

ILLINOIS POLLUTION CONTROL BOARD
December 17, 1981

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 79-239
)
CITY OF HERRIN,)
)
Respondent.)

MR. REED W. NEUMAN, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

MR. PAUL S. MURPHY, CITY ATTORNEY, APPEARED ON BEHALF OF THE RESPONDENT.

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

This matter comes before the Board on the November 13, 1979 Complaint brought by the Illinois Environmental Protection Agency ("Agency"). On November 15, 1979, the Agency filed a Motion for Leave to Amend the Complaint and an Amended Complaint.

Count I of the Amended Complaint alleged that, from November 1, 1977 until November 15, 1979, the City of Herrin (the "City") allowed discharges of effluent from its sewage treatment facility (the "facility" or "plant") at outfall 001 to exceed the concentration limits (on a 30-day average) established by its NPDES Permit for 5-day biochemical oxygen demand ("BOD₅") and suspended solids in violation of the terms of its NPDES Permit, Rule 410(a) of Chapter 3: Water Pollution Control Regulations ("Chapter 3"), and Section 12(f) of the Illinois Environmental Protection Act ("Act").

Count II alleged that, during six specified months between April, 1978 and February, 1979, effluent discharges from the City's sewage treatment plant bypass and sanitary sewer overflows at outfalls 002 and 003 exceeded the maximum BOD₅ and suspended solids concentration limits set by its NPDES Permit in violation of the conditions of its NPDES Permit, Rule 410(a) of Chapter 3, and Section 12(f) of the Act.

Count III alleged that, from January 1, 1978 until November 15, 1979, occasional sanitary sewer overflows at points in the City's sewage system (other than those expressly authorized by the Respondent's NPDES Permit) have occurred in violation of Rule 602(b) of Chapter 3 and Section 12(a) of the Act.

Count IV alleged that, from November 1, 1977 until November 15, 1979, the City failed to submit the requisite fecal coliform monitoring data, effluent reports, industrial user reports, and other necessary reports required by its NPDES Permit (as well as having failed to submit the required Facilities Plan to the Agency which was due by December 31, 1976) in violation of Rule 901 of Chapter 3 and Section 12(f) of the Act.

Count V alleged that, during six specified dates between August, 1978 and February, 1979, discharges of effluents from the City's plant have exceeded the 2.0 milligrams per liter limitation for total iron concentration in violation of Rule 408(a) of Chapter 3 and Section 12(a) of the Act.

Count VI alleged that, from March 1, 1979 until November 15, 1979, the City operated its treatment facility without the required Class II wastewater treatment plant operator in violation of Rule 1201 of Chapter 3 and Section 12(a) of the Act.

Hearings were held on July 7, 1980 and September 4, 1981. The parties filed a Stipulation and Proposal for Settlement on September 9, 1981.

The City of Herrin, which has a population of about 10,000 people, owns and operates a wastewater treatment facility in Williamson County, Illinois. This plant first became operational in 1950 and, like many older plants, requires "labor-intensive operations and maintenance". (Stip. 4). The City's plant now includes "an aerated grit chamber, two primary clarifiers, a four-arm trickling filter, two final clarifiers, effluent chlorination, as well as anaerobic sludge digestion, and sludge drying beds". (Stip. 4).

Renovation and expansion of the City's wastewater treatment facilities has been an on-going process which has encountered many delays and difficulties due to the unavailability of grant funding, changes in consulting engineers, and various other problems. (Stip. 4-6).

The City discharges effluent from a point source (i.e., outfall 001) at its plant to an unnamed tributary of the Big Muddy River, a navigable Illinois water, pursuant to NPDES Permit No. IL 0029165. On August 29, 1980, the Agency notified the City that its facilities were being placed on "restricted status" until the Respondent "upgraded and expanded its current wastewater treatment plant". (Stip. 6-10).

The Agency and the City have engaged in extensive consultations to develop an effective compliance program to rectify the sewer backup and overflow problems resulting from the "generally poor condition" of the City's sewer collection system. (Stip. 10).

Subsequently, the City "has made significant improvements" in its sewer collection system including: (1) cleaning the 27th Street sewer line to eliminate a low point blockage and installing "private grinder pumps at residences with backup problems at a cost of several thousand dollars"; (2) completely repairing broken, damaged, and leaking

sanitary sewer lines in the drainage ditch between 17th Street and 18th Street; (3) enlarging, rebuilding, and rerouting storm sewers and improving the downstream flow of the storm sewers using a federal grant of \$800,000.00 ; (4) completely replacing and relocating the 6th Street lift station and adding "a new pump unit of greatly increased capacity of a cost to the City of over \$35,000.00"; (5) initiating a local program to enforce the existing ordinance designed to remove the "large number of downspouts illegally connected to the sewers" to curtail "excessive infiltration to the sewer system"; (6) working with real estate developers to provide "as-built" plans to the Agency for the recently annexed Melody Acres and Woodside Subdivisions (which were originally constructed without Agency permits) in order to properly permit the sewer extensions; (7) completely cleaning out the drainage channel from the sewer plant north of the Big Muddy River to improve storm sewer drainage and lessen storm water backup at "a cost of over \$60,000.00"; (8) now having the plant under the active supervision of a Class 2 certified operator; (9) substituting chlorine residual monitoring for fecal coliform analyses pursuant to Agency approval; (10) currently complying with the monitoring and reporting requirements of its NPDES Permit; and (11) initiating a pretreatment program to control heavy metals discharges from specified industrial users. (Stip. 10-13).

The proposed settlement agreement provides that that City admits the allegations in the Amended Complaint and agrees to: (1) cease and desist from any further violations; (2) operate its wastewater treatment plant in such a manner as to minimize upsets and discharges of excessive pollutants and produce as high quality of effluent as reasonably possible; (3) aggressively pursue the Facilities Plan and actively proceed in the construction grants program to upgrade the sewage treatment facility and to complete sewer rehabilitation; and (4) pay a stipulated penalty of \$1,200.00 in four semiannual installments of \$300.00 each. (Stip. 14-17). The stipulation also provides that the City may "accelerate payment of this penalty schedule" if it so desires. (Stip. 17).

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. The Board finds the settlement agreement acceptable under Procedural Rule 331 and Section 33(c) of the Act.

Accordingly, the Board finds that the Respondent, the City of Herrin, has violated Rules 408(a), 410(a), 602(b), 901, and 1201 of Chapter 3: Water Pollution Control Regulations and Sections 12(a) and 12(f) of the Illinois Environmental Protection Act. The City will be ordered to cease and desist from further violations and pay the stipulated penalty of \$1,200.00 in four semiannual installments of \$300.00 each.

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 Herrin, has violated Rules 408(a), 410(a), 602(b), 901, and 1201 of Chapter 3: Water Pollution Control Regulations and Sections 12(a) and 12(f) of the Illinois Environmental Protection Act.

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

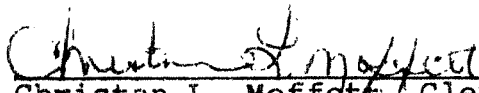
3. Within 30 days of the date of this Order, the Respondent shall, by certified check or money order payable to the State of Illinois, pay the first installment of \$300.00 on the stipulated penalty of \$1,200.00 (and subsequently make payments of \$300.00 each in semiannual installments thereafter, until the entire penalty of \$1,200.00 has been paid in full), which is to be sent to:

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

The Respondent may accelerate payment of this penalty schedule if it so desires.

4. The Respondent shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed September 9, 1981, which is incorporated by reference as if fully set forth herein.

I, Christian L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 17th day of December, 1981 by a vote of 4-0.



Christian L. Moffett, Clerk
Illinois Pollution Control Board