



him eligible to become a Class 1 operator 18 months from the filing of the variance petition. The Agency Recommendation is that Olney be granted this variance on the condition that Mr. Gantenbein remains in Olney's employ.

Due to the difficulty Olney would experience in obtaining a Class 1 operator and because Mr. Gantenbein has exhibited his willingness and ability to undertake such responsibility, the Board finds that it would be an arbitrary and unreasonable hardship on Olney should the variance be denied. The Board hereby grants the variance from Rule 1201. This variance is conditioned upon Mr. Gantenbein remaining in Olney's employment as the Chief Operator of the plant. Should he resign, the Board will require Olney to replace him with a Class 1 operator.

Olney is currently in the process of obtaining a Step 2 grant to upgrade its sewage treatment facility. Although there is no chlorination system to control fecal coliforms at this time, the sewage treatment plant will be modified to include chlorination. This will probably take 3 years. It would cost Olney \$20,000 to install a temporary hook-up for chlorinating the effluent discharge. It would impose an unreasonable financial hardship on Olney to require it to remedy a temporary situation. The Olney Sewage Treatment Plant is 25 miles from the closest water intake used for public water supply. This diminishes the possibility that a variance from the requirement to treat or test fecal coliforms will adversely affect the health or welfare of the People of the State of Illinois. Moreover, the sewage treatment facility has great social and economic value to the People of Olney.

It has been proposed in R77-12 that Rule 405 be changed in such a manner that Olney would not be in violation of its requirements (R.4). Due to this possibility and because of the factors discussed above, the Agency recommends that Olney be granted a variance for 3 years, or until the Board adopts a final Order in R77-12. The Agency conditions this recommendation on Olney taking all necessary pre-grant and post-grant actions appropriate to the specific grant step for which it is eligible (R.5,6).

The Board finds that Olney has attempted in good faith to comply with Rule 405 and the NPDES treatment and testing requirements. The proposed modifications of the plant will ultimately correct the pollution problem. The Board finds that denial of the requested variance would impose an arbitrary and unreasonable hardship upon Olney. Therefore, the Board grants the variance from Rule 405 and from the NPDES treatment and testing requirements under certain conditions. This variance is conditioned on Olney's good faith attempt to take prompt steps which will result in modification of the plant.

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

ORDER

It is the Order of the Pollution Control Board that:

- 1) The City of Olney's request for a variance from Rule 1201 of the Board's Water Pollution Control Regulations be granted, subject to the condition that the variance from Rule 1201 shall terminate upon Mr. Robert Gantenbein terminating his employment, or after a period of 18 months, whichever occurs first.
- 2) The City of Olney's request for variance from Rule 405 of the Board's Water Pollution Regulations and the monitoring and treatment requirements for fecal coliform contained in its NPDES Permit be granted for a period of 3 years or until the Board has adopted a final order in R77-12, Docket D, whichever occurs first, subject to the following conditions:
  - a) The City of Olney shall take all necessary pre-grant and post-grant actions appropriate to the specific grant step for which it is eligible.
  - b) Within 30 days of this Order, the City of Olney shall request the Agency to modify its NPDES permit I10048755 to incorporate the conditions set forth in this variance.
  - c) Within 45 days of the date of this Order, the City of Olney shall execute and forward to the Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706 a Certification of Acceptance and Agreement to be bound to all terms and conditions of this Order. The 45 day period shall be held in abeyance during any period this matter is being appealed. The form of said certification shall be as follows:

CERTIFICATION

I (We), \_\_\_\_\_, having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 79-82, hereby accept said Order and agree to be bound by all of the terms and conditions thereof.

SIGNED \_\_\_\_\_

TITLE \_\_\_\_\_

DATE \_\_\_\_\_

- 3) The Illinois Environmental Protection Agency is authorized to modify NPDES permit IL0048755 to incorporate the conditions set forth in this variance.

Mr. Dumelle dissents.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 23<sup>RD</sup> day of August, 1979 by a vote of 4-1.

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