

ILLINOIS POLLUTION CONTROL BOARD
January 7, 1982

VILLAGE OF CROSSVILLE,)
)
) Petitioner,)
)
) v.) PCB 81-156
)
) ILLINOIS ENVIRONMENTAL PROTECTION)
) AGENCY,)
)
) Respondent.)

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

On October 13, 1981 the Village of Crossville (Village) filed a petition for variance from the operator certification requirement of Rule 1201 of Chapter 3: Water Pollution. An amended petition was filed on October 21, 1981. The Illinois Environmental Protection Agency (Agency) filed a recommendation to grant the requested variance subject to certain conditions on November 23, 1981, which was accompanied by a motion to file instanter. That motion is hereby granted. Hearing was waived, and none was held.

The Village owns and operates a wastewater treatment plant (WWTP) located immediately west of the Village which discharges into Elliot Creek, which is tributary to the Little Wabash River near the Village. The WWTP is operated pursuant to NPDES Permit #IL0028724. The WWTP consists of one wet well, one lift station, an Imhoff tank, a chemical dosing tank, three syphoning flush boxes, three intermittent sand filters and sludge drying bed. The design average flow is 0.1 million gallons per day. The WWTP is classified as a Group D facility, requiring it to be under the supervision of a Class 4 certified operator. The facility is currently under the supervision of Mr. Charles Ruether, an uncertified operator.

Discharge Monitoring Reports and Agency grab samples indicate several NPDES permit violations for BOD and TSS. The Agency inspected the WWTP on June 9, 1981 and found several deficiencies in the equipment, maintenance, and operations of the facility. The effluent exhibited a gray color due to the lack of secondary treatment and heavy sludge deposits on the bottom of the receiving stream indicated frequent bypass of the sand filters. However, all of the problems predated the hiring of Mr. Ruether on September 1, 1981.

According to present certification procedures, Mr. Ruether should qualify for the Class 4 examination by June 1, 1982. This could be impacted by the Agency's revision of its certification procedures, which may take effect in late January or early February of 1982. Under the proposed procedures, the Village's WWTP will become a Group 3 facility requiring a Certified Class 3 Operator. The Agency alleges that Mr. Ruether would qualify for the Class 4 examination on March 1, 1982, and the Class 3 by June 1, 1983 under the proposed procedures. However, if variance is granted in this case the Village would come into current compliance and, therefore, qualify for a two year exemption from the Class 3 requirement under Proposed Section 502 of the Agency's procedures, by which time actual compliance should be attained.

The Village alleges that Mr. Ruether is "willing, and capable, to operate the treatment plant at no increased cost to the Village". The Agency does not disagree and points to the fact that some of the noted deficiencies have been, or are being, corrected under Mr. Ruether's supervision.

If variance were denied, it would be necessary for the Village to hire a Class 4 operator. Assuming that Mr. Ruether, who also maintains the water treatment plant, village roads, and the natural gas distribution system, would not be laid off, the Village would have to expend an additional \$110-125 month which would create a hardship on a community the size of the Village. Since there is no indication that any environmental harm would result from a variance grant, the Board finds that variance denial would cause an arbitrary or unreasonable hardship on the Village and that variance should be granted. However, given the noted deficiencies, the Board will impose conditions on the variance to ensure that these deficiencies are corrected.

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

ORDER

The Village of Crossville is hereby granted variance from Rule 1201 of Chapter 3: Water Pollution, until August 1, 1982, or until Mr. Ruether becomes properly certified, or until Mr. Ruether terminates his employment with the Village of Crossville as the WWTP operator, whichever first occurs, subject to the following conditions:

1. The Village shall skim the gas vents on the Imhoff tank on a routine basis.
2. The Village shall provide for sludge withdrawal from the Imhoff tank on a routine basis.
3. The Village shall maintain all 3 dosing siphons in working order.

4. The Village shall maintain all filters free of vegetation.
5. The Village shall repair concrete dosing troughs.
6. The Village shall maintain flapper gate at outfall.
7. The Village shall provide any other operation and maintenance that is necessary to achieve the best degree of treatment that is possible.
8. Within forty five (45) days of the date of this Order, the Village shall submit to the Agency a Certificate of Acceptance to be bound by the terms of the variance. The Certificate shall be addressed as follows:

Illinois Environmental Protection Agency
 Division of Water Pollution Control
 Compliance Assurance Section
 2200 Churchill Road
 Springfield, Illinois 62706

The Certificate shall be in the following form:


CERTIFICATION

I (We), _____ having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 81-156 dated January 7, 1982, hereby accept said Order and agree to be bound by all terms and conditions thereof.

SIGNED _____
 TITLE _____
 DATE _____

IT IS SO ORDERED.

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 7th day of January, 1981 by a vote of 4-0.



 Christian L. Moffett, Clerk
 Illinois Pollution Control Board