

ILLINOIS POLLUTION CONTROL BOARD  
August 4, 1977

CITY OF SHELBYVILLE, )  
 )  
 ) Petitioner, )  
 )  
 )  
 ) v. ) PCB 77-150  
 )  
 )  
 ) ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 ) Respondent. )

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

This matter comes before the Pollution Control Board (Board) upon the June 6, 1977 Petition of the City of Shelbyville (Shelbyville) for a variance from Rules 203(c) and 402 of Chapter 3: Water Pollution. A hearing on this matter was waived, and the Environmental Protection Agency (Agency) filed its Agency Recommendation on July 5, 1977.

The City of Shelbyville owns and operates a system of combined and sanitary sewers and a wastewater treatment plant (WWTP) located in Shelby County, Illinois. Equipment at the WWTP includes primary and secondary trickling filters with chlorination, a grit tank, a sludge digester and sludge drying beds. Effluent from the WWTP flows into an unnamed tributary of Robinson Creek and from there into the Kaskaskia River below Shelby Dam. Shelbyville has applied for and received a Step 1 Federal grant for upgrading its present facilities. Agency approval for Step 2 and Step 3 funding was withheld because of a violation of the phosphorus water quality standard. Granting of a variance from Rule 203(c) and Rule 402 as regards phosphorus will permit Agency approval for additional Federal funding.

The Agency submits that requiring phosphorus removal to the 0.05 mg/l is economically unreasonable. The cost of chemical treatment to achieve removal to 1.0 mg/l at the Shelbyville WWTP would be \$40,000-\$50,000 per year. The Agency has filed a Petition for Regulator Change which would change the required level of phosphorus removal at treatment plants such as Shelbyville's. Thus an arbitrary and unreasonable hardship has been shown here. The Board has repeatedly

granted variances from the phosphorus water quality standard because of excessive costs of removal. 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; City of Arcola, PCB 76-280; Caseyville Township, PCB 77-14; City of Gibson City, PCB 77-96; Village of Stewardson, PCB 77-104; Village of Kansas, PCB 77-109; Village of Herrick, PCB 77-110; Southern Illinois University (Edwardsville), PCB 77-111.

The environmental impact of granting this variance is slight, as the contribution by Shelbyville's WWTP to the total phosphorus load to the Kaskaskia River is 1.4% at 1.0 mg/l. Since granting a variance here will permit additional Federal funding necessary for upgrading the WWTP, the Board finds that the benefits derived from the grant of a variance outweigh any harm to the environment.

The Board grants a variance from Rules 203(c) and 402 of Chapter 3: Water Pollution until June 1, 1982 subject to the condition that this variance will terminate upon adoption by the Board of any modification in the existing phosphorus water quality standards or effluent limitations.

This Opinion and Order constitutes the findings of fact and conclusions of law of the Board.

#### ORDER

The City of Shelbyville is granted a variance from Rule 203(c) and Rule 402 (as regards phosphorus) of Chapter 3: Water Pollution until June 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 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

, (We), \_\_\_\_\_ having read  
the Order of the Pollution Control Board in PCB 77-150, 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 4<sup>th</sup> day of August, 1977 by a vote of 5-0.

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