

ILLINOIS POLLUTION CONTROL BOARD
September 3, 1981

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 77-157
)
DECATUR SANITARY DISTRICT, A.E. STALEY)
MANUFACTURING CO., and ARCHER-DANIELS-)
MIDLAND COMPANY,)
)
Respondents.)

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

GREANIAS & BOOTH, ATTORNEYS AT LAW (MR. GUS T. GREANIAS, OF COUNSEL), APPEARED ON BEHALF OF THE RESPONDENT.

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

This matter comes before the Board on the June 10, 1977 Complaint brought by the Illinois Environmental Protection Agency ("Agency").

On August 18, 1978, the Agency filed a nine-count Amended Complaint.

Counts I, IV, V, VI, VII, VIII, and IX of this Amended Complaint contained allegations of violations by the Decatur Sanitary District ("District").

Count II of the Amended Complaint contained allegations against the Archer-Daniels-Midland Company ("ADM").

Count III of the Amended Complaint contained allegations against the A. E. Staley Manufacturing Company ("Staley").

After numerous preliminary legal papers were filed, a hearing was held on January 21, 1980.

At this hearing of January 21, 1980, two separate settlement proposals were presented. One settlement proposal was between the Agency and ADM, the other proposed agreement was between the Agency and Staley. Concomitantly, ADM and Staley moved for expedited consideration of the allegations contained in Counts II and III of the Amended Complaint, and requested that the counts of the Amended Complaint pertaining solely to the Decatur Sanitary District be

considered in a separate proceeding. There was no objection to this procedure at the hearing, and the Hearing Officer submitted the motions to the Board.

On February 4, 1980, the parties submitted two separate, signed Settlement Proposals to the Board (i.e., the agreements between the Agency and ADM, and between the Agency and Staley).

On March 6, 1980, the Board entered an Interim Opinion and Order in this case which resolved all matters at issue between the Agency, ADM, and Staley. A stipulated penalty of \$3,000.00 was assessed against each company for violating the Board's Water Pollution Regulations by discharging organic wastes from their grain milling and refining plants to sewers flowing to the Decatur Sanitary District in such quantities as to cause overloads at the District's sewage treatment facility.

On June 22, 1981, a separate hearing was held pertaining solely to the allegations against the Decatur Sanitary District.

On June 30, 1981, a Stipulation and Proposal for Settlement between the Agency and the District was filed.

The allegations in the Amended Complaint pertaining to the Decatur Sanitary District are encompassed in Count I and Counts IV through IX of the Amended Complaint.

Count I of the Amended Complaint alleged that, from May 1, 1977 until August 18, 1978, the emission of odors from the District's sewage treatment and sludge disposal facility (the "plant" or "facility") interfered with the enjoyment of life and property by nearby residents and caused air pollution in violation of Section 9(a) of the Illinois Environmental Protection Act ("Act").

Count IV alleged that, from March 1, 1977 until August 18, 1978 (including, but not limited to, April 27, 1977 and May 25, 1977), the discharge from the District's plant to an unnamed tributary and then to the Sangamon River caused the dissolved oxygen levels in the receiving stream to be less than 5.0 mg/l in violation of Rule 203(d) of Chapter 3: Water Pollution Regulations ("Chapter 3") and Section 12(a) of the Act.

Count V alleged that, on at least 16 separate occasions between May 1, 1977 and August 18, 1978, the District operated its facility in such a manner as to emit gaseous matter into the atmosphere which was injurious to property in that it "caused the exterior paint on surrounding homes, garages, and other exposed surfaces to discolor, crack, and peel", thereby causing air pollution in violation of Section 9(a) of the Act.

Count VI alleged that, since the month of July, 1975, the District has been treating flows in excess of design criteria and has had, during specified months, organic loading population

equivalents ("P.E.") greater than the 291,000 P.E. for BOD₅ and total suspended solids allowed by Permit #1973-DB-431, thereby causing water pollution in violation of Section 12 of the Act.

Count VII alleged that, from October 25, 1977 until August 18, 1978, the District caused the discharge to the Sangamon River from its facility of effluent containing five-day biochemical oxygen demand ("BOD₅") in excess of the limitations set forth in its NPDES Permit No. IL 0028321, thereby violating its NPDES Permit, Rules 410(a) and 901 of Chapter 3, and Section 12(f) of the Act.

Count VIII alleged that, from October 25, 1977 until August 18, 1978, the District allowed effluent discharges from its facility to the Sangamon River which contained suspended solids in excess of the limitations set forth in its NPDES Permit, thereby violating its NPDES Permit, Rules 410(a) and 901 of Chapter 3 and Section 12(f) of the Act.

Count IX alleged that, from October 25, 1977 until August 18, 1978, the Respondent allowed effluent discharges from its plant into the Sangamon River which contained fecal coliform bacteria in excess of permissible limits, thereby violating its NPDES Permit, Rules 410(a) and 901 of Chapter 3, and Section 12(f) of the Act.

The Decatur Sanitary District "services the City of Decatur and surrounding areas, a total service area of approximately 110,000 persons". (Stip. 3). Renovation and expansion of the District's sewage treatment facilities began in 1972. At the present time, about one-third of the plant's waste is treated by a conventional activated sludge process, and the remaining two-thirds of the flow is treated by a UNOX pure oxygen activated sludge system. (Stip. 4).

The Dipper Lane sewage treatment plant is designed to receive and treat a wastewater flow of 25 million gallons per day ("MGD") with an organic population equivalent of 291,000 P.E. (Stip. 4-5). The plant currently has a design maximum flow of 50 MGD, and any flows greater than the design maximum "receive primary sedimentation treatment and chlorination in a ditch lagoon before final discharge. All effluents are discharged to Stevens Creek which flows into the Sangamon River". (Stip. 5).

Many operational problems were experienced after "the start-up of the UNOX system in 1975". (Stip. 5). In April, 1977, the quality of the District's effluent "became seriously degraded, causing dissolved oxygen levels in the Sangamon River to fall below allowable limits". (Stip. 5). Additionally, "flows and loadings far in excess of design criteria" have been experienced since July of 1975. (Stip. 5-6).

On May 20, 1977, the Agency placed the District on restricted status in an attempt to lessen the effluent and odor problems caused by "a substantial increase in loading to the plant in the period from November of 1976 to April of 1977". (Stip. 6).

On December 29, 1977, the Agency removed the plant from restricted status based on the District's agreement to undertake various corrective measures which would reduce the loadings to, or below, design limits. (See: Stip. 6-7; Exhibits A, B, and C).

Unfortunately, this plant has had a history of many operational problems due to "plant expansion and reconstruction operations", "major equipment malfunctions", "unusual and severe weather conditions", and the "overloading of the plant by area industry". (Stip. 8).

The recurring odor problems have been aggravated by "the proximity of the plant to neighboring residences and the prevailing wind patterns". (Stip. 7). For example, between May 26, 1977 and June 13, 1977, "over 90 different citizens residing near the plant" registered "over 100 separate complaints regarding odors and/or fumes from the plant". (Stip. 7). Moreover, over 25 of these complaining individuals stated "that fumes from the plant were so strong as to cause exterior paint discoloration, cracking, and/or peeling at their residences" as well as adversely affecting their daily lives by causing great discomfort. (Stip. 7).

Similarly, during the time period from April 14, 1978 until June 10, 1978, the Agency received over 25 separate complaints pertaining to the plant odors from the District's facility. (Stip. 7-8).

It is also stipulated that, on numerous occasions between October, 1977 and July, 1978, the District's plant effluent has frequently exceeded the limits set forth for BOD₅ and total suspended solids in its NPDES Permit No. IL 0028321. (Stip. 8).

The parties have indicated that "the severe winter of 1977 delayed regular maintenance of the plant, particularly cleaning of the UNOX system". (Stip. 9). Additionally, in early 1977, "heavy industrial overloading" caused the production of more solids than usual and resulted in "mechanical malfunctions of sludge handling equipment". (Stip. 9). Thus, excessive levels of sludge solids accumulated in the clarifier and polishing lagoons, thereby resulting in effluent and odor problems. (Stip. 9).

The parties have stipulated that odors emanated from many different sources such as the clarifiers, the primary digester, and the "too-full polishing lagoons" in 1977 and 1978. (Stip. 9). It is stipulated that "to some extent, chlorination has helped control odor from the sludge lagoons" and "the District has in recent years moved more aggressively to enforce contractual load limitations" on "industrial waste loadings". (Stip. 9).

The District is currently in the process of (1) further upgrading its facility; (2) promptly developing an adequate sludge management program; and (3) expeditiously cleaning out its tertiary lagoons. (Stip. 9-10).

The proposed settlement agreement provides that the District: (1) admits the charges alleged against it in the Amended Complaint; (2) agrees to cease and desist from further violations; (3) "agrees to complete the process of cleaning out the tertiary lagoons, in accordance with Permit #1980-SC-1634, by no later than December 31, 1981"; (4) "agrees to submit a sludge management program, as an addendum to its Facilities Plan, to the Agency by no later than August 31, 1981" and, (5) agrees to pay a stipulated penalty of \$1,000.00 . (Stip. 10-11).

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 between the Decatur Sanitary District and the Agency acceptable under Procedural Rule 331 and Section 33(c) of the Act.

The Board finds that the Respondent, the Decatur Sanitary District, has violated its NPDES Permit, Rules 203(d), 410(a), and 901 of Chapter 3: Water Pollution Regulations, and Sections 9(a), 12, 12(a), and 12(f) of the Illinois Environmental Protection Act. The stipulated penalty of \$1,000.00 will be assessed against the Respondent.

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 Decatur Sanitary District, has violated its NPDES Permit, Rules 203(d), 410(a), and 901 of Chapter 3: Water Pollution Regulations, and Sections 9(a), 12, 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 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

4. 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 3rd day of September, 1981 by a vote of 5-0

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