

ILLINOIS POLLUTION CONTROL BOARD
October 1, 1998

CITY OF HILLSBORO,)	
)	
Petitioner,)	
)	
v.)	PCB 99-49
)	(Provisional Variance - Water)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

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

On September 29, 1998, 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 Montgomery County petitioner to replace the existing tertiary filters 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 five-day biochemical oxygen demand (BOD₅) and total suspended solids (TSS) limits set in 35 Ill. Adm. Code 304.141(a) and 35 Ill. Adm. Code 304.120, and imposed by National Pollutant Discharge Elimination System (NPDES) Permit No. IL0029203. 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 1998, subject to the following conditions:

1. The variance shall begin upon notification to the Agency and shall continue for 45 days thereafter until the installation of the new filters and training of the wastewater treatment staff is completed, whichever occurs first.
2. During the variance period, petitioner shall meet the monthly average effluent concentration limit of 15 milligrams/Liter (mg/L) and daily maximum concentration limit of 30 mg/L for CBOD₅ and daily maximum effluent concentration limit of 45 mg/L for TSS. Petitioner shall also continue to meet the additional effluent limits contained in its NPDES Permit No. IL0029203.

3. Petitioner shall notify John Wells of the Agency's Springfield regional office by telephone at 217/786-6892 when replacement of the filter system commences and again when it is completed. 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: Susan Davison
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

4. 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 99-49 dated October 1, 1998.

Petitioner

Authorized Agent

Title

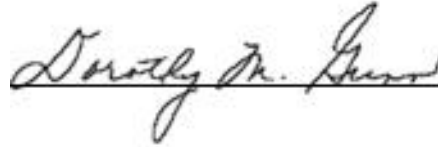
Date

IT IS SO ORDERED.

Board Member K.M. Hennessey abstained.

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 1st day of October 1998 by a vote of 6-0.

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

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board