

ILLINOIS POLLUTION CONTROL BOARD
July 20, 1978

GENERAL TELEPHONE COMPANY)
OF ILLINOIS,)
)
Petitioner,)
)
v.) PCB 78-165
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
Respondent.)

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

This matter comes before the Board on a Petition filed on June 5, 1978, by the General Telephone Company of Illinois (General) for a variance from Rules 203(c), 402 and 404(f), all of Chapter 3: Water Pollution, of the Board's Rules and Regulations, as those rules apply to phosphorus. The Environmental Protection Agency filed a Recommendation on July 6, 1978, which recommended that the variance be granted for a period of five years, subject to certain conditions. No hearing was held in this matter; General waived hearing in their Petition and on July 13, 1978, agreed to accept the conditions recommended by the Agency.

The treatment facility for which the variance is requested serves an office, warehouse and construction personnel reporting center located near Marion, Illinois, and is designed to serve 48 office and 78 transient construction personnel (Pet. p2). Petitioner alleges that design average flow, consisting entirely of domestic type wastes, is 0.0036 MGD (Pet. p2) and that the estimated daily discharge of phosphorus will be 0.06 pounds per day which is discharged to a ditch tributary to Little Crab Orchard Creek which empties into Crab Orchard Lake (Pet. p2, 4). The sewage treatment facility consists of dual septic tanks, dual septic tank effluent pumps, dual intermittent sand filters, chlorinator and chlorine contact basin, and dual effluent discharge/recirculation pumps (Pet. p3).

Because the concentration of phosphorus in Crab Orchard Lake exceeds the standard of Rule 203(c), the application of Rules 203(c) and 402 to the facility would establish a phosphorus effluent concentration limitation of 0.05 mg/l on the facility. General concludes that removal of phosphorus to a concentration of 0.05 mg/l is almost impossible (Pet. p3); the Agency believes that such removal is technically feasible but economically unreasonable (Rec. p3).

General states that the cost to comply with the existing regulations in this small facility would be extremely high, citing a capital cost of \$8,000.00 and annual operating costs of \$11,400.00, which they believe would constitute an arbitrary and unreasonable hardship in view of the insignificant contribution to Crab Orchard Lake (Pet. p3-4).

The Board is familiar with the problems facing dischargers in meeting the 0.05 mg/l phosphorus limitation. 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 a number of other cases, the Agency and the Board have recognized that it is not economically reasonable for the petitioners in those cases to comply with an effluent concentration limitation of 0.05 mg/l for phosphorus. In further recognition of this difficulty, the Agency has petitioned the Board in R76-1 for appropriate amendments to the phosphorus effluent limitations and water quality standards of Chapter 3. If the amendments proposed in R76-1 were adopted without change, General would not be required to provide equipment for phosphorus removal at this facility.

Based upon the foregoing, the Board will grant to General the same measure of relief during the pendency of R76-1 granted to other petitioners facing similar problems because of the application of Rules 203(c) and 402. The Board will dismiss the request for variance from Rule 404(f) as unnecessary since the grant of relief from Rule 203(c) would remove any phosphorus water quality violation from consideration for a Pfeffer exemption under Rule 404(f)(ii).

Pursuant to Rule 914, the Board will direct the Agency to modify the Petitioner's NPDES permit consistent with the Opinion and Order herein.

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

ORDER

1. General Telephone Company of Illinois is granted a variance for the operation of its Marion, Illinois, wastewater treatment plant from Rules 203(c) and 402 of Chapter 3: Water Pollution Rules and Regulations regarding phosphorus until July 20, 1983, subject to the following condition:

- 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 General shall comply with such revised regulations when adopted by the Board.

2. The Petition for Variance from the phosphorus requirement of Rule 404(f) of Chapter 3 is hereby dismissed.

3. Petitioner, within 30 days of the date of this Order, shall request Agency modification of the NPDES permit for this facility to incorporate all conditions of the variance set forth herein.

4. The Agency, pursuant to Rule 914 of Chapter 3, shall modify Petitioner's NPDES permit consistent with the conditions set forth in this Order.

5. 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 be stayed during judicial review of this variance pursuant to Section 31 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 78-165, 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 July, 1978 by a vote of 5-0.

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