## ILLINOIS POLLUTION CONTROL BOARD July 22, 1976

VILLAGE OF HUMBOLDT,	)		
Petitioner,	)		
v.	)	PCB	76-163
ENVIRONMENTAL PROTECTION AGENCY,	)		
Respondent.	)		

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

This matter comes before the Board on the petition of the Village of Humboldt filed May 25, 1976 seeking variance from Rules 203(c) and 402 of Chapter 3: Water Pollution Rules and Regulations as regards phosphorus. On June 23, 1976, the Agency filed a Recommendation in this matter; no hearing was held.

The Village of Humboldt is located in Coles County and has a population of 524 people. The Village presently has no sewage collection system or municipal sewage treatment facilities. Sewage treatment currently consists of individual septic tanks and tile fields. On September 26, 1975, the Village was offered a 75% funded Federal Step I grant for the preparation of a Facilities Plan. This Facilities Plan was submitted to the Agency on March 10, 1976 and the Village is awaiting Agency approval thereof.

The proposed treatment facilities are designed to receive an average flow of .065 MGD and consists of a three cell aerated lagoon with submerged sand filter and chlorination facilities. The discharge from the proposed facility will be tributary to Flat Branch Creek, a tributary of the Kaskaskia River which is tributary to the Shelbyville Reservoir. It is estimated that the Village's discharge will contribute considerably less than 1.0% of the total phosphorus load to the Shelbyville Reservoir.

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 Village's effluent not contribute to a violation of the Rule 203 (c) water quality standard. The phosphorus concentration in the Kaskaskia River as it enters the Shelbyville Reservoir presently exceeds .05 mg/l; therefore, the Village's effluent is water quality limited to the Rule 203(c) standard of .05 mg/l phosphorus. If the Village'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 Village first obtains a variance from the Board.

In order to meet the 203(c) standard, the Village would have to install phosphorus removal facilities estimated to cost \$130,000.00 with a yearly maintenance cost of \$6,200.00. Discharging the effluent into an adjacent watershed and land application were also considered, but these alternatives were estimated to cost even more than the phosphorus removal equipment.

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 phosphorus prior to discharge. As justification for this proposal the Agency submits that eutrophication studies by both the USEPA 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 nonpoint source 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 Village alleges that they will suffer an unreasonable hardship if the Board denies this variance request, a denial which would prevent the Village from utilizing State/Federal grant funds to assist in the construction of a much needed sewage treatment plant. Under almost identical circumstances in a series of cases, the Board has granted the relief which the Petitioner herein seeks. Village of Argenta v. EPA, PCB 75-182; Village of Cerro Gordo v. EPA, PCB 75-183; Village of Strasburg v. EPA, PCB 76-28; Village of Tower Hill v. EPA, PCB 76-101. The Board believes that this Village is also entitled to relief. The Board will require, however, that the Village design and construct the sewage treatment plant to allow for the possible future installation of appropriate phosphorus removal facilities.

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

## ORDER

The Village of Humboldt is granted a variance from the phosphorus limitations of Rules 203(c) and 402 of Chapter 3: Water Pollution Regulations until July 1, 1981, subject to the following conditions:

l. 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 of Humboldt 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, and
- 3. 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

understand and accept sai	having read on Control Board in PCB 76-163 d Order, realizing that such erms and conditions thereto
	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 , 1976 by a vote of 5.0

> Christan L. Moffett, Cleak Illinois Pollution Control Board