

ILLINOIS POLLUTION CONTROL BOARD
September 18, 1980

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 79-79
)
CITY OF MONMOUTH,)
a municipal corporation,)
)
Respondent.)

MR. STEPHEN GROSSMARK, ASSISTANT ATTORNEY GENERAL, APPEARED ON
BEHALF OF THE COMPLAINANT.

HOTTLE & SPEARS, ATTORNEYS AT LAW (MR. BUFFORD W. HOTTLE, JR., OF
COUNSEL), APPEARED ON BEHALF OF THE RESPONDENT.

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

This matter comes before the Board on the April 6, 1979 Complaint brought by the Illinois Environmental Protection Agency ("Agency"). On November 10, 1979, the Hearing Officer permitted amendment of this Complaint. Count I and II of the Amended Complaint pertained to the wastewater treatment facility owned and operated by the City of Monmouth ("City") which processes wastewater produced by the Wilson Food Company's packing plant. Count III and IV of the Amended Complaint involved the wastewater treatment facility owned and operated by the City which processes the City's municipal sewage.

On May 6, 1980, the Complainant filed a Motion to Sever and File the Severed Cases Instantly which requested that the Board sever the original case into two separate cases. The first case, involving the packing plant wastewater treatment facility, would consist of Counts I and II of the Amended Complaint. The second case, involving the municipal wastewater treatment facility, would consist of Counts III and IV of the Amended Complaint. The Agency's motion to sever contained a statement to the effect that the City did not object to the motion and joined in it.

On May 15, 1980, the Board granted the joint motion to sever. The Board struck the Complaint in PCB 79-79 and substituted in its place the Amended Complaint concerning the municipal wastewater treatment facility located in the City of Monmouth. The Amended Complaint relating to the packing plant wastewater treatment

facility was construed as an original Complaint and docketed as PCB 80-107. On June 18, 1980, the Agency filed a Motion to Amend the Complaint and to File the Complaint Instantly and a Second Amended Complaint which served to conform the pleadings to the proof.

Count I of the Second Amended Complaint alleged that the City operated its municipal wastewater treatment facility in such a manner as to discharge effluents which contained settleable solids, floating debris, grease, and foam and sludge solids into Markham Creek, a navigable water of the State of Illinois, thereby violating its NPDES Permit, Rules 203, 403 and 602 of Chapter 3: Water Pollution Control Regulations ("Chapter 3") and Section 12 of the Illinois Environmental Protection Act ("Act").

Count II of the Second Amended Complaint alleged that the Respondent failed to provide the optimum and most efficient operation and maintenance of its wastewater treatment facility by failing to: (1) monitor and report effluent concentrations for specified parameters; (2) use proportioned composites in its sampling; (3) sample the effluent at a represented point; (4) report wastewater bypassed around the City's facility; and (5) provide sufficient operating personnel at the plant in violation of its NPDES Permit and Section 12 of the Act. A hearing on the proposed settlement was held on June 13, 1980. Members of the general public who were present at the hearing did not choose to comment or offer testimony in this case. The parties filed a Statement of Stipulated Settlement on June 20, 1980.

The Respondent's municipal wastewater treatment facility (the "facility" or "plant") in Warren County, Illinois provides secondary treatment to the City's municipal sewage and discharges effluents into an unnamed tributary of Markham Creek pursuant to NPDES Permit No. 0021253. (See: Exhibit B). This unnamed tributary to Markham Creek carries only plant effluent under ordinary dry weather conditions and receives runoff during wet weather. The flow from Markham Creek ultimately reaches the Mississippi River via Cedar Creek and Henderson Creek. (Stip. 2). The City's sewage treatment plant was placed on restricted status by the Agency on October 23, 1979. The Respondent is presently participating in the Agency's wastewater treatment works construction grants program to upgrade its facilities.

The parties have described pertinent parts of the plant's operation as follows:

"Sewage comes from the City by way of sewer pipes to the plant. Prior to entering a bar screen, excess sewage flow is bypassed at one of two bypasses located at two diversion structures. At the bar screen, large pieces of debris, i.e., sticks, pieces of cloth, etc. are removed from the sewage, or wastewater. The sewage then flows to one of two sluice gates which control the flow to the two grit removal chambers where inorganic solids such as sand and gravel are removed. Located after the grit removal chambers is another bypass structure

which also routes excess flow around the plant. Wastewater then flows to one of two primary clarifiers for the settling of solids from the sewage. These solids, or primary sludge, are then pumped to an anaerobic digester where digestion of the sludge takes place. This sludge is then placed in a second digester for storage and is then sent to drying beds to dry. It is later landfilled.

Wastewater from the primary clarifiers then flows to one of two aeration basins. A fourth bypass structure which also routes excess flow around the plant is located between the primary clarifiers and the aeration basins. While in the aeration basins the wastewater is treated by a conventional activated sludge process. The wastewater is placed in an activated sludge mixed liquor where micro-organisms consume nutrients and pollutants in the sewage. The wastewater from the aeration basins then proceeds to the final clarifier where settling of sludge takes place.

Secondary sludge, or the activated sludge, from the final clarifier is either sent back to the aeration basins to be used once again as activated sludge or is "wasted" back through the system by sending it back to the primary clarifiers and then to the digesters for digestion and disposal. Wastewater from the final clarifier is flow metered at a Kennison Nozzle and discharged to Markham Creek. No chlorination is provided." (Stip. 2-3).

The plant, which was designed in 1935 for an average flow 1.5 million gallons of wastewater per day ("MGD"), has had an average daily flow of between 1.3 and 1.5 MGD. The maximum flow through the facility has seldom exceeded 2.0 MGD. The parties have stipulated that "flows in excess of 1.5 MGD have been allowed to bypass raw sewage at the four bypass structures to the receiving stream." (Stip. 4). On a normal dry day, the raw sewage bypassed has amounted to about 1.0 MGD, while the amount of sewage bypassed is greater than 1.0 MGD during wet weather periods. (Stip. 4).

Between July 9, 1973 and February 21, 1980, the Agency has made 23 inspections of the Respondent's facilities. Agency employees have observed the bypassing of raw sewage during 16 of the 23 inspections. (Stip. 4). Agency personnel conducted a series of stream surveys of the plant's receiving waters during the last four months of 1979. Water samples indicated that water quality violations have occurred. (See: Exhibits C, D and E; Stip. 4-5).

The parties have also stipulated that the City has:

- (1) violated the requirements of its NPDES Permit as to sampling, analysis and reporting of data;
- (2) failed to monitor effluent concentrations of heavy metals;
- (3) failed to use flow proportioned composites in its sampling; and
- (4) had insufficient staff at the plant. (Stip. 5-6).

Although the City has consistently indicated in its discharge monitoring reports that it has met its NPDES Permit

effluent limits, the Agency contends that the City's effluent results pertaining to BOD₅ and suspended solids have been inaccurate. (Stip. 5).

The City is currently attempting to reduce the bypassing of raw sewage to the receiving stream until the plant can be upgraded pursuant to the Agency's wastewater treatment works construction grants program (i.e., 75% of the cost of upgrading the plant will be paid for by the Federal Government). (Stip. 6-7). In its attempt to reduce the bypass of raw sewage, the City has: (1) constructed a storm sewer which leads to the plant and (2) attempted to take flows in excess of 1.5 MGD through the facility. (Stip. 7).

The City has agreed to: (1) follow a specified completion schedule for upgrading its facility; (2) take various specified steps to reduce the bypassing of raw sewage as much as possible; (3) increase its staff to provide additional monitoring of its plant; and (4) follow the Agency's recommendations for improving its sampling, analysis, and reporting procedures. (See: Exhibit F; Stip. 6-10).

The proposed settlement agreement provides that the City will promptly: (1) cease and desist from further violations of its NPDES Permit, the Board's Water Pollution Control Regulations, and the Act; (2) adhere to its grant program completion schedule for upgrading the plant; (3) maintain an adequate operating staff; (4) closely monitor the operating conditions of the facility; (5) reduce bypassing at the plant by following the Agency's suggested equipment modifications; (6) take 24-hour flow proportioned composite samples of the final effluent in accordance with the requirements of its NPDES Permit; (7) take hand composite samples of raw sewage influent three times during each eight-hour shift; (8) monitor and record process control of the plant (in accordance with Exhibit F); (9) monitor, analyse and report the effluent concentrations of heavy metals; (10) obtain the services of a professional analytical laboratory to provide specified four-week training to all plant personnel; and (11) pay a stipulated penalty of \$2,500.00 . (Stip. 11-13).

In evaluating this enforcement action and proposed settlement, 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 stipulated agreement acceptable under Procedural Rule 331 and Section 33(c) of the Act. The Board finds that the Respondent, the City of Monmouth, has violated Rules 203, 403, 602, and 901 of Chapter 3: Water Pollution Control Regulations and Section 12 of the Act. The Respondent is ordered to cease and desist from all further violations. The City is ordered to follow the compliance plan and schedule set forth in the Statement of Stipulated Settlement. The stipulated penalty of \$2,500.00 is assessed against the City of Monmouth.

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 City of Monmouth, has violated Rules 203, 403, 602, and 901 of Chapter 3: Water Pollution Control Regulations and Section 12 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, by certified check or money order payable to the State of Illinois, pay the stipulated penalty of \$2,500.00 which is to be sent to:

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

4. The Respondent shall comply with all the terms and conditions of the Statement of Stipulated Settlement filed on June 20, 1980, which is incorporated by reference as if fully set forth herein.

Chairman Dumelle concurs.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 18th day of September, 1980 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board