

ILLINOIS POLLUTION CONTROL BOARD
March 28, 1977

CASEYVILLE TOWNSHIP,)
)
 Petitioner,)
)
 v.) PCB 77-14
)
 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 January 13, 1977, by Caseyville Township seeking relief from Rules 203(c) and 402 of the Water Pollution Regulations as regards phosphorus. The Agency Recommendation was filed on March 10, 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 Hoopeston, PCB 76-234.

In this instance, Petitioner seeks relief so that the Agency can release grant funds for upgrading work that is planned as well as for work that has already been completed (Rec. 2, par. 4). Agency approval for Step II or III funding cannot be obtained unless the Township is granted this variance, or unless the Township provides the required phosphorus removal. The Township alleges that providing the required phosphorus removal would impose an arbitrary or unreasonable hardship on the Village.

Although the Agency does not specifically so state in this Recommendation, the Agency has on prior occasions stated that requiring phosphorus removal to the 0.05 mg/l level is not both technically feasible and economically reasonable. 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. The Township's facility is presently serving a population in excess of 1500 and if the regulation is adopted would be required to treat to a level of 1 mg/l phosphorus. The Township states that room will be reserved in the planned treatment facilities for the addition of phosphorus removal equipment, if required (Pet. 3).

As in the earlier cited cases, the Board finds here that the Township 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. If additional grant funds are made available, and if the Township remains subject to phosphorus treatment requirements, the Board will require that the Township 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.

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

ORDER

The Petitioner, Caseyville Township, is granted a variance for its West treatment plant from Rules 203(c) and 402 of Chapter 3: Water Pollution Control Regulations as regards phosphorus until March 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. If grant funds become available during the period of this variance, and if the Township remains subject to phosphorus treatment requirements, the Township 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 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 77-14,
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 28th day of March, 1977 by
a vote of 5-0.

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