



to retain a properly certified operator remains at \$240/week with no offsetting environmental benefit.

The Agency would like the variance to be granted until May 1, 1985 or until Mr. Ross is certified as a Class 2 operator, whichever occurs first, all subject to the following condition: that the Village construct and install wooden covers for its treatment units or replace its surface aerators with subsurface diffused aerators on or before December 1, 1984.

Given the satisfactory performance by Mr. Ross and the Village's WWTP, the cost savings to the Village and the minimal environmental benefit of employing a Class 2 operator immediately, the Board concludes that denial of the variance would impose an arbitrary or unreasonable hardship. Therefore, the Board grants the Village of German Valley an extension of the prior variance until May 1, 1985 or until Mr. Ross is certified as a Class 2 operator, whichever occurs first, subject to the conditions of this Order.

In the prior proceeding a general condition was inserted:

[t]he Village shall operate its WWTP under the best practicable operation and maintenance practices, including, but not limited to, proper testing procedures for BOD, minimization of water freeze-up, recording facility operating data, performing composite sampling, and maintaining lagoon berms.

In the prior proceeding this condition was reasonably related to the variance request from the operator certification rules because the enumerated factors were part of the duties of the operator.

In the present proceeding, the condition that the Agency requests the Board to impose involves WWTP capital improvements which would be more properly addressed in a different proceeding. The Board will not include subsurface aerators or wooden covers as a condition. It strongly suggests, however, that one or the other be employed. The improvement(s) would lessen or eliminate freeze-ups of the treatment units and thereby improve effluent quality.

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

#### ORDER

The Village of German Valley is hereby granted variance from 35 Ill. Adm. Code 312.101 until May 1, 1985 or until Mr. Ross is certified as a Class 2 operator, whichever occurs first, subject to the following conditions:

1. The Village shall operate its WWTP under the best practicable operation and maintenance practices, including, but not limited to, minimization of water freeze-ups.

2. Within forty-five days of the date of this Order, the Village shall execute and forward to the Illinois Environmental Protection Agency, Air Pollution Control Division, 2200 Churchill Road, Springfield, Illinois 62706, a Certificate of Acceptance and Agreement to be bound to all terms and conditions of this variance. This forty-five day period shall be held in abeyance for any period this matter is being appealed. The form of the certificate shall be as follows:

CERTIFICATE

I, (We), \_\_\_\_\_ having read the Order of the Illinois Pollution Control Board in PCB 84-27 dated \_\_\_\_\_, understand and accept the said conditions thereto binding and enforceable.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
By: Authorized Agent

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 29<sup>th</sup> day of June, 1984 by a vote of 5-0.

Dorothy M. Gunn  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board