

ILLINOIS POLLUTION CONTROL BOARD
November 20, 1980

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 78-215
)
CITY OF KNOXVILLE, an Illinois)
municipal corporation,)
)
Respondent.)

MR. THOMAS R. CHIOLA, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

BARASH AND STOERZBACH, ATTORNEYS AT LAW (MR. RONALD HENSON, OF COUNSEL), APPEARED ON BEHALF OF THE RESPONDENT.

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

This matter comes before the Board on the August 8, 1978 Complaint brought by the Illinois Environmental Protection Agency ("Agency"). On August 27, 1979, the Agency filed its Motion to Set Hearing Date and Motion for Leave to File a First Amended Complaint. On September 6, 1979, the Board entered an Order which granted the Agency's motion.

Count I of the First Amended Complaint alleged that the Respondent's municipal sewage treatment facility (the "plant" or "facility") in Knox County, Illinois discharged effluents which exceeded its NPDES Permit limitations on 5-day biochemical oxygen demand ("BOD₅"), suspended solids, and chlorine residual in violation of its NPDES Permit, 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, from May 31, 1979 until August 27, 1979, the City of Knoxville (the "City") failed to: (1) operate its facility as efficiently as possible (to minimize discharges of excessive pollutants) and (2) provide optimum operation and maintenance of the plant (to produce as high quality of effluent as reasonably possible) in violation of its NPDES Permit, Rule 901, and Sections 12(a) and 12(f) of the Act.

Count III alleged that, from October 24, 1977 until August 27, 1979, the City failed to monitor its total treated and storm water effluent discharge prior to discharge to the receiving stream and failed to collect flow proportioned composite samples to determine effluent values in violation of its NPDES Permit, Rule 901, and Sections 12(a) and 12(f) of the Act.

Count IV alleged that, from April 30, 1978 until August 27, 1979, the City had experienced non-complying discharges and failed to notify the Agency within 5 days after it became aware of its non-compliance with the effluent standards in violation of its NPDES Permit, Rule 901, and Sections 12(a) and 12(f) of the Act.

Count V alleged that the City periodically discharged effluent from its facility which contained excessive amounts of BOD₅ in violation of Rule 404(c) of Chapter 3 and Section 12(a) of the Act.

Count VI alleged that the Respondent periodically discharged effluent from its plant which contained excessive amounts of suspended solids in violation of Rule 404(c) of Chapter 3 and Section 12(a) of the Act.

Count VII alleged that, from October 24, 1977 until August 27, 1979, the City failed to operate its sewage treatment plant so as to minimize violations of applicable standards in violation of Rule 601(a) of Chapter 3 and Section 12(a) of the Act.

Count VIII alleged that, from March 30, 1978 until August 27, 1979, the Respondent discharged effluent from its facility which caused the ammonia nitrogen level in the receiving stream to exceed 1.5 mg/l in violation of Rule 203(f) of Chapter 3 and Section 12(a) of the Act.

Count IX alleged that, from March 30, 1978 until August 27, 1979, the City allowed discharges from its plant which displayed excessive color, odor and turbidity and which caused the receiving stream to have unnatural color and turbidity downstream from the discharge in violation of Rules 203(a) and 403 of Chapter 3 and Section 12(a) of the Act.

On October 3, 1979, the City filed a Motion to Dismiss the First Amended Complaint. On October 5, 1979, the Agency filed its Response to the Motion to Dismiss. On October 18, 1979, the Board entered an Order denying the Respondent's Motion to Dismiss. On October 31, 1979, the City filed a Motion to Reconsider its Motion

to Dismiss and a Request for Oral Argument on the Motion to Dismiss. On November 1, 1979, the Agency filed a Response to the Motion to Reconsider the Respondent's Motion to Dismiss. On November 15, 1979, the Board entered an Order which denied the City's Motion for Reconsideration and Request for Oral Argument. A hearing was held on July 30, 1980. The parties filed a Stipulation and Proposal for Settlement on July 31, 1980.

The Respondent owns and operates a sewage treatment facility in Knox County, Illinois which discharges wastewater into Haw Creek, an Illinois water, pursuant to NPDES Permit No. IL 0022209. (See: Exh. A). Discharge monitoring reports and water sampling analysis results indicate that effluent discharges from the City's sewage treatment facilities caused various violations of the numerical standards delineated in its NPDES Permit. (See: Exh. B-M).

On March 30, 1978, an Agency inspector conducted a water quality survey at the location of the plant's discharge into Haw Creek. (See: Exh. N). This water quality survey indicated that the effluent discharge from the plant increased the level of ammonia nitrogen from 0.6 mg/l (upstream of the discharge) to 4.6 mg/l (75 feet downstream of the discharge). (Stip. 8). Additionally, the survey showed "that there was a continuing effect from the discharge even after confluence with another tributary of Haw Creek." (Stip. 8).

On May 31, 1979, during an Agency inspection of the City's facilities, numerous deficiencies in the operation of the plant were observed. (See: Exh. O). The Agency inspector observed that "flow monitoring devices were not in service on this date" and treatment facilities were not properly maintained or fully utilized. The resultant effluent discharge to Haw Creek was gray-brown, turbid, and odorous. (Stip. 9). Subsequently, Agency inspections on June 5, 1979 and July 25, 1979 indicated that there were continuing deficiencies in the operation and maintenance of the City's facilities. (See: Exh. P & Q). The Agency inspector, Mr. James Kammuehler, "noted that by-pass portions of the plant were in operation which were not needed at the time and which contributed to a degraded effluent." (Stip. 9; Exh. Q).

The proposed settlement agreement includes a detailed compliance program and provides for the adoption of an Agency-approved time schedule. The Agency has agreed to modify the City's NPDES Permit to allow: (1) discharge of stormwater excess flows after settling and chlorination, and (2) time composited sampling. (Stip. 10-11).

The City has agreed to: (1) immediately operate its facility "so that the maximum volume of flow" (i.e., 650,000 gallons per day)

"receives full treatment and only those flows in excess of plant capacity are bypassed to the excess flow treatment facilities", and "if the total daily flow does not exceed 650,000 gpd then the plant will provide full treatment for that daily flow"; (2) "to clean and dewater the stormwater excess flow tanks immediately after each use"; (3) "to immediately monitor the excess flow discharges from the plant for" BOD₅ total suspended solids, settleable solids, ammonia nitrogen as N and chlorine residual "on an 8-hour composite sampling basis when discharging"; (4) "to monitor all flows to the plant" by utilizing continuous 24-hour flow measuring equipment; and (5) to provide at least one full-time properly certified operator at the plant and such other additional personnel as necessary to assist with operations, conduct laboratory duties, and provide routine maintenance of the facilities. (Stip. 11-12).

Additionally, the City has also agreed to: (1) perform specified operational process control tests and maintain the necessary reports thereon; (2) provide all necessary laboratory equipment (including a centrifuge); (3) promptly rehabilitate the tertiary filters and protect the chlorine contact tanks from corrosion; (4) provide the Agency with its recommendation for the installation, maintenance, protection, rehabilitation and utilization of various specified controls and equipment; (5) immediately undertake a program of specified remedial measures to provide optimum operation and maintenance of the facilities; (6) adopt an Agency-approved comprehensive sludge management program; (7) implement a program to locate sewer system overflows and wildcat sewers and to take all necessary actions to eliminate these discharges; (8) identify and eliminate sources of infiltration and inflow; (9) provide all necessary discharge monitoring reports; (10) have its plant operator and laboratory personnel attend and successfully complete a 5-day activated sludge process control and troubleshooting course; (11) "maintain its position on the grants priority list" by meeting the Agency schedule and criteria; and (12) pay a stipulated penalty of \$500.00 . (Stip. 12-16).

At the hearing, the Assistant Attorney General indicated that "progress has been made toward cleaning up some of the problems at the plant." (R. 4-5). A study by the City's engineer has indicated that the discharges from the sewage treatment plant are currently within the requirements of the City's NPDES Permit. (R. 5). Many portions of the current improvement program are designed to help maintain the progress which has already been achieved. (R. 5). Additionally, the City's attorney indicated that the photographs which are included in the exhibits, while accurately depicting the conditions that previously existed at the plant, "do not adequately, or accurately, portray the situation or the conditions that exist at the plant at this time." (R. 6). The Assistant Attorney General also acknowledged "that these photos would not accurately reflect the conditions as they exist today at the plant." (R. 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 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, the City of Knoxville, has violated Rules 203(a), 203(f), 403, 404(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 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:

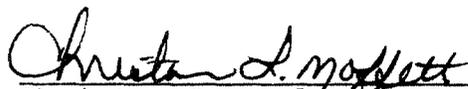
1. The Respondent, the City of Knoxville, has violated Rules 203(a), 203(f), 403, 404(c), 601(a) and 901 of Chapter 3: Water Pollution Control Regulations and Sections 12(a) and 12(f) of the Illinois Environmental Protection Act.

2. 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 the terms and conditions of the Stipulation and Proposal for Settlement filed July 31, 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 20th day of November, 1980 by a vote of 50.



Christan L. Moffett, Clerk
Illinois Pollution Control Board