

ILLINOIS POLLUTION CONTROL BOARD
September 29, 1977

CITY OF CRYSTAL LAKE,)
A municipal corporation,)
)
Petitioner,)
)
v.) PCB 77-195
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

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

This matter comes before the Board on a petition for a variance from the requirements of Rules 203(c) and 402 of Chapter 3: Water Pollution of the Board's Rules and Regulations. Petitioner is presently unable to meet the water quality standard for phosphorus.

Petitioner operates 3 treatment plants with a combined capacity of approximately 35,000 P.E. All 3 plants have chemical storage, feed and mixing facilities for phosphorus removal and are capable of producing an effluent with not more than 1.0 mg/l of phosphorus. All of these plants, therefore, comply with Rule 407(b) which applies to these facilities.

The Board has been faced with many similar situations comparable to Petitioner's. (See Village of Fillmore v. EPA, PCB 76-321; Village of Scrasburg v. EPA, PCB 76-324; Urbana & Champaign Sanitary District v. EPA, PCB 76-295; Lake in the Hills Sanitary District v. EPA, PCB 77-86). The economic and technical feasibility of compliance with Rule 203(c) is presently being reviewed in proceedings before the Board designated as R76-1. Immediate compliance with the present standard would impose an arbitrary and unreasonable hardship on Petitioner.

Petitioner has requested a five year variance. The Board finds that this period is appropriate provided that any variance from Rule 203(c) must terminate upon final Board action in R76-1. The Agency has requested that a water quality study for Plant #3 be required. Most of the parameters to be studied are not subjects of this variance and the study will not be required by the Board.

It should be noted that on September 13, 1977 Petitioner filed a request for a hearing in this matter. Since the Board's Order grants Petitioner the relief it requested, the Board finds that no hearing is needed and none shall be held.

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

27-383
26-621
27-521

ORDER

It is the Order of the Pollution Control Board that:

- 1) Petitioner shall be granted a variance from rules 203(c) and 402 for a period of five years from the date of this Order or until the Board makes a determination in R76-1 whichever occurs first.
- 2) The level of treatment for phosphorus removal shall remain sufficient to comply with an effluent limitation of 1.0 mg/l.
- 3) Within 35 days of the date of the Order, Petitioner shall submit to

The Manager of the Variance Section
Illinois Environmental Protection Agency
Division of Water Pollution Control
2200 Churchill Road
Springfield, Illinois 62706

an executed Certification of Acceptance and Agreement to be bound to all terms and conditions of this variance. The form of said Certification shall be as follows:

CERTIFICATION

I (We), _____
having read Order of the Pollution Control Board in PCB 77-195,
understand and accept said Order, realizing that such acceptance
renders all terms and conditions thereto binding and enforceable.

Signed by _____

Title _____

Date _____

Dr. Satchell concurs.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above opinion and Order were adopted on the 29th 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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