

ILLINOIS POLLUTION CONTROL BOARD
October 22, 1981

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 80-167
)
VILLAGE OF EDINBURG, an Illinois)
municipal corporation,)
)
Respondent.)

ANN L. CARR, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE
COMPLAINANT.

HERSHEY, BLISS, BEAVERS, PERIARD & ROMANO (MR. ROCCI ROMANO,
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 September 15, 1980
Complaint brought by the Illinois Environmental Protection Agency.

Count I of the Complaint alleged that the Village of Edinburg
(the "Village") failed to submit the requisite discharge monitoring
reports for its wastewater treatment system from February 15, 1978
until September 15, 1980 and failed to report noncompliance with the
effluent limitations in its NPDES Permit in violation of Rules 501(c)
and 901 of Chapter 3: Water Pollution Control Regulations
("Chapter 3") and Sections 12(a) and 12(f) of the Illinois Environ-
mental Protection Act ("Act").

Count II alleged that the Village failed to properly operate,
maintain, and handle malfunctions of equipment at its treatment
facilities in violation of various conditions in its NPDES Permit,
Rule 601(a) of Chapter 3, and Sections 12(a) and 12(f) of the Act.

Count III alleged that the Village allowed effluent concentrations
of five-day biochemical oxygen demand ("BOD₅), total suspended solids,
and fecal coliform in excess of the limits prescribed in its NPDES
Permit in violation of Rules 401(c), 404(f)* [or in the alternative
404(c)], 405, 410(a) and 901 of Chapter 3 and Sections 12(a) and
12(f) of the Act.

*The Board notes that, on May 1, 1980, the Board entered an
Order which deleted Rule 404(f) from Chapter 3.

A hearing was held on August 6, 1981. The parties filed a Stipulation and Proposal for Settlement on September 9, 1981.

The Village of Edinburg owns and operates a wastewater treatment system ("system") in Christian County, Illinois which discharges wastewater into the South Fork of the Sangamon River, a navigable Illinois water, pursuant to NPDES Permit No. IL 0025372. (Stip. 2). The Respondent's wastewater treatment system includes a lift station with wet and dry wells, a package activated sludge plant which has a contact, a reaeration aerobic digester and final settling tank compartments, a drip feed of chlorine solution, an effluent flow meter, and a sludge drying bed. (Stip. 2).

The parties have stipulated that, for various specified six month reporting periods between August 15, 1977 and August 15, 1979, the Village submitted a single Discharge Monitoring Report which reported 6-month averages for the sample parameters rather than submitting six separate monthly reports with monthly averages. (Stip. 5). Additionally, it is stipulated that, from August of 1977 until May of 1980, the Respondent failed to file the requisite monitoring reports for each monthly reporting period. (Stip. 5).

However, the Village has indicated that, because of a specific condition in its NPDES Permit (i.e., Attachment A, Paragraph 1), it acted in good faith and believed that it was in full compliance with its NPDES Permit when it submitted one Discharge Monitoring Report every 6 months. (Stip. 5-6). Moreover, the Village has maintained that it "contracted with A & H Engineering in Springfield, Illinois to perform the required monthly tests and that they were in fact performed." (Stip. 6).

The Village has also stated that its former certified plant operator, Mr. Williams, was instructed to properly review all of the monthly test reports and to promptly submit these reports to the Agency as required. (Stip. 6). The Village is not sure why Mr. Williams, who is now deceased, did not file the necessary monthly reports while he was in charge of plant operations. However, since two new sewage treatment plant operators have been hired (i.e., since May 8, 1980), all reporting problems have been satisfactorily resolved. (Stip. 7-8).

Since the new plant operators have been hired, the following corrective measures have been taken: (1) an operable flow meter has been installed; (2) the sodium hypochlorite solution feed system has been properly maintained; (3) the sludge drying bed has been rebuilt and reconstructed so that the sludge wasting period has been reduced to one month from the previous six to seven month wasting period; (4) a tee has been installed on the return line for wasting heavy solids; (5) the air diffusers have been cleaned and now achieve proper oxygen levels; (6) all equipment and laboratory records have been properly maintained; (7) provisions have been made for a stand-by power source and an alarm system for power or equipment failures; and (8) influent has been properly monitored. (Stip. 9-12).

The Agency has indicated that tests taken by Agency employees have demonstrated that, on specified occasions between November 5, 1979 and February 15, 1980, the effluent concentrations from the Village's wastewater treatment system contained excessive levels of BOD₅, total suspended solids, and fecal coliform. (Stip. 12-13). However, the Village is now in compliance with the appropriate interim effluent limitations. (Stip. 13).

The proposed settlement agreement provides that the Village admits the allegations as charged in Counts I through III of the Complaint for specified time intervals and agrees to cease and desist from further violations and pay a stipulated penalty of \$100.00 . (Stip. 14).

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 Village of Edinburg, has violated various conditions in its NPDES Permit and Rules 401(c), 404(c), 405, 410(a), 501(c), 601(a), and 901 of Chapter 3: Water Pollution Control Regulations and Sections 12(a) and 12(f) of the Illinois Environmental Protection Act. The Village will be ordered to cease and desist from further violations and to pay the stipulated penalty of \$100.00 .

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:

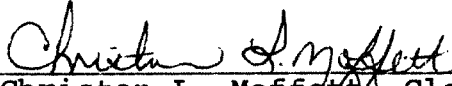
1. The Respondent, the Village of Edinburg, has violated Rules 401(c), 404(c), 405, 410(a), 501(c), 601(a), and 901 of Chapter 3: Water Pollution Control Regulations and Sections 12(a) and 12(f) of the Illinois Environmental Protection Act.
2. The Respondent shall cease and desist from further violations.
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 stipulated penalty of \$100.00 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 September 9, 1981, which is incorporated by reference as if fully set forth herein.

Mr. Goodman abstains.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 22nd day of October, 1981 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board