June 29, 1984

VILLAGE	OF	GERMAN	VALLEY,)		
			Petitioner,)		
	v.)	PCB	84-27
ILLINOI: PROTECT)		
			Respondent.)		

OPINION AND ORDER OF THE BOARD (by J. Marlin):

This matter comes before the Board upon a petition for variance filed by the Village of German Valley (Village) on February 29, 1984. The petition requests variance from 35 Ill. Adm. Code 312.101 for a period of one year to allow a Class 3 certified operator to operate the Village's wastewater treatment plant (WWTP) which requires a Class 2 operator. Hearing was waived and none was held. The Illinois Environmental Protection Agency (Agency) filed its recommendation on May 17, 1984 that the variance be granted for a period of one year, subject to one condition. The prior variance expired on August 19, 1983.

The Village owns and operates a WWTP which serves approximately 320 people and consists of a lift station, bar screen, comminuter, contact stabilization activated sludge, disinfection, polishing pond and sludge lagoon. Design average flow is 0.04 MGD. Discharge is to the Northeast Branch of Mud Creek, a tributary of Leaf Creek and the Rock River, pursuant to NPDES Permit No. IL0024821.

This variance is requested to allow the present operator, Mr. Ross, to continue operating the WWTP until such time as he can obtain Class 2 certification. Mr. Ross had no experience in WWTP operation prior to being hired by the Village in December, 1979. As of May 1, 1984 he needed 11 months additional experience to qualify for the Class 2 examination. He has already completed the necessary course work.

The prior variance was granted for only one rather than three years because of the lack of experience of Mr. Ross in the wastewater treatment area. The WWTP's operating record during the prior variance period has been good. The deficiencies during the prior variance period appear to have been corrected except for the freezing up of the treatment units during extremely cold weather. As with the prior variance proceeding,

to retain a properly certified operator remains at \$240/week with no offsetting environmental benefit.

The Agency would like the variance to be granted until May 1, 1985 or until Mr. Ross is certified as a Class 2 operator, whichever occurs first, all subject to the following condition: that the Village construct and install wooden covers for its treatment units or replace its surface aerators with subsurface diffused aerators on or before December 1, 1984.

Given the satisfactory performance by Mr. Ross and the Village's WWTP, the cost savings to the Village and the minimal environmental benefit of employing a Class 2 operator immediately, the Board concludes that denial of the variance would impose an arbitrary or unreasonable hardship. Therefore, the Board grants the Village of German Valley an extension of the prior variance until May 1, 1985 or until Mr. Ross is certified as a Class 2 operator, whichever occurs first, subject to the conditions of this Order.

In the prior proceeding a general condition was inserted:

[t]he Village shall operate its WWTP under the best practicable operation and maintenance practices, including, but not limited to, proper testing procedures for BOD, minimization of water freeze-up, recording facility operating data, performing composite sampling, and maintaining lagoon berms.

In the prior proceeding this condition was reasonably related to the variance request from the operator certification rules because the enumerated factors were part of the duties of the operator.

In the present proceeding, the condition that the Agency requests the Board to impose involves WWTP capital improvements which would be more properly addressed in a different proceeding. The Board will not include subsurface aerators or wooden covers as a condition. It strongly suggests, however, that one or the other be employed. The improvement(s) would lessen or eliminate freeze-ups of the treatment units and thereby improve effluent quality.

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

ORDER

The Village of German Valley is hereby granted variance from 35 <u>Ill. Adm. Code</u> 312.101 until May 1, 1985 or until Mr. Ross is certified as a Class 2 operator, whichever occurs first, subject to the following conditions:

- 1. The Village shall operate its WWTP under the best practicable operation and maintenance practices, including, but not limited to, minimization of water freeze-ups.
- 2. Within forty-five days of the date of this Order, the Village shall execute and forward to the Illinois Environmental Protection Agency, Air Pollution Control Division, 2200 Churchill Road, Springfield, Illinois 62706, a Certificate of Acceptance and Agreement to be bound to all terms and conditions of this variance. This forty-five day period shall be held in abeyance for any period this matter is being appealed. The form of the certificate shall be as follows:

CERTIFICATE

I, (We), the Order of the Illinois Pollution dated, understand and thereto binding and enforceable.			84-27
Petitioner			
By: Authorized Agent			
Title			
Date			
IT IS SO ORDERED.			
I, Dorothy M. Gunn, Clerk of to Control Board, hereby certify that was adopted on the 292 day of of 5-0.	ve Opin	ion and	Order

Dorothy M. Gunn, Clerk

Illinois Pollution Control Board