

ILLINOIS POLLUTION CONTROL BOARD
June 12, 1980

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 79-220
)
VILLAGE OF THORNTON, an)
Illinois Municipal Corporation,)
)
Respondent.)

MR. PHILIP M. WILLMAN, ASSISTANT ATTORNEY GENERAL, APPEARED ON
BEHALF OF THE COMPLAINANT.

MR. JOHN DAVID DILLNER, ATTORNEY AT LAW, APPEARED ON BEHALF OF THE
RESPONDENT.

OPINION AND ORDER OF THE BOARD (by Board Member Werner):

This matter comes before the Board on the October 19, 1979
Complaint brought by the Illinois Environmental Protection Agency
("Agency"). Count I of the Complaint alleged that, from June 1,
1978 until October 19, 1979, the Respondent's wastewater treatment
works discharged contaminants into Illinois waters without an
NPDES Permit in violation of Rule 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 II
alleged that the Respondent violated certain terms of an interim
modification of its prior NPDES Permit by discharging wastewater
containing excessive levels of BOD and residual chlorine and by
submitting deficient discharge monitoring reports to the Agency in
violation of Rule 410(a) of Chapter 3 and Sections 12(a) and 12(f)
of the Act. Count III alleged that, from June 1, 1978 until
October 19, 1979, the Respondent discharged wastewater from its
treatment works at levels exceeding the Board's general effluent
standards in violation of Rule 404(b) of Chapter 3 and Section 12(a)
of the Act. Count IV alleged that the Respondent failed to employ
a certified wastewater treatment plant operator in violation of
Rule 1201 of Chapter 3 and Section 12(f) of the Act. A hearing
was held on April 17, 1980. The parties filed a Stipulation and
Proposal for Settlement on May 6, 1980.

The Village of Thornton ("Village") owns and operates a
treatment works ("the Thornton plant") in Cook County which
discharges wastewater into Thorn Creek, a tributary of Little

Calumet River. This facility has a design capacity of 400,000 gallons per day and serves most of the 3,500 residents of the Village.

Until December 30, 1976, the Village operated its treatment facility and discharged wastewater pursuant to an NPDES Permit. On December 30, 1976, the U.S.E.P.A. granted the Village's request for an interim modification of its NPDES Permit which changed various effluent limitations for biochemical oxygen demand, suspended solids, and residual chlorine. On June 1, 1978, the Village's NPDES Permit expired. However, the Village did not submit a request for a renewal of this NPDES Permit until May 7, 1979. On June 5, 1979, the Agency denied the Village's request for NPDES Permit renewal on the grounds that the requisite effluent limitations were not being met.

Accordingly, it is stipulated that, from December 30, 1976 until June 1, 1978, the Village discharged wastewater from its facility pursuant to an NPDES Permit. (See: Stip. 2 and Exhibit A). However, from June 1, 1978 until May 6, 1980, the Village discharged wastewater without an NPDES Permit in violation of Rule 901 of the Board's Water Pollution Control Regulations and Sections 12(a) and 12(f) of the Act. (Stip. 3).

The parties have also stipulated that, during various specified time periods, the Village allowed the discharge of wastewater from the Thornton plant into Thorn Creek to contain pollutants exceeding the NPDES Permit limitations on biochemical oxygen demand and residual chlorine and failed to submit the necessary discharge monitoring reports to the Agency in violation of Rule 404(b) and 410(a) of Chapter 3 and Sections 12(a) and 12(f) of the Act. (Stip. 3-5).

Additionally, it is stipulated that, from January 1, 1976 until January 15, 1980, the Village operated the Thornton plant without a certified operator in violation of Rule 1201 of Chapter 3 and Section 12(f) of the Act. (Stip. 5). However, the Village rectified this situation by hiring a duly certified Class II sewage treatment operator on January 15, 1980. (Stip. 5). Subsequently, in February and March of 1980, the Village fully complied with "the reporting requirements of a NPDES Permit." (sic) The discharge monitoring reports indicate that current wastewater discharges do not exceed NPDES Permit limitations. (Stip. 5).

The Illinois General Assembly passed legislation on June 29, 1979 which provides that the area which is now serviced by the Thornton plant will be included within the corporate limits of the Metropolitan Sanitary District of Greater Chicago ("District"). The Thornton plant will be taken out of operation and decommissioned after annexation proceedings are completed (i.e., by June 29, 1981). (Stip. 5).

The proposed settlement agreement provides that, until annexation to the District is completed, the Village shall:
(1) operate the Thornton plant so that it meets the effluent

limitations in its last NPDES Permit; (2) employ a properly certified Class II operator to supervise the operation and maintenance of the facility; (3) submit discharge monitoring reports for each month as required by its last NPDES Permit (the Mayor of the Village of Thornton will personally review and sign each discharge monitoring report that the Village submits to the Agency); (4) if, under certain specified circumstances, the discharge monitoring reports indicate that the Thornton plant has failed to meet all of the effluent limitations contained in its last NPDES Permit, then the Village will promptly: (a) dredge or pump out all accumulated solids in the final settling pond and haul it to an Agency-approved landfill for disposal, and (b) install chemical feed equipment at the inlet to the secondary clarifiers for the purposes of settling out solids in the clarifiers; and (5) if the aforementioned work is required, the Village will prepare specifications for the required work along with the necessary permit applications, and promptly submit them to the Agency. (Stip. 6-7).

Additionally, the Stipulation provides that the Village shall: (1) continue its effort to complete annexation to the District before June 29, 1981; (2) dredge, or pump out, all accumulated solids in the final settling pond and haul it to an Agency-approved landfill for disposal within 30 days after annexation to the District is completed, and (3) pay a stipulated penalty of \$500.00 . Moreover, the Agency has agreed to issue an NPDES Permit to the Village upon the Respondent's full compliance with all the applicable regulations and statutes. (Stip. 7).

In evaluating this enforcement action and proposed settlement, the Board has taken into consideration all the facts and circumstances in light of the specific criteria delineated in Section 33(c) of the Illinois Environmental Protection Act. The Board finds the stipulated agreement acceptable under Procedural Rule 331 and Section 33(c) of the Act. The Board finds that the Respondent, the Village of Thornton, has violated Rules 404(b), 410(a), 901, and 1201 of Chapter 3: Water Pollution Control Regulations and Sections 12(a) and 12(f) of the Act. The stipulated penalty of \$500.00 is hereby assessed against the Respondent.

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:

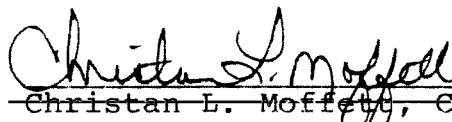
1. The Respondent, the Village of Thornton, has violated Rules 404(b), 410(a), 901, and 1201 of Chapter 3: Water Pollution Control Regulations and Sections 12(a) and 12(f) of the Illinois Environmental Protection Act.

2. 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 \$500.00 which is to be sent to:

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

3. The Respondent shall comply with all of the terms and conditions of the Stipulation and Proposal for Settlement filed on May 6, 1980, 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 12th day of June, 1980 by a vote of 5-0.



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