

ILLINOIS POLLUTION CONTROL BOARD  
July 9, 1981

VILLAGE OF ALGONQUIN, )  
 )  
 ) Petitioner, )  
 )  
 ) v. ) PCB 81-46  
 )  
 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 ) Respondent. )

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

This matter comes before the Board on the petition for variance of the Village of Algonquin (Village) filed March 23, 1981 as amended April 10 and May 18, 1981. The Village seeks variance from the sewage treatment plant operator certification requirements of Rule 1201 of Chapter 3: Water Pollution. On June 19, 1981 the Illinois Environmental Protection Agency (Agency) filed its Recommendation in support of grant of variance. Hearing was waived and none has been held.

The Village of Algonquin, located in McHenry and Kane Counties, owns and operates a wastewater treatment plant serving approximately 4,000 persons. Since June, 1980, this plant has been operated by Mr. Thomas Saltzmann, a certified Class 3 operator. While the Village alleged that its facility must be supervised by a Class 2 operator, the Agency stated that the Village's plant is a Group A facility, thus requiring the supervision of a Class 1 operator. Prior to hiring Mr. Saltzmann, the Village has unsuccessfully searched for a certified Class 2 operator; it is to be assumed that a search for a Class 1 operator would be equally fruitless. The Village therefore seeks variance in order to allow time for Mr. Saltzmann to become properly certified to operate its plant, alleging that he has shown himself capable of operating the plant in an environmentally proper manner.

The Agency agrees that the plant has been well run in the past year and that its effluent has not exceeded the limits established in its NPDES permit, although the Agency notes that Mr. Saltzmann has experienced some problems in completing the required Discharge Monitoring Reports (DMR). Under current Agency certification procedures, the Agency calculates that Mr. Saltzmann would be qualified to take the Class 1 operator examination in three years. The Agency further advises, however, that it is in the process of revising its certification requirements and procedures, which revisions will go into effect in

approximately six months. According to the proposed revised procedures, Mr. Saltzmann could qualify to take the Class 1 examination within six months. The Agency therefore recommends grant of variance until March 31, 1982, provided that one of the conditions for variance is that Mr. Saltzmann seek assistance from the Agency concerning proper preparation of DMRs.

The Board finds that it would be arbitrary or unreasonable to require the Village to expend the funds necessary to search for and retain the services of a Class 1 operator (assuming one could be located), since its plant is currently being operated in an environmentally sound fashion. Variance, subject to the suggested conditions, will accordingly be granted for a one year period, to allow additional time in the event of delay in implementation of the Agency's proposed certification requirements revisions.

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

#### ORDER

1. The Village of Algonquin is granted a variance from Rule 1201 of Chapter 3: Water Pollution Rules and Regulations for a period to terminate July 9, 1982 under the following conditions:

a) If Thomas Saltzmann is properly certified by the Agency as a Class 1 operator before July 9, 1982, this variance shall terminate at such earlier time.

b) If Thomas Saltzmann terminates his employment as operator of the Village's wastewater treatment plant before July 9, 1982, this variance shall terminate at such earlier time.

c) The Village's wastewater treatment plant shall be operated according to the best practicable operation and maintenance procedures for the facility.

d) Within 30 days of the date of this Order, Thomas Saltzmann shall make an appointment with an Agency employee in the Field Operations Section Office to receive instruction concerning the proper preparation of Discharge Monitoring Reports.

2. Within 45 days of the date of this Order, the Village of Algonquin shall execute and forward to the Illinois Environmental Protection Agency, Division of Water Pollution Control, Variance Unit, 2200 Churchill Road, Springfield, IL 62706, a Certification 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 the Order of the Illinois Pollution Control Board in PCB 81-46 dated \_\_\_\_\_, understand and accept the said conditions thereto binding and enforceable.

\_\_\_\_\_  
Petitioner

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


\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

IT IS SO ORDERED.

Mr. Anderson abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 9<sup>th</sup> day of July, 1981 by a vote of 4-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board