

ILLINOIS POLLUTION CONTROL BOARD
July 23, 1981

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 81-14
)
VILLAGE OF BRIGHTON,)
)
Respondent.)

CHRISTINE ZEMAN, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

ROBERT WATSON, ATTORNEY AT LAW, APPEARED ON BEHALF OF THE RESPONDENT.

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

This matter comes before the Board on the January 29, 1981 Complaint brought by the Illinois Environmental Protection Agency ("Agency").

Count I of the Complaint alleged that, on various specified dates between January 9, 1979 and April 5, 1980, the Village of Brighton (the "Village") operated its wastewater treatment facility ("facility" or "plant") in such a manner as to discharge effluents into an unnamed tributary of the West Fork of the Wood River, an Illinois water, which contained concentrations of suspended solids and BOD₅ in excess of prescribed limits thereby violating Rules 401(c) and 404(f) [or in the alternative 404(c)]* of Chapter 3: Water Pollution Control Regulations ("Chapter 3") and Section 12(a) of the Illinois Environmental Protection Act ("Act").

Count II alleged that, from January 25, 1978 until January 29, 1981, the Respondent failed to operate its facility so as to minimize violations of applicable standards in violation of Rule 601(a) of Chapter 3 and Section 12(a) of the Act.

*Rule 404(f) has been deleted. The Complaint (p.5) and the Stipulation (p.3) list maximum BOD₅ and suspended solids effluent concentrations of 547 mg/l and 1400 mg/l respectively, thereby indicating a violation of Rule 404(c).

A hearing was held on June 24, 1981 at which members of the public were present. The parties filed a Stipulation and Proposal for Settlement on June 30, 1981.

The Village of Brighton, which has a population of about 2,000 individuals, is located in Macoupin County, Illinois. The Respondent's wastewater treatment system includes "a comminutor, two aeration tanks, two final settling tanks and a sludge holding tank." (Stip. 2). The Village discharges its wastewater into an unnamed tributary of the West Fork of the Wood River.

It is stipulated that "the Agency received a complaint from a farmer one-third mile downstream of said treatment system on the North Fork of Wood River" on September 7, 1978. (Stip. 4). In its investigation of the farmer's complaint regarding excessive discharges of pollutants from the Village's plant into a creek which runs through the farmer's property, "the Agency learned Brighton's treatment system had a power outage." (Stip. 4-5).

During the period from 1978 until 1981, Agency personnel discussed with the Village's wastewater treatment plant operators "ways in which to improve operation of Brighton's treatment system". (Stip. 5; See: Exhibits A and B). The Village currently employs a Certified Class III Operator and a Certified Class IV Operator who "is scheduled to take the next Class II and Class III Operator Certification exam offered by the Agency in August, 1981." (Stip. 5).

In an attempt to alleviate the various operational problems that were encountered, the Village retained a private engineering firm which inspected the Respondent's treatment system on March 19, 1981. (Stip. 5). According to this engineering firm, the "chief problem encountered was excessive suspended solids due to the fact that the sludge had been aerated too long, causing poor settling and a high sludge volume index". (Stip. 6). The consulting engineer recommended specified steps to eliminate the sludge problem and the Village implemented all the engineer's recommendations by May 13, 1981. (Stip. 6).

The parties have stipulated that, at various times between January 25, 1978 and January 29, 1981, the Village failed to properly operate its plant so as to minimize violations of applicable standards by failing to: (1) keep its flow meter operative; (2) install an activated sludge blower; (3) maintain adequate operational records; (5) have an adequate sludge handling facility; (6) have sufficient process control; and (7) have a sufficient power outage alarm system. (Stip. 4).

The parties have also noted that, while the Respondent does not currently have an NPDES Permit for its wastewater discharge, the Agency is presently processing the Village's NPDES Permit application. (Stip. 6).

The proposed settlement agreement provides that the Village: (1) admits all the violations alleged in the Complaint; (2) agrees to cease and desist from further violations by following a specified compliance plan and schedule (which includes maintenance of an alarm system, proper sludge removal, process control tests, monitoring of effluent discharges, and the filing of all necessary reports with the Agency), and (3) payment of a stipulated penalty of \$750.00 .

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 has violated Rules 401(c) and 404(f) [or in the alternative 404(c)] and 601(a) of Chapter 3: Water Pollution Control Regulations and Section 12(a) of the Illinois Environmental Protection Act. The Respondent will be ordered to cease and desist from further violations and the stipulated penalty of \$750.00 will be assessed against the Village of Brighton.

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 Brighton, has violated Rules 401(c) and 404(f) [or in the alternative 404(c)] and 601(a) of Chapter 3: Water Pollution Control Regulations and Section 12(a) of the Illinois Environmental Protection Act.

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

3. The Respondent shall follow the specified compliance plan and schedule delineated in the settlement agreement.

4. 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 \$750.00 which is to be sent to:

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

5. The Respondent shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed on June 30, 1981, 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 23rd day of July, 1981 by a vote of 5-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board