

ILLINOIS POLLUTION CONTROL BOARD  
September 15, 1982

CITY OF MC HENRY, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 82-19  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

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

This matter comes before the Board upon an amended petition, filed March 29, 1982, for extension of a prior variance granted to the City of McHenry from the wastewater treatment plant operator certification requirements of 35 Ill. Adm. Code 312.101.\* On July 9, 1982 the Illinois Environmental Protection Agency (Agency) recommended that the variance be extended with conditions. No hearing was held and the Board has received no public comment.

McHenry was previously granted a variance from the operator certification requirements on April 2, 1981 (PCB 80-228, 41 PCB 189). The record and opinion and order are incorporated by reference. This variance expired on April 1, 1982.

The certified Class 2 operator, Mr. David or Daniel Hester, failed to pass the Class 1 operator examination. McHenry now seeks until January 1, 1983 in which to obtain a Class 1 operator.

The Agency indicates that, based on discharge monitoring reports and Agency sampling, the McHenry treatment plant has been consistently operated well within the 20/25 mg/l permit limitations for 5-day biochemical oxygen demand (BOD) and total suspended solids (TSS). Indeed, the plant is usually within the more restrictive 4/5 limitation.

The Board will grant the requested variance extension, subject to conditions similar to those of the previous variance and those recommended by the Agency. Considering the quality of the plant operation, the Board will grant the variance through 1983.

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\*Prior to codification Section 312.101 was Rule 1201 of Chapter 3: Water Pollution.

ORDER

Petitioner, the City of McHenry, is granted a variance from 35 Ill. Adm. Code 312.101, subject to the following conditions:

1. This variance will expire on January 1, 1984.
2. Petitioner's wastewater treatment plant shall be under the direct and active field supervision of a Class 2 operator during the term of this variance.
3. This variance shall terminate sixty days after the termination of employment of Petitioner's present Class 2 operator, or under condition 1, whichever occurs first.
4. Within forty-five days of the date of this Order, Petitioner shall execute and forward to the Illinois Environmental Protection Agency, Variance Section, 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:

CERTIFICATION

I, (We), \_\_\_\_\_, having read and fully understanding the Order in PCB 82-19, hereby accept that Order and agree to be bound by all of its terms and conditions.

SIGNED \_\_\_\_\_

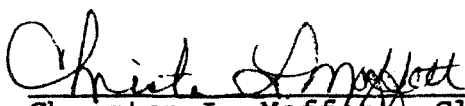
TITLE \_\_\_\_\_

DATE \_\_\_\_\_

IT IS SO ORDERED.

Board Member Joan Anderson dissented.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 15<sup>th</sup> day of September 1982 by a vote of 4-1.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board