

ILLINOIS POLLUTION CONTROL BOARD
May 12, 1977

VILLAGE OF BEMENT,)
)
 Petitioner,)
)
 v.) PCB 77-85
)
 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 March 17, 1977, by the Village of Bement seeking relief from Rules 203(c), 402, 404(f)(ii)(A) and 404(f)(ii)(D) of the Water Pollution Regulations as regards phosphorus. The Agency Recommendation favorable to the grant of the variance was filed on April 19, 1977.

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 75-182, 18 PCB 152; Village of Strasburg, PCB 76-28; Old Ben Coal Company, PCB 76-21; City of Hoopston, PCB 76-234. In this instance, Petitioner seeks relief so that it can proceed with its grant activities and the upgrading of its existing sewage treatment plant.

The Agency states that requiring phosphorus removal to the 0.05 mg/l level is not both technically feasible and economically reasonable (Rec. 4). Consistent with this belief, the Agency has filed a Petition for Regulatory Change (R76-1) with the Board which would amend the regulations by requiring only point sources which have 1500 or more population equivalent and which discharge into impoundments of greater than twenty acres to treat the wastewater to a level not to exceed 1 mg/l prior to discharge. The Village's facility is presently serving a population in excess of 1500 and if the regulation is adopted as proposed the Village would be required to treat to a level of 1 mg/l phosphorus.

As in the earlier cited cases, the Board finds here that the Village would suffer an arbitrary or unreasonable hardship if required to meet the 0.05 mg/l phosphorus water quality standard and will therefore grant the requested relief. If grant funds

are made available, and if the Village remains subject to phosphorus treatment requirements, the Board will require that the Village 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.

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

ORDER

The Petitioner, Village of Bement, is granted a variance for its sewage treatment plant from Rules 203(c), 402, 404(f) (ii) (A) and 404(f) (ii) (D) of Chapter 3: Water Pollution Control Regulations as regards phosphorus until May 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 Village 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 Village remains subject to phosphorus treatment requirements, the Village 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:

CERTIFICATION

I, (We), _____ having read the Order of the Pollution Control Board in PCB 77-85, 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 12th day of May, 1977 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board