

ILLINOIS POLLUTION CONTROL BOARD
July 19, 1990

VILLAGE OF OSWEGO,)
)
 Petitioner,)
)
 v.) PCB 90-176
) (Provisional Variance)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (J. Marlin):

This matter comes before the Board on receipt of an Agency Recommendation dated September 26, 1990. The recommendation refers to a request from Petitioner for a provisional variance from the biochemical oxygen demand (BOD₅) and suspended solids (TSS) effluent requirements, as set forth in 35 Ill. Adm. Code 304.120 and 304.141, for the period from when the Petitioner begins repairs to its wastewater treatment plant, by removing package plant from service, and continuing until the Petitioner returns that plant to service, but not for longer than 4 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 opines that a denial of the requested provisional variance would create an arbitrary and unreasonable hardship on the Petitioner.

In light of the Agency Recommendation, the Board hereby grants a provisional variance from 35 Ill. Adm. Code 304.120 and 304.141 on the following conditions:

1. The term of this provisional variance shall commence when the Petitioner, Village of Oswego, removes its package plant from service, and it shall expire on the date the Petitioner returns its package plant to service or after 4 days have elapsed, whichever comes first;
2. During the term of this provisional variance, the effluent from the Petitioner's treatment plant shall not exceed maximum concentrations of 150 mg/l BOD₅, or 100 mg/l TSS;

3. During the term of this provisional variance, the Village of Oswego shall provide, at a minimum, primary treatment and chlorination to all wastewater flows discharged from its plant;

4. During the term of this provisional variance, the Village of Oswego shall provide sludge removal on a daily basis, shall provide a fence around the temporary primary structure, and shall remove all sludge and debris from the area of the temporary treatment area and restore it to its original state;

5. During the term of this provisional variance, the ~~Village of Oswego shall collect daily samples and perform analyses as set forth in NPDES permit number IL0021857;~~

6. The Petitioner shall notify Nick Menninga of the Agency's Maywood regional office by telephone, at 708-345-9780, when it removes its package treatment plant from service and when it returns the plant 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

and

7. 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:

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 90-176, September 26, 1990.

Petitioner

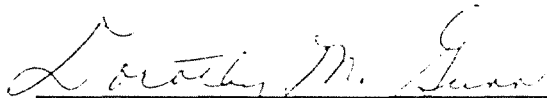
Authorized Agent

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
27th day of September, 1990, by a vote of
7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board