



The Petitioner claims, and the Agency does not dispute, that compliance with the phosphorus standard would impose an arbitrary and unreasonable hardship on the City of St. Elmo (Pet. pl). The Board is familiar with these problems with the phosphorus standard and has regularly granted relief from these conditions in the past. City of Hoopeston, 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.

The Board finds that Petitioner would suffer an arbitrary and unreasonable hardship if required to meet the existing 0.05 mg/l standard. Petitioner will be granted a variance from Rule 203(c) and 402 for five years or until the Board adopts a regulation change under R76-1, whichever occurs first subject to the conditions of the Order.

The Board will direct the Agency to issue a modified 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 City of St. Elmo 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 until April 13, 1982, subject to the following conditions:

- 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 City shall comply with such revised regulations when adopted by the Board.

- b) Petitioner shall provide space in its design for storage of chemicals, and for mixing and dosing equipment capable of meeting a phosphorus effluent concentration of 1 mg/l, or to whatever alternative level may be established by the Board.
- c) In the event that grant funds become available during the period of this variance, the City shall incorporate in any design and specification adequate provision for the installation of equipment for the removal of phosphorus which will provide the best practicable treatment technology for the removal of phosphorus over the life of the works.

2. Petitioner, within 30 days of the date of this Order, shall request Agency modification of NPDES Permit IL 0030872 to incorporate all conditions of the variance set forth herein.

3. The Agency, pursuant to Rule 914 of Chapter 3, shall modify NPDES Permit IL 0030872 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. 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 78-10, 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 13<sup>th</sup> day of April, 1978 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board