

In order to meet the 203(c) standard, the Village would have to install phosphorus removal facilities estimated to cost \$130,000.00 with a yearly maintenance cost of \$6,200.00. Discharging the effluent into an adjacent watershed and land application were also considered, but these alternatives were estimated to cost even more than the phosphorus removal equipment.

On January 5, 1976, the Agency filed a Petition for Regulatory Change (R76-1) with the Board which would amend the Regulations by requiring only point sources who have 1500 or more population equivalent to treat wastewater to a level not to exceed 1 mg/l phosphorus prior to discharge. As justification for this proposal the Agency submits that eutrophication studies by both the USEPA and the Illinois State Water Survey show that the contribution of point source dischargers to the total phosphorus problem of lakes and reservoirs is small compared to the non-point source contribution. The Agency submits that non-point sources such as run-off waters from farm lands fertilized with phosphate base fertilizers, account for the overwhelming majority of the phosphorus loading of most lakes and reservoirs.

The Village alleges that they will suffer an unreasonable hardship if the Board denies this variance request, a denial which would prevent the Village from utilizing State/Federal grant funds to assist in the construction of a much needed sewage treatment plant. Under almost identical circumstances in a series of cases, the Board has granted the relief which the Petitioner herein seeks. Village of Argenta v. EPA, PCB 75-182; Village of Cerro Gordo v. EPA, PCB 75-183; Village of Strasburg v. EPA, PCB 76-28; Village of Tower Hill v. EPA, PCB 76-101. The Board believes that this Village is also entitled to relief. The Board will require, however, that the Village design and construct the sewage treatment plant to allow for the possible future installation of appropriate phosphorus removal facilities.

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

ORDER

The Village of Humboldt is granted a variance from the phosphorus limitations of Rules 203(c) and 402 of Chapter 3: Water Pollution Regulations until July 1, 1981, 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 of Humboldt shall comply with such revised regulations when adopted by the Board.

2. The sewage treatment plant shall be designed and constructed to allow for the possible future installation of appropriate phosphorus removal facilities, and

3. Within 35 days of the date of this Order, 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 76-163, 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 21st day of July, 1976 by a vote of 5-0.

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