

ILLINOIS POLLUTION CONTROL BOARD
January 14, 1976

ENVIRONMENTAL PROTECTION AGENCY,)
Complainant,)
)
v.) PCB 75-321
)
VILLAGE OF IPAVAL,)
Respondent.)

Mr. Barry Forman, Assistant Attorney General, appeared on behalf of Complainant.
Mr. George Proctor appeared on behalf of Respondent.

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

This matter comes before the Pollution Control Board upon the August 20, 1975, Complaint of the Environmental Protection Agency (Agency). The Complaint was amended on its face at a hearing held October 29, 1975. The Amended Complaint charges the Village of Ipava (Ipava) with owning and operating and controlling its sewage treatment plant in a manner so as to violate Section 12(a) of the Environmental Protection Act (Act), Rules 203(a), 203(f), 402, 403, 405, 501(a), 602, and 1201 of the Water Regulations from April 16, 1972 to the date of filing of the Amendment.

Ipava is a municipality located in Fulton County, Illinois. It operates a sewage treatment plant proximate to Jake Creek. The system includes an Imhoff tank, a trickling filter, sludge basin and a final clarifier. Two bypass structures lead to Jake Creek (Adm. of Fact).

Two citizens appeared at the hearing to testify as to losses incurred from the malfunction of the treatment plant. Mr. Phil Roddis testified that his property is at the edge of the plant and that Jake Creek runs through his property (R10). Mr. Roddis has lost six cows and calves in the Creek from poisoning in the last two years (R11-13). He stated that the water in the Creek is cloudy, odiferous, and contains sludge deposits (R12-13). Mr. Joe M. Mytich, through whose property Jake Creek also runs, stated that the water smells and has detergent in it (R18), and that the color of the water is bluish-gray and has an oil film (R19). Mr. Mytich reported that he has lost four calves, one cow and one bull to the water (R21). To prevent further loss he has penned his cattle and pumps water to them (R20-21).

Mr. Lyle A. Ray, an Environmental Protection Specialist, specializing in the area of water pollution control investigation, testified on behalf of the Agency. Mr. Ray has dealt with the Ipava plant since 1971 (R31). Fifty-percent of this time the trickling filter has been out of order (R631). Indeed, Mr. Ray testified that he has seen the whole system properly operating twice, and that was during a dry period and that effluent was below standard (R64). Mr. Ray stated that he has spoken to the uncertified operator six to ten times and to the Mayor a couple of times (R65). The operator is lucky to spend more than one hour a day at the plant as he must also repair the streets and haul garbage (R66-7, 90). Mr. Ray feels that if the plant was in proper operating condition then proper maintenance would consume four hours a day.

Mr. Michael DeMarzo, a Class I Operator and Agency consultant agreed with Mr. Ray (R102 and 110). On October 28, 1975, Mr. DeMarzo observed primary effluent being discharged, meaning that there was sedimentation treatment only (R103). No secondary treatment occurred because the centrifugal pumps were not in operation.

The Agency submitted several field investigation reports as exhibits. These started on October 5, 1972 and show that much of the time the treatment works were in poor repair. The final effluent on that date was grey, turbid and odiferous. The BOD was recorded at 64 mg/l and f. coli at 7,200,000/100 ml (Comp.Ex.1). The February 5, 1974 inspection showed 17 equipment deficiencies with f. coli measured at 5,600,000/100 ml (Comp. Ex. 5). On April 1, 1974 it was observed that 60% of the plant flow was either being completely bypassed as raw sewage or bypassed after primary treatment (Comp. Ex.6). It appears that the trickling filter seal has leaked continuously since 1972 (Comp. Ex.1-17).

The Board finds the record to support, since April 16, 1972, a finding of violation of Section 12(a) of the Act and Rules 203(a), 402, 403, 501(a) and 1201 of the Water Regulations. The Board also finds that Ipava has violated Rule 602 of the Water Regulations since July 1, 1972.

The Village Board of Trustees of the Village of Ipava have passed a resolution on November 3, 1975, to participate in "Project Optimize," a State funded program under which the Village must bear 25% of the cost. The Board finds that Project Optimize should result in substantial, if

not total, compliance with the Board's Water Regulations. Ipava's Step I Federal grant application was approved May 14, 1975 (Res. Ex.20). Step I will determine whether to update the present facilities or to build a new plant (R41). Step II would be preparation of contract plans and specifications and Step III would consist of the actual construction of the facility.

The Village has 270 customers hooked up to its sewer (R151) and will increase its fees in order to absorb the costs of Project Optimize.

It is the Board's opinion that the violations found herein warrant a substantial penalty. However, in view of Ipava's participation in Project Optimize, a penalty of \$300.00 will be assessed.

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

ORDER

It is the Order of the Pollution Control Board that:

a) The Respondent, Village of Ipava, is found to have violated Section 12(a) of the Act and Rules 203(a), 203(f), 402, 403, 405, 501(a) and 1201 of the Water Regulations from April 16, 1972 and Rule 602 of the Water Regulations from July 1, 1972; and

b) For said violations, a penalty of \$300.00 is assessed, to be paid within 35 days of this Order, by check or money order, payable to:


Fiscal Services Division
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706; and

c) Respondent Ipava shall comply with said Rules by participating in Project Optimize.

IT IS SO ORDERED.

Mr. Young abstains.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 14th day of January, 1975 by a vote of 3-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board