ILLINOIS POLLUTION CONTROL BOARD
July 25, 1991

CITY OF TRENTON,   )
)
            Petitioner,   )
)
      v.   )   PCB 91-127
)   (Provisional Variance)
ILLINOIS ENVIRONMENTAL   )
PROTECTION AGENCY,   )
)
            Respondent.   )

ORDER OF THE BOARD (by J. Anderson):

     This matter comes before the Board on receipt of an Agency
Recommendation dated July 24, 1991. The recommendation refers to
a request from Petitioner, City of Trenton, for a provisional
variance from the biochemical oxygen demand ($CBOD_5$) and suspended
solids (TSS) effluent requirements, as set forth in 35 Ill. Adm.
Code 304.120(c) and 304.141(a), for the period from the date of
this Order of the Board and continue for a period of 45 days,
until September 8, 1991, or until seven days after the City
returns its clarifier to service, whichever occurs first.

     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 304.120(c) and

304.141(a), on the following conditions:

1.   The term of this provisional variance shall commence on the date of this Order of the Board and expire after 45 days, on September 8, 1991, or within seven days of when the City returns its clarifier to service, whichever occurs first;

2.   During the term of this provisional variance, the effluent from the Petitioner's treatment plant shall not exceed concentrations of 70 mg/l BOD_5 or 70 mg/l TSS (each on a concentration basis);

3.   The Petitioner shall notify Christopher Port of the Agency's Collinsville Regional office by telephone, at 618-346-5120, when it returns its clarifier to service, 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

4.   The Petitioner shall return to service as soon as possible and operate its plant during the term of this provisional variance in a manner that assures the best treatment practicable; and

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:

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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 91-127, July 24, 1991.
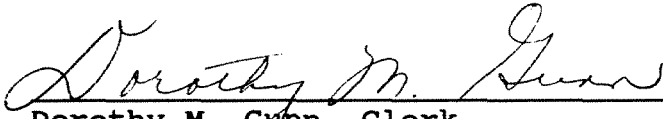

_____

Petitioner

_____

Authorized Agent

_____

Title

_____

Date

IT IS SO ORDERED.

J.D. Dumelle 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 _____July_____, 1991, by a vote of
_5-0_.

_____
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board