

ILLINOIS POLLUTION CONTROL BOARD
February 19, 1981

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 79-184
)
CITY OF ROODHOUSE,)
)
Respondent.)

MR. BRIAN E. REYNOLDS, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

MR. CHARLES E. McNEELY, CITY ATTORNEY, 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 31, 1979 Complaint brought by the Illinois Environmental Protection Agency ("Agency"). On September 12, 1980, the Agency filed an Amended Complaint. Count I of the Amended Complaint alleged that, from May 2, 1978 until September 12, 1980, the Respondent's wastewater treatment facility ("facility" or "plant") discharged effluent containing contaminants into Seminary Creek, a tributary of the Illinois River, in violation of Rule 203(a) of Chapter 3: Water Pollution Control Regulations ("Chapter 3"), and Section 12(a) of the Illinois Environmental Protection Act ("Act").

Count II alleged that, during the same time period, the City of Roodhouse's facility produced offensive discharges and a gray colored effluent in violation of Rule 403 of Chapter 3 and Section 12(a) of the Act.

Count III alleged that, from October 19, 1977 until January 25, 1979, the City of Roodhouse ("City") had bypassed incoming sewage at its plant without providing optimum operation and maintenance of the facility and without treating the maximum practical flow in violation of its NPDES Permit, Rules 601(a), 602(b), and 901 of Chapter 3, and Sections 12(a) and 12(f) of the Act.

Count IV alleged that the City failed to submit the required discharge monitoring reports for the months of April, 1978 to December, 1978 in violation of its NPDES Permit, Rule 901 of Chapter 3, and Section 12(f) of the Act.

Count V alleged that, from May 2, 1978 until January 25, 1979, the City failed to use flow proportioned composite samples in violation of its NPDES Permit, Rule 901 of Chapter 3, and Section 12(f) of the Act.

Count VI alleged that, from May 2, 1978 until September 12, 1980, the City failed to provide a properly certified operator for its plant in violation of its NPDES Permit, Rules 901 and 1201 of Chapter 3, and Sections 12(a) and 12(f) of the Act.

Count VII alleged that, from October, 1977 until September 12, 1980, the City allowed the discharge of effluents from its plant containing excessive amounts of BOD₅ and suspended solids in violation of Rule 901 of Chapter 3 and Section 12(f) of the Act.

Count VIII alleged that, from October 19, 1977 until January 25, 1979, the City failed to notify the Agency within 72 hours of various diversions or bypasses which have occurred at the Respondent's plant in violation of its NPDES Permit, Rule 901 of Chapter 3, and Section 12(f) of the Act.

Count IX alleged that, from October, 1977 until January 25, 1979, the City has been in non-compliance with the effluent limitations specified in its NPDES Permit and has failed to notify the Agency within 5 days of becoming aware of this non-compliance in violation of its NPDES Permit, Rule 901 of Chapter 3, and Section 12(f) of the Act.

Count X alleged that, from January 26, 1979 until September 12, 1980, the City allowed the discharge of effluents from its facility into Illinois waters without an NPDES Permit for point source discharges in violation of Section 12(f) of the Act. A hearing was held on October 28, 1980 at which members of the public were present. On January 16, 1981, the parties filed a Stipulation and Proposal for Settlement.*

The City of Roodhouse owns and operates a wastewater treatment facility in Greene County, Illinois which discharges effluent into Seminary Creek, a tributary of the Illinois River, pursuant to NPDES Permit No. IL 0024848. (Stip. 2). This plant was built in the 1930's. (R. 7). The parties have stipulated that, since May 2, 1978, the facility has intermittently produced a gray colored effluent which has sometimes contained fecal matter, toilet paper, unnatural color and turbidity, and sludge deposits. (Stip. 3).

*Although the settlement agreement was not signed at the time of the hearing, the substance of the Stipulation filed on January 16, 1981 was presented. The Board finds that Procedural Rule 331 has been substantially complied with.

It is also stipulated that, from October 19, 1977 until the present time, the City has intermittently bypassed incoming sewage at its plant without providing optimum operation of the facility and without treating the maximum practical flow in violation of its NPDES Permit. (Stip. 4). These bypasses have "occurred during periods of adverse wet weather and when high water conditions cause the Seminary Creek to back up to the plant." (Stip. 4).

Additionally, the parties have agreed that, from April, 1978 until December, 1978, the City has failed to submit the requisite monthly discharge monitoring reports. (Stip. 4-5). Moreover, it is stipulated that, since May 2, 1978, the City failed to use flow proportioned composite samples in determining the plant's effluent values in violation of its NPDES Permit. (Stip. 5).

Furthermore, since May 2, 1978, the City failed to provide a properly certified treatment operator for its facility in violation of its NPDES Permit. (Stip. 5-6). Additionally, it is stipulated that the City allowed the discharge of effluents which contained excessive levels of BOD₅ and suspended solids. (Stip. 6-7).

The parties have also indicated that, on April 27, 1978 and April 28, 1978, diversions or bypasses occurred at the City's sewage treatment plant and that the City failed to promptly notify the Agency of this situation. (Stip. 8-9).

On various occasions since October, 1977, the City has been in non-compliance with the effluent levels specified in its NPDES Permit and yet failed to notify the Agency within 5 days of becoming aware of this non-compliance. (Stip. 9). At the hearing, the Respondent's attorney indicated that the City had experienced a change-over in personnel over the last few years which led to non-compliance with various reporting requirements, but stated that the City is currently in compliance with these NPDES requirements. (R. 7).

The proposed settlement agreement provides that the Respondent admits all of the allegations in the Amended Complaint and agrees to cease and desist from further violations. Additionally, the City has agreed to promptly: (1) employ a properly certified Class III operator; (2) install draft tubes on the surface aerators in the aeration basin at the treatment plant; (3) purchase lab equipment to be used in performing tests for process control (i.e., settleometers, a D.O. meter, and a centrifuge); (4) install alarm systems for power or equipment failures at the treatment plant and the Cain Street lift station; (5) reduce the amount of moisture present in the dry well, prevent further corrosion by repainting components, and repair or replace the ventilation fan at the Cain Street lift station; (6) discontinue the use of the Lorton Street lift station, when the City has obtained any required public health approval for installing a septic system to service the four houses presently served by the Lorton Street lift station; (7) collect flow proportioned effluent composite samples; (8) notify the Agency of

any bypasses or diversions which occur at the wastewater treatment facilities or any non-compliance with NPDES permit limitations; (9) submit fully completed Discharge Monitoring Reports; (10) establish instruction files for operation and maintenance of major equipment at the plant; (11) establish and maintain an operating log for each treatment unit; (12) keep an accurate and complete record of all samples according to specified procedures; (13) pursue funding under the grant program; and (14) pay a stipulated penalty of \$3,000.00 . (Stip. 10-13; R. 4-7).

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 stipulated agreement acceptable under Procedural Rule 331 and Section 33(c) of the Act. The Board finds that the Respondent, the City of Roodhouse, has violated Rules 203(a), 403, 601(a), 602(b), 901, and 1201 of Chapter 3: Water Pollution Control Regulations and Sections 12(a) and 12(f) of the Act. The Board will order the Respondent to cease and desist from further violations and pay the stipulated penalty of \$3,000.00 .

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 Roodhouse, has violated Rules 203(a), 403, 601(a), 602(b), 901, and 1201 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 all further violations.


3. Within 60 days of the date of this Order, the City of Roodhouse shall, by certified check or money order payable to the State of Illinois, pay the stipulated penalty of \$3,000.00 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 Settlement Agreement filed January 16, 1981, which is incorporated by reference as if fully set forth herein.

Chairman Dumelle dissents.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 19th day of February, 1981 by a vote of 4-1.


Christan L. Moffett, Clerk
Illinois Pollution Control Board