

ILLINOIS POLLUTION CONTROL BOARD  
May 29, 1980

VILLAGE OF BELLMONT, )  
 )  
 ) Petitioner, )  
 )  
 ) v. ) PCB 80-65  
 )  
 ) ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 ) Respondent. )

OPINION AND ORDER OF THE BOARD (by Board Member Anderson):

On April 7, 1980, the Village of Belmont (Village) petitioned the Board for variance from Rule 1201 of Chapter 3: Water Pollution Rules and Regulations. The petitioner requests the variance in order to gain time for the present operators of the Village's wastewater treatment plant to take the Class 4 examination and then to become properly certified by the Illinois Environmental Protection Agency (Agency). The Board received the Agency's Recommendation supporting the petition for variance with conditions on May 5, 1980. Hearing was properly waived in the petition and none was held.

Bellmont, a village in Wabash County, operates a newly constructed 3-cell lagoon wastewater treatment facility which presently serves 200 families. This facility is required by the Agency to be under the supervision of at least a Class 4 treatment plant operator. The current operators, Edward M. and Nathan E. Bowman, are currently not certified, although they have been operating the plant for the last year.

The Village states in its petition that a thorough search has been made in the surrounding counties for a certified operator. None has been found. The Village claims that, since the current operators are capable, and are willing to operate the plant for salaries within its budget, arbitrary and unreasonable hardship would result if Belmont is required to locate and hire an operator from outside the surrounding counties at a higher than budgeted salary.

In its Recommendation, the Agency verified that the Bowmans have demonstrated themselves to be capable of operating this plant pending their certification. While the new facility has not been completely free of operation and maintenance problems, the Agency stated that work was underway to correct remaining problems. The Agency further noted that on January 31, 1980 these operators had each enrolled in an operations course to prepare themselves for the Class 4 examination. The Agency therefore supports, and in fact suggested, the Village's petition for variance.

The Board agrees that failure to provide the requested relief would impose an arbitrary and unreasonable hardship under these circumstances. The Village will be granted a variance from Rule 1201 of Chapter 3: Water Pollution Rules and Regulations for a period of one year, subject to the Agency-recommended conditions incorporated in the attached Order.

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

ORDER

1. The Village of Bellmont is granted a variance from Rule 1201 of Chapter 3: Water Pollution Rules and Regulations for a period to terminate on May 25, 1981, under the following conditions:

- a) If either Edward or Nathan Bowman is properly certified by the Agency as a Class 4 operator before May 25, 1981, this variance shall terminate at such earlier time.
- b) If both Edward and Nathan Bowman terminate their employment as operators of the Bellmont wastewater treatment plant before May 25, 1981, this variance shall terminate at such earlier time.
- c) The Bellmont wastewater treatment plant shall be operated according to the best practicable operation and maintenance procedures for the facility.

2. Within 45 days of the date of this Order, the Village of Bellmont shall execute and forward to the Illinois Environmental Protection Agency, Division of Water Pollution Control, Variance Unit, 2200 Churchill Road, Springfield, IL 62706, an executed Certification of Acceptance and Agreement to be bound by all conditions of the variance. The forty-five day period herein shall be stayed during judicial review of this variance pursuant to Section 41 of the Environmental Protection Act. The form of said certification shall be as follows:

CERTIFICATION

I, (We), \_\_\_\_\_, having read the Order of the Illinois Pollution Control Board in PCB 80-65, understand and accept the said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

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 29<sup>th</sup> day of May, 1980, by a vote of 4-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board