

ILLINOIS POLLUTION CONTROL BOARD  
January 18 , 1979

VILLAGE OF HAMMOND, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 78-286  
 )  
 ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Respondent. )

OPINION AND ORDER OF THE BOARD (by Mr. Young):

This matter comes before the Board on an Amended Petition for Variance of the Village of Hammond filed November 30, 1978, seeking variance from Rules 203(c) and 402 of Chapter 3: Water Pollution, of the Pollution Control Board Rules and Regulations, as those rules apply to phosphorus. Hearing was waived by the Petitioner; an Agency Recommendation was filed December 19, 1978.

The Village of Hammond, 1970 population 502, located in Piatt County, Illinois, began operation in 1967 of the existing sewage treatment facility which consists of three non-aerated stabilization lagoons in series followed by effluent chlorination. The treatment facility discharges into the Hammond Mutual Ditch which discharges to the West Okaw River. The West Okaw River is tributary to Lake Shelbyville and monitoring data indicates that the West Okaw River exceeds the phosphorus water quality standard of 0.05 mg/l at the point where the River enters Lake Shelbyville. Accordingly, the effluent from Petitioner's treatment facility is limited to a phosphorus concentration of 0.05 mg/l by Rules 203(c) and 402 (Pet. 1).

Petitioner is currently in the process of planning to upgrade the existing facility; the proposed facility will consist of two aerated cells followed by a third cell with dual submerged sand filters and chlorination with the aeration system designed for ammonia control. An application for a lagoon exemption pursuant to Rule 404(c)(iii) was submitted to the Agency and denied because of the inability to meet the phosphorus limitation of Rule 203(c). Petitioner has a priority number of 645 and the Agency believes that grant funding will not be available for five

years (Rec. 2). There are presently 550 persons within the Facilities Planning area; the design average flow of the upgraded facility will be 0.10 MGD.

The U.S. Environmental Protection Agency National Eutrophication Survey indicates that the Village of Hammond contributes 0.33% of the annual phosphorus loading to Lake Shelbyville (Pet. 4, 5). The Village has examined a number of alternatives to meet the phosphorus effluent limitations of Chapter 3, none are economically reasonable (Pet. 3; Rec. 3, 4).

The Board is familiar with the problems facing municipal dischargers in meeting 0.05 mg/l phosphorus water quality and effluent standards. City of Hoopston, PCB 76-234, 24 PCB 441; Southern Illinois University at Edwardsville, PCB 77-111, 25 PCB 775; Valley Water Company, Inc., PCB 77-146, 25 PCB 289.

In those and other cases, the Agency and the Board have recognized that it is economically impractical for the petitioners to comply with the current phosphorus limitation of Chapter 3. In addition, the Agency has petitioned the Board in regulatory proposal R76-1 for appropriate amendments to the phosphorus effluent and water quality standards of the Water Pollution Regulations and the Board has adopted a proposed final Order for publication and comment. If regulatory proposal R76-1 is adopted as now proposed, the Village of Hammond would not be required to provide phosphorus removal.

The Board will direct the Agency to issue a new NPDES permit to Petitioner consistent with this Order pursuant to Rule 914 of Chapter 3 and to include interim effluent limitations as may be reasonably achieved through the application of best practicable operation and maintenance practices in the existing facilities.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

#### ORDER

1. The Village of Hammond is granted a variance for the operation of its wastewater treatment plant from Rules 203(c) and 402 of Chapter 3: Water Pollution Rules and Regulations regarding phosphorus for five years from the date of this Order subject to the following condition:

- (a) This variance will earlier terminate upon adoption by the Board of any modification of the existing phosphorus water quality standards and effluent limitations and the Village shall comply with such revised regulations when adopted by the Board.

2. Petitioner, within 30 days of the date of this Order, shall request Agency modification of NPDES permit to incorporate all conditions of the variance set forth herein.

3. The Agency, pursuant to Rule 914 of Chapter 3, shall issue a new NPDES permit consistent with the conditions set forth in this Order including appropriate monitoring requirements and such interim effluent limitations as may reasonably be achieved through the application of best practicable operation and maintenance practices in the existing facilities.

4. Petitioner shall continue to pursue construction grant funding and shall meet all applicable grant deadlines.

5. Within forty-five (45) days of the date of this Order, the Petitioner shall submit to the Manager, Variance Section, Division of Water Pollution Control, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois, 62706, an executed Certification of Acceptance and Agreement to be bound to all terms and conditions of the variance. The forty-five day period herein shall be suspended in the event of judicial review of this variance pursuant to Section 31 of the Environmental Protection Act. The form of said certification shall be as follows:

CERTIFICATION

I, (We), \_\_\_\_\_ having read the Order of the Pollution Control Board in PCB 78-286, understand and accept said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

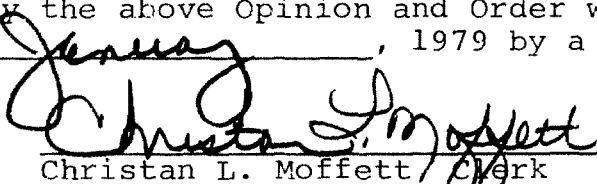
\_\_\_\_\_  
SIGNED

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
DATE

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 18<sup>th</sup> day of January, 1979 by a vote of 40.



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Christan L. Moffett, Clerk  
Illinois Pollution Control Board