

ILLINOIS POLLUTION CONTROL BOARD
March 1, 1979

VILLAGE OF WOODLAWN,)
)
) Petitioner,)
)
) v.) PCB 78-288
)
) ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

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

Petitioner has requested a variance from Rules 1201, 1202, and 1203 of Chapter 3: Water Pollution. These rules state that all wastewater treatment works which require permits must be operated by persons who have received the proper Agency certification. Petitioner's present operator has a Class 4 Certificate, and a Class 3 Certificate is needed. Petitioner claims that it has not been able to obtain a Class 3 operator in the vicinity. If it had to go outside the surrounding counties to obtain an operator, it would incur additional expense. Petitioner feels that this expense would result in an increase in the present user charge because a higher salary would have to be paid. Petitioner is asking that the time period be waived so that its present operator, Mr. Wilbur Dixon, President of the Village Board of Trustees, be allowed to take the Class 3 examination immediately. Petitioner's sewage treatment plant is a package unit which provides secondary treatment through contact aeration, clarification, reaeration, and aerobic digestion. Tertiary treatment consists of filtration and chlorination. The plant was designed to treat an average of up to 35,000 gallons per day with an effluent of 10 mg/l BOD, 12 mg/l suspended solids, 1.5 mg/l ammonia nitrogen, 6.0 mg/l dissolved oxygen, and 1.0 mg/l phosphorus.

The Agency has recommended that a variance be granted until August 1, 1980 or until Mr. Dixon receives a Class 3 certificate, whichever occurs first. Agency rules promulgated pursuant to Rule 1204 of Chapter 3 require a Class 3 operator for activated sludge facilities designed to serve a population between 300 and 2500. Since Petitioner's plant is designed to treat 412 population equivalents, it falls into this category. The Agency feels that Mr. Dixon is providing skillful and consistent operation. From December, 1977 until May, 1978 the plant did not comply with all of its effluent standards, but it has improved.

Neither the Agency nor Petitioner has stated how much additional expense would be incurred if an outside operator were retained. In any event, the additional cost would constitute arbitrary or unreasonable hard-ship since Mr. Dixon is doing a good job and will take the Class 3 examination as soon as he has had enough experience. The Board sees no reason to grant relief from Rules 1202 and 1203. A variance from Rule 1201 will allow Mr. Dixon to continue as the operator until he is eligible to take the examination. The variance shall run until August 1, 1980 because Mr. Dixon will be eligible to take the examination in June, 1980. If he fails the test, Petitioner will have enough time to hire a Class 3 operator or seek additional relief.

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

ORDER

It is the Order of the Pollution Control Board that Petitioner be granted a variance from Rule 1201 of Chapter 3: Water Pollution of the Board's Rules and Regulations until August 1, 1980 or until Petitioner obtains the services of a Class 3 operator, whichever occurs first, subject to the following conditions:

- 1) Petitioner's current operator shall take the Class 3 examination at the earliest date of his eligibility.
- 2) Petitioner shall continue to provide the proper operation and maintenance of its existing wastewater treatment facilities.
- 3) Within 45 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 Certification of Acceptance and Agreement to be bound to all the terms and conditions of this variance. This 45 day period shall be held in abeyance during any period this matter is appealed. The form of the

Certification shall be as follows:

CERTIFICATION

I (We) _____, having read and fully understanding the Order in PCB 78-288, hereby accept that Order and agree to be bound by all of its terms and conditions.

SIGNED _____

TITLE _____

DATE _____

Mr. Goodman abstains.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 15th day of March, 1979 by a vote of 3-0.

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