## ILLINOIS POLLUTION CONTROL BOARD December 20, 1977

VILLAGE OF RAYMOND, ) Petitioner, ) v. ) ENVIRONMENTAL PROTECTION AGENCY, ) Respondent. )

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

This matter comes before the Board on a variance petition filed on September 8, 1977, by the Village of Raymond requesting relief from Rules 203(c), 402, and 404(c)(iii) for the wastewater discharge of their Raymond Sewage Treatment Plant. The Petitioner waived hearing on October 12, 1977. On November 7, 1977, the Agency filed a Recommendation in favor of granting a variance from Rules 203(c) and 402 provided that Petitioner adhere to certain conditions.

The Petitioner seeks this variance from the phosphorus limitations in order to obtain a lagoon exemption under Rule 404(f)(i) of Chapter 3. The Village of Raymond operates a sewage treatment facility with a design capacity of 100,000 GPD which receives a daily flow of 89,300 gallons (Pet. pl, 2). The Raymond treatment facility consists of primary settling and sludge digestion in an Imhoff tank followed by conventional trickling filter and final settling. In 1971, Petitioner upgraded the treatment plant with a tertiary lagoon system and chlorination facilities that requires the above-mentioned exemption (Pet. p3).

The effluent from the treatment plant is discharged into the West Fork of Shoal Creek which flows into Lake Lou Yaeger. This lake also serves as a public water supply source for the Village of Litchfield. Since the plant discharges to Illinois waters, it is subject to the limitations of Rule 203(c) which provide that phosphorus (as P) shall not exceed 0.05 mg/l in any stream at the point where it enters any reservoir or lake. In addition, Rule 402 requires that no effluent shall alone or in combination with other sources cause a violation of any applicable water quality standard. The Petition indicates that the phosphorus concentration in the West Fork of Shoal Creek near the point of entry into Lake Lou Yaeger is 0.76 mg/l (Pet. p3). The Agency states in their Recommendation at page 3 that phosphorus from the Raymond STP amounts to approximately 5.5% of the total phosphorus entering Lake Lou Yaeger, and further maintains that complete elimination from the Raymond plant effluent would not significantly change the phosphorus concentration in the lake. At present, Petitioner has no realistic plan for providing phosphorus removal equipment to comply with the regulatory limit except it has studied the construction and operating costs for meeting an interim 1.0 mg/l level for phosphorus. In either instance, Petitioner submits that the costs of compliance would impose an arbitrary and unreasonable hardship upon the Village of Raymond (Pet. p4, 5).

The Board is familiar with these conditions and has regularly granted similar relief in the past. <u>City of Hoopeston</u>, PCB 76-234, 24 PCB 441; <u>Southern Illinois University at Edwards-</u> <u>ville</u>, PCB 77-111, 25 PCB 775; <u>Valley Water Company</u>, <u>Inc.</u>, 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 Water Pollution Regulations which would modify the existing phosphorus effluent and water quality standards.

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.

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

## ORDER

1. The Village of Raymond is granted a variance for the operation of its sewage treatment plant from Rules 203(c) and 402 of Chapter 3: Water Pollution, of the Board's Rules and Regulations regarding phosphorus until December 20, 1982, 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 on adoption by the Board. b) In the event that grant funds become available during the period of this variance, the Village 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. 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 not run during 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 77-226, 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 <u>20th</u> day of <u>December</u>, 1977 by a vote of <u>5-0</u>.

Christan L. Moffett,

Illinois Pollution Control Board