

ILLINOIS POLLUTION CONTROL BOARD
May 29, 1980

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 78-232
)
VILLAGE OF WYANET,)
a Municipal Corporation,)
)
Respondent.)

MR. DEAN HANSELL, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

MR. WILLIAM C. ROUNDS, VILLAGE ATTORNEY, APPEARED ON BEHALF OF THE RESPONDENT.

OPINION AND ORDER OF THE BOARD (by Board Member Werner):

This matter comes before the Board on the August 25, 1978 Complaint brought by the Illinois Environmental Protection Agency ("Agency"). Count I of the Complaint alleged that the Respondent failed to submit reports and perform analyses pertaining to biochemical oxygen demand, total suspended solids, and fecal coliform levels in effluent discharges from its sewage treatment facility ("facility") as required by its NPDES Permit in violation of Rule 901 of Chapter 3: Water Pollution Control Regulations ("Chapter 3") and Sections 12(a), 12(b), and 12(f) of the Illinois Environmental Protection Act ("Act"). Count II alleged that, from October 23, 1977 until August 25, 1978 (including, but not limited to, January 5, 1978), the Respondent removed some of the necessary water treatment units from service, thereby failing to provide optimum operation and maintenance of the existing waste treatment facility to produce as high quality effluent as reasonably possible in violation of Rule 901 of Chapter 3 and Sections 12(a), 12(b), and 12(f) of the Act. Count III alleged that, from October 23, 1977 until August 25, 1978, the Respondent failed to provide an adequate, duly-qualified operating staff to carry out the operation, maintenance, and testing functions required to insure compliance with the conditions of its NPDES Permit in violation of Rule 901 of Chapter 3 and Sections 12(a), 12(b), and 12(f) of the Act. Count IV alleged that, from April 29, 1975 until August 25, 1978, the Village of Wyanet ("Village") failed to submit any operating reports to the Agency in violation of Rule 501 of Chapter 3 and Section 12(a) of the Act. Count V alleged that,

from April 27, 1975 until August 25, 1978, the Village operated its treatment works without a properly certified wastewater treatment plant operator in violation of Rule 1201 of Chapter 3 and Section 12(a) of the Act.

On July 16, 1979, the parties filed a Stipulation and Proposal for Settlement. A hearing was held on September 14, 1979. On October 16, 1979, the parties filed an Amendment to the Stipulation and Proposal for Settlement which added a new paragraph to the original Stipulation. On November 15, 1979, the Board entered an Interim Order which rejected the Stipulation because of the suspended, contingent penalty. On April 30, 1980, the parties filed a Second Amendment to the Stipulation and Proposal for Settlement which eliminated the suspended penalty provision of the initial Stipulation.

The Village of Wyanet, which has a population of approximately 1,000 individuals, owns and operates a sewage treatment facility in Bureau County, Illinois which discharges effluent into Pond Creek, a tributary to West Bureau Creek, pursuant to NPDES Permit No. IL-0031879. The Village's sewage treatment plant utilizes the trickling filter and stabilization pond processes to stabilize the organic material in the sewage. Supplemental aeration is provided in two of the stabilization ponds to add more oxygen. (See: Attachment D, p. W-18).

The Respondent has admitted all of the allegations in the Complaint. (See: Group Attachment B). The proposed settlement agreement provides that the Village shall: (1) hire a properly certified operator to supervise the operation of the Respondent's sewage treatment facility; (2) provide insulation, heat, ventilation, and electrical service to its chlorine building; (3) provide snow and wind protection to the trickling filter unit; (4) perform the required effluent analyses and submit the requisite reports required by its NPDES Permit (the Village has already entered into an informal agreement to utilize the laboratory facilities of the City of Princeton to perform the necessary effluent analyses); (5) provide optimum operation and maintenance of the sewage treatment facility along with year-around operation of all units in the facility; (6) promptly submit an application to the Agency for funding to correct various inadequacies in the sewage transport and treatment facility (See: Attachment D), and (7) pay a stipulated penalty of \$337.50 .

The Respondent has indicated that it is currently already in full compliance with most of the provisions of the proposed settlement agreement. However, the Village has not yet applied for a grant to update its sewage treatment plant because an

engineering study must first be completed before the preliminary application for funding can be submitted.

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 Illinois Environmental Protection 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 Village of Wyanet, has violated Rules 501, 901, and 1201 of Chapter 3: Water Pollution Control Regulations and Sections 12(a), 12(b), and 12(f) of the Act. The stipulated penalty of \$337.50 is hereby assessed against the Respondent.

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 Wyanet, has violated Rules 501, 901, and 1201 of Chapter 3: Water Pollution Control Regulations and Sections 12(a), 12(b), and 12(f) of the Illinois Environmental Protection Act.

2. 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 \$337.50 which is to be sent to:

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

3. The Respondent shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed on July 16, 1979, as modified by the Second Amendment to the Stipulation and Proposal for Settlement filed on April 30, 1980, which are 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 29th day of May, 1980 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board