

ILLINOIS POLLUTION CONTROL BOARD
October 17, 1980

VILLAGE OF ASHTON,)
)
 Petitioner,)
)
 v.) PCB 80-135
)
 ILLINOIS ENVIRONMENTAL PROTECTION)
 AGENCY,)
)
 Respondent.)

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

On September 2, 1980, the Village of Ashton (Village) filed an amended Petition for Variance from Rule 1201 of the Pollution Control Board's Rules and Regulations, Chapter 3: Water Pollution (Rule 1201). On September 5, 1980, the Environmental Protection Agency (Agency) filed its recommendation to grant the Petition, subject to conditions.

The Village owns and operates a sewage treatment plant (STP) that serves approximately 1,200 people. Due to upgrading of the STP in October, 1979, and the adoption of new Agency guidelines for Certification of Operators of Wastewater Treatment Works, effective April 1, 1980, the STP is required to be supervised by a Certified Class 2 operator. Its present operator, Glenn Jones, is certified Class 4.

Mr. Jones was hired by the Village as assistant plant operator in December, 1978, and promoted to Plant Superintendent in December, 1979. He received his Class 4 certification in June, 1980.

The Agency, after reviewing Discharge Monitoring Reports during Mr. Jones' supervision of the STP concluded that he has handled it effectively. His competence is supported by the Agency's Operator Certification Unit and the Agency's Field Operation Section Region 1 office.

The Village proposes that Mr. Jones should be retained as the operator, since the least expensive compliance alternative (releasing Mr. Jones and hiring a Certified Class 2 operator) would create an arbitrary and unreasonable hardship by causing user rates to increase from \$8.38 to \$10.35 per month.

The Village proposed a time-table for compliance which is based upon Mr. Jones attaining a Class 3 certification

in the fall of 1981 and Class 2 status in the fall of 1982. It also alleges that there would be no adverse environmental impact in that the STP has been operated within NPDES permit limitations and is expected to continue to do so.

The Agency found the compliance schedule reasonable and the risk of environmental harm to be minimal.

The Board finds that compliance with Rule 1201 would impose an arbitrary and unreasonable hardship upon the Village, and that a variance grant will not adversely affect the environment. Therefore, that variance should be granted subject to conditions in accordance with the compliance proposal.

The Board notes that a purported certification was filed prematurely by the Village on October 2, 1980 (apparently due to a misunderstanding of the wording of the Agency's Recommendation). However, another certification must be submitted to the Agency after the date of this Order.

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

ORDER

The Village of Ashton is hereby granted a variance from Rule 1201 of Chapter 3: Water Pollution, subject to the following conditions:

1. The variance will extend until July 1, 1983, or until Mr. Glenn Jones obtains proper Class 2 certification, or until he terminates his present employment, whichever occurs first;
2. The Village of Ashton shall submit semi-annual reports to the Agency concerning Mr. Jones' progress toward Class 2 Certification;
3. The Village of Ashton shall operate its treatment plant under the best practicable operation and maintenance practices; and
4. Within 45 days of the date of this Order, Petitioner shall execute a Certificate of Acceptance and agreement to be bound by the terms and conditions of this variance. The Certificate shall be forwarded to the Illinois Environmental Protection Agency, Division of Water Pollution Control, Variance Unit, 2200 Churchill Road, Springfield, Illinois, 62706, and shall read as follows:

CERTIFICATION

The Village of Ashton, having read and fully understanding the October 17, 1980, Order of the Illinois Pollution Control Board in PCB 80-135 hereby accepts said Order and agrees to be bound by all terms and conditions thereof.

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 was adopted on the 17th day of October, 1980 by a vote of 4-0.

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