

ILLINOIS POLLUTION CONTROL BOARD
May 14, 1981

CITY OF WOODSTOCK,)
)
 Petitioner,)
)
 v.) PCB 81-45
)
 ILLINOIS ENVIRONMENTAL PROTECTION)
 AGENCY,)
)
 Respondent.)

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

On March 23, 1981 the City of Woodstock (City) filed a petition for variance from Rule 1201 of Chapter 3: Water Pollution. On April 9, 1981 the City waived hearing, and on April 24, 1981 the Illinois Environmental Protection Agency (Agency) filed a recommendation that the variance be granted subject to certain conditions. No hearing was held.

The City owns and operates the Northside Sewer Treatment Plant which is an activated sludge treatment plant serving approximately 10,000 persons with a design average flow of 3.5 million gallons per day. It is thus a Group A facility requiring a Class 1 operator. The present operator, Mr. Gaylord Stebbins, is presently a Class 2 operator who is currently taking college courses in mathematics in order to take the Class 1 operator's certification examination. Mr. Stebbins will allegedly complete his coursework by June 1, 1981 and is scheduled to take his certification exam on July 7, 1981.

The Board finds that Mr. Stebbins has done an adequate job of operating the plant and that it would therefore impose an arbitrary and unreasonable hardship upon the City to immediately hire a Class 1 operator.

Normally, in a case such as this, the Board would not hesitate to grant variance. There is, however, one troubling aspect of this request.

The City filed for a similar variance on February 6, 1979 which was dismissed by the Board on April 26, 1979 for failure to amend the petition to cure procedural defects. This delay has not been explained and the Board must note that the City has been dilatory in achieving compliance with Rule 1201. In the future, the City should be more diligent in complying with Board rules.

However, the Board will grant the variance.

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

ORDER

The City of Woodstock is hereby granted a variance from Rule 1201 of Chapter 3 until October 1, 1981, or until Mr. Stebbins becomes properly certified, whichever occurs first, subject to the following conditions:

1. In the event Mr. Stebbins' employment terminates prior to October 1, 1981, the variance shall expire at the time of termination and the City shall immediately obtain the services of a Class 1 operator.
2. The City shall operate its wastewater treatment plant utilizing the best practicable operation and maintenance practices.
3. Mr. Stebbins shall take the Class 1 examination on or before July 7, 1981.
4. Within 45 days of the date of this Order, the City shall execute and forward to the Illinois Environmental Protection Agency, Division of Water Pollution Control, Compliance Assurance Section, 2200 Churchill Road, Springfield, Illinois 62706, a Certification of Acceptance and Agreement to be bound by all conditions of this Variance. This forty-five day period shall be stayed if the City seeks judicial review of this Variance. The form of said Certification shall be as follows:

CERTIFICATION

I, _____, having read the Order of the Illinois Pollution Control Board in PCB 81-45, dated _____, understand and accept the Order and agree to be bound by all of its terms and conditions.

_____, Petitioner

_____, Authorized Agent

_____, Title

_____, Date

IT IS SO ORDERED.

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 14th day of May, 1981 by a vote of 5-0.

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