

ILLINOIS POLLUTION CONTROL BOARD
August 23, 2001

VILLAGE OF GRIDLEY,)
)
 Petitioner,)
)
 v.) PCB 02-22
) (Provisional Variance – Water)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

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

On August 21, 2001, the Illinois Environmental Protection Agency (Agency) recommended that the Board grant a 45-day provisional variance to the Village of Gridley (Village). The provisional variance from 35 Ill. Adm. Code 304.120(b) and 304.141(a) would allow the Village to remove accumulated sludge from the primary waste stabilization pond at its wastewater treatment plant in the Village of Gridley, McLean County. The Agency states that failure to grant the provisional variance would impose an arbitrary or unreasonable hardship on the Village.

Section 35(b) of the Environmental Protection Act (415 ILCS 5/35(b) (2000)) provides:

The Board shall grant provisional variances, only upon notification from the Agency that compliance on a short term basis with any rule or regulation, requirement or order of the Board, or with any permit requirement would impose an arbitrary or unreasonable hardship. Such provisional variances shall be issued within 2 working days of notification from the Agency. 415 ILCS 5/35(b) (2000); see also 35 Ill. Adm. Code 104.302.

A provisional variance lasts no more than 45 days, but the Board can extend the time period up to an additional 45 days on the Agency's recommendation. Provisional variances granted to one person cannot exceed a total of 90 days during any calendar year. 415 ILCS 5/36(c) (2000); 35 Ill. Adm. Code 104.308.

The Board grants the Village a provisional variance from 35 Ill. Adm. Code 304.120(b) and 304.141(a), subject to the following conditions:

1. The variance shall begin when petitioner notifies the Agency that the lagoon clean out project has begun and continue for a period of 45 days from the date of notification or until completion of the work, whichever occurs first.

- 2. During the variance period, petitioner shall meet the weekly and monthly average effluent concentration limits for CBOD₅ of 106 and 66 mg/l respectively.
- 3. Petitioner shall notify Jeb McGhee of the Agency’s Springfield office by telephone at 217-782-9720 when the clean out project begins and again when the it is completed. Written confirmation of each notice shall be sent within five days to the following address:

Illinois Environmental Protection Agency
 Bureau of Water – Water Pollution Control
 Attention: Jeb McGhee
 1021 North Grand Avenue East
 P.O. Box 19276
 Springfield, Illinois 62794-9276

- 4. Petitioner shall also complete the permitted expansion as expeditiously as possible. Petitioner shall operate the facility in such a manner so as to produce the best effluent practicable and shall provide full treatment to the maximum amount of flow as possible.
- 5. Petitioner shall continue to monitor and maintain compliance with all other parameters and conditions specified in its National Pollutant Discharge Elimination System Permit ILG580102.

IT IS SO ORDERED.

If the Village chooses to accept this provisional variance, it must execute a Certificate of Acceptance of all terms and conditions of this provisional variance and, within ten days of the date of the above order, forward the executed certificate to the Agency at the above address. The form of the certificate is as follows:

CERTIFICATE OF ACCEPTANCE

The Village of Gridley accepts and agrees to be bound by all terms and conditions of the Pollution Control Board’s August 23, 2001 order in PCB 02-22.

 Petitioner

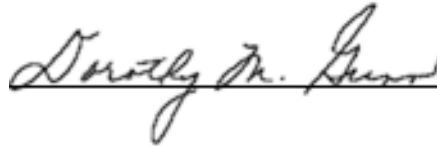
 Authorized Agent

 Title

 Date

Section 41 of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2000); see also 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; see also 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 23rd day of August 2001 by a vote of 7-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board