

ILLINOIS POLLUTION CONTROL BOARD
September 15, 1977

VILLAGE OF DELAND,)
)
 Petitioner,)
)
 v.) PCB 77-193
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

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

On July 15, 1977, the Village of Deland filed a petition for variance from Rules 203(c), 402, and 404(f) of Chapter 3 of the Pollution Control Board Rules and Regulations regarding the discharge of phosphorus from a proposed sewage treatment plant.

On August 15, 1977, the Village of Deland filed an amendment waiving hearing and requesting a phosphorus variance for five years. The Environmental Protection Agency (Agency) filed a recommendation favorable to the grant on August 16, 1977.

The Village of Deland is planning to construct a sewage treatment plant (STP) designed to treat an average of 0.048 MGD of wastewater to meet the following standards:

- pH - 6.0-9.0
- BOD - 30 mg/l on a 30-day average
- SS - 30 mg/l on a 30-day average

The effluent from the proposed STP would flow into Lake Decatur via Goose Creek and the Sangamon River. The phosphorus level in the Decatur Reservoir routinely exceeds the 0.05 mg/l water quality limit, but the contribution of phosphorus by the proposed STP is estimated at one-half of one per cent.

The Board has previously dealt with many petitions in which relief was sought from the phosphorus water quality standards. Village of Argenta and Village of Cerro Gordo, PCB 75-182, PCB 75-183, 18 PCB 552; Village of Strasburg, PCB 76-28; Old Ben Coal Company, PCB 76-21; City of Hoopeston, PCB 76-234. In

27-338
26-551
27-457

these and other cases, the Board has recognized that it is economically impractical for such petitioners to comply with the limitation imposed by Rule 203(c) of Chapter 3.

The Agency states that requiring phosphorus removal to the 0.05 mg/l level is technically feasible but economically unreasonable (Rec. p4). Accordingly, the Agency has filed a Petition for Regulatory Change (R76-1) with the Board to amend the existing regulations by requiring only point sources which exceed 1500 P.E. phosphorus effluent and water quality standards.

The Board is disposed to grant the relief requested. As in the cases cited herein, the Board finds that the Village of Deland would suffer an arbitrary or unreasonable hardship if they were required to meet the existing 0.05 mg/l standard.

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

ORDER

The Village of Deland is granted a variance for the operation of its proposed sewage treatment plant from Rules 203(c), 402, and 404(f) of Chapter 3: Water Pollution Control Regulations as each applies to phosphorus, subject to the following conditions:

1. That Petitioner provide space in its design for storage of chemicals for mixing and dosing equipment capable of meeting phosphorus standards which may be established by the Board.
2. That Petitioner agrees to comply with the terms of R76-1 or other modified phosphorus standards when and if adopted by the Board.
3. That Petitioner shall execute and forward to the Environmental Protection Agency, Enforcement Programs, 2200 Churchill Road, Springfield, Illinois, 62706, and to the Pollution Control Board within 28 days after the date of the Board Order, an executed Certificate of Acceptance and agreement to be bound to all terms and conditions of the variance. The form of this certification shall be as follows:

CERTIFICATION

I, (We), _____ having read the Order of the Illinois Pollution Control Board in PCB 77-193, understand and accept said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

27-339

26-552

27-452

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 15th day of September, 1977 by a vote of 4-0.

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

27-340

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27-453