

ILLINOIS POLLUTION CONTROL BOARD
August 20, 1981

DUPAGE COUNTY DEPARTMENT OF PUBLIC WORKS,)
)
) Petitioner,)
)
) v.) PCB 81-91
)
 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 May 29, 1981 by the County of DuPage, Department of Public Works (DuPage). The petition requests a variance from Rules 1201, 1202 and 1203 of Chapter 3: Water Pollution, as they apply to operator certification requirements concerning sanitary wastewater treatment plants operated by DuPage. On July 20, 1981 the Illinois Environmental Protection Agency (Agency) recommended that the variance from Rule 1201 be granted and the variances from Rules 1202 and 1203 be denied as unnecessary. No hearing has been held and the Board has received no public comment.

Two treatment plants are involved. Marionbrook wastewater treatment plant (Marionbrook) is an activated sludge, tertiary treatment facility with a design average flow of 5.0 MGD. It discharges to Sawmill Creek, a tributary of the Des Plaines River.

Woodridge wastewater treatment plant (Woodridge) is also an activated sludge, tertiary treatment facility with a design average flow of 4.0 MGD. It discharges to an unnamed tributary to the East Branch of the DuPage River. This is tributary to the DuPage and DesPlaines Rivers.

Rule 1202 provides that the Agency may classify treatment works by type and size. Rule 1203 provides for Agency certification of operators keyed to treatment works classes. Rule 1201 prohibits operation of a treatment works except under the supervision of a person certified for that class.

Marionbrook and Woodridge are both Group A facilities requiring Class 1 operators. Marionbrook is operated by Mr. Ernest Ebner and Woodridge by Mr. William Bowles. Both are Class 2 operators. They must fulfill additional educational requirements for Class 1 certification. The Agency estimates that three years is the maximum time necessary for the operators to gain Class 1 certification. There are pending amendments to Agency certification procedures which would allow quicker certification.

Marionbrook and Woodridge are both hydraulically overloaded and on restricted status (Rule 604 of Chapter 3). The Agency states that these problems are being worked on and improvements made under the supervision of Mr. Ebner and Mr. Bowles. The Agency is of the opinion that they are competent operators and recommends that the variance be granted for up to three years or until they become properly certified.

The Board finds that it would impose an arbitrary or unreasonable hardship to require DuPage County to immediately employ a Class 1 operator to comply with Rule 1201. The variance from Rule 1201 will be granted with conditions similar to those recommended by the Agency. The variance from Rules 1202 and 1203 will be denied as unnecessary in accordance with the recommendation. These rules require actions by the Agency in classifying or certifying a facility or operator. DuPage does not need a variance from these rules.

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

ORDER

1. Petitioner, County of DuPage, Department of Public Works, is granted for its Marionbrook wastewater treatment plant a variance from Rule 1201 of Chapter 3: Water Pollution, subject to the following conditions:

a. This variance will expire three years from the date of this Order, or as provided in condition b, whichever occurs first.

b. The portion of this variance applicable to the Marionbrook wastewater treatment plant shall expire upon Class 1 certification of the present Class 2 operator or three months after the termination of his employment, whichever occurs first.

c. The present Class 2 operator shall actively pursue Class 1 certification and shall take the Class 1 examination as soon as possible.

d. Petitioner shall operate the Marionbrook wastewater treatment plant utilizing the best practicable operation and maintenance practices.

2. Petitioner, County of DuPage, Department of Public Works, is granted for its Woodridge wastewater treatment plant a variance from Rule 1201 of Chapter 3: Water Pollution, subject to the following conditions:

a. This variance will expire three years from the date of this Order, or as provided in condition b, whichever occurs first.

b. The portion of this variance applicable to the Woodridge wastewater treatment plant shall expire upon Class 1 certification of the present Class 2 operator or three months after the termination of his employment, whichever occurs first.

c. The present Class 2 operator shall actively pursue Class 1 certification and shall take the Class 1 examination as soon as possible.

d. Petitioner shall operate the Woodridge wastewater treatment plant utilizing the best practicable operation and maintenance practices.

3. The variances requested from Rules 1202 and 1203 are denied.

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 81-91, 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 the above Opinion and Order were adopted on the 20th day of August, 1981 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board