

ILLINOIS POLLUTION CONTROL BOARD  
March 3, 1977

VILLAGE OF BROWNSTOWN, )  
)  
Petitioner, )  
)  
v. ) PCB 77-4  
)  
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 6, 1977, by the Village of Brownstown seeking relief from Rules 203(c), 402 and 404(f)(i) of the Water Pollution Regulations as regards phosphorus. The Agency Recommendation favorable to the grant of the variance was filed on February 7, 1977.

The Board has dealt with many similar 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 Hoopeton, PCB 76-234. The Village of Brownstown, with a population of 689, presently operates a sewage treatment facility consisting of an Imhoff tank and trickling filter. Because this system has proved to be inadequate, the Village proposes to construct, with the help of State/Federal funds, a new facility consisting of a three cell lagoon with a submerged sand filter. Because of the phosphorus water quality violation, Agency approval for either Step II or III funding cannot be obtained unless the Village provides the required phosphorus removal. The Village alleges that providing the required phosphorus removal would impose an arbitrary or unreasonable hardship on the Village.

As in many of the cited cases, the Agency again submits that requiring phosphorus removal to the 0.05 mg/l level is not both technically feasible and economically reasonable (Rec. p. 3, par. 10). 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 equivalents

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 689 population equivalent, the Village will not be required to provide any phosphorus removal if the regulation is adopted as proposed.

The Board is disposed to grant the relief requested. 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.

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

ORDER

The Village of Brownstown is granted a variance for the operation of its proposed sewage treatment plant from Rules 203(c), 402 and 404(f)(i) 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. 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 77-4, 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 3<sup>RD</sup> day of March, 1977 by a vote of 50.

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