

ILLINOIS POLLUTION CONTROL BOARD
September 15, 1977

VILLAGE OF BEECHER CITY,)
)
 Petitioner,)
)
 v.) PCB 77-194
)
 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 July 18, 1977, by the Village of Beecher City, Illinois, (Beecher City) seeking relief from Rules 203(c), 402, and 404(f) in Chapter 3 of the Illinois Pollution Control Board Rules and Regulations (Rules) regarding phosphorus.

On August 15, 1977, Beecher City filed an addendum to waive its right to a hearing and to amend its request to a "phosphorus variance for five years." The Environmental Protection Agency (Agency) filed a favorable recommendation on August 18, 1977.

On August 23, 1977, Mr. John B. Doty, filed an objection to this petition. The objection expressed a fear that the effluent discharged from the Beecher sewage treatment plant (STP) would pollute his farm when the Wolf Creek overflows onto his land. The objection was not timely pursuant to Procedural Rule 404 and thus no hearing is required. However, the Board will take his comments into consideration in this opinion.

The Village of Beecher City is planning to build a sewage treatment plant designed to treat an average flow of 0.075 MGD to meet the following standards:

pH - 6.0-9.0
BOD - 30 mg/l in a 30-day average
SS - 30 mg/l in a 30-day average

The effluent from the STP would flow into an unnamed tributary of the Wolf Creek then into Wolf Creek along the property owned by Mr. Doty and finally via the Kaskaskia River into Carlyle Lake. Information provided by the National Eutrophication

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Survey (Pet. p1) indicates that the phosphorus contribution to the above stated waterways is less than 0.3 per cent of the total load. If Beecher City upgrades its STP as anticipated (Pet. p4), and operates it in accordance with the Act, the owners of land downstream from the STP should not have any environmental difficulties.

The Board has previously dealt with many petitions in which relief was sought from the requirement of meeting the phosphorus water quality standard. Village of Argenta and Village of Cerro Gordo, PCB 75-182, PCB 75-183, 18 PCB 552; City of Hoopston, PCB 76-234; Southern Illinois University at Edwardsville, PCB 77-111; Valley Water Company, Inc., PCB 77-146. In these and other instances, the Board has recognized that it is economically impractical to comply with the limitation imposed by Rule 203(c).

The Agency states that requiring phosphorus removal to the 0.05 mg/l level is technically feasible but economically unreasonable (Rec. 2). Accordingly, the Agency has filed a Petition for Regulatory Change (R76-1) with the Board which is intended to modify the existing phosphorus effluent and water quality standards.

In view of the cases cited above, Beecher City would suffer arbitrary and unreasonable hardship if the Board were to impose upon them the 0.05 mg/l phosphorus water quality standard. Absent claims of harm to the public's health, safety, or welfare, the Board is disposed to grant the relief as requested.

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

ORDER

The Village of Beecher City is granted a variance for the operation of its proposed sewage treatment plant from Rules 203(c), 402, and 404(f) of Chapter 3: Water Pollution Control Regulations as each applies to phosphorus, subject to the following conditions:

1. That Petitioner provide space in its design for storage of chemicals for mixing and dosing equipment capable of meeting phosphorus standards which may be established by the Board.
2. That Petitioner agrees to comply with the terms of R76-1 or other modified phosphorus standards when and if adopted by the Board.

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3. That Petitioner shall execute and forward to the Environmental Protection Agency, Enforcement Programs, 2200 Churchill Road, Springfield, Illinois, 62706, and to the Pollution Control Board within 28 days after the date of the Board Order, an executed Certificate of Acceptance and agreement to be bound to all terms and conditions of the variance. The form of this certification shall be as follows:

CERTIFICATION

I, (We), _____ having read the Order of the Illinois Pollution Control Board in PCB 77-194, 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 15th day of September, 1977 by a vote of 4-0.

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

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