

ILLINOIS POLLUTION CONTROL BOARD
January 21, 1982

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 81-130
)
VILLAGE OF TALLULA,)
)
Respondent.)

GWENDOLYN W. KLINGLER, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

KNUPPEL, GROSBOLL, BECKER & TICE, ATTORNEYS AT LAW (MR. R. JOHN ALVAREZ, 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 August 12, 1981 Complaint brought by the Illinois Environmental Protection Agency ("Agency").

Count I of the Complaint alleged that, from May 16, 1979 until August 12, 1981, the Village of Tallula ("Village") failed to operate its wastewater treatment system ("system") so as to: (1) minimize violations of applicable standards; (2) produce as high quality effluent as reasonably possible; and (3) minimize discharges of excessive pollutants, in that the Respondent failed to take necessary precautions, make necessary repairs, and provide needed equipment in violation of the conditions of its NPDES Permit, Rule 601(a) of Chapter 3: Water Pollution Regulations ("Chapter 3"), and Section 12(f) of the Illinois Environmental Protection Act ("Act").

Count II alleged that, intermittently from March 1, 1976 until August 12, 1981 (including, but not limited to, May 16, 1979 and March 28, 1980), the Respondent allowed the emission into the atmosphere of odors which unreasonably interfered with the enjoyment of life and property of nearby residents, causing air pollution in violation of Section 9(a) of the Act.

Count III alleged that, by failing to submit the requisite annual discharge monitoring reports, the Village violated the conditions of its NPDES Permit, Rules 501(a) and 501(c) of Chapter 3, and Section 12(f) of the Act.

Count IV alleged that, from May 2, 1979 until May 21, 1981, the Respondent operated its system without the necessary Class IV wastewater treatment operator to provide direct and active field supervision over operations in violation of Rule 1201 of Chapter 3 and Section 12(a) of the Act.

A hearing was held on December 8, 1981 at which one member of the public, a member of the Village Board, was present. At this hearing, a partially signed Stipulation and Proposal for Settlement (i.e., signed only by a representative of the Complainant), which was substantially identical to the subsequently filed Stipulation, was incorporated into the hearing record. (R.11). The parties filed a properly signed Stipulation and Proposal for Settlement on December 17, 1981.

The Respondent, the Village of Tallula, owns and operates a wastewater treatment system in Menard County, Illinois which serves the Village residents and discharges contaminants into Clarey Creek, a navigable Illinois water, pursuant to NPDES Permit #IL 0033359. (Stip.2). The Village's wastewater treatment system includes "three lift stations, a three-stage aerated lagoon system, chlorination, and an effluent level control structure". (Stip.2).

The parties have stipulated that the Respondent: (1) did not submit the necessary discharge monitoring reports for various specified time periods; (2) operated its treatment facility in such a manner as to produce odors (especially during the time period between April, 1979 and August, 1979); (3) substantially reduced odors from its system by making repairs on its wastewater treatment facility, including the improvement of the lagoon's aeration system, before the Agency's Complaint was filed; (4) discharged unchlorinated effluent on March 28, 1980; September 24, 1980, and February 17, 1981 due to a faulty valve on the effluent control structure; (5) failed to install locks to prevent vandalism at its lift stations at North Yates Street, West Main Street, and Bell Street (as noted during the Agency inspection of February 17, 1981); and (6) subsequently installed locks at the lift stations on West Main Street and Bell Street (but failed to have a lock at the lift station at North Yates Street), as observed at the Agency inspection on February 17, 1981. (Stip.3-6).

The Village has admitted that the violations alleged in Counts I, II, and III of the Complaint did, in fact, occur, but has denied the allegations in Count IV. (Stip.7). The parties have stipulated that the Village employed a certified operator for its wastewater treatment system from May 2, 1979 until May 21, 1981, but there appears to be some confusion as to whether a revised contract between the Village and the certified operator received the requisite Agency approval. (Stip.5). Since it is stipulated that "no record of written notice to Respondent concerning Agency action on this revised contract has been located", and since the current contract with the same certified operator has already been approved by the Agency, the Board will dismiss Count IV of the Complaint as moot.

The proposed settlement agreement provides that the Village agrees to: (1) cease and desist from further violations; (2) minimize odors by avoiding air leaks and clogged air slits in the air blower system (and by striving to maintain the lagoon aeration system in optimum working order); (3) promptly repair all remaining air leaks in the aeration system and, "while the aeration lagoon is pumped down for this repair, gas clean the system's air lines and mechanically clean any clogged air slits"; (4) provide appropriate locks on all lift stations as security against vandalism; (5) expeditiously "replace the four-inch sheer-gate valve in the effluent structure of the lagoon"; (6) maintain a sufficient supply of spare light bulbs for each lift station; (7) submit the requisite discharge monitoring reports, and (8) pay a stipulated penalty of \$300.00. (Stip.6-8).

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 acceptable under Procedural Rule 331 and Section 33(c) of the Act.

Accordingly, the Board finds that the Respondent, the Village of Tallula, has violated its NPDES Permit conditions, Rules 501(a), 501(c) and 601(a) of Chapter 3: Water Pollution Regulations, and Sections 9(a) and 12(f) of the Illinois Environmental Protection Act. Count IV of the Complaint will be dismissed. The Respondent will be ordered to follow the compliance program set forth in the settlement agreement and pay a stipulated penalty of \$300.00.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

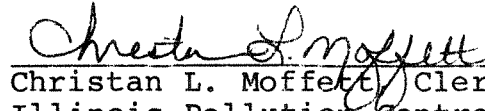
It is the Order of the Illinois Pollution Control Board that:

1. The Respondent, the Village of Tallula, has violated the conditions of its NPDES Permit; Rules 501(a), 501(c) and 601(a) of Chapter 3: Water Pollution Regulations, and Sections 9(a) and 12(f) of the Illinois Environmental Protection Act.
2. The Respondent shall cease and desist from further violations.
3. Within 60 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 \$300.00 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 December 17, 1981, which is incorporated by reference as if fully set forth herein.
5. Count IV of the Complaint is hereby dismissed.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 21st day of January, 1982 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board