

ignore Rule 402 of Chapter 3 which requires that no effluent shall alone or in combination with other sources cause a violation of any applicable water quality standard. In those instances where the water quality standard for a particular constituent is exceeded in a receiving body of water, any discharge of that constituent to that body of water must meet the water quality standard as an effluent limitation unless a variance has been granted pursuant to Title 9 of the Environmental Protection Act.

In support of the variance petition, Petitioner has submitted materials which are of questionable value to this proceeding. The graph identified as Attachment I, which summarizes monthly EPA grab sample analysis of the treatment facility, fails to provide the supporting figures. In addition, Petitioner has included various data sheets on water quality parameters of the Kaskaskia River - Lake Shelbyville Station from the Water Quality Survey without designating units of measurements. From these data, the Board will assume that the ammonia nitrogen and phosphorus water quality standards are not presently achieved either in Kaskaskia River or at the point of entry with Lake Shelbyville.

The Board has previously granted a number of Petitions for Variance in which Petitioner has sought relief from the 0.05 mg/l water quality standard. City of Hoopeston, PCB 76-234, 24 PCB 441; Southern Illinois University at Edwardsville, PCB 77-111, 25 PCB 775; Valley Water Company, Inc., PCB 77-146, 25 PCB 289. In those and other cases, the Board has found that the practice is technically feasible but economically impractical. Additionally, the Board has before it R76-1 a regulatory change proposed by the Agency to modify the existing effluent and water quality standards. In view of the foregoing, the Board finds here that Petitioner would suffer an arbitrary and unreasonable hardship if required to meet the 0.05 mg/l phosphorus limitation. The Board will therefore grant a variance from Rules 203(c) and 402 as applied to phosphorus.

The Agency's Recommendation at page 3 states that the Petitioner's facilities are not currently capable of achieving removal of ammonia nitrogen to a concentration of 1.5 mg/l. Furthermore, the Agency has submitted a regulatory proposal (R77-6) to modify the ammonia nitrogen regulations of Chapter 3. In this case, the Board will grant Petitioner relief from Rules 203(f) and Rule 402 insofar as the rules apply to ammonia nitrogen. The Board finds that to require Petitioner to show here what the Agency has undertaken to demonstrate in R77-6 would be an unreasonable burden.

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

ORDER

1. The Village of Arthur is granted a variance for the operation of its wastewater treatment plant from Rules 203(c) and 402 of Chapter 3: Water Pollution, of the Board's Rules and Regulations regarding phosphorus until December 20, 1982, subject to the following conditions:

- a) This variance will earlier 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 on adoption by the Board.
- b) In the event that grant funds become available during the period of this variance, the Village shall incorporate in any design and specification adequate provision for the installation of equipment for the removal of phosphorus which will provide the best practicable treatment technology for the removal of phosphorus over the life of the works.

2. The Village of Arthur is granted a variance for the operation of its wastewater treatment plant from Rules 203(f) and 402 of Chapter 3: Water Pollution, of the Board's Rules and Regulations regarding ammonia nitrogen until December 31, 1978, subject to the following conditions:

- a) This variance will earlier terminate upon adoption by the Board of any modification of the existing ammonia nitrogen water quality standards and effluent limitations and the Village shall comply with such revised regulations on adoption by the Board.
- b) In the event that grant funds become available during the period of this variance, the Village shall incorporate in any design and specification adequate provision for the installation of equipment for the removal of ammonia nitrogen which will provide the best practicable treatment technology for the removal of ammonia nitrogen over the life of the works.
- c) During the period of this variance, the Village shall operate the Arthur wastewater treatment plant to achieve the minimum discharge of ammonia nitrogen consistent with the capabilities of the existing equipment and process.

3. Within forty-five (45) 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 forty-five day period herein shall not run during judicial review of this variance pursuant to Section 41 of the Environmental Protection Act. The form of said certification shall be as follows:

CERTIFICATION

I, (We), _____ having read the Order of the Pollution Control Board in PCB 77-266, 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 20th day of December, 1977 by a vote of 5-0.

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