

ILLINOIS POLLUTION CONTROL BOARD
November 19, 1981

CITY OF PERU,)
)
) Petitioner,)
)
) v.) PCB 81-129
)
 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

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

On August 12, 1981 the City of Peru (City) filed a petition for variance from Rule 1201 of Chapter 3: Water Pollution, to allow the operation of its Class "A" treatment facility without the required Class "1" operator. An amended petition was filed on September 2, 1981, curing certain defects in the original petition. An Illinois Environmental Protection Agency (Agency) recommendation to grant variance was filed on November 18, 1981 along with a motion to file instanter. That motion is hereby granted. Hearing was waived and none was held.

The City contracts with Sanitary Engineering Laboratories Inc. to provide the necessary staff and expertise to operate its wastewater treatment facilities which is located in LaSalle County. Mr. Loren Leach, an employee of Sanitary Engineering, was the operator responsible for the facility. Mr. Leach, however, terminated his employment. Although twelve applicants responded to advertisements to fill his position, none of the applicants was properly certified in wastewater treatment. Mr. Tim Perra, who holds a grade III wastewater certificate, was hired, and the City is requesting a one year variance to allow him to operate the City's facility while working toward Class I certification.

The City alleges that Sanitary Engineering will make every effort to have Mr. Perra complete the needed 126 educational credits for obtaining the appropriate certification. He already has the necessary experience under current rules. The Agency notes, however, that under current Agency rules Mr. Perra may well not be able to obtain the necessary credits during the requested variance period. On the other hand, the Agency further points out that these rules may be amended during that period and that under the proposed rules Mr. Perra may well be able to complete the necessary requirements.

The City also alleges that Sanitary Engineering has the expertise available to insure efficient operation of the plant during the period of variance, although no support is given for the allegation. The Agency, however, points out that Sanitary Engineering is based in Minneapolis, Minnesota, and that Mr. Perra supervises the local office. Thus, on-site assistance will be difficult. On the other hand, DMR's show an improved effluent quality since Mr. Perra took over as operator.

The City's facility consists of a hand raked bar screen, aerated grit chamber, activated sludge, secondary settling, reaeration, anaerobic digestion, chlorine contact, sludge storage lagoon, flow metering, pumps and other miscellaneous apparatus. Design average flow is 3 MGD with peak capacity of 5 MGD. The City alleges that Mr. Perra has over five years experience with a similar facility in the Village of DePue and that his work history has shown him to be a "concerned, competent manager." Thus, he should be able to operate the facility so as to maintain the required effluent quality and there should be no adverse environmental impact.

Alternative methods of compliance include further advertisement to obtain a properly certified operator or the hiring of a part time operator of record for the facility. The City contends that these options are not practical in that:

1. Sanitary Engineering has the resources to insure proper operation;
2. The State has a shortage of Class "I" operators; and
3. The expense would take funds from other areas and result in a negative net impact on the environment.

The Board finds that denial of variance would constitute an arbitrary and unreasonable hardship and that variance should be granted. The hiring of a Class I operator would entail some increased expense (either advertising costs, payment of part-time help, payment of a higher salary to a Class I operator or a combination of these) without any apparent benefit to the environment.

The only remaining question is the length of that variance, as under current certification procedures it may be difficult for Mr. Perra to attain Class I status within one year. Nonetheless, the Agency recommends a one year variance, as requested by the City. As it is likely that the proposed rules will be in effect within the requested variance period, one year should be sufficient for Mr. Perra to attain Class I status. On the other hand, should a variance extension be required the Board finds that it would be appropriate to review at that time: 1) the operating efficiency of the wastewater treatment plant (WTP) over a longer period of time; and 2) the compliance steps taken by the City during the variance period.

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

ORDER


The City of Peru is hereby granted variance from Rule 1201 of Chapter 3: Water Pollution, subject to the following conditions:

1. This variance shall expire on November 19, 1982 or at such time as Mr. Tim Perra becomes certified as a Class "I" operator, or upon termination of Mr. Perras' employment as operator of the City's waste water treatment plant (WTP), whichever occurs first;
2. Mr. Perra shall actively pursue all necessary steps toward obtaining Class I certification; and
3. The City shall operate and maintain its WTP in the best practicable manner.

IT IS SO ORDERED.

Board Member D. 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 19th day of November, 1981 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board