

ILLINOIS POLLUTION CONTROL BOARD
June 6, 1996

CITY OF SAVANNA,)	
)	
Petitioner,)	
)	
v.)	PCB 96-249
)	(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 City of Savanna (Savanna) has requested that the Illinois Environmental Protection Agency (Agency) recommend that the Board grant a provisional variance to allow Savanna to continue operating during a period of wastewater treatment plant repairs. Such request for a provisional variance and the notification of recommendation was filed with the Board by the Agency on Wednesday, June 5, 1996. 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 Act (415 ILCS 5/35(b)), the Agency, by and through its Director, Mary A. Gade, seeks a provisional variance for Savanna in order to allow it to continue operating during a period of wastewater treatment plant repairs.

Specifically, the Agency recommends that we grant Savanna a 45-day provisional variance for its Carroll County facility from the total suspended solids (TSS) effluent requirements, as set forth in 35 Ill. Adm. Code 304.120(a) and 304.141(a), for the period beginning May 30, 1996 when the petitioner begins repairs to its wastewater treatment plant by removing its clarifier from service, and continuing until the petitioner returns that unit to service, but not for 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 believes 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 that a denial of the requested relief would impose an arbitrary or unreasonable hardship, the Board hereby grants the petitioner a provisional variance from 35 Ill. Adm. Code 304.120(a) and 304.141(a), on the following conditions:

1. The term of this provisional variance shall commence on May 30, 1996, and it shall expire on the date the petitioner completes the required repairs, or after 45 days have elapsed, whichever comes first;
2. During the term of this provisional variance, the effluent from the Savanna's treatment plant shall meet a monthly average concentration of 60 mg/1 for TSS. Savanna shall also continue to meet the additional effluent limits as addressed in its NPDES Permit No. IL0020541;
4. The petitioner shall notify Dennis Connor of the Agency's Rockford Regional office by telephone, at 815/987-7755, when the work on the clarifier is completed. Petitioner shall confirm this notice in writing within five (5) days, addressed as follows:

Illinois Environmental Protection Agency
 Division of Water Pollution Control
 Compliance Assurance Section
 Attn: Mark T. Books
 2200 Churchill Road
 P.O. Box 19276
 Springfield, Illinois 62794-9276

5. The petitioner shall perform the necessary repair work on the clarifier as expeditiously as possible and operate its plant during the term of this provisional variance in a manner that assures the best effluent practicable; and
6. 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 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 96-249, June 6, 1996.

Petitioner

Authorized Agent

Title

Date

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that
the above order was adopted on the _____ day of _____, 1996, by a vote of
_____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board