

ILLINOIS POLLUTION CONTROL BOARD

September 15 , 1977

VILLAGE OF BONNIE,)
)
 Petitioner,)
)
 v.) PCB 77-199
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by Dr. Satchell):

On July 22, 1977 Petitioner filed before this Board a petition for variance from the phosphorus limitations of Rules 203(c), 402 and 404(f) of the Chapter 3: Water Pollution Regulations (Chapter 3). The Environmental Protection Agency (Agency) filed its recommendation for granting the variance on August 23, 1977.

The Village of Bonnie, Jefferson County, Illinois, is on the east side of Rend Lake and is included in the Rend Lake East Facility Planning Area. In 1970 the Village had a population of 314. Presently the Village is not served by a sewage collection system or treatment facility. Since 1970 Bonnie has been pursuing a sewage collection system and treatment facilities. In July 1972 Bonnie received a Step 2 grant offer. Currently the design of the collection system is virtually complete other than final connections at the treatment facility site. Further action awaits the determination of this variance proposal. Variance from Rules 203(c) and 402 of Chapter 3 is necessary to obtain the exemption allowable under Rule 404(f) of Chapter 3. Petitioner contends that to achieve a 0.05 mg/l level for phosphorus would constitute a hardship. The Agency agrees with Petitioner, stating that the 0.05 mg/l level is technically feasible, but economically unreasonable.

The Board is familiar with this situation and has regularly granted similar relief in the past, City of Villa Grove v. EPA, PCB 77-175 (August 18, 1977), Caseyville Township West v. EPA, PCB 77-14, 25 PCB 225 (1977), Dodds School District #54 v. EPA,

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PCB 77-156 (August 4, 1977). In these cases the Board has recognized that it is economically impractical for the Petitioner to comply with the current phosphorus limitation. Currently the Board has before it, R76-1, a regulatory change proposed by the Agency which would modify the existing phosphorus effluent and water quality standards. If this change is adopted by the Board, the Village of Bonnie would be relieved of further phosphorus treatment responsibilities.

The Board finds that Petitioner would suffer an arbitrary and unreasonable hardship if required to meet the existing 0.05 mg/l phosphorus standard. Petitioner will be granted a variance for five years or until the Board adopts a regulations change under R76-1, whichever occurs first, subject to the conditions recommended by the Agency.

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

ORDER

It is the order of the Pollution Control Board that the Village of Bonnie is hereby granted a variance from the phosphorus limitations of Rules 203(c), 402 and 404(f) of the Chapter 3: Water Pollution Regulations for five years or until a regulatory change in proposal R76-1 is adopted by the Board whichever occurs first, subject to the following conditions:

1. Petitioner agrees to comply with the terms of R76-1, if adopted, and if necessary, install and operate chemical dosing equipment capable of reducing phosphorus to 1 mg/l or whatever alternative level the Board might adopt.
2. Petitioner, within 28 days after this Order, shall execute and forward to the Illinois Environmental Protection Agency, Manager, Variance Section, 2200 Churchill Road, Springfield, Illinois 62706, and to the Pollution Control Board, a Certificate of Acceptance and agreement to be bound to all terms and conditions of the variance. The form of such Certification is to be as follows:

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CERTIFICATION

The Village of Bonnie has received and understands the Order of the Illinois Pollution Control Board in PCB 77-199 and hereby accepts said Order and agrees to be bound to all of the terms and conditions thereof.

Signed: _____

Title: _____

Date: _____

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 5-0.

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

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