

ILLINOIS POLLUTION CONTROL BOARD
December 16, 1976

CITY OF HOOPESTON,)
)
 Petitioner,)
)
 v.) PCB 76-234
)
 ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

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

This matter comes before the Board on the variance petition filed September 23, 1976, by the City of Hoopeston seeking relief from Rules 203(c), 402, 404(f)(ii)(A) and 404(f)(ii)(D) of the Water Pollution Regulations as regards phosphorus. The Agency originally objected to the grant of the variance. On November 22, 1976, the Agency filed their Recommendation in this matter and also filed a Motion for Leave to Withdraw their Objection. The Board hereby allows this latter motion.

The Board is familiar with the situation which confronts the City of Hoopeston and has already granted the requested relief in many prior variance 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. The City of Hoopeston is attempting to upgrade its existing sewage treatment plant with the help of State/Federal funds but Agency approval of the Facilities Plan and Step II funding cannot be made due to the phosphorus water quality violation to which the City's discharge contributes. Because the City does not believe it is both technically feasible and economically reasonable to treat its discharge to meet the .05 mg/l water quality standard for phosphorus, the City seeks this variance.

The Agency agrees with the City that requiring phosphorus removal to the 0.05 mg/l level is not technically feasible or economically reasonable (Rec. 4). 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 City's facility is presently serving a population of approximately 7,000, and if the regulatory proposal is adopted would be required to treat to a level of 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 City would suffer an arbitrary or unreasonable hardship if required to meet the 0.05 mg/l water quality standard.

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

ORDER

The City of Hoopeston is granted a variance for the operation of its sewage treatment plant from Rules 203(c), 402, 404(f)(ii)(A) and 404(f)(ii)(D) of Chapter 3: Water Pollution Regulations as regards phosphorus until December 16, 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 Hoopeston shall comply with such revised regulations when adopted by the Board.
2. If grant funds become available during the period of this variance, the City 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 City of Hoopeston 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 of the Order of the Pollution Control Board

in PCB 76-234, 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 16th day of December, 1976 by a vote of 5-0.

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