

ILLINOIS POLLUTION CONTROL BOARD
August 18, 1982

VILLAGE OF GERMAN VALLEY,)
)
 Petitioner,)
)
 v.) PCB 82-75
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

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

This matter comes before the Board upon a petition for variance filed by the Village of German Valley (Village) on June 11, 1982. That petition requested variance from Section 312.101 (35 Ill. Adm. Code, Subtitle C, Ch. I: old Rule 1201 of Chapter 3: Water Pollution) for a period of three years to allow a Class 3 certified operator to operate the Village's wastewater treatment plant (WWTP) which requires a Class 2 operator. Hearing was properly waived and none was held. The Illinois Environmental Protection Agency (Agency) filed a recommendation on July 14, 1982 that the variance be granted for a period of one year, subject to certain conditions.

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.

Mr. Erwin D. Toerber, a Certified Class 1 Operator, had been contracted for several years to serve as the certified operator of the WWTP. However, he terminated his employment on June 30, 1982. Mr. Brian Ross was hired to work at the WWTP in December, 1979 under the supervision of Mr. Stanley Strauss. Upon the death of Mr. Strauss in the spring of 1981, Mr. Ross took over as operator under the supervision of Mr. Toerber. This variance is requested to allow Mr. Ross to continue operating the WWTP without Mr. Toerber's supervision 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. As of June, 1982 he needed 32 months additional experience to qualify for the Class 2 examination. Therefore, a variance of nearly 3 years is required for him to become properly certified.

The Village alleges, and the Agency agrees, that the cost of compliance would be approximately \$240/month with no offsetting environmental benefit. Mr. Ross appears to be a competent operator and, in fact, Agency grab samples show a definite improvement in effluent quality since he took over operation of the WWTP.

Therefore, the Board concludes that denial of the requested variance would impose an arbitrary or unreasonable hardship and that variance should be granted. However, the Board will not grant variance for the full three year term, but rather will follow the Agency's recommendation that variance be granted for one year. Mr. Ross is considerably short on experience and it remains to be seen how capably he can operate the WWTP without supervision. By granting a one year variance, the Village will have to come before the Board again with information showing the WWTP's operating record under Mr. Ross and the Board will be in a better position to determine whether he should be allowed to continue operating the WWTP until he becomes properly certified.

Finally, an April 14, 1982 Agency inspection of the WWTP revealed certain compliance, operation and maintenance deficiencies. These deficiencies include improper procedures for BOD analysis (failure to dechlorinate or seed the effluent sample), the use of grab samples rather than composite samples, the failure to record operating data, periodic violations of BOD and TSS limitations (particularly during winter freeze-ups), and improper maintenance of lagoon berms. While Mr. Ross is responsible for most of these deficiencies, they apparently pre-date his supervision and, apparently, have been largely corrected. However, the Board will incorporate the requirements that these deficiencies be corrected and remain so as a condition of variance.

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 Section 312.101 of the Illinois Administrative Code, Title 35, Subtitle C, Chapter I (Water Pollution) until August 19, 1983 or until Mr. Brian Ross terminates his employment with the Village's WWTP, 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, proper testing procedures for BOD, minimization of winter freeze-up, recording facility operating data, performing composite sampling, and maintaining lagoon berms; and

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), _____ having read the Order of the Illinois Pollution Control Board in PCB 82-75, dated _____, understand and accept the said conditions thereto binding and enforceable.

Petitioner

By: Authorized Agent

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 18th day of August, 1982 by a vote of 5-0.

Christan L. Moffett, Clerk
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Illinois Pollution Control Board