

ILLINOIS POLLUTION CONTROL BOARD
June 18, 1976

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 75-507
)
)
 COUNTY OF LAKE - DEPARTMENT OF)
 PUBLIC WORKS,)
)
 Respondent.)

Ms. Mary Schlott, Assistant Attorney General, appeared on behalf of Complainant
Mr. Gary Neddenriep, Assistant State's Attorney, appeared on behalf of Respondent

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

This matter comes before the Pollution Control Board (Board) upon the December 31, 1975 Complaint of the Environmental Protection Agency (Agency) charging the Respondent County of Lake, Department of Public Works (County) with operating a Sewage Treatment Plant in violation of Rules 203, 403, 404, 405 and 1201 of the Water Regulations and Sections 9(a) and 12(a) of the Environmental Protection Act (Act). A hearing was held May 13, 1976. A Stipulation of Fact and a Proposed Compliance Plan was received by the Board on May 17, 1976.

The County owns and operates an activated sludge treatment plant known as the Countryside Manor STP serving an unincorporated area with a population of 790 persons. Its effluent is discharged into the Des Plaines River via an unnamed tributary having a dilution ratio of less than one to one. The Respondent admits the violations as alleged in the Complaint on the dates in question as to odor violations and the operation without a certified sewage treatment plant operator. The Respondent stipulate that the filed reports (Ex. 2) are accurate. These reports support a finding of violation of Rules 203, 403, and 405. However due to the sampling methodology, a Rule

404 violation cannot be found. The Parties stipulate that it is technically feasible to control the effluent quality and the odor violations and that said control would not impose an economic hardship on the Respondent.

The Parties stipulate to the following compliance plan:

- a) An operator, holding a Class 4 certificate or better, and an assistant shall each spend a minimum of two man-hours daily on weekdays for needed operation and maintenance.
- b) Department personnel shall make at least one other visit daily to the plant to check for irregularities in operation.
- c) On weekends, personnel shall check out the plant once daily.
- d) Personnel shall be on call seven days a week, 24 hours a day, and respond promptly to reports of operational problems.
- e) Permanent polymer addition facilities shall be installed to enhance final effluent quality.
- f) The operator shall have sufficient time at the plant to perform daily the necessary plant control tests, as specified in Table No. 2 of Water Pollution Control Technical Policy No. 20-24 for plant capacities of 0.1 mgd.
- g) Sufficient laboratory manpower shall be provided to analyze all samples required by the procedures specified in sub-paragraph F above and any others required by law. Results shall be recorded daily and submitted monthly to the Agency.
- h) Effluent monitoring shall be performed at the frequency specified by the NPDES permit, using composite sampling, unless an alternate method is approved by the U.S. Environmental Protection Agency.
- i) Decanting of the plant digester shall take place during non-critical periods and at a time when the operator is readily available to assess operating conditions, so as to keep decanting time to a minimum.

- 1) The department shall acquire any additional permits required by this Program.

The Parties stipulate that the Program will cost an additional \$3,400.00 this year and \$7,000.00 annually. It is also stipulated that the implementation of the Compliance Plan should prevent further violations of the Rules complained of herein. It is expected that the area will divert its sewage to the Libertyville STP by the fall of 1977.

Robert J. Degen, Director of Public Works, testified that substantial compliance with the plan has been effected. However, he admits that construction and operating permits have not been obtained and that as the composite sampler has not been purchased, grab samples are being used (R.13-26).

The Board finds the violations on the dates alleged, except the alleged violations of Rule 404. The Board finds the Compliance Plan to be adequate. The Board has no reason to question the social and economic value as well as the suitability of the STP to the area, but that value and suitability is severely diminished when it is operated in violation of pollution regulations. The technical feasibility and economic reasonableness of compliance is admitted. After considering the factors in Section 33(c) of the Act, the Board finds that a penalty is appropriate. Here, the Respondent could have complied with the Board's Regulations and the Act without hardship. Yet, the Agency was forced to file a Complaint before Compliance Plans were initiated. A penalty of \$300.00 is found to be appropriate.

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

ORDER

It is the Order of the Board that

1. County of Lake, Department of Public Works at its Country-side Manor STP is found to have violated Rules 203, 403, 405, and 1201 of the Water Regulations and Sections 9(a) and 12(a) of the Act as alleged in the Complaint herein.

2. Respondent is assessed a penalty of \$300.00 for said violations. Said penalty shall be paid by certified check or money order within thirty-five days of the date of this Order to:

State of Illinois
Environmental Protection Agency
Department of Fiscal Services
2200 Churchill Road
Springfield, Illinois 62706

3. Respondent shall conform to the Compliance Plan found in Paragraph 22 of the Stipulation which is hereby incorporated by reference as though fully setforth herein.

4. The alleged violation of Rule 404 of the Water Regulations is dismissed.

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 June, 1976 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board