

ILLINOIS POLLUTION CONTROL BOARD
June 9, 1977

VILLAGE OF KANSAS,)
)
 Petitioner,)
)
 v.) PCB 77-109
)
 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 April 15, 1977, by the Village of Kansas seeking relief 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 11, 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 Hoopston, PCB 76-234. Although the Village of Kansas, with a population of 779 persons, does not presently have either a sewage collection system or sewage treatment facilities, the Village proposes to install such facilities with the help of State/Federal funds. The Village seeks this variance to qualify for a lagoon exemption and for funding assistance. While the Village could qualify for both the exemption and grant funds by providing the required phosphorus removal, the Village states that this requirement would impose an arbitrary or unreasonable hardship on the Village.

The Agency submits that requiring phosphorus removal to the 0.05 mg/l level is technically feasible but economically unreasonable (Rec. 2, par. 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 Village's expected waste load is only 779 population equivalent, the Village 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 Village would suffer an arbitrary or unreasonable hardship if required to meet the 0.05 mg/l phosphorus water quality standard and will therefore grant the requested relief.

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

ORDER

The Village of Kansas is granted a variance for its sewage treatment facilities 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 Village shall comply with such revised regulations when adopted by the Board.

2. Within 35 days of the date of this Order, the 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

I, (We), _____ having read the Order of the Pollution Control Board in PCB 77-109, 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 9th day of June, 1977 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board