

ILLINOIS POLLUTION CONTROL BOARD
July 20, 1995

VILLAGE OF DUPO,)	
)	
Petitioner,)	
)	
v.)	PCB 96-12
)	(Provisional Variance-Water)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

Pursuant to Section 35(b) of the Environmental Protection Act (Act) (415 ILCS 5/35(b)), the Village of Dupo has requested that the Illinois Environmental Protection Agency (Agency) recommend that the Board grant a provisional variance to allow the Village of Dupo to operate in violation of certain effluent limitations contained in its National Pollutant Discharge Elimination System (NPDES) permit, IL0026441, during a period of repairs and modifications to its wastewater treatment facility. Such request for a provisional variance and the Notification of Recommendation were filed with the Board by the Agency on Wednesday, July 19, 1995. Pursuant to Section 35(b) of the Act, the Board must issue the variance within two (2) days of this filing.

Pursuant to Section 35(b) of the Environmental Protection Act (Act) (415 ILCS 5/35(b)), the Agency, by and through its Director, Mary A. Gade, seeks a provisional variance for the Village of Dupo in order to allow it to operate its wastewater treatment facility during a period of repairs and modifications to the trickling filter.

Specifically, the Agency recommends that we grant the Village of Dupo a (forty-five) 45 day provisional variance for its facility located in St. Clair County, from the requirements pertaining to carbonaceous biochemical oxygen demand (CBOD₅) and total suspended solids (TSS) as set forth in 35 Ill. Adm. Code 304.120(a) and 304.141(a), for the period beginning August 16, 1995 and continuing for a period not longer than forty-five (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 finds that a denial of the requested provisional variance would create an arbitrary or unreasonable hardship on the petitioner.

Provisional variances are by their very nature temporary. The responsibilities of the Agency and the Board in these short-term provisional variances are different from the responsibilities in standard variances. (See 415 ILCS 5/35 (b) & 36(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 or unreasonable hardship, the Board hereby grants the Village of Dupu a provisional variance from 35 Ill. Adm. Code 304.120(a) and 304.141(a) for discharge from its Outfall 001, on the following conditions:

1. The provisional variance shall commence on August 16, 1995 and continue for a period not longer than forty-five (45)-days;
2. During this provisional variance, the following effluent limitations shall be in effect:

Parameter	Monthly Average
CBOD ₅	85 mg/l
TSS	85 mg/l

These parameters shall be monitored at the same sample frequency and sample type as specified in the NPDES Permit;

3. During this provisional variance, the Village of Dupu shall operate its wastewater treatment plant so as to produce the best effluent practicable;
4. The petitioner shall notify Nick Mahlandt of the Agency's Collinsville Regional office by telephone, at 618/346-5120, when repairs are complete and all treatment units are returned to service, and the petitioner shall confirm this notice in writing within five (5) days, addressed as follows:

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

Attention: Barb Conner

The Village of Dupo 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 ten (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 96-12, July 20, 1995.

Petitioner

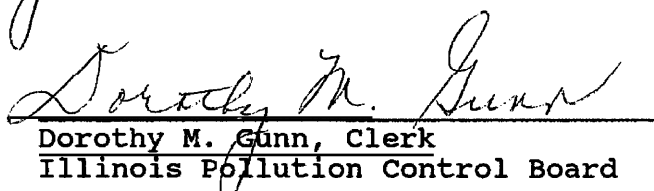
Authorized Agent

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 20th day of July, 1995, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board