ILLINOIS POLLUTION CONTROL BOARD August 12, 1976

CITY OF OAKLAND,)	
Petitioner,)	
v.)	PCB 76-182
ENVIRONMENTAL PROTECTION AGENCY,)	
Respondent.)	

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

This matter comes before the Board on variance petition filed June 23, 1976, by the City of Oakland seeking relief from Rules 203(c), 402 and 404(f) of Chapter 3: Water Pollution Rules and Regulations as regards phosphorus. The Agency filed a Recommendation on July 29, 1976; no hearing was held in this matter.

The City of Oakland has an estimated population of 1,100 persons and is located in Coles County. At the present time the City has no municipal sewage treatment facilities. The City's collection system consists of storm sewers which also remove some domestic sewage with several discharge points to the Hog Branch of the Embarrass River, which is tributary to Lake Charleston. In January of 1976, the City was offered a Step I grant by the Agency for the preparation of a Facilities Plan. This Facilities Plan, which anticipates the use of a three cell aerated lagoon with submerged sand filter and chlorination facilities, was submitted to the Agency on May 3, 1976, and the City is awaiting Agency approval thereof. The estimated cost for this treatment plant and sewer system is \$2,209,840.00, with the City's share of this cost estimated to be \$650,000.00.

Rule 203(c) sets a standard of 0.05 mg/l for phosphorus as P in any reservoir or lake, or in any stream at the point where it enters any reservoir or lake and Rule 402 requires that the City's effluent not contribute to a violation of the Rule 203(c) water quality standard. The phosphorus concentration in the Embarrass River as it enters Lake Charleston presently exceeds .05 mg/l; therefore, the City's effluent is water quality limited to the Rule 203(c) standard of .05 mg/l phosphorus. If the City's proposed treatment facility does not meet the .05 mg/l standard of Rule 203(c), the Agency cannot issue a construction permit unless the City first obtains a variance from the Board.

The City alleges that this is no feasible method of attaining the phosphorus standard for its discharge. Furthermore, while the City did consider pumping the effluent into an adjacent watershed as well as land application, these alternatives were considered undesirable for economic reasons.

Based upon the USEPA National Eutrophication Survey Report, the annual total phosphorus loading to Lake Charleston is 171,853 pounds. Assuming 10 mg/l phosphorus and an average flow rate of .185 MGD, the phosphorus loading from the City's facility would be approximately 16 pounds per day, which represents 3% of the total.

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 prior to discharge. As justification for this proposal the Agency submits that eutrophication studies by both the United States Environmental Protection Agency 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 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 denial of this variance would prevent the City from utilizing State/Federal grant funds to assist in the construction of a much needed sewage treatment plant. Balancing this hardship with the small contribution the City's discharge will make to the Lake Charleston phosphorus problem leads the Board to believe that the City is entitled to relief. The Board will require, however, that the City design and construct the sewage treatment plant to allow for the possible future installation of appropriate removal facilities. Because the City has applied for a lagoon exemption pursuant to Rule 404(c)(iii), the Board will also grant a variance from Rule 404(c)(iii)(D) as that Rule applies to phosphorus and will dismiss the request for variance from Rule 404(1).

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

ORDER

The City of Oakland is granted a variance for the operation of its proposed sewage treatment plant from Rules 203(c), 402 and 404(c)(iii)(D) of Chapter 3: Water Pollution Regulations as regards phosphorus until September 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 City of Oakland 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.
- 3. That portion of the Petition requesting relief from Rule 404(f) is dismissed.
- 4. Within 35 days of the date of this Order, the City of Oakland 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),	naving read	
the Order of the Pollution	on Control Board in	PCB 76-182,
understand and accept said		
acceptance renders all te	erms 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 day of the state of the Illinois Pollution Order were adopted on the day of the day of the state of the Illinois Pollution Order were adopted on the day of the state of the Illinois Pollution Order were adopted on the day of the Illinois Pollution Order were adopted on the day of the Illinois Pollution Order were adopted on the day of the Illinois Pollution Order were adopted on the day of the Illinois Pollution Order were adopted on the day of the Illinois Pollution Order were adopted on the day of the day of

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Illinois Pollution Control Boar