

ILLINOIS POLLUTION CONTROL BOARD
May 1, 1981

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 79-267
)
CENTRAL ILLINOIS LIGHT COMPANY,)
(E.D. Edwards Station),)
)
Respondent.)

MR. WILLIAM E. BLAKNEY, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

O'HERN, WOMBACHER, MOON & BOOS, ATTORNEYS AT LAW (MR. WILLIAM B. WOMBACHER, OF COUNSEL), APPEARED ON BEHALF OF THE RESPONDENT.

OPINION AND ORDER OF THE BOARD (by N.E.Werner):

This matter comes before the Board on the December 12, 1979 Complaint brought by the Illinois Environmental Protection Agency ("Agency"). After discovery occurred, the Agency filed a Motion to File Amended Complaint Instantly and Amended Complaint on April 1, 1980.

Count I of the Amended Complaint alleged that, during specified time periods between November, 1977 and April 1, 1980, the Central Illinois Light Company (the "Company") discharged effluents from its sewage treatment plant which exceeded the NPDES Permit limits pertaining to 5-day biochemical oxygen demand ("BOD₅"), total suspended solids, and fecal coliform in violation of its NPDES Permit, Rules 410(a) and 901 of Chapter 3: Water Pollution Control Regulations ("Chapter 3"), and Sections 12(a) and 12(f) of the Illinois Environmental Protection Act ("Act").

Count I also alleged that, during the time period between April, 1978 and April 1, 1980, the Company discharged effluent from its ash pond which exceeded the NPDES Permit limits relating to pH and total suspended solids in violation of Rules 410 and 901 of Chapter 3 and Sections 12(a) and 12(f) of the Act.

Count II alleged that the Respondent, by discharging the effluent described in Count I, also violated Rules 404(a) and 405 of Chapter 3 and Section 12(a) of the Act.

Count III alleged that, from April, 1978 until April 1, 1980, the Company discharged effluent from its ash pond which exceeded the relevant pH limits in violation of Rule 408(a) of Chapter 3 and Section 12(a) of the Act.

Count IV alleged that, during June of 1977, the Company completed the construction of an acid injection system to control the pH of its ash pond effluent, without first obtaining Agency authorization to construct the system, and has continued to discharge effluent from its ash pond in violation of Rules 901 and 910(n)(1) of Chapter 3 and Sections 12(b) and 12(f).

Count V alleged that, on November 26, 1979, the Company completed construction of, and began operation of, its sewage treatment plant without first obtaining Agency authorization, and continued to discharge effluent from this facility in violation of Rules 901 and 910(n)(1) of Chapter 3 and Sections 12(b) and 12(f) of the Act.

Hearings were held on November 19, 1980 and March 30, 1981 at which no members of the public were present. The parties filed a Stipulation and Proposal for Settlement on March 31, 1981.

The Respondent is a public utility which produces electricity at its E.D. Edwards generating station which is located near Bartonville, in Peoria County, Illinois. Wastewater from this electric generating station is discharged into the Illinois River pursuant to NPDES Permit No. IL 0001970. (Stip. 1-2; Exhibits A and B).

The proposed settlement agreement includes a detailed compliance program and schedule which provides that the Company shall promptly: (1) install "a counter on each effluent pump of its sewage treatment plant to provide more precise measurement of the final effluent flow"; (2) install "an air relief valve in the final effluent line of its sewage treatment plant to prevent air lock"; (3) cease and desist from any further violations; and (4) pay a stipulated penalty of \$10,000.00. (Stip. 5). Additionally, the parties have stipulated that the Company has already secured Agency approval of the "as-built" plans and specifications of both its sewage treatment plant and its acid injection facility. (Stip. 5).

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. The Board finds the settlement agreement acceptable under Procedural Rule 331 and Section 33(c) of the Act. The Board finds that the Respondent, Central Illinois Light Company, has violated Rules 404(a), 405, 408(a), 410(a), 901 and 910(n)(1) of Chapter 3: Water Pollution Control Regulations and Sections 12(a), 12(b), and 12(f) of the Illinois Environmental Protection Act. The Respondent will be ordered to cease and desist from further violations and a stipulated penalty of \$10,000.00 will be assessed against the Company.

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 Central Illinois Light Company (E.D. Edwards Station), has violated Rules 404(a), 405, 408(a), 410(a), 901 and 910(n)(1) of Chapter 3: Water Pollution Control Regulations and Sections 12(a), 12(b) and 12(f) of the Illinois Environmental Protection Act.

2. The Respondent shall cease and desist from further violations.

3. Within 45 days of the date of this Order, the Respondent shall, by certified check or money order payable to the State of Illinois, pay the stipulated penalty of \$10,000.00 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 March 31, 1981, which is incorporated by reference as if fully set forth herein.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 1ST day of May, 1981 by a vote of 4-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board