

ILLINOIS POLLUTION CONTROL BOARD  
July 27, 2000

CITY OF BELVIDERE, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 01-12  
 ) (Provisional Variance - Water)  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

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

On July 25, 2000, 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 to the City of Belvidere for its wastewater treatment plant. The provisional variance would allow this Boone County petitioner to perform necessary repair on its final clarifier tank. Petitioner was previously granted a provisional variance in City of Belvidere v. IEPA (June 8, 2000), PCB 00-215 which expired on July 21, 2000. 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 (CBOD<sub>5</sub>) and suspended solids limits (SS) set forth in 35 Ill. Adm. Code 304.120(c) and 304.141(a). 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 (415 ILCS 5/35(b) (1998)), the Board must issue the provisional variance within two days of the filing.

The provisional variance is granted, subject to the following conditions:

1. The variance shall begin on July 21, 2000 and shall continue for 45 days or until the repair work is completed, whichever occurs first.
2. During the variance period, petitioner shall operate the wastewater treatment facility in such a manner so as to produce the best effluent practicable. Petitioner shall meet the following effluent concentration limits:

Concentration Effluent Limitations

	<u>Flow up to 5.5 MGD</u>	<u>Flow over to 5.5 MGD</u>
SS	50mg/l	75mg/l
CBOD <sub>5</sub>	50mg/l	75mg/l

- Petitioner shall notify Jack Adam of the Agency by telephone at 815/987-7755 when work on the final clarifier settling tank begins and again when the work is completed. Written confirmation of each notice shall be sent within five days to the following address:

Illinois Environmental Protection Agency  
 Bureau of Water - Water Pollution Control  
 Compliance Assurance Section  
 Wastewater Compliance Monitoring Unit  
 Attention: Mark T. Books  
 1021 North Grand Avenue East  
 P.O. Box 19276  
 Springfield, Illinois 62794-9276

- Petitioner shall sign a certificate of acceptance of this provisional variance and forward that certificate to Mark T. Books at the address indicated above 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 01-12 dated July 27, 2000.

\_\_\_\_\_  
 Petitioner

\_\_\_\_\_  
 Authorized Agent

\_\_\_\_\_  
 Title

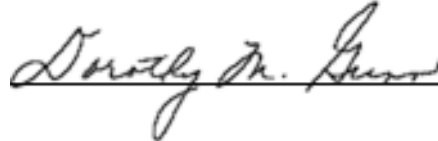
\_\_\_\_\_  
 Date

- Petitioner shall continue to monitor and maintain compliance with all other parameters and conditions specified in its National Pollutant Discharge Elimination System Permit No. IL0027685.

IT IS SO ORDERED.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1998)) 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 27th day of July 2000 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