

ILLINOIS POLLUTION CONTROL BOARD
June 28, 1977

ILLINOIS POWER COMPANY,)
(Clinton Station),)
)
Petitioner,)
)
v.) PCB 77-119
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

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

This matter is before the Board on the petition filed on April 19, 1977, by the Illinois Power Company (Clinton Station) seeking variance from Rules 203(c) and 402 of the Water Pollution Regulations as regards phosphorus. An Agency Recommendation favorable to the grant of the variance was filed on May 23, 1976. On May 24, 1976, Petitioner filed a Waiver of Right to Hearing and also filed a Motion to Grant Variance Without Hearing which the Board construes as a Motion for Decision Without Hearing and which is hereby granted.

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 is seeking this relief for a sanitary treatment facility which is to be operated at its Clinton Station in DeWitt County. Petitioner contends that phosphorus removal treatment to the 0.05 mg/l water quality standard is technologically infeasible (Pet. 4).

Although the Agency believes it is technologically feasible to treat to 0.05 mg/l phosphorus, the Agency does not believe that removal to this level would be economically reasonable (Rec. 3). 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. Because the Petitioner's expected waste load is only 150 population equivalent, Petitioner will not be required to provide any phosphorus removal if the regulation is adopted as proposed.

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 relief.

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

ORDER

The Illinois Power Company (Clinton Station) is granted variance for its sanitary sewage treatment facility 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. 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

"The undersigned, being duly authorized by Illinois Power Company to give this certification, states that he has read and fully understands the Order of the Illinois Pollution Control Board in PCB 77-119, and Illinois Power Company accepts said Order and agrees to be bound by all of the terms and conditions thereof.

ILLINOIS POWER COMPANY

BY: _____
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 24th day of June, 1977 by a vote of 4-0.

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