

ILLINOIS POLLUTION CONTROL BOARD  
August 18, 1977

CITY OF VILLA GROVE,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 77-175
	)	
ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Respondent.		

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

This matter comes before the Board on the variance petition filed on June 20, 1977, by the City of Villa Grove seeking relief from Rules 203(c) and 402 of the Water Pollution Regulations regarding phosphorus. The Agency Recommendation favorable to the grant of the variance was filed on July 29, 1977.

The City of Villa Grove is presently operating a 0.3 MGD treatment plant which will be modified and expanded under a State Step 1-2-3 construction grant which has been awarded. Because effluent from the treatment works discharges to the Embarras River which is tributary to Lake Charleston, operation of Rule 203(c) would require limitation of phosphorus (as P) in the effluent to 0.05 mg/l.

Villa Grove is located in Douglas County, Illinois, and has a population of approximately 2605. The Agency believes that the Villa Grove contribution to the total phosphorus load to Lake Charleston would be minimal, calculating 1% contribution if phosphorus is discharged from Villa Grove at a concentration of 1.0 mg/l. The City has applied for the necessary grant funds to provide reduction of phosphorus to a concentration of 1.0 mg/l.

Villa Grove, after consideration of alternative methods of treatment and disposal including land application, diversion to another watershed and chemical addition, alleges that it is neither technically feasible or economically practicable to reduce the concentration of phosphorus as P to the 0.05 mg/l limitation imposed by the operation of Rule 203(c).

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The Board is familiar with the situation which confronts Villa Grove and has regularly granted similar relief in many prior cases. 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. In those and other cases the Agency and the Board have recognized that it is economically impractical for such petitioners to comply with the limitation imposed by Rule 203(c). Additionally, 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 is disposed to grant the relief requested. As in the cases cited herein, the Board finds that Villa Grove would suffer an arbitrary or unreasonable hardship if required to meet the existing 0.05 mg/l standard.

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

#### ORDER

The Petitioner, City of Villa Grove, is granted a variance for its sewage treatment plant from Rules 203(c) and 402 of Chapter 3: Water Pollution Control Regulations as regards phosphorus until August 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 City shall comply with such revised regulations when adopted by the Board.
2. If grant funds become available during the period of this variance, and if the City remains subject to phosphorus treatment requirements, the City shall install and operate the requisite equipment necessary to reduce the phosphorus concentration in its discharge to 1 mg/l, or to whatever alternative level may be set by the Board.
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:

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CERTIFICATION

I, (We), \_\_\_\_\_ having read  
the Order of the Pollution Control Board in PCB 77-175,  
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 18<sup>th</sup> day of August, 1977 by a vote  
of 5-0.

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

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