TILINOIS POLLUTION CONTROL BOARD December 20, 1977

VILLAGE OF AR	THUR,)	
	Petitioner,)	
v.) PCB 77-2	266
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 October 11, 1977, by the Village of Arthur requesting relief from certain provisions of Chapter 3 as applied to the wastewater treatment plant of the Village. In particular, variance is requested from the phosphorus standard of Rule 203(c) and the ammonia nitrogen requirements of Rule 203(f). On November 9, 1977, the Agency filed a Recommendation favorable to the grant of the variance subject to certain conditions; the Village has waived the right to hearing in this matter.

The Village owns and operates a sewage treatment plant which discharges approximately 300,000 gallons per day into a drainage ditch with a 7-day 10-year low flow of zero which is approximately 7.5 miles upstream from the Kaskaskia River and approximately 30 miles tributary to Lake Shelbyville (Pet. pl). The Petitioner has spent over \$600,000 in the past 12 years to expand and upgrade their treatment plant (Pet. p2). The existing facility includes primary treatment, activated sludge, secondary treatment, tertiary filtration, and disinfection. At present, the Village has sought grant monies in an effort to make needed improvements. According to the Petition at page 2, the Village has submitted Step I facilities planning report; Step II plan preparation is scheduled to begin in April, 1978; and the Village claims construction should be completed by November, 1978.

The Petition alleges that the variance is necessary to relieve the Arthur sewage treatment plant from meeting the water quality standard of 0.05 mg/l for phosphorus and 1.5 mg/l for ammonia nitrogen. Rule 203(c) provides that phosphorus (as P) shall not exceed 0.05 mg/l in any stream at the point where the stream enters any lake or reservoir. Rule 203(f) requires that a 1.5 mg/l concentration of ammonia nitrogen (as N) shall not be exceeded in the waters of the State except for certain exceptions not applicable here. In addition, the Petitioner cannot

ignore Rule 402 of Chapter 3 which requires that no effluent shall alone or in combination with other sources cause a violation of any applicable water quality standard. In those instances where the water quality standard for a particular constituent is exceeded in a receiving body of water, any discharge of that constituent to that body of water must meet the water quality standard as an effluent limitation unless a variance has been granted pursuant to Title 9 of the Environmental Protection Act.

In support of the variance petition, Petitioner has submitted materials which are of questionable value to this proceeding. The graph identified as Attachment I, which summarizes monthly EPA grab sample analysis of the treatment facility, fails to provide the supporting figures. In addition, Petitioner has included various data sheets on water quality parameters of the Kaskaskia River - Lake Shelbyville Station from the Water Quality Survey without designating units of measurements. From these data, the Board will assume that the ammonia nitrogen and phosphorus water quality standards are not presently achieved either in Kaskaskia River or at the point of entry with Lake Shelbyville.

The Board has previously granted a number of Petitions for Variance in which Petitioner has sought relief from the 0.05 mg/l water quality standard. 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 Board has found that the practice is technically feasible but economically impractical. Additionally, the Board has before it R76-1 a regulatory change proposed by the Agency to modify the existing effluent and water quality standards. In view of the foregoing, the Board finds here that Petitioner would suffer an arbitrary and unreasonable hardship if required to meet the 0.05 mg/l phosphorus limitation. The Board will therefore grant a variance from Rules 203(c) and 402 as applied to phosphorus.

The Agency's Recommendation at page 3 states that the Petitioner's facilities are not currently capable of achieving removal of ammonia nitrogen to a concentration of 1.5 mg/l. Furthermore, the Agency has submitted a regulatory proposal (R77-6) to modify the ammonia nitrogen regulations of Chapter 3. In this case, the Board will grant Petitioner relief from Rules 203(f) and Rule 402 insofar as the rules apply to ammonia nitrogen. The Board finds that to require Petitioner to show here what the Agency has undertaken to demonstrate in R77-6 would be an unreasonable burden.

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

ORDER

- 1. The Village of Arthur is granted a variance for the operation of its wastewater 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 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 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. The Village of Arthur is granted a variance for the operation of its wastewater treatment plant from Rules 203(f) and 402 of Chapter 3: Water Pollution, of the Board's Rules and Regulations regarding ammonia nitrogen until December 31, 1978, subject to the following conditions:
 - a) This variance will earlier terminate upon adoption by the Board of any modification of the existing ammonia nitrogen 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 ammonia nitrogen which will provide the best practicable treatment technology for the removal of ammonia nitrogen over the life of the works.
 - c) During the period of this variance, the Village shall operate the Arthur wastewater treatment plant to achieve the minimum discharge of ammonia nitrogen consistent with the capabilities of the existing equipment and process.

3. 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 41 of the Environmental Protection Act. The form of said certification shall be as follows:

CERTIFICATION

understand and accept sai	having read on Control Board in PCB 77-266, d Order, realizing that such erms and conditions thereto
	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 20th day of hereby, 1977 by a vote of 5-0.

Christan L. Moffett (pk)
Christan L. Moffett, Clerk
Illinois Pollution Control Board