

ILLINOIS POLLUTION CONTROL BOARD
February 3, 1977

URBANA AND CHAMPAIGN SANITARY)	
DISTRICT,)	
)	
Petitioner,)	
)	
v.)	PCB 76-295
)	
ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	

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

This matter comes before the Board on the variance petition filed November 12, 1976, by the Urbana and Champaign Sanitary District seeking relief from Rules 203(c) and 402 of the Water Pollution Regulations as regards phosphorus. No objection to the grant of the requested variance was filed by the Agency or any other person and no hearing was held in this matter. The Agency's Recommendation was filed on January 13, 1977.

The Board is familiar with the situation which confronts the Petitioner and has already granted the requested relief in many prior cases. 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 Hoopeston, PCB 76-234. The Petitioner is attempting to upgrade its existing wastewater treatment facilities with the help of State/Federal funds but Agency approval of the Facilities Plan and Step II funding cannot be obtained due to the phosphorus water quality violation to which the Petitioner's discharge contributes. Because Petitioner does not believe it is both technically feasible and economically reasonable to treat its discharge to meet the 0.05 mg/l water quality standard for phosphorus, this variance is sought.

In the above cited cases, the Agency has stated that it is not both technically feasible and economically reasonable to require phosphorus removal to the 0.05 mg/l level. Although the Agency does believe that the technology is available, the Agency believes the utilization of this technology would be prohibitively expensive (Rec. par. 7, 8). The Agency has also filed a Petition for Regulatory Change (R76-1) with the Board which would amend the regulations by requiring only point sources

which have untreated waste loads of 1500 or more population equivalents 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 facilities are presently serving a population in excess of 1500 and if the regulatory proposal is adopted as proposed, the Petitioner would be required to treat to a level not exceeding 1 mg/l phosphorus.

The Board is disposed to grant the relief requested. 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 water quality standard. Because it appears that Petitioner is required to reapply for the Pfcffer exemption for its facilities, the Board will also grant relief from Rule 404(f)(ii)(A) and 404(f)(ii)(D) as those rules relate to phosphorus (Pet. Exh. I). This relief will enable the District to renew, if otherwise qualified, its existing exemptions.

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

ORDER

The Urbana and Champaign Sanitary District is granted a variance for the operation of its sewage treatment facilities from Rules 203(c), 402, 404(f)(ii)(A) and 404(f)(ii)(D) of Chapter 3: Water Pollution Regulations as regards phosphorus until January 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, 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 76-295,
understand and accept said Order, realizing that such
acceptance renders all terms and conditions thereto
binding and enforceable.

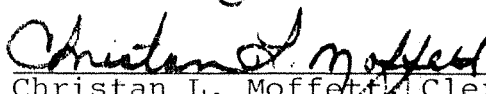
SIGNED

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 3rd day of February, 1977 by a
vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board