

ILLINOIS POLLUTION CONTROL BOARD
February 16, 1995

VILLAGE OF SAUGET,)
)
 Petitioner,)
)
 v.) PCB 95-55
) (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 Sauget has requested that the Illinois Environmental Protection Agency (Agency) recommend that the Board grant a provisional variance to allow the Village of Sauget to continue operating during a period of wastewater treatment plant modification. The Village of Sauget requires a provisional variance to upgrade its metering capabilities in order to better monitor influent flows to its waste treatment facility. Such request for a provisional variance and the Notification of Recommendation were filed with the Board by the Agency on Wednesday, February 15, 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 Illinois Environmental Protection Agency (Agency), by and through its Director, Mary A. Gade, seeks a provisional variance for the Sauget in order to allow it to continue operating during a period of wastewater treatment plant modification.

Specifically, the Agency recommends that we grant the Village of Sauget a (forty-five) 45 day provisional variance for its Saint Clair County facility from the requirements pertaining to overflows and bypasses as set forth in 35 Ill. Adm. Code 306.305, for the period from when the petitioner begins the installation of the flow meters by the shutdown of either the East St. Louis or Cahokia Pumping Station and continuing for a period not 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 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 Sauget a provisional variance from 35 Ill. Adm. Code 306.305, on the following conditions:

1. The variance shall commence upon the date in February or March, 1995 of the initial shutdown of either the East St. Louis or Cahokia Pumping Station and continue for a period of not more than forty-five;
2. The Village of Sauget shall notify Nick Mahlandt of the Agency's Collinsville Regional office by telephone, at (618)346-5120, when the initial shutdown of either the East St. Louis or Cahokia Pumping Station commences and when the installation of the flow meters is complete. The Village of Sauget shall confirm this notice in writing within five (5) days, addressed as follows:

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

Attention: Barbara Conner

3. During this provisional variance, the Village of Sauget shall perform the installation of the flow meters as expeditiously as possible to avoid bypassing to the waters of the State.
4. Should such bypass become unavoidable during the variance period, the bypasses shall be sampled daily, for the same parameters required by NPDES Permit No. IL0065145 at Outfall 002 and reported to the Agency.

The Village of Sauget 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 95-55, February 16, 1995.

Petitioner

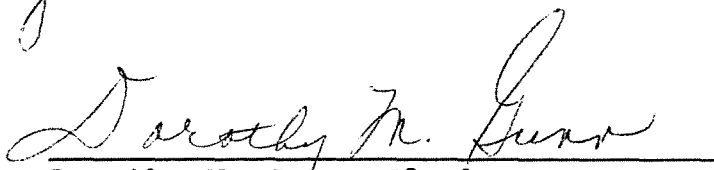
Authorized Agent

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 16th day of February, 1995, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board