

ILLINOIS POLLUTION CONTROL BOARD
October 5, 1982

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Complainant,)
)
v.) PCB 81-135
)
METRO-EAST SANITARY DISTRICT)
(Cahokia Plant),)
)
Respondent.)

MR. GREIG R. SIEDOR, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

MR. JOHN R. SPRAGUE, SPRAGUE, SPRAGUE & YSURSA, APPEARED ON BEHALF OF THE RESPONDENT.

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

This matter comes before the Board on the August 24, 1981 Complaint brought by the Illinois Environmental Protection Agency ("Agency").

Count I of the Complaint alleged that, on certain specified dates between November 26, 1979 and August 24, 1981, the Respondent allowed discharges of raw, untreated sewage into Illinois waters from its Cahokia plant as a result of its failure to maintain in operating condition either of two raw sewage pumps necessary to deliver sewage into the treatment equipment at its facility in violation of a condition of its NPDES Permit, Rule 901 of Chapter 3: Water Pollution Regulations ("Chapter 3"), and Section 12(f) of the Illinois Environmental Protection Act ("Act").

Count II alleged that, from November 26, 1979 until August 24, 1981, the Respondent failed to operate its treatment plant so as to minimize violations of applicable water quality and effluent standards during contingencies such as equipment failure by maintaining a backup raw sewage pump in operating condition at all times in violation of Rule 601(a) of Chapter 3 and Section 12(a) of the Act.

Count III alleged that, on various occasions between January 11, 1980 and August 24, 1981, the Respondent allowed raw, untreated sewage to bypass the Cahokia plant and to flow directly into the Cahokia Chute and then into the Mississippi River without reporting such incidents to the Agency within

72 hours and without providing required information about these incidents within 5 days as required by its NPDES Permit in violation of Rule 501(c) of Chapter 3 and Section 12(f) of the Act.

Count IV alleged that, on various specified dates between November 16, 1978 and August 24, 1981, the Respondent failed to submit some discharge monitoring reports and failed to monitor and report on certain chemical parameters in the effluent discharged from its plant as required by its NPDES Permit in violation of Rule 501(c) of Chapter 3 and Section 12(f) of the Act.

A hearing was held on August 20, 1982. The parties filed a Stipulation and Proposal for Settlement on August 30, 1982.

The Respondent, the Metro-East Sanitary District ("Metro-East"), is a regional sanitary district which owns and operates a sewage treatment plant ("Cahokia plant") which is located at 1000 Levin Drive in Cahokia, St. Clair County, Illinois. Metro-East also has a sewer system which is tributary to its Cahokia plant and serves the communities of Aloroton, Cahokia, and Centreville, along with much of Centreville township. The Respondent's plant provides primary sewage treatment for wastewater and discharges the treated wastewater from Outfall 001, a point source, into the Cahokia Chute, a tributary to the Mississippi River, pursuant to NPDES Permit No. IL 0028606. (Stip. 2-3). Additionally, the discharge of bypassed, untreated sewage into the Cahokia Chute from a second point source, Outfall 002, is authorized by Attachment D of Metro-East's NPDES Permit (provided that each of six specified conditions is met). (Stip. 3).

The proposed settlement agreement provides that the Respondent admits the violations alleged in the Complaint and agrees to: (1) complete repairs to the comminutor at the Cahokia plant, or, in the alternative, to submit to the Agency within 30 days of the date of the Board's Order a written program describing Metro-East's maintenance and cleaning of the bar screen; (2) cease and desist from any further violations; and (3) pay a stipulated penalty of \$200.00. (Stip. 9-12). At the hearing, it was noted that the Respondent has made good progress in correcting the operational problems at its plant. (R.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 and finds the settlement agreement acceptable under Procedural Rule 331. The Board finds that the Respondent, the Metro-East Sanitary District, has violated Rules 501(c), 601(a), and 901 of Chapter 3 and Sections 12(a) and 12(f) of the Act.

The Board notes that this stipulation contains little evidence of mitigation which would explain why a minimal \$200.00 penalty was agreed to in a case where a number of admitted violations took place over a 21 month period. In order to expedite resolution of this matter, the Board will accept this stipulated penalty, as the poor financial condition of Metro-East has been outlined to the Board in prior proceedings. (Such information should, however, have been included in the Stipulation.)

The Respondent will be ordered to cease and desist from further violations; follow the compliance plan set forth in the Stipulation; and to pay the stipulated penalty of \$200.00.

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, Metro-East Sanitary District (Cahokia Plant), has violated Rules 501(c), 601(a), and 901 of Chapter 3: Water Pollution Regulations and Sections 12(a) and 12(f) of the Illinois Environmental Protection Act.

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

3. Within 10 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 \$200.00 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 Stipulation and Proposal for Settlement filed on August 30, 1982, which is incorporated by reference as if fully set forth herein.

IT IS SO ORDERED.

Board Members I. Goodman and D. Anderson dissent.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 5th day of October, 1982 by a vote of 3-2.


Christan L. Moffett, Clerk
Illinois Pollution Control Board