

ILLINOIS POLLUTION CONTROL BOARD
March 4, 1982

MACON SANITARY DISTRICT,)
)
 Petitioner,)
)
 v.) PCB 81-193
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by I. Goodman)

This matter comes before the Board upon a Variance Petition filed on December 9, 1981 by the Macon Sanitary District ("Macon") which requested a variance from Rule 1201 of Chapter 3: Water Pollution Control Regulations ("Chapter 3") for a period of 18 months until July of 1983 to allow Mr. James Benson, an uncertified operator, to continue to operate Macon's wastewater treatment plant (the "plant" or "facility") until the construction of new treatment facilities, incorporating a lagoon system, is completed. On December 17, 1981, the Board entered an Order which indicated that the Petitioner should file an amended petition containing an affidavit, attesting to the truth of the facts alleged, as required by Procedural Rule 401(a). On December 28, 1981, Macon filed an Amendment to its Petition for Variance. On January 27, 1982, the Illinois Environmental Protection Agency ("Agency") filed its Recommendation which recommended that the variance be granted, subject to various conditions. No hearing was held in this matter.

The Petitioner's sewage treatment facility, which is located one mile south of the City of Macon on U.S. Route 51, was built in 1953 and now serves a population of about 1,300 persons. (Pet. 1). The plant includes a diversion chamber, Imhoff tank, trickling filter, non-mechanical final clarifier and sludge drying beds, but doesn't presently have disinfection equipment, flow meters, samplers, or a laboratory. (Pet. 3). The influent to the facility consists of domestic sewage, inflow, and infiltration. (Pet. 2). Design average flow is 0.214 million gallons per day, with effluent from the treatment plant flowing into an unnamed tributary to Dry Branch, a tributary of Willow Creek. (Pet. 1-2). Willow Creek is a tributary of the Flat Branch which, in turn, is tributary to the South Fork of the

Sangamon River. (Rec. 2). The Macon Sanitary District was placed on restricted status by the Agency in December of 1974. Effluents are discharged pursuant to NPDES Permit No. IL 0022454 which expired on February 1, 1981. Permit renewal is pending. (Rec. 2). Recent discharge monitoring reports submitted to the Agency indicate compliance with the interim effluent limitations for 5-day biochemical oxygen demand ("BOD₅") and total suspended solids ("TSS") set by its NPDES Permit. (Rec. 2-3).

The Petitioner has received a Step 2 - Step 3 State of Illinois Pollution Control Grant (#C171126) for design and construction of a new wastewater treatment facility which will have a design capacity of 1,500 P.E. and include a two cell stabilization lagoon with three month winter storage, four intermittent sand filters, flow recorders and samplers for the influent and effluent, and disinfection. (Pet. 2-3). Macon, which is currently in the Step 2 design phase of its construction grant program, has anticipated that the requisite plans and specifications will be completed in January of 1982 and that the construction of the new plant will be finished by July of 1983. (Pet. 3).

In October of 1981, the sudden death of its regular certified operator, Mr. Paul Seagle, left the Petitioner without any certified operator for its plant. (Pet. 2). Mr. James Benson, who was hired as Mr. Seagle's assistant on June 15, 1981, is currently operating the facility in a satisfactory manner, enrolled in an operators' course, and will soon be eligible to take the Class 4 operators' certification examination. (Rec. 4-5 ; Pet. 2-4). Once construction of Macon's lagoon system is completed, both the Board's current regulations and the proposed revised rules on certification of wastewater treatment plant operators would only require the supervision of a Class 4 operator for the Petitioner's facilities. (Rec. 4). Denial of the requested variance would necessitate the hiring of a Class 3 operator for 18 months until the lagoons are completed and might also result in the forced firing of Mr. Benson, since the Petitioner is on a very tight budget and only has very limited funds. (Rec. 5; Pet. 4).

The Agency has recommended that the Board grant the requested variance, subject to specified conditions. The Board finds that denial of the variance would impose an arbitrary or unreasonable hardship upon the Petitioner and will therefore grant the variance, subject to the conditions which are delineated in the Board's Order.

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

ORDER

The Petitioner, the Macon Sanitary District, is hereby granted a variance from Rule 1201 of Chapter 3: Water Pollution Control Regulations, subject to the following conditions:

1. The variance period shall extend until July 31, 1983; however, if, prior to that date, Mr. James Benson either (a) terminates his employment as operator in charge of Petitioner's wastewater treatment plant or (b) fails to pass his Class 4 examination by July 1, 1982, the variance shall terminate on such earlier date.
2. During the variance period, effluent from Petitioner's wastewater treatment plant shall not noticeably deteriorate from the present BOD₅ and TSS discharge levels.
3. Petitioner shall operate and maintain its wastewater treatment plant in the best practicable manner.
4. Within forty-five days of the date of this Order, Petitioner shall execute and forward to the Illinois Environmental Protection Agency, Enforcement Programs, 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 the Order of the Illinois Pollution Control Board in PCB 81-193, dated _____, understand and accept the said Order, realizing that such acceptance renders all terms and 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 4th day of March, 1982 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board