

ILLINOIS POLLUTION CONTROL BOARD  
January 6, 1977

|                                  |   |            |
|----------------------------------|---|------------|
| CITY OF SULLIVAN,                | ) |            |
|                                  | ) |            |
| Petitioner,                      | ) |            |
|                                  | ) |            |
| v.                               | ) | PCB 76-300 |
|                                  | ) |            |
| 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 November 15, 1976, by the City of Sullivan seeking relief from Rules 203(c), 402, 404(f)(ii)(A) and 404(f)(ii)(D) of the Water Pollution Regulations as regards phosphorus. The Agency Recommendation favorable to the grant of the variance was filed on December 21, 1976.

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. The City is attempting to upgrade its existing sewage treatment plant with the help of State/Federal funds, but Agency approval of Step II and III grant awards cannot be made due to the phosphorus water quality violation to which the City contributes. The City is further seeking this variance so that it can receive, if otherwise qualified, a Pfeffer exemption under Rule 404(f)(ii) thus enabling the City to qualify for less stringent effluent limitations.

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 untreated waste loads of 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. The City'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 Board is disposed to grant the relief requested. As in the earlier cited cases, the Board finds here the City 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 City of Sullivan is granted a variance for the operation of its sewage treatment plant from Rules 203(c), 402, 404(f)(ii) (A) and 404(f)(ii)(D) of Chapter 3: Water Pollution Regulations as regards phosphorus until January 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 City of Sullivan shall comply with such revised regulations when adopted by the Board.
2. If grant funds become available during the period of this variance, the City 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 City of Sullivan 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 76-300, understand and accept said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

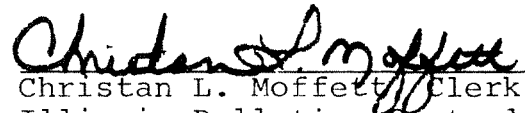
\_\_\_\_\_  
SIGNED

\_\_\_\_\_  
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 6<sup>th</sup> day of January, 1977 by a vote of 4-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board