

ILLINOIS POLLUTION CONTROL BOARD  
August 4, 1977

VILLAGE OF WAUCONDA,	)	
	)	
	)	
Petitioner,	)	
	)	
	)	
v.	)	PCB 77-125
	)	
ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Respondent.	)	

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

This matter comes before the Pollution Control Board (Board) upon the May 6, 1977 Petition of the Village of Wauconda (Wauconda) for a variance from Rules 203(c) and 402 of Chapter 3: Water Pollution. On May 12, 1977, the Board ordered Wauconda to file an Amended Petition stating whether it requested or waived the right to a hearing. Wauconda filed a "Waiver of Hearing" on May 27, 1977. The Illinois Environmental Protection Agency (Agency) filed its Agency Recommendation in support of granting the variance on June 29, 1977.

Wauconda owns and operates a sewage treatment plant located in Lake County, Illinois. Equipment at the plant includes a grit tank, primary and secondary settling tanks, trickling filters, chlorine contact tanks, sludge digesters and sludge drying beds. Treated sewage effluent is discharged into Banks Lake Drain Creek which flows into Slocum Lake, a part of the Fox River drainage basin. Wishing to upgrade its plant, Wauconda applied for and received a Step 1 facilities planning grant from the United States Environmental Protection Agency pursuant to Section 201(g) of the Federal Water Pollution Control Act Amendments of 1972. Planning has been completed, and Wauconda is awaiting Agency approval required for Step 2 (design) and Step 3 (construction) funding. However, the Agency has not granted approval due to the violation of the water quality standard for phosphorus in Slocum Lake. Granting of a variance from this standard would permit Agency approval and thus Federal funding for construction.

Under Section 35 of the Illinois Environmental Protection Act, a variance is to be granted where compliance with a rule or regulation of the Board would impose an arbitrary or unreasonable hardship. Such hardship exists here. The Agency has stated here, as on many prior occasions, that requiring municipal sewage treatment plants to achieve phosphorus removal to the level required by Rule 203(c) is not economically feasible. This has resulted in the grant of many variances from Rule 203(c). 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 Hoopston, PCB 76-234; Urbana and Champaign Sanitary District, PCB 76-295; Village of Fillmore, PCB 76-321; City of Leroy, PCB 77-58; City of Farmer City, PCB 77-71. Consistent with this, the Agency has filed a Petition for Regulatory Change which would change the 0.05 mg/l standard of Rule 203(c) for certain sewage treatment works.

Granting a variance here would have an adverse impact on the environment, as the phosphorus effluent now enters and will continue to enter Slocum Lake which is suffering from a heavy phosphorus load and the Fox River. However, a variance grant will generate funds which will enable Wauconda to construct and install permanent phosphorus controls, which in turn will have an important beneficial reduction of phosphorus load to Slocum Lake. Phosphorus loadings will drop from 9,730 kg/yr. to 6,238 kg/yr. for a reduction of 35.9%. In light of these facts, the Board finds that the benefits of granting a variance outweigh the present harm to the environment.

The Board grants a variance from Rule 203(c) and Rule 402 until January 1, 1981, subject to the following conditions. First, the variance will terminate upon adoption by the Board of any modification of the existing phosphorus water quality standards or effluent limitations. Second, Wauconda shall install permanent phosphorus removal equipment capable of reducing its effluent concentration of phosphorus to 1 mg/l or lower. Finally, until permanent controls are operational, Wauconda shall install interim phosphorus controls, since it is in the Fox River Basin and subject to Rule 407(b). These conditions enable Wauconda to carry on with its upgrading program while minimizing harm to the environment.

This Opinion and Order constitute the findings of fact and conclusion of law of the Board in this matter.

#### ORDER

The Village of Wauconda is granted a variance for its sewage treatment plant from Rules 203(c) and 402 of Chapter 3: Water Pollution until January 1, 1981, 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 or effluent limitations and Wauconda shall comply with such revised regulations when adopted by the Board, or shall obtain a variance therefrom.
  
2. Wauconda shall install permanent phosphorus removal equipment at the sewage treatment plant capable of reducing its phosphorus effluent concentrations to 1 mg/l or lower.
  
3. Wauconda shall install and utilize interim phosphorus controls at the sewage treatment plant until permanent phosphorus controls are operational.
  
4. That Petitioner shall within thirty-five (35) days after the date of the Board Order herein, execute and forward to the Illinois Environmental Protection Agency, Variance Section, Manager, Division of Water Pollution Control, 2200 Churchill Road, Springfield, Illinois, 62706, and the Illinois Pollution Control Board, a Certificate of Acceptance and Agreement to be bound by all terms and conditions of the variance. The form of said Certification shall be as follows:

CERTIFICATION

I, (We) \_\_\_\_\_ having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 77-125, hereby accept said Order and agree to be bound by all of the terms and conditions thereof.

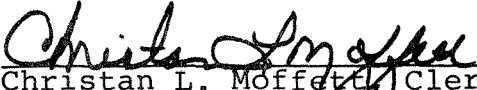
SIGNED \_\_\_\_\_

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 4<sup>th</sup> day of August, by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board