

ILLINOIS POLLUTION CONTROL BOARD
January 8, 1981

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 79-78
)
CITY OF QUINCY, a municipal)
corporation,)
)
Respondent.)

MR. STEPHEN GROSSMARK, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

MR. ANTHONY B. CAMERON, 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 April 6, 1979 Complaint brought by the Illinois Environmental Protection Agency ("Agency"). Count I of the Complaint alleged that, intermittently from November 25, 1975 until January 15, 1979 (including, but not limited to, September 11, 1978), the Respondent's wastewater treatment facility caused and/or allowed the discharge of collected screenings, sludges, and other solids through a pipe leading from the digester building to the primary clarifier outlet box, thereby discharging effluent from the Quincy facility into the Mississippi River in violation of its NPDES Permit No. IL 0030503, Rule 901 of Chapter 3: Water Pollution Control Regulations ("Chapter 3"), and Section 12(f) of the Illinois Environmental Protection Act ("Act").

Count II alleged that, from November 25, 1975 until January 15, 1979, the City of Quincy ("City") allowed the effluent from its wastewater treatment plant to contain floating solids, visible foam, settleable sludge solids, and floating debris and failed to notify the Agency of such discharges in violation of its NPDES Permit, Rules 403 and 901 of Chapter 3, and Section 12 of the Act.

On August 8, 1979, the City filed a Motion to Strike in its entirety the Agency's Complaint. On August 13, 1979, the Agency filed an Objection to the Motion to Strike. On August 16, 1979, the Agency filed a Motion for Leave to Amend its objection to the motion to strike. On August 23, 1979, the Board entered an Order denying the Respondent's motion to dismiss this case. After

numerous discovery motions were filed, a hearing was held on November 25, 1980. On December 11, 1980, the parties filed a Statement of Stipulated Settlement.*

The Respondent operated a primary wastewater treatment facility in Adams County, Illinois which provided primary treatment and disinfection to the Respondent's municipal sewage until January 15, 1979 when the City's new secondary wastewater treatment facility began operations. (Stip. 2). Although the old facility (the "Quincy plant" or "plant") is no longer in use, it is still owned by the City and this case involves the operations and activities at the older facility. (Stip. 2).

During the operations at the old Quincy plant, sewage came from the City to the facility through a 36" and a 54" pipe. The sewage then entered a diversion structure which was used to bypass excess flow (i.e., wet weather flow which was above the plant's capacity). Sewage that was not bypassed was then conveyed via a 24" pipe to a bar screen in the control building where large pieces of debris such as sticks and cloth were removed from the wastewater. The sewage subsequently entered a wet well and was pumped to a grit removal chamber. After small pieces of solids such as sand and gravel were removed at the grit chamber, the wastewater then flowed into a primary clarifier. (Stip. 2-3).

At this juncture, scum was skimmed off the top of the primary clarifier, collected in a scum hopper, deposited in a scum well, and pumped through the sludge line to anaerobic digesters. (Stip. 3) Additionally, "wastewater from the primary clarifier passed over a weir to the clarifier outlet box where it was measured for volume and where chlorine was added for disinfection". (Stip. 3). The treated effluent then flowed through an outfall pipe (which served as a mixing zone for the chlorine and the final effluent) "leading from the outlet box to the Mississippi River". (Stip. 3).

The primary sludge solids which settled to the bottom of the primary clarifier were then pumped through a sludge line to one of two heated anaerobic digesters. It is stipulated that during the last two years of the Quincy plant's operation, the heating and gas collection systems of the two anaerobic digesters did not function (i.e., the anaerobic digesters were "in a very poor state of operation achieving only minimal volatile sludge solids reduction efficiency"). (Stip. 3).

*Although the settlement agreement was not signed at the time of the hearing, the substance of the Stipulation filed on December 11, 1980 was presented. The Board finds that Procedural Rule 331 has been substantially complied with.

Before September, 1977, the sludge from the anaerobic digesters "was disposed of by running it through underground pipes to either drying beds west of the plant or a sludge lagoon south of the plant". (Stip. 3-4). However, the drying beds were taken out of service in the fall of 1975 when the Respondent began constructing its new secondary wastewater treatment facility. (Stip. 4). Similarly, the underground pipes (and other pipes) were removed from service in September, 1977. (Stip. 4).

Thus, the proper disposal of sludge from the anaerobic digesters became a problem "in September of 1977, with the drying beds and the underground pipes leading to the drying beds and the sludge lagoon no longer available to the City for disposal of sludge from the digesters." (Stip. 4). However, as the parties have noted in their settlement agreement, the City had various alternatives available to it.

"Sludge could be disposed of in the sludge lagoon south of the plant which an Agency inspector observed was nearly full as of September, 1977. A mechanism consisting of an above ground pipe could have been set up, and indeed was from time to time, to transport sludge to the lagoon. If the sludge lagoon became completely full, land was available at the site of the old plant to construct another sludge lagoon until the new wastewater treatment plant was constructed with sufficient sludge disposal capacity. The City also could have disposed of the sludge at a permitted landfill." (Stip. 4).

However, the City failed to follow any of these possible alternatives, and instead the Respondent's employees told the Agency that the City had "set up an above ground pipe leading from the digesters to the sludge lagoon and that it regularly and routinely disposed of the sludge by running it through the pipe to the sludge lagoon from September of 1977 to September of 1978. The City further maintained that the lagoon was of an adequate capacity to handle sludge generated by the City." (Stip. 4-5). Nevertheless, despite its representations to the contrary, the City was, in fact, improperly disposing of its sludge. (Stip. 5).

Moreover, the Agency inspection on September 11, 1978 and discovery in this case revealed that:

"the City, through its employees, set up a 3 inch, plastic white pipe leading from the digesters to the clarifier outlet box. From September of 1977 to February 26, 1978, the City, through its employees, disposed of sludge every Thursday on the third shift (10:00 P.M. to 6:00 A.M.) by sending the sludge from the digesters through the plastic pipe to the clarifier outlet box. From the clarifier outlet box the sludge would flow through the plant outfall pipe and then to the Mississippi River. From February 26, 1978 to September of 1978, sludge was disposed of in the same manner but was done on Mondays

on the first shift (6:00 A.M. to 2:00 P.M.). The City, through its employees, disposed of sludge in this manner with full knowledge that this was unlawful and that the sludge should have been placed in the sludge lagoon or disposed of in a way that would prevent it from coming into contact with waters of the State of Illinois." (Stip 5; See: Exhibits B, C, D, and E and Photographs #1-#9).

The parties have stipulated that "the manner of operation employed at the old plant for at least 12 months of its operation had the potential of negating the purpose of even operating the plant. Solids removed on a daily basis from the primary clarifier were discharged back to the Mississippi River once each week in slug loads. This practice has the potential of more serious detrimental impact on the Mississippi River than would a daily discharge of totally raw sewage." (Stip. 6). Additionally, "the Agency and the City agree that the investigation of this matter was impeded by incorrect information transmitted from individuals associated with the City before, during and after the Agency inspection of September 11, 1978." (Stip. 7). This necessitated the taking of numerous depositions from City employees and apparently unduly complicated matters.

It is also stipulated that the Respondent failed to "keep records of sludge discharge from the old Quincy plant during at least the last 16 months of operation". (Stip. 8).

The proposed settlement agreement provides that the City shall: (1) cease and desist from further violations of the Board's Water Pollution Control Regulations and the Act; (2) dispose of sludge in a proper manner; (3) refrain from discharging sludge into any Illinois waters; (4) keep accurate, detailed daily records on the new wastewater treatment plant (including records of sludge discharge in accord with Exhibit F of the Statement of Stipulated Settlement); and (5) pay a stipulated penalty of \$5,000.00 .

In evaluating this enforcement action and the 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 stipulated agreement acceptable under Procedural Rule 331 and Section 33(c) of the Act.

The Board finds that the Respondent, the City of Quincy, has violated Rules 403 and 901 of Chapter 3: Water Pollution Control Regulations and Sections 12 and 12(f) of the Act. The Respondent is hereby ordered to cease and desist from further violations and pay a stipulated penalty of \$5,000.00 .

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 City of Quincy, has violated Rules 403 and 901 of Chapter 3: Water Pollution Control Regulations and Sections 12 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 \$5,000.00 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 Statement of Stipulated Settlement filed December 11, 1980, which is incorporated by reference as if fully set forth herein.

Dr. Satchell abstains.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 8th day of January, 1981 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board