

ILLINOIS POLLUTION CONTROL BOARD
August 18, 1977

VALLEY WATER COMPANY, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 77-146
)	
ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	

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

This matter comes before the Board on a variance petition filed June 1, 1977, by the Valley Water Company, Inc. (Valley) seeking relief from Rule 203(c) of the Water Pollution Regulations. Valley submitted additional information on June 23, 1977, in response to an Order of the Board entered on June 9, 1977. The Recommendation of the Environmental Protection Agency was filed on July 29, 1977. No objection to the grant of the requested variance was filed with the Board. No hearing was held; Petitioner waived hearing pursuant to Rule 401(b) of the Procedural Rules.

Valley operates a treatment plant and collection system servicing 15 customers in a small subdivision known as River Grange Subdivision located on Route 31 approximately 5 miles north of St. Charles in Kane County, Illinois.

The treatment plant effluent discharges to a man-made pond which overflows to an unnamed intermittent stream tributary to the Fox River. Since the plant discharges to the pond, it is subject to the limitation of Rule 203(c) which provides that phosphorus as P shall not exceed 0.05 mg/l in any reservoir or lake, or in any stream at the point where the stream enters any reservoir or lake. As the Agency comments in the Recommendation (R. p. 3), Valley is not subject to Rule 407(b) because the waste load connected is far less than the 1500 P.E. requirement which invokes the 1.0 mg/l effluent limitation on sources discharging within the Fox River Basin.

Average flow, from data contained in Valley's discharge monitoring reports, is approximately .005 MGD; average monthly concentration of phosphorus for the months of April and May, 1977, is reported at 1.4 mg/l and 1.2 mg/l respectively.

27-188
26-353
27-253

Valley holds a valid NPDES Permit (IL 0034732); Valley states that the plant is not consistently meeting the permit requirements for BOD and suspended solids and Valley currently is in the process of expanding and modernizing the plant to include tertiary treatment. Plans and specifications are in preparation for submission to the Agency for permit. Capacity of the plant will be expanded to serve a projected 130 single family dwelling units because the present nominal operation is uneconomical. Valley has requested inclusion in the comprehensive wastewater plan for the Valley View Service Area and have committed to discharge into the Valley View system when such regional service is made available.

The Agency recommends that the variance be granted, conditioned to require that Valley pipe the effluent from the treatment works through or around the pond rather than continue direct discharge to the pond (Rec. p. 1, p. 5). Valley states (Pet. p. 2) that bypassing the pond is feasible, contingent on the necessary easements. In view of the limited discharge from the present plant, the Board will not require bypassing of the pond as a condition of this variance. The Agency may properly require the pond to be bypassed at the time permits are issued for the expansion of the plant if the bypass is necessary to meet the standards and limitations of the Water Pollution Regulations.

Valley alleges that it is neither economically practical or feasible to reduce the concentration of phosphorus as P to the 0.05 mg/l limitation imposed by operation of Rule 203(c).

The Board is familiar with the situation which confronts Valley and has regularly granted similar relief in many prior cases. 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. In those and other cases the Agency and the Board have recognized that it is economically impractical for such petitioners to comply with the limitation imposed by Rule 203(c). Additionally, the Agency has petitioned (R76-1) the Board for appropriate amendments to the Water Pollution Regulations which would modify the existing phosphorus effluent and water quality standards.

The Board is disposed to grant the relief requested. As in the cases cited herein, the Board finds that Valley would suffer an arbitrary or unreasonable hardship if required to meet the existing 0.05 mg/l standard.

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

ORDER

Valley Water Company, Inc. is granted a variance for the operation of its sewage treatment plant from Rule 203(c) of Chapter 3: Water Pollution Regulations of the Board until September 1, 1978, 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 Valley Water Company, Inc. 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

I, (We), _____ having read the Order of the Pollution Control Board in PCB 77-146, 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 18th day of August, 1977 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board