

ILLINOIS POLLUTION CONTROL BOARD
April 25, 1991

SANITARY DISTRICT OF DECATUR,)
)
 Petitioner,)
)
 v.) PCB 91-69
) (Provisional Variance)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by J.C Marlin):

This matter comes before the Board on receipt of an Agency Recommendation dated April 24, 1991. The recommendation refers to a request from Petitioner, Sanitary District of Decatur, for a provisional variance from the fecal coliform and effluent disinfection requirements, as set forth in 35 Ill. Adm. Code 302.209(a) and 304.121, for the period from May 1, 1991 to May 15, 1991.

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 finds that a denial of the requested provisional variance would create an arbitrary and unreasonable hardship on the Petitioner.

The responsibilities of the Agency and the Board in these short-term provisional variances are different from the responsibilities in standard variances. See Ill. Rev. Stat. 1989, ch. 111½, pars. 1035(b) & (c). In provisional variances it is the responsibility of the Agency to make the technical determinations and finding of arbitrary or unreasonable hardship. The Board's responsibility is to adopt a formal Order, to assure the formal maintenance of the record, to assure the enforceability of the variance, and to provide notification of the action by a press release.

Having received the Agency recommendation finding that a denial of the requested relief would impose an arbitrary and unreasonable hardship, the Board hereby grants Petitioner a provisional variance from 35 Ill. Adm. Code 302.209(a) and 304.121 on the following conditions:

1. The term of this provisional variance shall commence on

May 1, 1991, and it shall expire on May 15, 1991.

2. During the term of this provisional variance, the fecal coliform requirements of 35 Ill. Adm. Code 302.306 shall remain in effect as to the Petitioner's effluent;

3. The Petitioner shall collect daily samples of its effluent for fecal coliform and perform the analyses set forth in NPDES permit IL0028321;

4. The Petitioner shall notify Joe Koronowski of the Agency's Champaign office by telephone, at 217-333-8361, when construction is completed, 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: Mark T. Books

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 the written notice required in the above condition; 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 91-69, April 25, 1991.

Petitioner

Authorized Agent

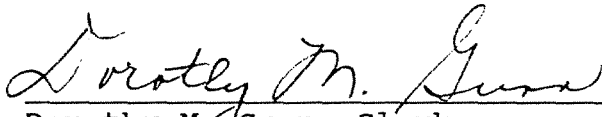
Title

Date

IT IS SO ORDERED.

J.D. Dumelle and B. Forcade concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control
Board, do hereby certify that the above Order was adopted on the
25th day of April, 1991, by a vote of
_____.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board