

ILLINOIS POLLUTION CONTROL BOARD
August 4, 1977

Dodds School District #54)
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)
 v.) PCB 77-156
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 ENVIRONMENTAL PROTECTION AGENCY)

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

This matter comes before the Pollution Control (Board) upon the June 9, 1977 Petition of Dodds School District #54 (DSD) for a variance from Rules 203(c), 402 and 404(f) of Chapter 3: Water Pollution. DSD waived its right to a hearing and the Environmental Protection Agency (Agency) filed its Agency Recommendation on July 11, 1977.

DSD owns and operates Dodds School, an elementary school with a present student population of 168, located in rural Jefferson County, Illinois. A sewage treatment plant (STP) is located at the school which consists of an Imhoff tank, a dosing tank with two automatic dosing siphons and an intermittent sand filter. Effluent from the STP flows into Rend Lake. DSD proposes to upgrade this facility. DSD has also sought a "Pfeffer exemption" from Rule 404(f), as provided by Rule 404(f)(ii), which requires a showing the effluent from the STP, alone or in combination with other sources, will not cause a violation of any applicable water quality standard. Granting a variance from Rule 203(c) and Rule 402 as regards phosphorus would permit Agency granting of a Pfeffer exemption even though DSD could not show that its effluent, alone or in combination with other sources, does not cause violation of the phosphorus water quality standard. As a result, a variance from Rule 404(f) is not necessary.

The Agency submits that requiring phosphorus removal to the 0.05 mg/l is economically unreasonable. Consistent with this belief the Agency has filed a Petition for Regulatory Change which if adopted would exempt DSD from any requirement to remove phosphorus from wastewater. Thus, an arbitrary and unreasonable hardship has been shown here. The Board has repeatedly granted variances from the phosphorus water quality standard because of excessive costs of removal. Village of Argenta and Village of Cerro Gordo, PCB 75-182, PCB 75-183, 18 PCB 152; Village of Strasburg, PCB 76-28; Old Ben Coal Company, PCB 76-21; City of Hoopeston, PCB 76-234; City of Arcola, PCB 76-280; Caseyville

Township, PCB 77-14; City of Gibsen City, PCB 77-96; Village of Stewardsen, PCB 77-104; Village of Kansas, PCB 77-109; Village of Harick, PCB 77-110; Southern Illinois University (Edwardsville), PCB 77-111.

The environmental impact of granting this variance is slight, as DSD's contribution to the phosphorus load to Rend Lake is minimal due to the small population served by the STP. Since granting a variance here will permit Agency approval of a Pfeffer exemption, the Board finds that the benefits derived from the grant of a variance outweigh any harm to the environment.

The Board grants a variance from Rule 203(c) and Rule 402 of Chapter 3: Water Pollution until June 1, 1982, subject to the following conditions. First, this variance will terminate upon adoption by the Board of any modification in the existing phosphorus water quality standards or effluent limitations. Second, DSD agrees to operate and maintain its existing STP in a manner which will achieve maximum efficiency in wastewater treatment.

This Opinion and Order constitutes the findings of fact and conclusions of law of the Board.

ORDER

Dodds School District #54 is granted a variance from Rule 203 and Rule 402 (as regards phosphorus) of Chapter 3: Water Pollution until June 1, 1982, subject to the following conditions:

1. This variance will 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 regulation when adopted by the Board.
2. DSD agrees to operate its treatment plant in a manner acceptable to the Agency, and shall provide for removal of sludge from the Imhoff tank, disposal of sludge at an approved disposal site, and the maintenance of the sand filter surface to keep it free from weeds.
3. Within 35 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 form of said certification shall be as follows:

CERTIFICATION

I, (We), _____ having read the Order of the Pollution Control Board in PCB 77-156, 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 4th day of August, 1977 by a vote of 5-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board