

ILLINOIS POLLUTION CONTROL BOARD  
December 20, 1985

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
V. ) PCB 85-105  
 )  
VILLAGE OF GLEN CARBON, an )  
Illinois municipal corporation, )  
 )  
Respondent. )

MS. CHRISTINE ZEMAN, ASSISTANT ATTORNEY GENERAL, APPEARED ON  
BEHALF OF THE COMPLAINANT.

MR. JOSEPH T. KELLEHER, JR., ATTORNEY AT LAW, APPEARED ON BEHALF  
OF THE RESPONDENT.

OPINION AND ORDER OF THE BOARD (by W. J. Nega):

This matter comes before the Board on a six-count Complaint  
filed on July 12, 1985 by the Illinois Environmental Protection  
Agency (Agency).

Count I of the Complaint alleged that: (1) intermittently  
between January 1, 1980 and July 12, 1985 (including, but not  
limited to, June 28, 1983, April 13, 1984, and April 19, 1984),  
the Respondent caused or allowed raw sewage to bypass the Glen  
Carbon West treatment plant and enter an unnamed tributary to  
Judy's Branch at the manhole west of Sunset Road in Glen Carbon;  
(2) intermittently between January 1, 1983 and July 1, 1983  
(including, but not limited to, June 29, 1983), the Respondent  
caused raw sewage to bypass the Cottonwood Treatment Plant as the  
Village occasionally pumped supernatant liquid from an aerobic  
digester at that plant to the unnamed tributary to Judy's Branch;  
(3) intermittently between July 1, 1983 and August, 1983  
(including, but not limited to, August 25, 1983), the Respondent  
caused raw sewage to bypass part of the Cottonwood Treatment  
Plant as the contents of the clarifier tank were drained into the  
unnamed tributary to Judy's Branch; and (4) intermittently  
between October 1, 1981 and October, 1983, the Respondent caused  
raw sewage to bypass the Cottonwood Treatment Plant in that  
during periods when the main lift station was inoperable, raw  
sewage was bypassed from the screening pit at that plant to an  
unnamed tributary of Judy's Branch in violation of a condition of  
the Respondent's NPDES Permits and 35 Ill. Adm. Code 306.303 and  
35 Ill Adm. Code 309.102(a) and Sections 12(a) and 12(f) of the  
Illinois Environmental Protection Act (Act).

Count II alleged that, between January 17, 1980 and July 12,  
1985, the Respondent failed to notify the Agency as required

about many of the bypasses specified in Count I of the Complaint in violation of 35 Ill. Adm. Code 309.102(a) and Sections 12(a) and 12(f) of the Act.

Count III alleged that, intermittently between January 17, 1980 and July 12, 1985, during the previously mentioned bypassing of raw sewage as set forth in Count I of the Complaint, effluent from the Respondent's three wastewater treatment plants appeared brownish in color and contained obvious levels of color, odor, and turbidity and the unnamed tributary to Judy's Branch contained sludge and bottom deposits, odor and unnatural color and turbidity in concentrations toxic or harmful to human, animal, plant or aquatic life in violation of 35 Ill. Adm. Code 302.203; 35 Ill. Adm. Code 304.105; 35 Ill. Adm. Code 304.106 and Section 12(a) of the Act.

Count IV alleged that: (1) the bypasses of raw sewage as delineated in Count I of the Complaint were due in part to, among other factors, inadequate staffing, failure to provide alternative pumping during power failures or repairs, shortage of hosing and other measures as were appropriate; (2) intermittently since 1975 through July 12, 1985 (including, but not limited to, June 1, 1983, October 28, 1983 and November 4, 1983), sludge and screenings were discharged to land in that the Respondent placed its sludge from all three wastewater plants along the abandoned Illinois Central Gulf Railroad property east of Glen Carbon along which lies a tributary to Judy's Branch; placed its sludge on a Village baseball field on March 26, 1985; allowed drainage to the ground as the Village placed screenings in open, leaking trash containers at its Cottonwood Treatment Plant and allowed bar screens to drain onto the ground at the Glen Carbon West Treatment Plant, and (3) in light of items #1 and #2, the Respondent failed to construct and operate its treatment plant in such a manner so as to minimize violations during contingencies, or so as to minimize discharges of screenings and solids to land and to Illinois waters in violation of its NPDES Permit conditions and in violation of 35 Ill. Adm. Code 306.102(a), 35 Ill. Adm. Code 309.102(a), and Sections 12(a), 12(d) and 12(f) of the Act.

Count V alleged that the Respondent's discharge monitoring report from its Cottonwood Plant submitted to the Agency for the time period of February 1, 1985 through February 28, 1985, showed a 30-day average suspended solids (final) concentration of 20 mg/l and a daily maximum fecal coliform concentration of 24,800 per 100 ml (as opposed to an allowable 30-day average suspended solids concentration of 12 mg/l and an allowable daily maximum fecal coliform count of 400 per 100 ml as set by its NPDES Permit) in violation of 35 Ill. Adm. Code 304.121, 35 Ill. Adm. Code 304.141(a), 35 Ill. Adm. Code 309.102(a), and Sections 12(a) and 12(f) of the Act.

Count VI alleged that, from November 4, 1983 until March 14, 1985, the Respondent's chlorine discharge line at the Cottonwood

Treatment Plant's chlorination contact tank terminated below the rim of the chlorine contact tank, with no break in the line, thus allowing the potential for contamination of the public water supply by way of a cross-connection and that on March 14, 1985, the Respondent made alterations to the chlorine discharge line pipe, increasing the distance from the end of the discharge line pipe to the rim of the chlorine contact tank in violation of 35 Ill. Adm. Code 607.104(b) and 35 Ill. Adm. Code 653.803(a) and Section 18 of the Act.

A hearing was held on October 30, 1985 at which no members of the public were present. (R. 3; R. 11). The parties filed a Stipulation and Proposal for Settlement on November 4, 1985.

The Village of Glen Carbon (Village), which has a population of about 3,100, is an Illinois municipal corporation located in Madison County, Illinois. The Respondent owns and operates three wastewater treatment plants known as the "West Plant", "Cottonwood Plant" and the "Glen Crossing Plant" which are operated pursuant to respective NPDES Permits #IL0047881 (West Plant); IL0048356 (Cottonwood Plant); and #IL0047878 (Glen Crossing Plant). The effluent from the Village's three wastewater treatment plants is discharged into an unnamed stream tributary to Judy's Branch, a navigable water of the State of Illinois. Because the Village reapplied prior to the expiration dates of its NPDES Permits and the Agency has not yet acted on the reapplications, all of the Respondent's NPDES Permits remain valid to the present. (Stip 3).

On October 12, 1983, the Agency sent the Respondent an Enforcement Notice Letter pursuant to Section 31(d) of the Act which delineated, inter alia, the violations resulting from the Village's frequently occurring bypasses that were observed by the Agency's field inspector and relayed to the Village by this inspector during his visits to the Respondent's wastewater treatment facilities. (Stip. 8). Subsequently, a meeting was held between representatives of the Village and the Agency to discuss operational deficiencies at the Respondent's three wastewater treatment plants. Specific modifications and improvements to plant operation and staff were recommended by the Agency. (Stip. 9).

On March 14, 1985, the Agency conducted a detailed inspection at the Village's three wastewater treatment plants to determine whether the Village had completely implemented the improvements and modifications previously suggested by the Agency. (Stip. 9). Significant improvements were noted by the Agency during this March 14, 1985 inspection. (See: Exhibit A of Stipulation entitled "Compliance Survey Notes" pertaining to each facility).

On March 6, 1985, a sludge permit application was sent to the Agency by Juneau Associates, Inc. on behalf of the Respondent for Agency review and approval. On May 10, 1985, the Agency

denied the permit and requested various corrections and additional information. On September 25, 1985, the Agency issued the sludge permit to the Village after the necessary additional information was received. (Stip. 7).

At the hearing, the past history and present status of the Village's compliance efforts were delineated. (R. 5-11). Approximately three years ago, the Respondent initiated plans to: (1) construct a new interceptor sewer system, and (2) install sewers in the unsewered portions and new areas of the Village. The Village has indicated that a bid for the first construction work on the interceptor sewer has been let to a local contractor and it is anticipated by both the Respondent and the Agency that actual construction work will begin soon.

When the Village first applied to the Agency for a permit to construct and operate its new interceptor sewer system, three preliminary alternatives were considered, i.e., the Village could: (1) treat its own sewage; (2) transport its sewage to the City of Edwardsville for treatment, or (3) transport its sewage to the Madison County Special Service Sewer District No. 1 which would then transport the sewage to the Granite City sewer system for treatment. According to the Respondent, after careful consideration of all three possible options, it was decided that, in accord with the Agency's recommendations, the Village should transport its sewage to the Madison County Sewer District, and they in turn would transport it to Granite City for appropriate treatment.

The Agency has already issued a permit authorizing the initiation of such sewage transport and the Village is now developing the necessary infrastructure to accomplish this transport. When this project is completed, the Village intends to abandon all three of its existing wastewater treatment plants and disconnect them from the system. (R. 5-7). The Village would subsequently operate under an intergovernmental agreement with the Madison County Special Service Sewer District No. 1 and Granite City and others for the future treatment of its waste. (R. 7).

The Agency has indicated that all three of the Respondent's wastewater treatment facilities are scheduled to be abandoned sometime in 1987 or 1988. (Stip. 9). In fact, the Agency has noted that the Respondent is currently in Step II of a grant project having a priority number of 522 which involves the construction of an interceptor sewer which will divert all the Village of Glen Carbon's flow to the Granite City sewer system. (Stip. 9). The Agency anticipates that construction work on the appropriate sewers could commence this year.

The Respondent's operation of its treatment plants and effluent discharges were the subject of a prior Agency enforcement action before the Board in PCB 79-136 in which the Village admitted its failure to file the requisite reports and

admitted the violation of specified effluent limitations and inadequate sludge management. The Board accepted the stipulation and proposal for settlement in PCB 79-136; ordered the Village to cease and desist from further violations; and imposed a stipulated penalty of \$1,000.00 payable in four installments of \$250.00 each over a ten month time period. (See: Opinion and Order of January 8, 1981 in PCB 79-136, IEPA v. Village of Glen Carbon).

In the present case, the parties have filed a Stipulation and Proposal for Settlement in PCB 85-105 which they believe is appropriate. The Agency has emphasized that "the public interest will be best served by resolution of this enforcement action ...particularly in light that the Village has improved its operation since the Agency's enforcement Notice Letter was sent and in light that its treatment facilities are scheduled to be abandoned". (Stip. 9-10). At the hearing, the Agency reiterated its position that "the Village has taken the necessary steps to bring its facility into compliance" and urged the Board to accept the proposed settlement agreement. (R. 10-11).

The proposed settlement agreement provides that the Village admits: (1) violating conditions of its NPDES Permits and Board regulations in violation of 35 Ill. Adm. Code 306.303 and 309.102(a) and Sections 12(a) and 12(f) of the Act as set forth in Counts I and II of the Complaint; (2) violating the water quality and effluent standard of the Board in violation of 35 Ill. Adm. Code 302.203, 304.105, and 304.106, and Section 12(a) of the Act as set forth in Count III of the Complaint; (3) allowing inadequate operation maintenance of its three wastewater treatment facilities in violation of 35 Ill. Adm. Code 306.102(a) and 309.102(a) and Sections 12(a), 12(d), and 12(f) of the Act as set forth in Count IV of the Complaint; (4) violating 35 Ill. Adm. Code 304.121, 304.141(a), and 309.102(a) and Sections 12(a) and 12(f) of the Act as set forth in Count V of the Complaint; and (5) violating 35 Ill. Adm. Code 607.104(b) and 653.803(a) and Section 18 of the Act from November 4, 1983 to March 14, 1985 as set forth in Count VI of the Complaint. (Stip. 10-11). Additionally, the Village agrees to pay a stipulated penalty of \$2,000.00 into the Environmental Protection Trust Fund within 30 days of the date of the Board's Order; to cease and desist from further violations; and to take specified steps which are delineated in a detailed compliance plan. (Stip. 11-13). The Board notes that, in reference to condition 2d & 2e, it is not advisable to set compliance dates prior to Board action on the Stipulation.

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 and finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180.

The Board finds that the Respondent, the Village of Glen Carbon, has violated 35 Ill. Adm. Code 302.203, 304.105, 304.106, 304.121, 304.141(a), 306.102(a), 306.303, 309.102(a), 607.104(b), and 653.803(a) and Sections 12(a), 12(d), 12(f), and 18 of the Act. The Respondent will be ordered to follow the agreed-upon compliance plan, cease and desist from further violations, and to pay a stipulated penalty of \$2,000.00 to the Environmental Protection Trust Fund.

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 Village of Glen Carbon, has violated 35 Ill. Adm. Code 302.203, 304.105, 304.106, 304.121, 304.141(a), 306.102(a), 306.303, 309.102(a), 607.104(b), and 653.803(a) and Sections 12(a), 12(d), 12(f), and 18 of the Illinois Environmental Protection Act.

2. The Respondent shall cease and desist from all further violations. Toward that end, the Village of Glen Carbon shall continue agreed-to activities commenced on the date of the Stipulation and Proposal for Settlement. These are, at a minimum, to:

- a. submit timely notices of non-compliance to the Agency as required by its NPDES Permits;
- b. remove sludge on a regular basis at the Main and Cottonwood sewage treatment plants by a recirculation treatment program;
- c. provide the necessary labor and materials for:
  - (1) appropriate operation and maintenance drainage from screening at Cottonwood Sewage Treatment Plant (STP);
  - (2) appropriate maintenance and replacement of broken and clogged diffusers at Cottonwood STP and each STP as necessary;
  - (3) appropriate repairs, replacement and maintenance of aerobic or clogged diffusers at Cottonwood STP and each STP as necessary;
  - (4) repairs or replacement of exhaust fans at Main lift station as necessary;

- (5) repair or replacement of dehumidifiers at Main lift station as necessary.
  - (6) appropriate repair/replacement of alarm system and light at Hillcrest lift station as necessary;
  - (7) transfer of chlorine gas cylinders from the lower level of the service building to the out of doors with anchors and protection from direct sunlight.
- d. within 14 days of the filing of the Stipulation, prepare an emergency plan to provide sufficient staff, training and portable pumps so as to prevent bypassing of raw sewage at any of the three plants or on the sewer system, prevent overflows from any manholes or lift stations and prevent basement backups, said plan to be submitted to the IEPA, Collinsville FOS office, for review and comment;
- e. within 28 days of the filing of the Stipulation, submit a construction and operating ("as built") permit application to the Agency for the sanitary sewer extension constructed by the Village on October, 1984, tributary directly to the lift station on Merdian Hills Road.
3. Within 30 days of the date of this Order, the Respondent shall, by certified check or money order payable to the State of Illinois and designated for deposit into the Environmental Protection Trust Fund, pay the stipulated penalty of \$2,000.00 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 Proposal for Settlement filed on November 4, 1985, which is incorporated by reference as if fully set forth herein.

IT IS SO ORDERED.

Board Member J. Theodore Meyer dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 20th day of December, 1985 by a vote of 6-1.

Dorothy M. Gunn  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board