

ILLINOIS POLLUTION CONTROL BOARD
June 27, 1985

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	PCB 84-3
)	84-4
CITY OF GALVA, an Illinois)	(Consolidated)
municipal corporation,)	
)	
Respondent.)	

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

This matter comes before the Board on two complaints filed January 6, 1984. PCB 84-3 involves an eight-count complaint filed by the Illinois Environmental Protection Agency ("Agency") pertaining to the City of Galva's ("Galva") southwest wastewater treatment plant. PCB 84-4 involves a seven-count complaint filed by the Agency regarding Galva's northeast wastewater treatment plant. Essentially, the complaints charge, for each respective facility, that since 1978 Galva has violated various provisions of the Environmental Protection Act ("Act"), Board regulations, and provisions of its NPDES permits.

Presently before the Board is a March 27, 1985 Third Revised Stipulation and Proposal for Settlement. (The prior procedural history is set forth in the Board's Order of February 20, 1985, and will not be repeated here.) On May 24, 1985 the parties moved to amend this stipulation to correct a typographical omission, which motion is granted.

The Settlement Agreement is divided into three parts. The first part, entitled "Statement of Facts," contains 29 numbered paragraphs recounting the situation respecting Galva and its facilities. The second part, entitled "Contentions of Law," contains 15 numbered paragraphs wherein the Agency and Galva agree that various previously agreed facts constitute a violation of certain provisions of the Act, Board regulations, or an NPDES permit requirement. The third part of the Settlement Agreement, entitled "Proposal for Settlement," contains a lengthy and detailed plan for design and construction affecting Galva's facilities; interim effluent limitations; a requirement for Galva to adopt and enforce a sewer use ordinance regulating industrial discharges to the system; a requirement that Galva adopt a user charge system to fund operation, maintenance and improvements to Galva's system; a progress report schedule; a requirement that Galva fund improvements locally and finally, a \$3,375 civil penalty.

This third settlement agreement differs from the previous one in only two regards, each of which corrects deficiencies noted by the Board in its February 20 Order: the City has agreed that it has committed the alleged violations (Stip. 11), and the user charge agreement has been clarified. The stipulation recites that grant funding is presently unavailable, but that the City is not precluded "from applying for any grant funding which may become available on some future date" (Stip. p. 24-25) (nor presumably from making such changes in the user charge system as such funding may allow).

The Board finds, pursuant to Section 33(c) of the Act, that the Third Revised Stipulation and Proposal for Settlement is an acceptable resolution of this enforcement action. While the duration of the violations is long, the stipulated penalty appears suitable to aid enforcement of the Act, particularly in light of the expenditures involved in the corrective action agreement.

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

ORDER


1. The Board finds that the City of Galva has violated 12(a), 12(b), and 12(f) of the Environmental Protection Act; the Board's Water Pollution Regulations, 35 Ill. Adm. Code 302.203, 305.105, 304.120(c), 305.102(b), 306.120(a), 306.103(b), 306.120(c), 309.154(a) and 312.101, as a result of operation of its northeast and southwest wastewater treatment plants.
2. The City shall comply with all the terms and conditions of the Third Revised Stipulation and Proposal for Settlement filed March 27, 1985, which is incorporated by reference herein as if fully set forth.
3. The City shall pay a total stipulated penalty of \$3,375.00. This penalty is payable by certified check or money order in 12 monthly installments of \$281.25, which shall be designated for deposit into the Environmental Protection Trust Fund, and are to be sent to:

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

The first installment payment shall be made within 30 days of the date of this Order.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 27th day of June, 1985 by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board