

ILLINOIS POLLUTION CONTROL BOARD  
June 9 , 1977

LAKE IN THE HILLS SANITARY DISTRICT, )  
)  
Petitioner, )  
)  
v. ) PCB 77-86  
)  
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 22, 1977, by the Lake in the Hills Sanitary District seeking relief from Rules 203(c) and 402 of the Water Pollution Regulations as regards phosphorus. The Agency Recommendation favorable to the grant of the variance was filed on April 22, 1977, and on May 26, 1977, the Board granted the Agency's Motion to decide this matter without a hearing.

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 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 proposed treatment plant is designed to produce an effluent containing no more than 1.0 mg/l phosphorus.

Although the Agency does not specifically so state in this Recommendation, the Agency has on prior occasions stated that requiring phosphorus removal to the 0.05 mg/l level is not both technically feasible and economically reasonable. 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 Petitioner's proposed facility has a design average flow in excess of 1500 population equivalent and if the regulation is adopted as proposed the Petitioner 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 Petitioner 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. The Board will require that the Petitioner install and operate the requisite equipment necessary to reduce the phosphorus concentration in its discharge to 1 mg/l, in accordance with the compliance schedule contained in its grant program.

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

ORDER

The Petitioner, Lake in the Hills Sanitary District, 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 June 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 Petitioner 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 Petitioner remains subject to the phosphorus water quality limitations, the Petitioner 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 77-86, 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 4<sup>th</sup> day of June, 1977 by a vote of 5-0.

  
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Christan L. Moffett Clerk  
Illinois Pollution Control Board