

ILLINOIS POLLUTION CONTROL BOARD
April 17, 1980

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 78-238
)
CITY OF PLANO, a Municipal)
Corporation,)
)
Respondent.)

MR. THOMAS W. GRANT, ATTORNEY AT LAW, APPEARED ON BEHALF OF THE
RESPONDENT.

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

This matter comes before the Board on the August 30, 1978 Complaint brought by the Illinois Environmental Protection Agency ("Agency"). Count I of the Complaint alleged that, from October 23, 1977 until August 30, 1978, the Respondent failed to monitor and report monthly to the Agency the concentrations of biochemical oxygen demand, total suspended solids, fecal coliform and cyanide in effluents discharged from its municipal sewage treatment plant in Kendall County, Illinois into Big Rock Creek 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 30, 1978, the City of Plano ("City") violated its NPDES Permit by failing to monitor and report to the Agency at 6 month intervals the effluent concentrations of arsenic (total), barium (total), cadmium (total), chromium (total hexavalent), chromium (total trivalent), copper (total), cyanide (total), fluoride (total), iron (total), iron (dissolved), lead (total), manganese (total), mercury (total), nickel (total), oil (hexane solubles or equivalent), zinc (total), phenols, selenium (total) and silver (total) in violation of Rule 901 of Chapter 3 and Sections 12(a), 12(b), and 12(f) of the Act. On January 10, 1980, the Board entered an Order which mandated that a hearing be held within 60 days. A hearing was held on March 10, 1980. The parties filed a Stipulation and Proposal for Settlement on March 14, 1980.

The City owns and operates a sewage treatment plant in Kendall County, Illinois which discharges effluent pursuant to NPDES Permit No. IL 0020052. (See: Attachment A). This NPDES Permit requires that the Respondent submit monthly reports to the Agency pertaining to the concentrations of biochemical oxygen demand, suspended solids, and cyanide in its effluents. (See: Attachment B). Additionally,

the NPDES Permit requires that the City submit monitoring reports to the Agency every 6 months relating to the concentrations of various specified chemicals in its discharged effluents. However, it is stipulated that the City failed to comply with these requirements. (Stip. 2).

The proposed settlement agreement provides that the Respondent will expeditiously attain full compliance with the conditions of its NPDES Permit by conducting a detailed sampling program using the appropriate analytical instrumentation devices. The parties have stipulated that the City has already obtained an analytical device for cyanide testing. (Stip. 2). Additionally, the City has agreed to pay a stipulated penalty of \$1,000.00 and apply to the Agency for a modified NPDES Permit.

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 Plano, has operated its municipal sewage treatment plant in violation of Rule 901 of Chapter 3: Water Pollution Control Regulations and Sections 12(a), 12(b), and 12(f) of the Act. The stipulated penalty of \$1,000.00 is assessed against the City.

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

2. Within 28 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 \$1,000.00 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 March 14, 1980, 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 17th day of April, 1980 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board