

The City alleges that this is no feasible method of attaining the phosphorus standard for its discharge. Furthermore, while the City did consider pumping the effluent into an adjacent watershed as well as land application, these alternatives were considered undesirable for economic reasons.

Based upon the USEPA National Eutrophication Survey Report, the annual total phosphorus loading to Lake Charleston is 171,853 pounds. Assuming 10 mg/l phosphorus and an average flow rate of .185 MGD, the phosphorus loading from the City's facility would be approximately 16 pounds per day, which represents 3% of the total.

On January 5, 1976, the Agency filed a Petition for Regulatory Change (R76-1) with the Board which would amend the Regulations by requiring only point sources who have 1500 or more population equivalent to treat wastewater to a level not to exceed 1 mg/l prior to discharge. As justification for this proposal the Agency submits that eutrophication studies by both the United States Environmental Protection Agency and the Illinois State Water Survey show that the contribution of point source dischargers to the total phosphorus problem of lakes and reservoirs is small compared to the non-point contribution. The Agency submits that non-point sources, such as run-off waters from farm lands fertilized with phosphate base fertilizers, account for the overwhelming majority of the phosphorus loading of most lakes and reservoirs.

The denial of this variance would prevent the City from utilizing State/Federal grant funds to assist in the construction of a much needed sewage treatment plant. Balancing this hardship with the small contribution the City's discharge will make to the Lake Charleston phosphorus problem leads the Board to believe that the City is entitled to relief. The Board will require, however, that the City design and construct the sewage treatment plant to allow for the possible future installation of appropriate removal facilities. Because the City has applied for a lagoon exemption pursuant to Rule 404(c)(iii), the Board will also grant a variance from Rule 404(c)(iii)(D) as that Rule applies to phosphorus and will dismiss the request for variance from Rule 404(f).

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

ORDER

The City of Oakland is granted a variance for the operation of its proposed sewage treatment plant from Rules 203(c), 402 and 404(c)(iii)(D) of Chapter 3: Water Pollution Regulations as regards phosphorus until September 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 and effluent limitations and the City of Oakland shall comply with such revised regulations when adopted by the Board.

2. The sewage treatment plant shall be designed and constructed to allow for the possible future installation of appropriate phosphorus removal facilities.

3. That portion of the Petition requesting relief from Rule 404(f) is dismissed.

4. Within 35 days of the date of this Order, the City of Oakland 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 76-182, 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 12th day of August, 1976 by a vote of 5-0.

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