

ILLINOIS POLLUTION CONTROL BOARD
March 4, 1982

CITY OF MT. CARMEL,)
)
 Petitioner,)
)
 v.) PCB 81-198
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by D. Anderson):

This matter comes before the Board upon a petition for variance filed December 16, 1981 by the City of Mt. Carmel (Mt. Carmel). The petition requests a variance from the operator certification requirements of Rule 1201, 1202 and 1203 of Chapter 3: Water Pollution (§312.101 et seq.). On January 18, 1982 the Illinois Environmental Protection Agency (Agency) recommended that the variance be granted with conditions. No hearing was held and the Board has received no public comments.

Mt. Carmel operates a municipal wastewater treatment plant in Wabash County. The plant serves 8,600 people and discharges to the Wabash River pursuant to NPDES Permit No. IL 0030023.

The permit contains limitations of 20 mg/l for 5-day biochemical oxygen demand and 25 mg/l total suspended solids, based on 30-day averages. The Agency's records indicate consistent operation which is well within these limitations. Agency inspections indicate that the facility is well maintained and efficiently operated.

The plant is a Group A facility requiring supervision of a certified Class 1 operator. It is presently supervised by Mr. Earl Renner, a certified Class 2 operator who lacks two of the four courses required to take the Class 1 examination. Upon adoption of proposed Agency criteria Mr. Renner would immediately qualify to take the examination (Illinois Register, October 30, 1981).

The Board finds that it would impose arbitrary or unreasonable hardship to require Mt. Carmel to immediately hire a

Class 1 operator. The variance from Rule 1201 will be granted with conditions similar to those recommended by the Agency. Because of the excellent operating record, the Board will allow more time for compliance.

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

ORDER

Petitioner, the City of Mt. Carmel, is granted a variance from Rule 1201 of Chapter 3: Water Pollution, codified as §312.101, subject to the following conditions:

1. This variance will expire one year from the date of this Order or upon termination of employment of Mr. Earl Renner, whichever comes first.
2. The requested variances from Rules 1202 and 1203 are denied as unnecessary.
3. The present operator shall upgrade his operator classification as soon as possible.
4. Within forty-five days of the date of this Order, Petitioner shall execute and forward to the Illinois Environmental Protection Agency, Variance Section, 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:

CERTIFICATION

I, (We), _____, having read and fully understanding the Order in PCB 81-198, hereby accept that Order and agree to be bound by all of its terms and conditions.


SIGNED _____

TITLE _____

DATE _____

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 4th day of March, 1982 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board