

ILLINOIS POLLUTION CONTROL BOARD  
January 8, 1981

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. ) PCB 79-218  
 )  
VILLAGE OF CREVE COEUR, )  
a Municipal Corporation, )  
 )  
Respondent. )

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

MR. MICHAEL MATHIS, 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 October 18, 1979 Complaint brought by the Illinois Environmental Protection Agency ("Agency"). Count I of the Complaint alleged that the Village of Creve Coeur (the "Village") operated its municipal sewage treatment facility (the "facility" or "plant") in such a manner as to violate its NPDES Permit conditions every month from December, 1977 until August, 1979 in that the Respondent failed to meet both the 7-day and 30-day average discharge limitations for biochemical oxygen demand and suspended solids in violation of its NPDES Permit No. IL 0021237, 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 October 23, 1977 until October 18, 1979, the Village failed to provide optimum operation and maintenance of its plant (i.e., there was "cold weather malfunctioning of flow meter", lack of laboratory quality control, "gasification in the grit tank, insufficient cleaning of the grit tank", etc.) in violation of its NPDES Permit, Rule 901 of Chapter 3 and Sections 12(a) and 12(f) of the Act. (See: Exhibit A).

Count III alleged that, from October 23, 1977 until October 18, 1979, the Respondent failed to monitor the discharges of BOD<sub>5</sub> and suspended solids from its facility in violation of its NPDES Permit, Rule 901 of Chapter 3 and Sections 12(a) and 12(f) of the Act. A hearing was held on November 25, 1980. The parties filed a Stipulation and Proposal for Settlement on November 26, 1980.

The Village of Creve Coeur, which is located in Tazewell County, Illinois, discharges wastewater from its sewage treatment plant into the Illinois River. Discharge monitoring reports submitted to the Agency for the months of December, 1977 through August, 1979 indicate that discharges from the Respondent's facility exceeded the NPDES Permit limits for BOD<sub>5</sub> and suspended solids. (Stip. 3; Exhibits 3-24). An Agency inspection of the facility on January 9, 1979 indicated that numerous deficiencies in the operation and maintenance of the plant existed. (See: Exhibit 25). This Agency inspection also showed "that sampling was not being conducted on a 24-hour composite basis." (Stip. 4).

The Stipulation states that:

"Respondent was the subject of a complaint in PCB 75-402 which was characterized in the Board opinion of February 3, 1977 as "lack of maintenance which resulted in the discharge of improperly treated wastewater into the Illinois River" (opinion, p. 1). A Proposed Compliance Schedule was incorporated as part of the Order in that case. Respondent successfully completed all portions of the compliance program by the date of filing of the present complaint. The present complaint, however, has alleged violations other than those previously cited and the proposal for settlement in this case goes beyond the past compliance schedule." (Stip. 4).

The parties have also stipulated that "the ultimate solution to the problem of discharges in excess of Respondent's permit limits is through addition of new sewage treatment facilities." (Stip. 5). To accomplish this purpose, the Agency has offered the Village of Creve Coeur "a conditional grant for construction of a regional plant with the Village of Marquette Heights." (Stip. 5). Both the Respondent and the Village of Marquette Heights plan to engage in cooperative plans for the plant in the near future.

The proposed settlement agreement provides that the Village admits the violations alleged in the Complaint and agrees to:

- (1) meet specified effluent limitations for BOD<sub>5</sub> and total suspended solids;
- (2) inspect the lift stations on a daily basis and maintain an adequate spare parts inventory for its lift stations and chlorinator unit;
- (3) regularly test for BOD<sub>5</sub> and total suspended solids;
- (4) "have the grit chamber cleaned at least once every month or when the chamber is filled to 25%-33% of its volume capacity, whichever occurs first";
- (5) buy additional sections of hose to facilitate the use of a portable sludge pump in case of malfunction of the stationary pump;
- (6) employ a sufficient operating staff to properly run the plant;
- (7) maintain the schedule for completion of its grants project; and
- (8) pay a stipulated penalty of \$5,000.00 . (Stip. 5-8). Additionally, the Agency has agreed to modify the Respondent's NPDES Permit to allow time composited samples. (Stip. 6).

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 its NPDES Permit, Rule 901 of Chapter 3: Water Pollution Control Regulations, and Sections 12(a) and 12(f) of the Act. The Board orders the Respondent to comply with the terms and conditions of the proposed settlement agreement and hereby assesses the \$5,000.00 stipulated penalty 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 Creve Coeur, has violated Rule 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 Village of Creve Coeur shall, by certified check or money order payable to the State of Illinois, pay the stipulated penalty of \$5,000.00 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 on November 26, 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 8<sup>th</sup> day of January, 1981 by a vote of 5-0.

  
  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board