

ILLINOIS POLLUTION CONTROL BOARD
December 20, 1977

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.)
)
)
VILLAGE OF WINFIELD,)
)
 Respondent.)

PCB 77-114

MS. SUSAN SHUMWAY, ASSISTANT ATTORNEY GENERAL, APPEARED FOR THE
COMPLAINANT;
MR. DONALD W. GARLINGER OF HINSHAW, CULBERTSON, MOELMANN, HOBAN
& FULLER, APPEARED FOR THE 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 Village of Winfield (Winfield) with violations
of Rules 203(a), 203(d), 401(c), 402, 403, 404(d), 405 and 1201
of Chapter 3: Water Pollution (Chapter 3), thereby violating
Section 12(a) of the Environmental Protection Act (Act). A hear-
ing was held on October 27, 1977. The parties filed a Stipulation
and Proposal for Settlement on October 28, 1977.

Winfield, located in DuPage County, Illinois, owns and operates
an activated sludge sewage treatment plant (STP) which discharges
effluent into a slough tributary to the West Branch of the DuPage
River. Because the discharge is to this slough, the dilution ratio
of the effluent is less than one to one. The STP serves 4,000
residents of Winfield as well as 500 persons at Central DuPage
Hospital.

On nine separate occasions, Agency inspectors reported dis-
charges from the STP containing visible suspended solids and foam
which turned the effluent a murky grey to green color in violation
of Rule 403 (Ex. A). On six occasions, Winfield discharged
effluent containing concentrations of BOD exceeding five times the
numerical standard set forth in Rule 404(f), in violation of Rule
401(c) (Ex. B). Effluent was discharged containing concentrations
of BOD in violation of Rule 404(f) on two occasions (Ex. C). Four
inspection reports noted discharges of effluent containing fecal

coliforms in concentrations exceeding five times the numerical standard set forth in Rule 405, in violation of Rule 401(c) (Ex. D).

On six occasions effluent was discharged which resulted in bottom deposits, sludge, sludge mats, visible suspended solids, turbidity and color in the slough, in violation of Rule 203(a) as prohibited by Rule 402 (Ex. E). Two inspection reports noted discharges of effluent which caused concentrations of ammonia nitrogen (as N) which violated Rule 203(f) as prohibited by Rule 402 (Ex. F). Finally, Winfield has failed to provide a Class II Certified Operator during all periods of operation of the STP, in violation of Rule 1201.

Winfield, in the stipulation, admits to each listed violation of Chapter 3, and further admits each to be a violation of Section 12(a) of the Act.

Winfield has taken several steps during the pendency of the proceeding to alleviate its effluent problem including repairing an air lift, employing an engineer, and preparing a study used to determine interim BOD standards. These steps, along with those required as part of the settlement agreement, will ameliorate all violations of Chapter 3 and the Act as fully as possible. However, full compliance will occur only upon completion of a combined STP to serve Winfield and the City of West Chicago. Negotiations are proceeding toward that end, but a final completion date cannot be predicted at this time.

In the Proposal for Settlement, Winfield agrees to take numerous measures with regard to its present STP. First, Winfield shall adhere to an interim effluent standard (30 day average) of 20 mg/l of BOD, 25 mg/l of suspended solids and 200 fecal coliform per 100 ml for its secondary effluent and 30 mg/l of BOD, 30 mg/l of suspended solids and 400 fecal coliform per 100 ml for any excess flows. Second, Winfield agrees to obtain the services of a Class II Certified Operator, and has already carried out that agreement. Third, Winfield shall take measures designed to permit operation of the STP in the most efficient manner possible and shall adhere to sampling and reporting requirements. Fourth, Winfield shall apply for all necessary permits and a variance from Rule 203(f) of Chapter 3, and has already applied for such a variance. Winfield shall continue to pursue efforts toward construction of a combined STP. Finally, the Agency recommends that no penalty be imposed for these violations.

The Board accepts the Stipulation and Proposal for Settlement filed October 28, 1977 and finds Winfield in violation of Rules 203(a), 203(f), 401(c), 402, 403, 404(f), 405 and 1201 of Chapter 3 and Section 12(a) of the Act on the dates alleged in the Complaint filed herein. The Board has considered the Section 33(c) factors in finding a violation of Section 12(a).

In light of Winfield's good faith efforts toward compliance, the Board agrees that no penalty is warranted for these violations.


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. The Village of Winfield violated Rules 203(a), 203(f), 401(c), 402, 403, 404(f), 405 and 1201 of Chapter 3 and Section 12(a) of the Act on the dates alleged in the Complaint filed herein.
2. Winfield shall comply with all terms and conditions of the Stipulation and Proposal for Settlement filed October 28, 1977, which is incorporated by reference as if fully set forth herein.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board hereby certify the above Opinion was adopted on the 28th day of December, 1977 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board