

ILLINOIS POLLUTION CONTROL BOARD
March 4, 1982

VILLAGE OF LIBERTYVILLE,)
)
) Petitioner,)
)
) v.) PCB 81-197
)
) ILLINOIS ENVIRONMENTAL PROTECTION)
) AGENCY,)
)
) Respondent.)

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

This matter comes before the Board on the December 16, 1981 petition for variance of the Village of Libertyville (Village). The Village seeks variance from the wastewater treatment plant operator certification requirement of Rule 1201 of Chapter 3: Water Pollution until January 1, 1984. On February 18, 1982 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 Libertyville, Lake County, owns and operates a wastewater treatment plant serving its population of approximately 16,520. The Agency currently classifies this plant as a Group A facility, requiring it to be supervised by a Class I operator. The plant is currently being operated under the supervision of Mr. Michael Clarke, a Class II operator who has been in the Village's employ since May, 1976. At the time of the filing of this variance petition, Mr. Clarke would have been required to complete an additional wastewater course and to continue on the job for another 10 months before becoming eligible to take the Class I operator's examination. However due to a change in Agency certification procedures effective January 27, 1982 (6 Ill. Reg. 1630 et seq., Feb. 5, 1982), Mr. Clarke is immediately eligible to take the examination.

In support of its petition, the Village states, without elaboration, that "previous attempts to recruit a Class I operator have had negative results". As its plant has been operating within the discharge limitations of its NPDES permit, the Village believes that there are "no immediate benefits to be received" from replacement of Mr. Clarke.

The Agency reports that the Libertyville plant is well operated and maintained, and that Mr. Clarke is a conscientious operator. While noting that the Village has been aware of its need for a Class I operator since June, 1978, the Agency recommends that variance be granted, "as no adverse environmental impact seems likely". Given the change in its procedures conferring immediate eligibility upon Mr. Clarke to take the Class I examination, the Agency suggests that variance be terminated January 1, 1983.

Although the evidence presented concerning hardship is slight, the Board finds that denial of variance would impose an arbitrary or unreasonable hardship based on the plant's environmentally good operational history. Variance is granted until January 1, 1983 subject to the conditions outlined in the attached Order.

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

ORDER

1. The Village of Libertyville is granted a variance from Rule 1201 of Chapter 3: Water Pollution Rules and Regulations for a period to terminate January 1, 1983 under the following conditions:

a) Michael Clarke shall proceed to obtain Class I operator certification pursuant to applicable procedures as expeditiously as is practicable.

b) If Michael Clarke is properly certified by the Agency as a Class I operator before January 1, 1983, this variance shall terminate at such earlier time.

c) If Michael Clarke terminates his employment as operator of the Village's wastewater treatment plant before January 1, 1983, this variance shall terminate at such earlier time.

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

2. Within 45 days of the date of this Order, the Petitioner shall execute and forward to the Illinois Environmental Protection Agency, Division of Water Pollution Control, Compliance Assurance Unit, 2200 Churchill Road, Springfield, Illinois 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 81-197 dated _____, understand and accept the said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

Petitioner


By: Authorized Agent

Title

Date

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 4th day of March, 1982 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board