

ILLINOIS POLLUTION CONTROL BOARD  
July 14, 1983

VILLAGE OF LAKE VILLA, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 83-67  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

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

This matter comes before the Board upon a May 16, 1983 petition for variance from 35 Ill. Adm. Code 312.102 filed by the Village of Lake Villa (Village) to allow its wastewater treatment plant (WWTP) to be operated by a certified Class 3 operator for a period of 2 years or until its present operator obtains the requisite Class 2 certification, whichever occurs first. The Illinois Environmental Protection Agency (Agency) filed a Recommendation on June 17, 1983 which recommended that variance be granted. No hearing has been held in this matter.

The Village owns and operates a WWTP in Lake County, Illinois which has a current population load of about 1,500 people. This WWTP is designed to serve a population equivalent of 2,500 with an average daily flow of 0.3 million gallons per day (MGD). However, due to inflow and infiltration, actual reported flows from the WWTP often exceed 0.3 MGD as a monthly average. For example, the annual average flow for the period of April, 1982 through March, 1983 was 0.311 MGD. (Rec.2).

The WWTP includes a comminutor and bar screen; raw sewage pumps; a package-type activated sludge unit with contact aeration chamber; a chlorine contact tank; mechanically cleaned secondary clarifier; aerobic digestion chamber; sludge drying beds; an emergency electrical power generator and engine unit; and a main control building with laboratory, chlorination equipment, chemical feeders for phosphorus precipitation, aeration blowers, and flow meter. (Pet. 1-2). After waste activated sludge is aerobically digested and dried on the sludge drying beds, two oxidation ponds act as excess flow facilities. After flows recede, recent changes

now allow wastewater from the oxidation ponds to be taken back through the WWTP for complete treatment. Effluent from the WWTP is first discharged to Eagle Creek (a tributary of Long Lake which is tributary to Squaw Creek) and then eventually discharged to the Fox River pursuant to NPDES Permit No. IL 0021342. (Rec. 2-3).

During wet weather and heavy rains, inflow and infiltration in the Village's sewer system sometimes results in bypassing of the sanitary sewer system. The most prevalent point of bypassing is from the Village's Lift Station #1 to a nearby storm sewer in order to relieve manhole overflows and basement backups. The Village's current WWTP operator regularly reports any such bypasses to the Agency. (Rec. 2).

On April 26, 1978, the Village received a Step 2/3 State of Illinois grant, pursuant to the Anti-Pollution Bond Act of 1970, from the Agency's Water Pollution Control Division (Grant Project No. C171571) for the design and construction of a new sanitary interceptor relief sewer and sanitary sewer system rehabilitation to eliminate excessive infiltration and inflow. This Illinois grant project was completed on September 8, 1982. (Pet. 2-3). However, in accordance with the special grant conditions for this project, the final Illinois grant payment (approximately \$32,000.00) will not be released by the Agency until the Petitioner has a certified Class 2 wastewater treatment plant operator. (Pet. 2-3; Rec. 4).

Under the Agency's April 1, 1980 procedures for the certification of wastewater treatment plant operators, the Village's WWTP was classified as a Group C facility which required a certified Class 3 operator. However, under the revised Agency procedures which became effective on January 27, 1982, the Village's WWTP is classified as a Group 2 facility which requires a certified Class 2 operator. (Pet. 2; Rec. 2). The Village's WWTP is presently being operated by Mr. Keith Peterson, a certified Class 3 operator. Mr. Peterson was first employed by the Village on July 25, 1979 as an assistant to Mr. Robert Martz, the plant operator. When Mr. Martz resigned on September 1, 1980, Mr. Peterson took over as plant operator. On March 2, 1982, Mr. Peterson received his Class 4 certification and on July 6, 1982 he received his Class 3 Certificate of Technical Competency. However, as of June 1, 1983, Mr. Peterson lacked the requisite 18 months additional experience to qualify to write the Class 2 examination. (Rec. 2-3). The Agency has noted that "relying strictly on actual operating experience, Mr. Peterson would not qualify to write the Class 2 examination until December, 1984." (Rec. 3). Nevertheless, the Agency indicates that Mr. Peterson could take college and/or wastewater treatment classes which would "shorten this period of time." (Rec. 3).

The Agency has stated that discharge monitoring reports and analyses of grab samples taken since Mr. Peterson became plant operator indicate that the Village's WWTP has been in substantial compliance with the effluent limitations set forth in its NPDES Permit. (Rec. 3-4). Moreover, the Agency believes that Mr. Peterson is a "competent operator able to provide proper operation and maintenance of Petitioner's WWTP" during the 18 month period until he qualifies for the necessary Class 2 operator's test. (Rec. 4).

The Agency believes that if the Village employs a Class 2 operator, either in place of, or in addition to, Mr. Peterson, it would: (1) not result in any significant benefit to the environment; (2) unnecessarily cost the Village approximately \$12,000.00; and (3) not result in the immediate release of the final grant payment (since a final grant audit must first be completed). (Rec. 4-5). Accordingly, the Agency has recommended that the Board grant the Petitioner's requested variance, subject to specified conditions.

Based upon these facts, the Board finds that denial of the requested variance would cause an arbitrary or unreasonable hardship upon the Petitioner and concludes that variance should be granted subject to the conditions recommended by the Agency, which were not objected to by the Petitioner.

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

#### ORDER

The Village of Lake Villa is hereby granted a variance from the wastewater treatment plant operator certification requirements of 35 Ill. Adm. Code 312.102 subject to the following conditions:

1. This variance shall expire on January 1, 1985 or upon Mr. Peterson terminating his employment at Petitioner's WWTP or upon Mr. Peterson becoming properly certified, whichever occurs first.
2. If Mr. Peterson terminates his employment at Petitioner's WWTP prior to January 1, 1985, Petitioner shall, within 3 months of such date, employ the services of a properly certified operator.
3. Petitioner shall insure that it obtains the best possible operation and maintenance for its WWTP during the term of this variance.

- 4. Within 45 days of the date of this Order, the Village of Lake Villa shall execute a Certification of Acceptance and Agreement to be bound to all terms and conditions of the variance. Said Certification shall be submitted to the Agency at 2200 Churchill Road, Springfield, Illinois 62706. The 45-day period shall be held in abeyance during any period that this matter is being appealed. The form of said Certification shall be as follows:

CERTIFICATION

I, (We) \_\_\_\_\_, hereby accepts and agrees to be bound by all terms and conditions of the Order of the Pollution Control Board in PCB 83-67, dated July 14, 1983.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
Authorized Agent

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

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 14<sup>th</sup> day of July, 1983 by a vote of 4-0.

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