

ILLINOIS POLLUTION CONTROL BOARD
March 1, 1979

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 78-195
)
 CITY OF GRANITE CITY, a)
 municipal corporation,)
)
 Respondent.)

MR. JOHN VAN VRANKEN, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

MR. LANCE CALLIS, ATTORNEY AT LAW, APPEARED ON BEHALF OF THE RESPONDENT.

OPINION AND ORDER OF THE BOARD (by Dr. Satchell):

This matter comes before the Board upon a complaint filed by the Environmental Protection Agency (Agency) on July 27, 1978. The complaint alleges three separate counts of violations of standards on the NPDES (National Pollutant Discharge Elimination System) permit of Respondent Granite City and consequently violations of Rules 410(a) and 901 of the Chapter 3: Water Pollution Regulations (Chapter 3) and Section 12(f) of the Environmental Protection Act (Act). These alleged violations include violations of the standard for biochemical oxygen demand, violations of the standard for suspended solids and violations of standards for iron. A hearing was held on November 16, 1978.

Admitted into evidence were an unanswered request to admit facts and an unanswered request to admit the genuineness of documents (Comp. Ex. 1, 2). Under the Board's Procedural Rule 314 these requests for admissions are deemed admitted unless denied within twenty days of service. These documents contain information which proves the allegations of the complaint. Respondent did not object and does not dispute that the violations occurred; however, Respondent sets its defense in mitigating circumstances.

Respondent has had problems with equipment at its plant. A portion of the plant has never been accepted by the City as completed (R. 34). This unaccepted portion includes the bridge collectors which are an integral part of the sludge removal and treatment process (R. 20). If these units become inoperative the sludge is not removed from the tank and effluent deteriorates

and results in suspended solids and BOD in excess of the permit standards. The subcontractor in charge failed to expedite the repairs and finally refused to do any more (R. 23). Plant personnel finally resolved the remaining problems. This explanation covers the bulk of the violations (R. 24). Respondent asserts the July 1978 violations can be attributed to laboratory error because of problems with the chlorination system and proper measuring procedures (R. 25, 27). The September violation of suspended solids was 1.4 ppm over the allowed 38 ppm for any consecutive seven days. Respondent's consultant, Mr. Haller, principal and vice-president of the firm of M. W., Inc. Architects-Engineers of St. Louis and Indianapolis, contends that the 1.4 difference is not within the limits of accuracy of running a test and is quite negligible (R. 24). Mr. Haller correlated the iron violations to the suspended solids violations (R. 30). Mr. Haller had no explanation for the violations in May 1978 (R. 29).

Respondent did attempt to keep the Agency informed of the problems Granite City was having (R. 45, 48, 51). In fact, the documents submitted by the Agency are Granite City's monitoring reports and correspondence (Comp. Ex. 2).

The Board finds that there is no question concerning the existence of the violations of the NPDES permit conditions and that these are violations of Rule 410(a) and 901 of Chapter 3 and Section 12(f) of the Act. In making a final determination of this matter the Board must consider the factors of Section 33(c) of the Act. While some of these factors are obvious from the record, others are not directly addressed and are difficult to assess. A municipal wastewater treatment facility is clearly of economic and social value; however, this is diminished when it is not run properly to meet health and environmental standards. Suitability of location is not apparently in issue. Respondent's violations certainly have the potential to cause injury downstream from the discharge; however, just what real or potential injury has occurred is not clear from the record. The technical practicability and economical reasonableness of compliance is not in issue as Respondent has apparently corrected the causes of the violations. The Board has difficulty in assessing this matter; however, the violations do exist and must be discouraged in the future. Proper management and control is mandatory for the NPDES permit system to work. For these reasons the Board finds that a penalty of \$500 is necessary to aid the enforcement of the Act.

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

ORDER

It is the Order of the Pollution Control Board that:

1. The City of Granite City is found in violation of the suspended solids, biochemical oxygen demand and iron standards in its NPDES permit and thereby of Rules 410(a) and 901 of Chapter 3: Water Pollution Regulations and Section 12(f) of the Environmental Protection Act.
2. Respondent shall cease and desist all further violations.
3. Respondent shall pay a penalty of \$500 within thirty-five days of this Order. Payment shall be by certified check or money order payable to:

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

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 1st day of March, 1979 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board