

The Agency states in their Recommendation at page 3 that phosphorus from the Raymond STP amounts to approximately 5.5% of the total phosphorus entering Lake Lou Yaeger, and further maintains that complete elimination from the Raymond plant effluent would not significantly change the phosphorus concentration in the lake. At present, Petitioner has no realistic plan for providing phosphorus removal equipment to comply with the regulatory limit except it has studied the construction and operating costs for meeting an interim 1.0 mg/l level for phosphorus. In either instance, Petitioner submits that the costs of compliance would impose an arbitrary and unreasonable hardship upon the Village of Raymond (Pet. p4, 5).

The Board is familiar with these conditions and has regularly granted similar relief in the past. City of Hoopston, PCB 76-234, 24 PCB 441; Southern Illinois University at Edwardsville, PCB 77-111, 25 PCB 775; Valley Water Company, Inc., PCB 77-146, 25 PCB 289.

In those and other cases, the Agency and the Board have recognized that it is economically impractical for the petitioners to comply with the current phosphorus limitation of Chapter 3. In addition, the Agency has petitioned the Board in regulatory proposal R76-1 for appropriate amendments to the Water Pollution Regulations which would modify the existing phosphorus effluent and water quality standards.

The Board finds that Petitioner would suffer an arbitrary and unreasonable hardship if required to meet the existing 0.05 mg/l standard. Petitioner will be granted a variance from Rule 203(c) and 402 for five years or until the Board adopts a regulation change under R76-1, whichever occurs first, subject to the conditions of the Order.

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

ORDER

1. The Village of Raymond is granted a variance for the operation of its sewage treatment plant from Rules 203(c) and 402 of Chapter 3: Water Pollution, of the Board's Rules and Regulations regarding phosphorus until December 20, 1982, subject to the following condition:

- a) This variance will earlier terminate upon adoption by the Board of any modification of the existing phosphorus water quality standards and effluent limitations and the Village shall comply with such revised regulations on adoption by the Board.

- b) In the event that grant funds become available during the period of this variance, the Village shall incorporate in any design and specification adequate provision for the installation of equipment for the removal of phosphorus which will provide the best practicable treatment technology for the removal of phosphorus over the life of the works.

2. Within forty-five (45) 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 forty-five day period herein shall not run during judicial review of this variance pursuant to Section 31 of the Environmental Protection Act. The form of said certification shall be as follows:

CERTIFICATION

I, (We), _____ having read the Order of the Pollution Control Board in PCB 77-226, 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 20th day of December, 1977 by a vote of 5-0.

Christan L. Moffett (pk)
Christan L. Moffett, Clerk
Illinois Pollution Control Board