

ILLINOIS POLLUTION CONTROL BOARD  
March 21, 1984

SANITARY DISTRICT OF BEARDSTOWN, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 83-225  
 )  
 ILLINOIS ENVIRONMENTAL PROTECTION )  
 AGENCY, )  
 )  
 Respondent. )

ORDER OF THE BOARD (by W. J. Nega):

On March 12, 1984, the Illinois Environmental Protection Agency (Agency) filed a Motion for Reconsideration which requested that the Board modify its Order of February 22, 1984 in PCB 83-225 to a denial of the variance. The Petitioner filed its response to the Agency's motion on March 19, 1984.

The Agency's motion for reconsideration is hereby granted. However, upon reconsideration, the Board affirms its prior Order of February 22, 1984 granting variance from 35 Ill. Adm. Code 312.101 which allows the employment of the current Class 2 operator for the Petitioner's wastewater treatment plant in the City of Beardstown, Cass County, Illinois.

Based on the Agency's own admission, the Petitioner's wastewater treatment plant is well-run. In reference to the chief Class 2 operator at the plant, the Agency has concluded that "Mr. Bell operates the treatment facility well and maintains it in good working order...Mr. Bell is a good operator and the plant is well-run." (Rec. 4-5; see: p. 4 of the Opinion of February 22, 1984 in PCB 83-225). Moreover, the Agency has stated that "the Agency does not think that granting a variance would have an adverse effect on the quality of treatment provided...discharge monitoring reports for 1982 and 1983 report no BOD or TSS violations". (Rec. 4; see: p.4 of the Opinion of February 22, 1984 in PCB 83-225).

The Board notes that various conditions set forth in its February 22, 1984 Order help insure that compliance is readily attained. Condition 1 states that the variance shall expire on August 22, 1984; Condition 3 mandates that both of the current Class 2 operator(s) take the Class 1 exams promptly; and Condition 4 requires that the Petitioner have a Class 1 operator by August 22, 1984.

Thus, the facts and conditions of this case indicate that: (1) the treatment plant is well-run; (2) there is no environmental danger; (3) the variance is for a relatively short 6-month time period; (4) both Class 2 operators are required to upgrade their classifications in an expeditious fashion; and (5) a Class 1 operator will be supervising the plant in the very near future.

Accordingly, the Board continues to believe that a denial of the variance would impose an arbitrary or unreasonable hardship upon the Petitioner.

The Board's Order of February 22, 1984 in PCB 83-225 is hereby affirmed.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 21<sup>st</sup> day of March, 1984 by a vote of 6-0.

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