTION CONTROL BOARD
June 2, 1988

CITY OF FULTON,)
)
 Petitioner,)
)
 v.) PCB 88-94
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

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

This provisional variance request comes before the Board upon the June 1, 1988, Agency Recommendation of the Illinois Environmental Protection Agency (Agency). The Agency recommends that a 45 day variance be granted to the City of Fulton pursuant to 35 Ill. Adm. Code 304.141 to allow Fulton to replace equipment in order to meet NPDES effluent limits.

After investigation of Fulton's request, the Agency concluded that denial of the provisional variance petition would constitute an arbitrary and unreasonable hardship. The Agency recommends that the provisional variance be granted for a period of 45 days or June 30, 1988 whichever occurs first, subject to certain conditions.

Pursuant to Section 35(b) of the Illinois Environmental Protection Act (Act), the Board hereby grants the provisional variance as recommended. This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

The City of Fulton, is hereby granted a provisional variance from 35 Ill. Adm. Code 304.141 subject to the following conditions:

1. Variance shall commence upon the initiation of bypassing of the third rotating biological contactor and continue for a period of 45 days or June 30, 1988 whichever occurs first.
2. Petitioner shall notify Joe Subsits of the Agency's Rockford Regional Office via Telephone at 815/987-7755 when bypassing of the third RBC unit is begun and when the replacement work to the packed bed reactors is completed. Written confirmation of each notification shall be sent within 5 days to:

Illinois Environmental Protection Agency
4302 North Main Street
Rockford, Illinois 611103
ATTN: Joe Subsits

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

3. Petitioner shall monitor the effluent from its treatment plant for the parameters as listed in NPDES permit IL0028860.
4. During this variance the effluent from Petitioners wastewater plant shall be limited to 120 mg/l BOD and 80 mg/l TSS as 30 day averages.
5. During this provisional variance Petitioner shall operate its wastewater treatment facility so as to produce the best effluent practicable. Additionally, Petitioner shall perform the necessary replacement work at the plant as expeditiously as possible so as to minimize the period of time that that portion of the plant is out of service.
6. Within 10 days of the date of the PCB Order, Petitioner shall execute and submit a Certificate of Acceptance and Agreement 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), The City of Fulton, having read the Order of the Illinois Pollution Control Board, in PCB 88-94, dated June 2, 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