

ILLINOIS POLLUTION CONTROL BOARD  
April 26, 1979

ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )  
 )  
Complainant, )  
 )  
v. ) PCB 78-127  
 )  
CITY OF GEORGETOWN, a municipal )  
corporation, )  
 )  
Respondent. )

Ms. Nancy J. Bennett, Assistant Attorney General, appeared on behalf of the Complainant;  
Mr. Eugene Wright, Attorney, appeared on behalf of the Respondent.

OPINION AND ORDER OF THE BOARD (by Mr. Young):

This matter comes before the Board on a complaint filed on May 10, 1978, by the Environmental Protection Agency against the City of Georgetown which alleged numerous violations of water pollution provisions of the Environmental Protection Act and Board regulations as well as the terms and conditions of Respondent's NPDES permit. The complaint alleged that on specific dates, discharges from the City of Georgetown sewage treatment plant, the sewage treatment plant bypass, the Seminary Street overflow and the Main Street sewer to the waters of Illinois contained obvious color, turbidity, floating debris, floating solids and concentrations of fecal coliform and ammonia nitrogen in violation of Rules 203(a), 203(f) (ammonia nitrogen), 203(g), 401(c), 402, 403, 404(f)(ii)(c), 405 and 901 of Chapter 3: Water Pollution Regulations and Section 12(a), (b), and (f) of the Act. The complaint also charged Respondent with discharging to waters of this State untreated effluent in violation of Rule 602(c) of Chapter 3 and Sections 12(a), (b) and (f) of the Act. Furthermore, the City of Georgetown was charged with operating its treatment facility without direct supervision of a certified operator in violation of Rule 1201 of Chapter 3 and Section 12(a) of the Act.

A hearing was held on February 15, 1979. At that time, a Stipulation and Proposal for Settlement was submitted for approval by the Board. No testimony was given during the hearing.

The Respondent, City of Georgetown, Vermilion County, Illinois, owns and operates a sewage treatment plant which accepts water from the City's combined sewer system and discharges to the Ellis Branch Creek. This receiving body is tributary to the Little Vermilion River and the Wabash River. On June 8, 1976, the City of Georgetown was placed on restricted status. Afterward, the City executed a State Grant Agreement on July 26, 1976, but failed to submit final facility plans and specifications for anticipated improvements as required by the agreement and consequently, the agreement was rescinded. In addition, the State grant offer was revoked on September 17, 1976, due to Respondent's failure to accept the grant offer. (Stip. 2-3, 8; See Exh. B and C.)

The City of Georgetown was issued NPDES permit No. 0022322 on June 30, 1977, which authorized discharges from the treatment facility, its bypass and the Seminary Street overflow in accordance with the terms and conditions specified in the NPDES permit. However, on numerous occasions the Respondent has caused or allowed the discharge of untreated sewage from the STP bypass when the treatment facility was overloaded (181 days in the first ten months of 1977), from the Seminary Street overflow and from the Main Street sewer which flowed into drainage ditches tributary to the Ellis Branch Creek, the Little Vermilion River and the Wabash River. (Stip. 2-3.)

The stipulation between the parties provided that the discharges from the Georgetown STP, its STP bypass, the Seminary Street overflow, and the Main Street sewer were in violation of the Act and Board regulations on specific dates as charged in the complaint. The parties also stipulated that the discharges on certain dates were also in violation of the terms and conditions of its NPDES permit and Rule 901 of Chapter 3 and Sections 12(b) and (f) of the Act. (Stip. 5-7.)

The parties also agreed in the stipulation that the Georgetown sewage treatment plant was operating without the direct supervision of an operator certified as competent by the Agency from March 1, 1977, until June 22, 1978, which violates Rule 1201 of Chapter 3 and Section 12(a) of the Act. The stipulation also revealed that since June 20, 1978, the City of Georgetown has hired a certified operator to operate its sewage treatment facility. (Stip. 8.)

As a result of negotiations, the parties have agreed that it would be in the best interests of the public and the parties to settle this matter under the Board's Procedural Rule 331. The Respondent, City of Georgetown,

has taken the initial steps to achieve compliance with the terms and conditions of its NPDES permit and with the applicable Board regulations. Recently, the Respondent had submitted application for a grant to upgrade and improve its sewage treatment facility and for a sewage separation project both anticipated for completion by 1982. (Stip. 10.)

As part of the settlement, the parties agree that a penalty in the amount of \$15,000.00 shall be imposed on the City of Georgetown, of which Respondent shall pay the sum of \$1,000.00 within 35 days of this Order. The parties have agreed that the remaining \$14,000.00 shall become payable only upon failure of the Respondent to comply with the provisions of this Stipulation and Proposal for Settlement or of the Board Order approving this settlement.

The Board will accept the Stipulation and Proposal for Settlement entered into the record on February 15, 1979. Respondent is hereby found to have caused or allowed discharges in violation of the terms and conditions of its NPDES permit and Rules 203(a), 203(f) (ammonia nitrogen), 203(g), 401(c), 402, 403, 404(f)(ii)(c), 405, 602(c), 901 and 1201 of Chapter 3: Water Pollution Regulations and Section 12(a), (b) and (f) of the Act. The Board will assess a penalty of \$15,000.00 on the City of Georgetown as agreed upon by the parties. Respondent shall pay the sum of \$1,000.00 within 35 days of this Order. Payment of the remaining \$14,000.00 shall be made only upon failure of the Respondent to actively participate and complete each applicable requirement of the construction grants program and other terms in the settlement. In assessing this penalty, the Board has considered the application of each requirement of Section 33(c) of the Act in relationship to the particular facts and circumstances in this matter.

The Board has also considered the NPDES permit violations by the City of Georgetown in light of the decision by the U.S. Court of Appeals in Citizens for a Better Environment v. EPA, No. 78-1042, \_\_\_\_\_ F. 2d \_\_\_\_\_ (7th Cir. 1979), and finds that the Board has competent jurisdiction over the subject matter in this complaint pursuant to Sections 11(b), 12(f) and 13(b) of the Act and Board regulations established thereunder.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

1. Respondent, City of Georgetown, is found to have caused or allowed the discharge of contaminants to the waters of Illinois in violation of the terms and conditions of NPDES permit No. 0022322 and Rules 203(a), 203(f) (ammonia nitrogen), 203(g), 401(c), 402, 403, 404(f)(ii)(c), 405, 602(c), 901 and 1201 of Chapter 3: Water Pollution Regulations and Sections 12(a), (b) and (f) of the Environmental Protection Act.

2. Respondent, City of Georgetown, shall be assessed a penalty of \$15,000.00 of which \$1,000.00 shall be payable by certified check or money order within 35 days of this Order to:

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

The balance of \$14,000.00 shall become due only upon Respondent's failure to comply with any provision of the Stipulation and Proposal for Settlement herein or the requirements of this Board Order.

3. The Respondent, City of Georgetown, shall comply with all terms and conditions of the Stipulation and Proposal for Settlement entered into the record on February 15, 1979, which is incorporated by reference as if fully set forth herein.

IT IS SO ORDERED.

Mr. Jacob D. Dumelle dissented.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 26<sup>th</sup> day of April, 1979, by a vote of 3-1.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board