

ILLINOIS POLLUTION CONTROL BOARD
January 21, 1999

THORN CREEK SANITARY DISTRICT,)
)
Petitioner,)
)
v.) PCB 99-104
) (Provisional Variance - Water)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

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

On January 20, 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 Cook County petitioner to replace the current chlorine gas disinfection system with a sodium hypochlorite system 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 35 Ill. Adm. Code 304.141(a) and the effluent disinfection requirements set forth in National Pollutant Discharge Elimination System Permit (NPDES) No. IL0027723. 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 (415 ILCS 5/35(b) (1996)), the Board must issue the provisional variance within two days of the filing.

The provisional variance shall be subject to the following conditions:

1. The variance shall begin when the first excess flow event occurs after replacement of the chlorine gas system has begun and that system has been taken offline, and shall expire when the sodium hypochlorite system has been installed and is operational, or 45 days, whichever occurs first.
2. During the term of this variance, the excess flow from the petitioner's wastewater treatment plant shall not be required to meet the 400 fecal coliforms per 100 milliliter limit of the Board regulations and the NPDES permit.
3. Petitioner shall notify Robert Sulski of the Agency's Maywood regional office by telephone at 708/338-7900 when the chlorine gas system has been taken

offline, and when the sodium hypochlorite system is online and operational. Written confirmation shall be sent within five days to the following address:

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

- 3. Petitioner shall install the sodium hypochlorite system as expeditiously as possible and operate its wastewater treatment facility during the term of this variance in a manner that assures best effluent practicable.
- 4. Petitioner shall continue to monitor and maintain compliance with all other parameters and conditions specified in National Pollutant Discharge Elimination System Permit No. IL0027723.
- 5. Petitioner shall sign a certificate of acceptance of this provisional variance and forward that certificate to the Agency 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 99-104 dated January 21, 1999.

Petitioner

Authorized Agent

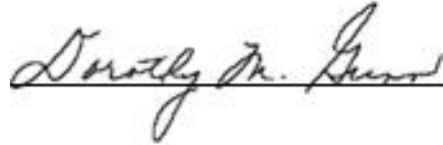
Title

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 21st day of January 1999 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