

ILLINOIS POLLUTION CONTROL BOARD
August 9, 1990

VILLAGE OF HANOVER,)
)
 Petitioner,)
)
 v.) PCB 90-153
) (Provisional Variance)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (J. Marlin):

This matter comes before the Board on receipt of an Agency Recommendation dated August 8, 1990. The recommendation refers to a request from Petitioner, Village of Hanover for a 45-day provisional variance from the biochemical oxygen demand (CBOD₅) and suspended solids (TSS) effluent requirements, as set forth in 35 Ill. Adm. Code 304.120 and 304.141(a) for the period from when the Petitioner begins repairs to its wastewater treatment plant, by bypassing its sand filtration units and continuing until the Petitioner returns that unit to service, but not for longer than 45 days.

The Agency recommends that the Board grant the requested provisional variance with specified conditions. The Agency agrees that the repairs are necessary. The Agency anticipates that the requested provisional variance would have minimal environmental impact on the receiving stream. The Agency is unaware of any public water supplies that the requested provisional variance would adversely impact. The Agency maintains that a grant of a provisional variance would violate no federal laws. The Agency opines that a denial of the requested provisional variance would create an arbitrary and unreasonable hardship on the Petitioner.

In light of the Agency Recommendation, the Board hereby grants a provisional variance from 35 Ill. Adm. Code 304.120 and 304.141(a) on the following conditions:

1. The term of this provisional variance shall commence when the Petitioner, Village of Hanover, initiates bypassing its sand filtration unit, and it shall expire on the date the Petitioner returns its sand filtration unit to service or after 45 days have elapsed, whichever comes first;
2. During the term of this provisional variance, the effluent from the Petitioner's treatment plant shall not exceed concentrations of 60 mg/l CBOD₅ and 75 mg/l TSS, or (each on a monthly average basis);

3. The Petitioner shall notify Dennis Connor of the Agency's Rockford Regional office by telephone, at 815/987-7755 when it removes its sand filtration unit from service and when it returns the unit to service, and the Petitioner shall confirm this notice in writing within five days, addressed as follows:

Illinois Environmental Protection Agency
Division of Water Pollution Control
Compliance Assurance Section
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276

Attention: Jan Hopper

4. The Petitioner shall return its sand filtration unit to service as soon as possible and operate its plant during the term of this provisional variance in a manner that assures the best treatment practicable; and

5. The Petitioner shall execute a copy of a Certificate of Acceptance of this provisional variance and forward that copy to the Agency addressed as is required above for a notice; the Petitioner shall forward that copy within 10 days of the date of this Order of the Board, and the Certificate of Acceptance shall 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 90-153, August 9, 1990.

Petitioner

Authorized Agent

Title

Date

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, do hereby certify that the above Order was adopted on the 9th day of August, 1990, by a vote of 6-0.

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