

ILLINOIS POLLUTION CONTROL BOARD
January 19, 1978

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
)
 v.) PCB 77-115
)
)
 CITY OF WEST CHICAGO, a)
 municipal corporation,)
)
 Respondent.)

MS. SUSAN SHUMWAY, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF COMPLAINANT;
MR. HAROLD J. SPELMAN OF SPELMAN, GREENWALT & ASSOCIATES APPEARED ON BEHALF OF RESPONDENT.

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

This matter comes before the Board upon the April 18, 1977 Complaint filed by the Environmental Protection Agency (Agency) charging the City of West Chicago (West Chicago) with violations of Rules 203(a), 203(f), 401(c), 402, 403, 404(c), 405 and 602(b) of Chapter 3: Water Pollution (Chapter 3) and Sections 9(a) and 12(a) of the Environmental Protection Act (Act). A hearing was held on September 23, 1977, and the parties filed a Stipulation and Proposal for Settlement on October 27, 1977.

West Chicago owns and operates a municipal sewage treatment plant (STP) located in DuPage County, Illinois which discharges effluent into the West Branch of the DuPage River. The dilution ratio of West Chicago's effluent is greater than one to one and less than five to one.

Effluent was discharged containing sludge, sludge mats, visible suspended solids, foam, color and odor in violation of Rule 403. The effluent also contained BOD and suspended solids in excess of the numerical standard set forth in Rule 404(c) and on occasion contained BOD and suspended solids in excess of five times the above standard, in violation of Rule 401(c). Finally, effluent contained fecal coliforms in excess of five times the numerical standard set forth in Rule 405, in violation of Rule 401(c).

These discharges caused the receiving stream to contain bottom deposits, sludge mats, visible suspended solids, turbidity and color in violation of Rule 203(a) as well as concentrations of ammonia nitrogen (as N) in violation of Rule 203(f), both prohibited by Rule 402. West Chicago caused or allowed overflows from its sanitary sewers in violation of Rule 602(b). In addition, odors were discharged from the STP causing air pollution in violation of Section 9(a) of the Act.

West Chicago in the stipulation admits to each violation of Chapter 3 and Sections 9(a) and 12(a).

West Chicago has taken several steps during the pendency of this action to deal with these problems, including hiring of a consulting engineer, replacing or repairing sewer lines, modifying its STP, and preparing a document listing all improvements necessary for achieving compliance. These actions, along with those undertaken pursuant to the settlement agreement, will correct the violations. However, full compliance will result only upon operation of a combined STP with the Village of Winfield.

In the settlement agreement, West Chicago has agreed to undertake numerous actions with regard to its present STP. One pond will be modified by adding aeration and chlorination equipment and a by-pass, three ponds will be dewatered and cleaned, and baffling devices will be installed on all outfalls. West Chicago shall meet interim standards of 20 mg/l BOD, 25 mg/l suspended solids and 200 fecal coliforms per 100 ml for treated effluent and 30 mg/l BOD, 30 mg/l suspended solids and 400 fecal coliform per 100 ml for by-pass flows. Odor sources will be investigated and a report detailing corrective measures prepared. Three additional employees will be hired at the STP. West Chicago has agreed to file a petition for variance from Rule 203(f) as regards ammonia nitrogen. Finally, West Chicago shall continue to work toward construction of a combined STP.

The Board accepts the Stipulation and Proposal for Settlement filed October 27, 1977 and finds West Chicago in violation of Rules 203(a), 203(f), 401(c), 402, 403, 404(c), 405 and 602(b) of Chapter 3 and Sections 9(a) and 12(a) of the Act on the dates listed in the above agreement. As to the Section 33(c) factors, the Board notes that West Chicago's sewage treatment facility provides services which are of significant economic and social value. However, the injury to the public resulting from the discharge of contaminants into the DuPage River, the overflow of sanitary sewers and the discharge of odors is quite extensive, and the parties stipulate

that the compliance program West Chicago has agreed to undertake is both economically reasonable and technically practicable. Based upon the severity of the pollution and the delay in undertaking available steps toward compliance, the Board finds that a penalty of \$500.00 is warranted.

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

ORDER

It is the Order of the Pollution Control Board that:

1. West Chicago violated Rules 203(a), 203(f), 401(c), 402, 403, 404(c), 405 and 602(b) of Chapter 3 and Sections 9(a) and 12(a) on the dates listed in the Stipulation and Proposal for Settlement filed herein.
2. West Chicago shall comply with all terms and conditions of the Stipulation and Proposal for Settlement filed October 27, 1977, which is incorporated by reference as if fully set forth herein.
3. West Chicago shall, within 35 days of the date of this Order, pay a penalty of \$500.00 by certified check or money order to:

Fiscal Services Division
Environmental Protection Agency
2200 Churchill Road
Springfield, Ill. 62706

4. Within 45 days of the adoption of this Order, the City of West Chicago shall execute and forward to both the Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706 and the Pollution Control Board a Certification of Acceptance and Agreement to be bound to all terms and conditions of this Order. The 45 day period shall be held in abeyance during any period this matter is being appealed. The form of said certification shall be as follows:

CERTIFICATION

I (We), _____ having read and fully understanding the Order of the Illinois Pollution Control

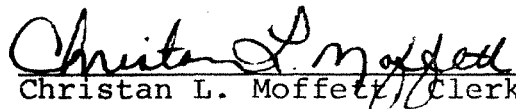
Board in PCB 77-115 hereby accept said Order and agree to be bound by all of the terms and conditions thereof.

SIGNED _____

TITLE _____

DATE _____

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 19th day of January, 1978 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board