

ILLINOIS POLLUTION CONTROL BOARD
March 22, 1973

LOUIS HAHN)
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)
 v.) PCB 73-56
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 ENVIRONMENTAL PROTECTION AGENCY)

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

A variance petition consisting of a letter dated January 31, 1973 from Mr. Louis Hahn of the Hillside Mobile Home Court of Joliet was received by the Board on February 8, 1973. The Agency's recommendation was received by the Board on March 7, 1973. We decide it today without a hearing for the reasons given below.

Mr. Hahn asks "for variance ... of the hiring of an operator for my chlorination unit ..." and "to accept my operation of this chlorination unit as I have since 1968."

The Agency construes the Hahn petition as a request for variance from SWB-2 adopted August 8, 1966 and preserved by the Environmental Protection Act. That regulation, according to the Agency, requires a certificate of competency of Class IV or higher grade. The Agency recommends denial of the variance on the grounds of premature application stating that Mr. Hahn has neither requested nor been denied a certificate.

We do not agree with the Agency that a Class IV certificate is required. The amendments dated August 2, 1966 to SWB-2 set up a Group E category for waste treatment plants with the following requirements:

1. Those serving a population up to 5,000 not designated as Group D, and all municipal waste stabilization ponds (lagoons) treating essentially raw domestic waste.
2. Those serving schools, motels, shopping centers, commercial or industrial establishments not exceeding 300 population equivalent.

While the population equivalent of Mr. Hahn's mobile court is not given, we can assume that the 10 units will be between 20 and 50 population equivalent. Clearly, this size puts it into Group E and not Group D which in fact does not have a population equivalent grouping below 300.

The requirements for the Class V certificate (required for Group E plants) are:

1. Education -- Grammar school or equivalent.
2. Experience -- One year of satisfactory operation of a sewage treatment works or equivalent.

Since Mr. Hahn's letter states he has operated the chlorination equipment which follows his septic tank since 1968, it would appear that he now has had actual experience. The materials are silent as to his educational attainment, but Rule 6.03 of SWB-2 does offer methods of recognizing experience in lieu of education.

We agree with the Agency that the variance application is premature. Mr. Hahn should have done what he was informed to do on December 22, 1972 and applied for a certificate.

The variance is dismissed as premature.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Order was adopted on the 22nd day of March, 1973 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board