

ILLINOIS POLLUTION CONTROL BOARD
February 17, 1977

VILLAGE OF FILLMORE,)
)
 Petitioner,)
)
 v.) PCB 76-321
)
 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 December 20, 1976, by the Village of Fillmore seeking relief from Rules 203(c), 402, 404(c), and 404(f) 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 favorable to the grant of the variance was filed on January 25, 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 75-183, 18 PCB 152; Village of Strasburg, PCB 76-28; Old Ben Coal Company, PCB 76-21; City of Hoopeston, PCB 76-234; Urbana & Champaign Sanitary District, PCB 76-295. The Village of Fillmore, with a population of approximately 400 persons, does not presently have either a sewage collection system or sewage treatment facilities. Present sewage disposal is to individual septic tanks and tile fields. Because the Village has found this existing system to be unsatisfactory, the Village has decided, with the help of State/Federal funds, to install a new collection system and treatment facilities consisting of a three-cell aerated lagoon with submerged sand filter and chlorination. Agency approval for either Step II or III funding cannot be obtained unless the Village is granted this variance, or unless the Village provides the required phosphorus removal. The Village alleges that providing the required phosphorus removal would impose an arbitrary or unreasonable hardship on the Village.

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 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. Because the Village's expected waste load is only 400 population equivalent, the Village will not be required to provide any phosphorus removal if the regulation is adopted as proposed.

The Board is disposed to grant the relief requested. As in the earlier cited cases, the Board finds here the Village would suffer an arbitrary or unreasonable hardship if required to meet the 0.05 mg/l phosphorus water quality standard.

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

ORDER

The Village of Fillmore is granted a variance for the operation of its sewage treatment plant from Rules 203(c), 402, 404 (c)(iii)(D), and 404(f)(i) of Chapter 3: Water Pollution Regulations as regards phosphorus until February 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 of Fillmore shall comply with such revised regulations when adopted by the Board.

2. Within 35 days of the date of this Order, the Village of Fillmore 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 76-321,

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 17th day of February, 1977 by a vote of 4-0.

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