

ILLINOIS POLLUTION CONTROL BOARD
January 18, 1979

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 78-224
)
SPRINGFIELD SANITARY DISTRICT,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by Mr. Young):

Respondent Springfield Sanitary District was charged in a Complaint filed August 18, 1978, with violation of condition 1.B(6) of NPDES Permit IL 0021971 and thereby violating Section 12(f) of the Act and Rules 410(a) and 901 of Chapter 3 of the Board's Rules and Regulations.

Hearing was held in the New State Office Building in Springfield, Illinois, on December 5, 1978, at which time a joint Stipulation and Proposed Settlement was entered into the record. No members of the general public were in attendance at the hearing.

The Springfield Sanitary District is a municipal corporation which owns and operates the Sugar Creek Sewage Treatment Plant at Interstate 55 and Mechanicsburg Road in Sangamon County, Illinois.

NPDES Permit Number IL 0021971, expiring May 31, 1978, was issued to Respondent on September 15, 1976, by the Administrator of the United States Environmental Protection Agency under Section 402 of the Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500) which permit authorized said Respondent to discharge contaminants in accordance with said permit from a point source at Respondent's Sugar Creek Sewage Treatment Plant into Sugar Creek.

The Respondent's NPDES permit provides in pertinent part:

"1. Effluent limitations.

* * *

B. During the period beginning on the effective date of this permit and lasting until the expiration date the quality of effluent discharged by the facility shall be limited at all times as follows:

* * *

(6) The effluent Ammonia-N concentration in the subject discharge shall be limited to a level that will not cause the receiving stream to exceed the water quality standard limit in Rule 203 of the Water Pollution Regulations of Illinois, Chapter 3."

Rule 203(f) provides in pertinent part:

"(f) The following levels of chemical constituents shall not be exceeded:

<u>Constituent</u>	<u>Concentration</u> <u>(mg/l)</u>
Ammonia Nitrogen (as N)	1.5"

During the months of October, 1977, November, 1977, December, 1977, January, 1978, and February, 1978, the Respondent, by its operation of its Sugar Creek plant, has caused the monthly average concentrations of Ammonia Nitrogen (as N) levels in Sugar Creek downstream from the Respondent's plant to exceed 1.5 mg/l (Stip. 3). Rule 203(f) was adopted March 15, 1973; construction of the Sugar Creek plant began well before that date and was completed in August, 1973. Ammonia nitrogen removal facilities were not required at the time of the original design of the plant and were not incorporated in plant construction (Stip. 3).

Respondent applied for a grant from the Agency December 1, 1976, to prepare a facilities plan to include ammonia nitrogen removal at Respondent's plant.

The District estimates that modification of the plant to insure full compliance with the Rule 203(f) standard would cost approximately four million dollars at current prices.

Respondent is currently cooperating with Southern Illinois University in a survey of Sugar Creek for the

Institute of Natural Resources to determine the economic feasibility of the ammonia nitrogen standard at its present level; neither Complainant nor Respondent has any evidence of damage to aquatic life in Sugar Creek caused by ammonia nitrogen (Stip. 4).

The District has agreed to continue to cooperate in the SIU study and to actively pursue grant funding to provide the necessary facilities to bring the Sugar Creek plant into compliance with Rule 203(c) at the earliest possible date after receipt of grant funding. The parties stipulate that a penalty would not aid in the enforcement of the Act and propose that none be imposed by the Board.

On the basis of the foregoing and the Stipulation and Proposed Settlement, the Board finds that the Respondent did violate Section 12(f) of the Act and Rules 410(a) and 901 of Chapter 3. The Board has considered the application of the requirements of Section 33(c) of the Act to the facts and circumstances herein and finds that an imposition of a penalty for the violations found would not aid in the enforcement of the Act and further finds the Stipulation and Proposed Settlement presented acceptable under Rule 331 of the Board's Procedural Rules.

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

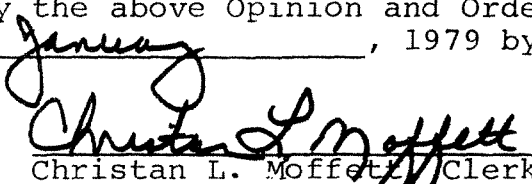
ORDER

1. Respondent, Springfield Sanitary District, is found to have operated its Sugar Creek Sewage Treatment Plant in violation of Section 12(f) of the Environmental Protection Act and Rules 410(a) and 901 of Chapter 3: Water Pollution, of the Pollution Control Board Rules and Regulations.

2. Respondent, Springfield Sanitary District, shall adhere to all provisions of the Stipulation and Proposed Settlement filed December 13, 1978, which is incorporated by reference as if fully set forth herein.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 18th day of January, 1979 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board