

ILLINOIS POLLUTION CONTROL BOARD  
June 17, 1999

CITY OF KNOXVILLE, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 99-185  
 ) (Provisional Variance - Water)  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

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

On June 15, 1999, 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. The provisional variance would allow this Knox County petitioner to complete painting, repairs, and construction modification work on the three activated sludge units at its wastewater treatment plant. 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 grants the petitioner a provisional variance from the excess flow limits set in 35 Ill. Adm. Code 304.141 and National Pollutant Discharge Elimination System (NPDES) Permit No. IL0022209. 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 (Act) (415 ILCS 5/35(b) (1996)), the Board must issue the provisional variance within two days of the filing.

The provisional variance shall begin on a date in 1999, subject to the following conditions:

1. The variance shall begin when petitioner diverts flow through its excess flow facilities and shall continue for 45 days or until the last activated sludge treatment unit is returned to service, whichever occurs first.
2. During the variance period, petitioner shall be allowed to discharge excess flow over 0.49 million gallons per day from Outfall 001A and shall be limited to the excess flow effluent limits stated in its NPDES Permit No. IL0022209.
3. Petitioner shall notify Ken Newman of the Agency's Peoria regional office by telephone at 309/693-5463 when the first activated sludge treatment unit is

removed from service and again when the last unit is returned to service. Written confirmation of each notice shall be sent within five days to the following address:

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

- 3. Petitioner shall perform the necessary painting, repairs, and construction modification work on the activated sludge treatment units as expeditiously as possible so as to minimize the period of time the treatment units are out of service.
- 4. Petitioner shall sign a certificate of acceptance of this provisional variance and forward that certificate to Mark T. Books at the address indicated above within ten days of the date of this order. The certification should 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 99-185 dated June 17, 1999.

\_\_\_\_\_  
Petitioner

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

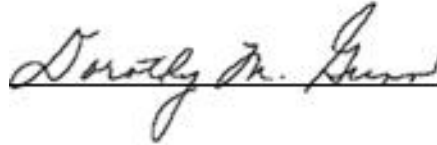
\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1996)) 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 101.246, Motions for Reconsideration.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the 17th day of June 1999 by a vote of 7-0.

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

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board