

ILLINOIS POLLUTION CONTROL BOARD
January 8, 1981

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 79-136
)
VILLAGE OF GLEN CARBON,)
a Municipal Corporation,)
)
Respondent.)

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

MR. JOSEPH KELLEHER, ATTORNEY AT LAW, APPEARED ON BEHALF OF THE RESPONDENT.

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

This matter comes before the Board on the July 3, 1979 Complaint brought by the Illinois Environmental Protection Agency ("Agency"). On August 5, 1980, the Agency filed its Motion for Leave to File an Amended Complaint and the Amended Complaint.

The Village of Glen Carbon (the "Village") is located in Madison County, Illinois and has a population of approximately 3,100 individuals. The Respondent owns and operates 3 wastewater treatment facilities: (1) the West Treatment Plant; (2) the Cottonwood Station Treatment Plant, and (3) the Glen Crossing Treatment Plant. (See: Exhibits A, B, and C). The effluent from the Respondent's three wastewater treatment plants is discharged into an unnamed stream tributary to Judy's Branch, a navigable water of the State of Illinois. (Stip. 3).

Count I of the Amended Complaint alleged that the Respondent failed to take samples of influent and effluent at the West Treatment Plant from January 31, 1978 until August 5, 1980 and failed to submit discharge monitoring reports to the Agency for the West Treatment Plant from July, 1977 to March, 1979 in violation of its NPDES Permit No. IL 0047881, Rules 501 and 901 of Chapter 3: Water Pollution Control Regulations ("Chapter 3"), and Sections 12, 12(a) and 12(f) of the Illinois Environmental Protection Act ("Act").

Count II alleged that the Village failed to take the required samples of influent and effluent at the Cottonwood Station Treatment

Plant from January 31, 1978 to June, 1979 and failed to submit the necessary discharge monitoring reports to the Agency for the Cottonwood Station Treatment Plant from November, 1977 to March, 1979 in violation of its NPDES Permit No. IL 0048356, Rules 501 and 901 of Chapter 3, and Section 12 of the Act.

Count III alleged that the Respondent failed to take samples of influent and effluent at the Glen Crossing Treatment Plant from January 31, 1978 to June, 1979 and failed to submit discharge monitoring reports to the Agency for the Glen Crossing Treatment Plant from August, 1977 to May, 1979 in violation of its NPDES Permit No. IL 0047848, Rules 501 and 901 of Chapter 3, and Section 12 of the Act.

Count IV alleged that the Village's West Treatment Plant discharged effluent containing excessive levels of total suspended solids and fecal coliform in violation of its NPDES Permit No. IL 0047881, Rules 401(c), 405, 410(a), and 901 of Chapter 3, and Section 12 of the Act.

Count V alleged that the Respondent's Cottonwood Station Treatment Plant discharged effluent which contained excessive levels of BOD₅, suspended solids, fecal coliform; that the pH level was outside the range specified in its NPDES Permit in violation of its NPDES Permit No. IL 0048356, Rules 401(c), 404(c), 405, 410 and 901 of Chapter 3, and Section 12 of the Act.

Count VI alleged that the Village's Glen Crossing Treatment Plant discharged effluents containing excessive levels of fecal coliform in excess of the standards set in its NPDES Permit in violation of its NPDES Permit No. IL 0047848, Rules 401(c), 405, 410(a) and 901 of Chapter 3 and Section 12 of the Act.

Count VII alleged that the Respondent's West Treatment Plant was not operated as efficiently as possible in that: (1) there was inadequate operating staff; (2) "the elapsed time meters at the main plant lift station have been out of service"; (3) there was no emergency alarm system for the plant; (4) "the surface skimmer has been inoperable"; (5) "the outer rim of the center skimming well has been skewed"; (6) "the nozzles of the plant air liner have been plugged or off the liner completely"; and (7) "the plant is in need of sludge wasting and disposal"; thereby violating its NPDES Permit No. IL 0047881, Rule 901 of Chapter 3 and Section 12 of the Act.

Count VIII alleged that the Respondent "failed to operate the Cottonwood Station Treatment Plant as efficiently as possible in that, among other things, pumps at the plant's Singer Creek lift station do not alternate automatically, the plant's force main has leaked raw sewage prior to entry into the treatment plant, the plant has not had a device to measure sludge retainment rate into

the plant, the plant's skimmer pontoon in the treatment plant's clarifier has leaked, the plant's aerobic digester has not been in service, and the main air header has leaked" in violation of its NPDES Permit No. IL 0048356, Rule 901 of Chapter 3 and Section 12 of the Act.

Count IX alleged that the Respondent failed to operate the Glen Crossing Treatment Plant as efficiently as possible and with an adequate operating staff and that: (1) "the alarm system at the Canterberry Manor lift station has been out of service"; (2) "there has been no alarm system at the Bollinger Street lift station"; and (3) "the plant is in need of sludge wasting and disposal" in violation of its NPDES Permit No. IL 0047848, Rule 901, Chapter 3 and Section 12 of the Act.

Count X alleged that the Respondent improperly operated and maintained West Treatment Plant so as to cause "the emission of noxious odors into the outdoor atmosphere of the State of Illinois" and to unreasonably interfere "with the enjoyment of life and property" of neighboring residents causing them to become nauseous; cease, avoid, or limit outdoor activity; periodically leave their homes; refrain from using window fans; and generally attempt to avoid or reduce their exposure to these emissions in violation of Section 9(a) of the Act.

A hearing was held on December 1, 1980 at which no members of the public were present. The parties filed a Statement of Stipulated Settlement on December 2, 1980.

The proposed settlement agreement provides that the Village admits the allegations set forth in the Amended Complaint and agrees to: (1) file the requisite monthly operating reports for its three facilities; (2) promptly implement a "program to remove any and all deposits of mud that have accumulated in the aeration chambers at its West Plant"; (3) maintain an adequate operational staff at its facilities; (4) promptly file all necessary reports as required by the Board's Water Pollution Control Regulations and the Respondent's NPDES Permits; (5) cease and desist from any further violations; and (6) pay a stipulated penalty of \$1,000.00 (in four installments of \$250.00 each). (Stip. 9-12).

The Statement of Stipulated Settlement also provides that the Respondent has already implemented programs to correct the specified deficiencies at its three wastewater treatment plants "and has substantially cooperated with the Illinois EPA in an attempt to prevent future sampling and reporting violations of the NPDES Permits and the Pollution Control Board's Rules and Regulations". (Stip. 9). Additionally, "after a review by Agency personnel of the Village's West Plant, the Agency found that the Village has initiated maintenance operation programs to remove and dispose of sludge on a continuous basis to prevent reoccurrence of the obnoxious odor emissions". (Stip. 9). The Agency believes that an adequate sludge removal program "will prevent accumulation of

sludge in the treatment plant and thus eliminate the source of the obnoxious odor". (Stip. 9).

At the hearing, Mr. Richard Carter, the Director of Public Works for the Village of Glen Carbon, testified as to the correction of various environmental problems. (R. 7-10). Mr. Lloyd Lamberton, a certified Class 2 operator who is the Superintendent of Wastewater Treatment Plants for the Village, testified that he personally supervised the corrective measures pertaining to sludge removal and indicated that the Village's program had met with Agency approval. (R. 11-12). Additionally, Mr. Lamberton testified that the Village installed the requisite alarm system at an approximate cost of \$400.00 for materials (not including labor). (R. 13). Moreover, the Village introduced financial statements into evidence at the hearing to show that installment payments of the stipulated penalty are appropriate in this case. (R. 4-5; See Respondent's Exhibits 1, 2, and 3).

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 has violated Rules 401(c), 404(c), 405, 410, 410(a), 501 and 901 of Chapter 3 and Sections 9(a), 12, 12(a) and 12(f) of the Act and orders the Village to cease and desist from all further violations of Chapter 3 and the Act. The Board hereby assesses the stipulated penalty of \$1,000.00 (payable in 4 installments of \$250.00 each) against the Village of Glen Carbon.

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 Glen Carbon, has violated Rules 401(c), 404(c), 405, 410, 410(a), 501 and 901 of Chapter 3: Water Pollution Control Regulations and Sections 9(a), 12, 12(a), and 12(f) of the Illinois Environmental Protection Act.

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

3. The Respondent, the Village of Glen Carbon, shall, by certified check or money order payable to the State of Illinois, pay the stipulated penalty of \$1,000.00 according to the following schedule:

- \$250.00 within one month of the date of this Order;
- \$250.00 within four months of the date of this Order;
- \$250.00 within seven months of the date of this Order; and
- \$250.00 within ten months of the date of this Order.

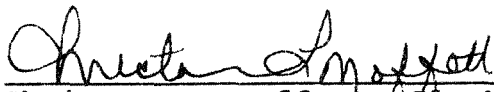
All payments shall be sent to:

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 December 2, 1980, 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 8th day of January, 1981 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board