

ILLINOIS POLLUTION CONTROL BOARD
May 28, 1981

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 80-217
)
VILLAGE OF BEECHER,)
a municipal corporation,)
)
Respondent.)

MR. KENNETH G. ANSPACH, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

MR. R.R. TONGREN, ATTORNEY AT LAW, APPEARED ON BEHALF OF THE RESPONDENT.

OPINION AND ORDER OF THE BOARD (by N.E.Werner):

This matter comes before the Board on the November 24, 1980 Complaint brought by the Illinois Environmental Protection Agency ("Agency"). The Agency filed an Amended Complaint against the Village of Beecher (the "Village") on December 1, 1980.

Count I of the Amended Complaint alleged that, on November 2, 1979, the Village "began cleaning its tertiary lagoon by pumping its contents into the west branch of Trim Creek and bypassing the treatment plant directly to the same stream", thereby causing water pollution in violation of Section 12(a) of the Illinois Environmental Protection Act ("Act"). During the process of cleaning its lagoon, the Village allegedly discharged into the west branch of Trim Creek: (1) raw sewage with a BOD₅ level of 100 mg/l and a level of suspended solids of 53 mg/l in violation of Rule 404(f)* of Chapter 3: Water Pollution Control Regulations ("Chapter 3"); (2) contaminated water from its tertiary lagoon which had BOD₅ levels of 840 mg/l and suspended solid levels of 23,000 mg/l in violation of Rule 404(f) of Chapter 3; (3) effluents with color and turbidity above prescribed levels in violation of Rules 203(a), 402, and 403 of Chapter 3, and (4) floating debris, sludge, and pollutants in concentrations harmful to aquatic life (i.e., which resulted in the killing of fish) in violation of Rule 203(a) of Chapter 3.

Count II alleged that, from January 1, 1979 until December 1, 1980, the Village operated its sewage treatment plant without an NPDES permit in violation of Rule 901 of Chapter 3 and Section 12(f) of the Act.

*The Board notes that, on May 1, 1980, the Board entered an Order which deleted Rule 404(f) from Chapter 3.

Count III alleged that various specified violations of conditions in its NPDES permit No. IL 0049522 (which expired December 31, 1978) occurred when the Village discharged raw sewage and contaminants into the west branch of Trim Creek and when the Respondent allowed a bypass of discharge to occur at its sewage treatment plant on November 2, 1979 in violation of Rule 901 of Chapter 3. (See: Exhibit A).

Count IV alleged that the Village allowed the construction, use, and operation of a new treatment works or wastewater source or allowed the modification of an existing treatment works or wastewater source without the requisite Construction Permit and Operating Permit from the Agency in violation of Rules 951(a) and 952(a) of Chapter 3.

A hearing was held on April 21, 1981 at which members of the public were present. The parties filed a Stipulation and Proposal for Settlement on April 27, 1981.

The Respondent owns and operates a wastewater treatment facility located at Pasadena Avenue in the Village of Beecher, Will County, Illinois which discharges effluent to the west branch of Trim Creek.

The Village has admitted all of the allegations charged in the Amended Complaint and it is stipulated that when the Respondent cleaned its tertiary lagoon by pumping the contents of the lagoon into the west branch of Trim Creek and bypassing its sewage treatment plant directly to the creek, numerous violations of the Board's Water Pollution Regulations and the Act occurred. (Stip. 5-7).

The proposed settlement agreement provides that the Village will: (1) apply for the necessary Construction and Operating Permits from the Agency to clean its tertiary lagoon; (2) properly and promptly clean its tertiary lagoon in an environmentally acceptable manner; (3) cease and desist from discharging any effluent into Trim Creek which violates the standards set forth in its NPDES Permit, Chapter 3, or the Act; (4) "immediately institute a program to insure that all matters concerning the operation of Respondent's sewage treatment plant are carried out under the direct supervision and control of the plant's certified operator. Written instructions to that effect will be posted in the plant and given to all plant personnel"; (5) pay \$141.18 as reimbursement for the reasonable value of the 601 fish which were killed in Trim Creek when the Village's sewage treatment plant was incorrectly cleaned and when raw sewage was dumped into Trim Creek; (6) pay a stipulated penalty of \$858.82 (which will be paid by the Village in addition to the \$141.18 for the fish kill, making a total amount of \$1,000.00). (Stip. 7-9; R. 3-4).

In evaluating this enforcement action and proposed settlement agreement, the Board has taken into consideration all the facts and circumstances in light of the specific criteria delineated in Section 33(c) of the Act. The Board finds the settlement agreement acceptable under Procedural Rule 331 and Section 33(c) of the Act.

The Board finds that the Respondent, the Village of Beecher, has violated Rules 203(a), 402, 403, 404(f), 901, 902(i), 951(a) and 952(a) of Chapter 3: Water Pollution Control Regulations and Sections 12(a) and 12(f) of the Illinois Environmental Protection Act. A payment of \$141.18 as reimbursement for the reasonable value of the fish killed will be assessed against the Respondent. Additionally, the stipulated penalty of \$858.82 will also be imposed on the Village.

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

ORDER

It is the Order of the Illinois Pollution Control Board that:

1. The Respondent, the Village of Beecher, has violated Rules 203(a), 402, 403, 404(f), 901, 902(i), 951(a), and 952(a) of Chapter 3: Water Pollution Control Regulations and Sections 12(a) and 12(f) of the Illinois Environmental Protection Act.

2. The Respondent shall cease and desist from further violations.

3. Within 30 days of the date of this Order, the Respondent shall pay the sum of \$141.18 to the Game and Fish Fund of the State Treasury (as reimbursement for the reasonable value of the fish killed), payment to be made by certified check or money order, which is to be sent to:


State of Illinois
Fiscal Services Division
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706

4. Within 30 days of the date of this Order, the Respondent shall, by certified check or money order payable to the State of Illinois, pay the stipulated penalty of \$858.82 which is to be sent to:

State of Illinois
Fiscal Services Division
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706

5. The Respondent shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed April 27, 1981, which is incorporated by reference as if fully set forth herein.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 28th day of May, 1981 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board