

ILLINOIS POLLUTION CONTROL BOARD
January 6, 1977

McLEAN COUNTY UNIT DISTRICT #5,)	
)	
Petitioner,)	
)	
v.)	PCB 76-271
)	
ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	

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

This matter comes before the Board on the variance petition filed October 29, 1976, by McLean County Unit District #5 seeking relief from Rules 203(c), 402, 404(f)(ii)(A) and 404(f)(ii)(D) of the Water Pollution Regulations as regards phosphorus. An Agency Recommendation favorable to the grant of the variance was filed on December 15, 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 School District seeks this variance so that it can receive, if otherwise qualified, a Pfeffer exemption under Rule 404(f)(ii), thus enabling the District to qualify for less stringent effluent limitations. The plant has an average flow of only 1,200 gallons per day.

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. The Agency has also 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. Because the District's waste load falls far below 1500 population equivalents, the District will not be required to provide phosphorus removal if the regulation is adopted.

The Board is disposed to grant the relief requested. As in the earlier cited cases, the Board finds here that the School District 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 McLean County Unit District #5 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 District shall comply with such revised regulations when adopted by the Board.

2. Within 35 days of the date of this Order, the District 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 76-271, 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 6th day of January, 1977 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board