

where the downstream ammonia nitrogen standards will continue to be in violation, the Village would be required to meet the water quality standards as an effluent limitation unless the Village is granted a variance from Rule 402 in addition to Rule 203(f) (ammonia nitrogen) of Chapter 3.

In a number of cases involving the ammonia nitrogen requirement, the Board has granted a variance provided that petitioner agree to comply with the proposed ammonia nitrogen regulatory changes adopted by the Board in R77-6. City of Canton, PCB 77-234 (November 23, 1977); Village of Arthur, PCB 77-266 (December 20, 1977). On March 30, 1978, the Board proposed to adopt a new Rule 402.1 as an exception to Rule 402 of Chapter 3 to establish an interim ammonia nitrogen effluent limitation for dischargers to streams of this State. On April 14, 1978, this proposed final regulation was submitted to the Secretary of State's Office for a 45-day publication and comment period ending May 29, 1978. Without a variance from Rules 203(f) (ammonia nitrogen) and 402, Petitioner's present discharge would be required to meet 1.5 mg/l ammonia nitrogen effluent limitation in the summer and 4.0 mg/l winter limitation provided that Petitioner does not cause or contribute to a breach of the ammonia nitrogen water quality standard.

In view of the foregoing, the Board will grant a variance to the Village of Cerro Gordo from Rule 203(f) as it applies to ammonia nitrogen and from Rule 402 for five years, subject to certain conditions set out in the Order.

The Board will direct the Agency to modify Petitioner's NPDES Permit IL 0052850 consistent with this Order pursuant to Rule 914 of Chapter 3 to include interim effluent limitations as may reasonably be achieved through application of best practicable operation and maintenance practices in the existing facilities.

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

ORDER

1. The Village of Cerro Gordo is granted a variance for its sewage treatment facility from Rules 203(f) and 402 of Chapter 3: Water Pollution of the Board's Rules and Regulations regarding ammonia nitrogen until June 8, 1983, subject to the following conditions:

- a) This variance will earlier terminate upon adoption by the Board of any modification of the existing ammonia nitrogen 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 ammonia nitrogen which will provide the best practicable treatment technology for the removal of ammonia nitrogen over the life of the works.
- c) During the period of this variance, the Village shall operate its sewage treatment facility to achieve the minimum discharge of ammonia nitrogen consistent with the capabilities of the existing equipment and process.

2. Petitioner, within 30 days of the date of this Order, shall request Agency modification of NPDES Permit IL 0052850 to incorporate all conditions of the variance set forth herein.

3. The Agency, pursuant to Rule 914 of Chapter 3, shall modify NPDES Permit IL 0052850 consistent with the conditions set forth in this Order including such interim effluent limitations as may reasonably be achieved through the application of best practicable operation and maintenance practices in the existing facilities.

4. 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 be suspended in the event of judicial review of this variance pursuant to Section 41 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 78-59,
understand and accept said Order, realizing that such
acceptance renders all terms and conditions thereto
binding and enforceable.

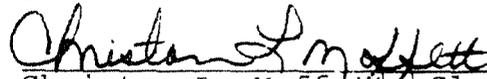
SIGNED

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 8th day of June, 1978 by a vote
of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board