

BOD₅, 14 mg/l total suspended solids, and 5.4 mg/l phosphorus (Pet. p4). While these figures are higher than anticipated, the Agency considers that the plant design is experimental in nature and its polishing pond to be an unproven technology. It further notes that the Auburn facility often produces an effluent quality within the 4/5 BOD₅/TSS limitation and was consistently less than the 10/12 standard (Rec. p3).

Information from the National Eutrophication Survey indicates that the City of Auburn contributes approximately 6.5% of the phosphorus load entering Lake Springfield. With the addition of phosphorus removal equipment, Petitioner submits that these improvements will reduce its phosphorus concentrations from 5.4 mg/l to 1.0 mg/l and its contribution to Lake Springfield from 6.5% to 1.2% (Pet. p2, 8). At these anticipated effluent levels, Petitioner claims that its phosphorus contribution to Lake Springfield would be equivalent to that derived from direct precipitation (Pet. p9).

The City of Auburn states that treatment of municipal sewage to meet a 0.05 mg/l phosphorus standard is technically infeasible (Pet. p5). In evaluating alternative measures, Petitioner claims without the benefit of detail, that two stage treatment using dual media filtration would reduce phosphorus concentration to 0.1 mg/l but cost prohibits use of this technology. Petitioner further claims that its chemical treatment efforts should achieve consistent phosphorus effluent levels of 1.0 mg/l (Pet. p5).

The Board is familiar with the problems facing municipal dischargers in meeting phosphorus 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. If regulatory proposal R76-1 were adopted as proposed, the City of Auburn would be required to treat phosphorus to a level of 1.0 mg/l (Rec. p3).

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 City of Auburn 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 27, 1983, 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 City shall comply with such revised regulations when adopted by the Board.

2. The Petition for Variance from the phosphorus requirements of Rule 404(f) of Chapter 3: Water Pollution Regulations is hereby dismissed.

3. Petitioner shall immediately request Agency for NPDES permit to incorporate all conditions of the variance set forth herein.

4. 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.

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 78-58, 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 11th day of May, 1978 by a vote of 5-0.

Christan L. Moffett

Christan L. Moffett, Clerk
Illinois Pollution Control Board