

ILLINOIS POLLUTION CONTROL BOARD
October 22, 1981

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 81-68
)
VILLAGE OF HARDIN, an Illinois)
municipal corporation,)
)
Respondent.)

MR. VINCENT W. MORETH, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

MR. RALPH J. MOSES, ATTORNEY FOR THE VILLAGE OF HARDIN, APPEARED ON BEHALF OF THE RESPONDENT.

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

This matter comes before the Board on the April 28, 1981 Complaint brought by the Illinois Environmental Protection Agency ("Agency").

Count I of the Complaint alleged that, from April 30, 1979 until April 28, 1981, the Respondent, the Village of Hardin (the "Village"), allowed the discharge of contaminants from its wastewater treatment facility (the "facility" or "plant") into the Illinois River without an NPDES Permit in violation of Rule 901 of Chapter 3: Water Pollution Control Regulations ("Chapter 3") and Section 12(f) of the Illinois Environmental Protection Act ("Act").

Count II alleged that, intermittently from February 16, 1978 until April 30, 1979, the Village discharged effluent from its facility with concentrations of five-day biochemical oxygen demand ("BOD₅") and suspended solids in excess of five times the applicable numerical standards in violation of the conditions of its NPDES Permit #IL 0029139 (which expired on April 30, 1979), thereby violating Rules 401(c) and 404(a) of Chapter 3 and Sections 12(a) and 12(f) of the Act.

Count III alleged that, from October, 1977 until April 28, 1981, the Respondent allowed the discharge of effluent containing unnatural color, foam, floating solids, and obvious odor and turbidity from its facility into the Illinois River in violation of Rule 403 of Chapter 3 and Section 12(a) of the Act.

Count IV alleged that, from October, 1977 until April, 1979, the Village failed to submit to the Agency the monthly Discharge Monitoring Reports required by its NPDES Permit in violation of Rules 501(c) and 901 of Chapter 3 and Sections 12(a) and 12(f) of the Act.

Count V alleged that, intermittently from October 24, 1977 until April 30, 1979, the Village failed to operate its facility as efficiently as possible in a manner so as to minimize violations of applicable standards in that the Respondent failed to: (1) keep the plant in operation from March 23, 1979 to September 27, 1979; (2) fix or replace equipment that was broken or missing; (3) provide an alarm system or alternate power source; (4) have an operable flow meter; (5) provide an operating staff at the plant for a sufficient number of hours; (6) use approved lab testing procedures; (7) use calibrating equipment; (8) utilize proper sampling; (9) perform fecal coliform tests; and (10) have an adequate spare parts inventory, thereby violating the conditions of its NPDES Permit, Rules 601(a) and 901 of Chapter 3, and Section 12(f) of the Act.

A hearing was held on August 28, 1981. The parties filed a Statement of Stipulated Settlement on September 9, 1981.

The Village of Hardin, which is located in Calhoun County, Illinois, owns and operates a wastewater treatment plant which discharges contaminants into the Illinois River, a navigable Illinois water, pursuant to NPDES Permit #IL 0029139 which was issued September 30, 1974 and expired on April 30, 1979. The Village failed to make a timely application to renew its NPDES Permit prior to April 30, 1979 and thus Count I of the Complaint takes this matter into account.

The Village has admitted that the violations alleged in the Complaint occurred but maintains that noncompliance was primarily due to a lack of adequate funds to make the needed repairs and provide the needed personnel. (Stip. 8).

The proposed settlement agreement provides that the Village shall: (1) cease and desist from further violations; (2) follow a specified compliance program pertaining to the staffing and operation of its wastewater treatment plant (including extensive testing and sampling requirements); (3) promptly obtain a certified Class 2 operator, and (4) pay the stipulated penalty of \$750.00 . (Stip. 8-11).

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.

Accordingly, the Board finds that the Respondent, the Village of Hardin, has violated Rules 401(c), 403, 404(a), 501(c), 601(a), and 901 of Chapter 3: Water Pollution Control Regulations and Sections 12(a) and 12(f) of the Illinois Environmental Protection Act.

The Village will be ordered to cease and desist from further violations and pay the stipulated penalty of \$750.00 .

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 Hardin, has violated Rules 401(c), 403, 404(a), 501(c), 601(a), and 901 of Chapter 3: Water Pollution Control Regulations and Sections 12(a) and 12(f) of the Illinois Environmental Protection Act.
2. The Respondent shall cease and desist from further violations.
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, pay the stipulated penalty of \$750.00 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 Statement of Stipulated Settlement filed on September 9, 1981, which is incorporated by reference as if fully set forth herein.

Chairman Dumelle concurs.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 22ND day of October, 1981 by a vote of 5-0



Christan L. Moffett, Clerk
Illinois Pollution Control Board