

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,

Complainant,

v.

**VILLAGE OF HAMMOND,
an Illinois municipal corporation,**

Respondent.

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) **PCB NO.**
) **(Enforcement - Water)**
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NOTICE OF ELECTRONIC FILING

PLEASE TAKE NOTICE that on March 24, 2014, I electronically filed with the Clerk of the Pollution Control Board of the State of Illinois, c/o John T. Therriault, Assistant Clerk, James R. Thompson Center, 100 W. Randolph St., Ste. 11-500, Chicago, IL 60601 a COMPLAINT, STIPULATION AND PROPOSAL FOR SETTLEMENT, and MOTION FOR RELIEF FROM HEARING REQUIREMENT copies of which are attached hereto and herewith served upon you.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
LISA MADIGAN,
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: s/Jane E. McBride
JANE E. MCBRIDE
Assistant Attorney General
Environmental Bureau

Jane E. McBride #6229802
500 South Second Street
Springfield, Illinois 62706
217-782-9031

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS)	
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Complainant,)	
)	PCB NO.
v.)	(Enforcement - Water)
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VILLAGE OF HAMMOND,)	
an Illinois municipal corporation,)	
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Respondent.)	

COMPLAINT

Complainant, the PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, complains of the Respondent, VILLAGE OF HAMMOND, an Illinois municipal corporation, as follows:

COUNT I
WATER POLLUTION

1. This Complaint is brought by the Attorney General on her own motion and at the request of the Illinois Environmental Protection Agency ("Illinois EPA"), pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (2010).
2. The Illinois EPA is an agency of the State of Illinois created by the Illinois General Assembly under Section 4 of the Act, 415 ILCS 5/4 (2010), and which is charged, *inter alia*, with the duty of enforcing the Act.
3. The Village of Hammond ("Respondent" or "Village"), is an Illinois municipal corporation located approximately twenty (20) miles east of Decatur, Illinois in Piatt County.
4. The Respondent operates a wastewater treatment plant ("WWTP" or "Facility")

located at the northeast corner of the Village at the end of East First Street.

5. The WWTP consists of a terminal lift station, three cell lagoon system, and a rock filter in the third cell. A cascade aerator is provided prior to a chlorine contact tank.

6. The Village was issued NPDES Permit No. ILG580095 on April 26, 2004, granting discharge from the WWTP's single outfall pipe ("Outfall 001") into Hammond Mutual Ditch, which is a tributary to the West Okaw River, which flows into Lake Shelbyville, which outflows to the Kaskaskia River.

7. On or before July 16, 2008, the Respondent experienced a sanitary sewer overflow in a low-lying area of the Village in association with a 6.2-inch rainfall.

8. The overflow caused or allowed the discharge of sewage overflow into storm water ponding within the Village of Hammond.

9. On March 5, 2011, wastewater from the Hammond WWTP discharged from the southwest corner of the primary lagoon onto the ground south of the facility.

10. Wastewater from the primary lagoon continued to leak until at least March 8, 2011.

11. On March 5, 2011, wastewater discharged from the secondary lagoon to a railroad ditch which flows into the Hammond Mutual Ditch, which is a tributary to the West Okaw River, which flows into Lake Shelbyville, which outflows to the Kaskaskia River.

12. Wastewater continued to discharge from the secondary lagoon until at least March 10, 2011.

13. The Respondent is a "person" as that term is defined by Section 3.315 of the Act, 415 ILCS 5/3.315 (2010), as follows:

"Person" is any individual, partnership, copartnership, firm company, limited liability company, corporation, association, joint

stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agency or assigns.

14. The Respondent's discharge is a "contaminant" as that term is defined by Section 3.165 of the Act, 415 ILCS 5/3.165 (2010), as follows:

"Contaminant" is any solid, liquid, or gaseous matter, any odor, or any form of energy, from whatever source.

15. Hammond Mutual Ditch, the West Okaw River, Lake Shelbyville, and the Kaskaskia River are all "waters" as that term is defined by Section 3.550 of the Act, 415 ILCS 5/3.550 (2010), as follows:

"Waters" means all accumulations of water, surface and underground, natural, and artificial, public and private, or parts thereof, which are wholly or partially within, flow through, or border upon this State.

16. Section 12 of the Act, 415 ILCS 5/12 (2010), provides the following prohibitions:

No person shall:

(a) Cause or threaten or allow the discharge of any contaminants into the environment in any State so as to cause or tend to cause water pollution in Illinois, either alone or in combination with matter from other sources, or so as to violate regulations or standards adopted by the Pollution Control Board under this Act;

* * *

(d) Deposit any contaminants upon the land in such place and manner so as to create a water pollution hazard.

(f) Cause, threaten or allow the discharge of any contaminant into the waters of the State, as defined herein, including but not limited to, waters to any sewage works, or into any well or from any point source within the State, without an NPDES permit for point source discharges issued by the Agency under Section 39(b) of this Act, or in violation of any term or condition imposed by such permit, or in

violation of any NPDES permit filing requirement established under Section 39(b), or in violation of any regulations adopted by the Board or of any order adopted by the Board with respect to the NPDES program.

17. Section 3.545 of the Act, 415 ILCS 5/3.545 (2010), provides the following definition:

"WATER POLLUTION" is such alteration of the physical, thermal, chemical, biological or radioactive properties of any waters of the State, or such discharge of any contaminant into any waters of the State, as will or is likely to create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses, or to livestock, wild animals, birds, fish, or other aquatic life.

18. Section 304.106 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.106, provides as follows:

Offensive Discharges

In addition to the other requirements of this Part, no effluent shall contain settleable solids, floating debris, visible oil, grease, scum or sludge solids. Color, odor and turbidity must be reduced to below obvious levels.

19. Section 306.304 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 306.304, provides as follows:

Overflows from sanitary sewers are expressly prohibited.

20. Section 306.305 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 306.305, provides as follows:

All combined sewer overflows and treatment plant bypasses shall be given sufficient treatment to prevent pollution, or the violation of applicable water quality standards unless an exception has been granted by the Board pursuant to Subpart D. Sufficient treatment shall consist of the following:

- a) All dry weather flows, and the first flush of storm flows as determined by the Agency, shall meet the applicable effluent standards; and
- b) Additional flows, as determined by the Agency but not less than ten times the average dry weather flow for the design year, shall receive a minimum of primary treatment and disinfection with adequate retention time; and
- c) Flows in excess of those described in subsection (b) shall be treated, in whole or in part, to the extent necessary to prevent accumulations of sludge deposits, floating debris and solids in accordance with 35 Ill. Adm. Code 302.203, and to prevent depression of oxygen levels; or
- d) Compliance with a treatment program authorized by the Board in an exception granted pursuant to Subpart D.

21. On or around July 16, 2008, or a date better known to the Respondent, the Respondent caused or allowed the overflow of its sanitary sewer.

22. On or around July 16, 2008, or a date better known to the Respondent, the Respondent caused, threatened or allowed the discharge of contaminants into the environment so as to cause or tend to cause water pollution in Illinois.

23. On or around July 16, 2008, or a date better known to the Respondent, the Respondent deposited contaminants upon the land in such a manner so as to create a water pollution hazard.

24. On or around July 16, 2008, or a date better known to the Respondent, the Respondent caused or allowed the overflow of its sanitary sewer without sufficient treatment to prevent pollution.

25. On or before March 5, 2011, and continuing until at least March 10, 2011, the

Respondent caused, threatened or allowed the discharge of contaminants into the environment so as to cause or tend to cause water pollution in Illinois.

26. On or before March 5, 2011, and continuing until at least March 10, 2011, the Respondent deposited contaminants upon the land in such a manner so as to create a water pollution hazard.

27. On or before March 5, 2011, and continuing until at least March 10, 2011, the Respondent caused or allowed an offensive discharge of effluent into a water of the State.

28. On or before March 5, 2011, and continuing until at least March 10, 2011, the Respondent caused or allowed bypasses from its WWTP to discharge without sufficient treatment to prevent pollution.

29. By causing, threatening or allowing the discharge of contaminants into the environment so as to cause or tend to cause water pollution in Illinois, the Respondent violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2010).

30. By depositing contaminants upon the land in such a manner so as to create a water pollution hazard, the Respondent violated Section 12(d) of the Act, 415 ILCS 5/12(d) (2010).

31. By causing or allowing its sanitary sewer system to overflow, the Respondent violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2010), Section 306.304 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 306.304, and NPDES Permit No. ILG580095.

32. By causing or allowing its WWTP lagoon system to overflow, the Respondent violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2010), Section 304.106 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.106, and NPDES Permit No. ILG580095.

33. By causing or allowing its sanitary sewer to overflow without sufficient treatment

to prevent pollution, the Respondent violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2010), Section 306.305 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 306.305, and NPDES Permit No. ILG580095.

34. By causing or allowing bypasses from its WWTP to discharge without sufficient treatment to prevent pollution, the Respondent violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2010), Section 306.305 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 306.305, and NPDES Permit No. ILG580095.

35. By causing, threatening, or allowing the discharge of contaminants into waters of the State in violation of its NPDES permit, the Respondent violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2010).

PRAYER FOR RELIEF

WHEREFORE, the Complainant, People of the State of Illinois, respectfully requests that the Board grant the following relief:

A. Find that the Respondent, VILLAGE OF HAMMOND, violated the Act, associated regulations, and NPDES Permit No. ILG580095 as herein alleged;

B. Order the Respondent to cease and desist from further violations of the Act, associated regulations, and NPDES Permit No. ILG580095;

C. Assess against the Respondent a monetary penalty of up to fifty thousand dollars (\$50,000) for each violation of Section 12(a) of the Act and the Board's Water Pollution Regulations and up to an additional ten thousand dollars (\$10,000) for each day the violations continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2010), as well as ten thousand dollars (\$10,000) for each day that each violation of Section 12(f) of the Act and Sections 304.106,

and 306.304 of the Board's Water Pollution Regulations continued, pursuant to Section 42(b)(1) of the Act, 415 ILCS 5/42(b)(1) (2010); and

D. Grant such other relief as the Board deems appropriate.

COUNT II
FAILURE TO NOTIFY

1-13. Complainant realleges and incorporates herein by reference paragraphs 1 through 8 and 11 through 15 of Count I as paragraphs 1 through 13 of this Count II.

14. Standard Condition 12(e) of Respondent's NDPEs Permit No. ILG580095 requires Respondent to report any noncompliance which may endanger health or the environment within 24 hours of non-compliance.

15. On or before July 16, 2008, the Respondent failed to notify the Illinois EPA of its sanitary sewer release.

16. By failing to notify the Illinois EPA within 24 hours of the sanitary sewer overflow which occurred on or before July 16, 2008, the Respondent violated NPDES Permit No. ILG580095 and as such, violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2010).

PRAYER FOR RELIEF

WHEREFORE, the Complainant, People of the State of Illinois, respectfully requests that the Board grant the following relief:

A. Find that the Respondent, VILLAGE OF HAMMOND, violated the Act, associated regulations, and NPDES Permit No. ILG580095 as herein alleged;

B. Order the Respondent to cease and desist from further violations of the Act, associated regulations, and NPDES Permit No. ILG580095;

C. Assess against the Respondent a monetary penalty of up to fifty thousand dollars

(\$50,000) for each violation of Section 12(a) of the Act and the Board's Water Pollution Regulations and up to an additional ten thousand dollars (\$10,000) for each day the violations continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2010), as well as ten thousand dollars (\$10,000) for each day that each violation of Section 12(f) of the Act, pursuant to Section 42(b)(1) of the Act, 415 ILCS 5/42(b)(1) (2010); and

D. Grant such other relief as the Board deems appropriate.

COUNT III
SYSTEMS RELIABILITY VIOLATIONS

1-15. Complainant realleges and incorporates herein by reference paragraphs 1 through 15 of Count I as paragraphs 1 through 15 of this Count III.

16. Section 306.102 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 306.102, provides as follows:

Systems Reliability

- (a) Malfunctions: All treatment works and associated facilities shall be so constructed and operated as to minimize violations of applicable standards during such contingencies as flooding, adverse weather, power failure, equipment failure, or maintenance, through such measures as multiple units, holding tanks, duplicate power sources, or such other measures as may be appropriate.
- (b) Spills: All reasonable measures, including where appropriate the provision of catchment areas, relief vessels, or entrapment dikes, shall be taken to prevent any spillage of contaminants from causing water pollution.

17. By failing to construct and operate its treatment works facility so as to minimize violations of applicable standards during contingencies such as adverse weather and equipment

failure, the Respondent violated Section 306.102(a) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 306.102(a), and Section 12(a) of the Act, 415 ILCS 5/12(a) (2010).

18. By failing to take all reasonable measures to prevent spillage of contaminants from causing water pollution, the Respondent violated Section 306.102(b) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 306.102(b), and Section 12(a) of the Act, 415 ILCS 5/12(a) (2010).

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff, People of the State of Illinois, respectfully requests that this Court grant the following relief:

- A. Find that the Respondent, VILLAGE OF HAMMOND, violated the Act and associated regulations as herein alleged;
- B. Order the Respondent to cease and desist from further violations of the Act and associated regulations;
- C. Assess against the Respondent a monetary penalty of up to fifty thousand dollars (\$50,000) for each violation of the Act and regulations and up to an additional ten thousand dollars (\$10,000) for each day that each violation continued; and
- D. Grant such other relief as the Board deems appropriate.

COUNT IV
EFFLUENT STANDARDS VIOLATIONS

1-11. Complainant realleges and incorporates herein by reference paragraphs 1 through 6 and 11 through 15 of Count I as paragraphs 1 through 11 of this Count IV.

12. Section 305.102 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 305.102, provides as follows:

- a) Every person within this State operating a pretreatment works, treatment works, or wastewater source shall submit operating reports to the Agency at a frequency to be determined by the Agency. "Agency" means the Illinois Environmental Protection Agency. Such reports shall contain information regarding the quantity of influent and of effluent discharged, of wastes bypassed and of combined sewer overflows; the concentrations of those physical, chemical, bacteriological and radiological parameters which shall be specified by the Agency; information concerning the biological impact of the discharge as specified by the Agency, pursuant to Section 39 of the Act; and any additional information the Agency may reasonably require. This reporting requirement for pretreatment works shall only apply to those pretreatment works which are required to have a pretreatment permit or authorization to discharge pursuant to 35 Ill. Adm. Code 310.
- b) Every holder of an NPDES (National Pollutant Discharge Elimination System) permit is required to comply with the monitoring, sampling, recording and reporting requirements set forth in the permit and this Chapter.
- c) Compliance with the reporting requirements of 35 Ill. Adm. Code 310 satisfies this reporting requirement.

13. NPDES Permit No. ILG580095 requires Respondent to file monthly Discharge Monitoring Reports ("DMR").

14. Section 304.141(a) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.141(a), provides as follows:

No person to whom an NPDES Permit has been issued may discharge any contaminant in his effluent in excess of the standards and limitations for that contaminant which are set forth in his permit.

15. Respondent's NPDES Permit No. ILG580095 sets a Total Suspended Solids ("TSS") monthly average effluent limitation of 37 mg/l.

16. Respondent's NPDES Permit No. ILG580095 sets a TSS weekly average effluent limitation of 45 mg/l.

17. In August of 2006 and January 2007, Respondent submitted DMRs which depict

exceedences of both the TSS monthly and weekly average effluent limitations at Respondent's facility, as illustrated in the following table:

DMR REPORTING DATE	TOTAL SUSPENDED SOLIDS			
	Monthly Average (mg/L)		Weekly Average (mg/L)	
	Permit Limit	Reported	Permit Limit	Reported
August 2006	37	53	45	53
January 2007	37	53	45	53

18. Respondent caused or allowed the discharge of effluent from the facility which exceeded the Monthly and Average discharge concentration limits for TSS found in Respondent's NPDES Permit No. ILG580095.

19. By causing or allowing the discharge of effluent which exceeded the effluent limit for TSS, the Respondent violated Sections 12(a) and (f) of the Act, 415 ILCS 5/12(a) and (f) (2010), Section 304.141(a) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.141(a), and NPDES Permit No. ILG580095.

PRAYER FOR RELIEF

WHEREFORE, the Complainant, People of the State of Illinois, respectfully requests that the Board grant the following relief:

A. Find that the Respondent, VILLAGE OF HAMMOND, violated the Act, associated regulations, and NPDES Permit No. ILG580095 as herein alleged;

B. Order the Respondent to cease and desist from further violations of the Act, associated regulations, and NPDES Permit No. ILG580095;

C. Assess against the Respondent a monetary penalty of up to fifty thousand dollars (\$50,000) for each violation of Section 12(a) of the Act and the Board's Water Pollution Regulations and up to an additional ten thousand dollars (\$10,000) for each day the violations continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2010), as well as ten thousand dollars (\$10,000) for each day that each violation of Section 12(f) of the Act and Section 304.141(a) of the Board's Water Pollution Regulations continued, pursuant to Section 42(b)(1) of the Act, 415 ILCS 5/42(b)(1) (2010); and

D. Grant such other relief as the Board deems appropriate.

COUNT V
SAMPLING AND REPORTING VIOLATIONS

1-14. Complainant realleges and incorporates herein by reference paragraphs 1 through 14 of Count IV as paragraphs 1 through 14 of this Count V.

15. NPDES Permit No. ILG580095 prohibits Respondent from filing false or misleading DMRs.

16. On April 2, 2007, the Illinois EPA inspected the Hammond WWTP.

17. On April 2, 2007, the Illinois EPA observed major inadequacies in the Respondent's self-monitoring program.

18. During the April 2, 2007, inspection, the Illinois EPA observed multiple DMRs, created by Respondent, which included improper flow data for both influent and effluent.

19. On April 2, 2007, the Illinois EPA also observed DMRs created by Respondent for the months of June, September and October of 2006.

20. Respondent's June, September and October of 2006 DMRs all stated that there were no discharges during these three months.

21. In June, September and October of 2006, the Illinois EPA sampled active discharges from Respondent's facility, the results of which are illustrated in the following table:

SAMPLE DATE	SAMPLE IDENTIFICATION N	OUTFALL 001			
		CBOD ₅ (mg/L)	Total Suspended Solids (mg/L)	pH	Ammonia-N(mg/L)
June 13, 2006	C6F1527	18	101	8.8	Non-detect
September 6, 2006	C6I0379	23	118	8.7	1.3
October 25, 2006	C6J2275	22	130	8.1	2.56

22. By filing DMRs which included false influent and effluent flow data, the Respondent submitted false DMRs to the Illinois EPA.

23. By filing DMRs stating that its WWTP had no discharges during the months of June, September and October in 2006, the Respondent submitted false DMRs to the Illinois EPA.

24. By filing false DMRs, Respondent has violated Sections 12(a) and (f) of the Act, 415 ILCS 5/12(a) and (f), Section 305.102 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 305.102, and NPDES Permit No. ILG580095.

PRAYER FOR RELIEF

WHEREFORE, the Complainant, People of the State of Illinois, respectfully requests that the Board grant the following relief:

A. Find that the Respondent, VILLAGE OF HAMMOND, violated the Act, associated regulations, and NPDES Permit No. ILG580095 as herein alleged;

B. Order the Respondent to cease and desist from further violations of the Act,

associated regulations, and NPDES Permit No. ILG580095;

C. Assess against the Respondent a monetary penalty of up to fifty thousand dollars (\$50,000) for each violation of Section 12(a) of the Act and the Board's Water Pollution Regulations and up to an additional ten thousand dollars (\$10,000) for each day the violations continued, pursuant to Section 42(a) of the Act, 415 ILCS 5/42(a) (2010), as well as ten thousand dollars (\$10,000) for each day that each violation of Section 12(f) of the Act and Section 305.102 of the Board's Water Pollution Regulations continued, pursuant to Section 42(b)(1) of the Act, 415 ILCS 5/42(b)(1) (2010); and

D. Grant such other relief as the Board deems appropriate.

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS

LISA MADIGAN, Attorney General
of the State of Illinois,

BY: Matthew J. Dunn
MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division
Assistant Attorney General

500 South Second Street
Springfield, Illinois 62706

217/782-9031

Dated: 3/24/14

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS)	
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Complainant,)	
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VILLAGE OF HAMMOND,)	
an Illinois municipal corporation,)	
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Respondent.)	

STIPULATION AND PROPOSAL FOR SETTLEMENT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, the Illinois Environmental Protection Agency ("Illinois EPA"), and VILLAGE OF HAMMOND, an Illinois municipal corporation ("Respondent" or "Village"), the Parties to the Stipulation and Proposal for Settlement ("Parties to the Stipulation"), have agreed to the making of this Stipulation and Proposal for Settlement ("Stipulation") and submit it to the Illinois Pollution Control Board ("Board") for approval. This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Board's approval of this Stipulation and issuance of relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding the violations of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/1 et seq. (2012), and the Board's Regulations, alleged in the Complaint except as otherwise provided herein. It is the intent of the Parties to this Stipulation that it be a final adjudication of this matter.

I. STATEMENT OF FACTS

A. Parties

1. At the same time as the filing of this Stipulation, a Complaint was filed on behalf of the People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois, on

her own motion and upon the request of the Illinois EPA, pursuant to Section 31 of the Act, 415 ILCS 5/31 (2012), against the Respondent.

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2012).

3. At all times relevant to this Stipulation, the Respondent is and was an Illinois municipal corporation located approximately twenty (20) miles east of Decatur, Piatt County, Illinois.

B. Site Description

1. The Respondent operates a wastewater treatment plant ("WWTP" or "Facility") located at the northeast corner of the Village at the end of East First Street.

2. The WWTP consists of a terminal lift station, three cell lagoon system, and a rock filter in the third cell. A cascade aerator is provided prior to a chlorine contact tank.

3. The Village was issued NPDES Permit No. ILG580095 on April 26, 2004, granting discharge from the WWTP's single outfall pipe ("Outfall 001") into Hammond Mutual Ditch, which is a tributary to the West Okaw River, which flows into Lake Shelbyville, which outflows to the Kaskaskia River.

C. Complainant's Allegations of Non-Compliance

Complainant contends that the Respondent has violated the following provisions of the Act and Board Regulations. The violations listed herein include violations alleged in Complainant's Complaint as well as additional violations which occurred after the filing of the Complaint.

Count I: Sections 304.106, 306.304 and 306.305 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.106, 306.304 and

- 306.305, NPDES Permit No. ILG580095 and Sections 12(a), (d) and (f) of the Act, 415 ILCS 5/12(a), (d) and (f) (2012);
- Count II: NPDES Permit No. ILG580095 and Section 12(f) of the Act, 415 ILCS 5/12(f) (2012);
- Count III: Section 306.102(a) and (b) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 306.102(a) and (b), and Section 12(a) of the Act, 415 ILCS 5/12(a) (2012);
- Count IV: Section 304.141(a) of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.141(a), NPDES Permit No. ILG580095 and Sections 12(a) and (f) of the Act, 415 ILCS 5/12(a) and (f) (2012);
- Count V: Section 305.102 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 305.102, NPDES Permit No. ILG580095 and Sections 12(a) and (f) of the Act, 415 ILCS 5/12(a) and (f) (2012).

D. Admission of Violations

The Respondent admits to the violations alleged in the Complaint filed in this matter and referenced within Section I.B herein.

E. Compliance Activities to Date

Respondent has taken actions, including raising the height of the lagoon system berms, to remedy the overtopping and total suspended solids violations at the WWTP. Respondent has installed piping between the primary and secondary lagoons and between the secondary and tertiary lagoons. Control valves were placed in the piping during their installation. Respondent is in the process of installing a new outlet structures in the tertiary lagoon and contact tank. Respondent has smoke tested its collection system and is in the process of remedying

deficiencies discovered during the testing. Respondent has retained a new certified operator in order to ensure compliance with all reporting and systems reliability regulations. Respondent is in the process of applying for an individual NPDES permit.

II. APPLICABILITY

This Stipulation shall apply to and be binding upon the Parties to the Stipulation. The Respondent shall not raise as a defense to any enforcement action taken pursuant to this Stipulation the failure of any of its officers, directors, agents, employees or successors or assigns to take such action as shall be required to comply with the provisions of this Stipulation. This Stipulation may be used against the Respondent in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board Regulations for all violations alleged in the Complaint in this matter, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2012).

III. IMPACT ON THE PUBLIC RESULTING FROM ALLEGED NON-COMPLIANCE

Section 33(c) of the Act, 415 ILCS 5/33(c) (2012), provides as follows:

In making its orders and determinations, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;
2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and

5. any subsequent compliance.

In response to these factors, the Parties to the Stipulation state the following:

1. Respondent's effluent violations and failure to submit accurate Discharge Management Reports ("DMR") interfered with the State's ability to properly administer its NPDES permit program which relies upon accurate self reporting. The 2008 sanitary sewer overflow and 2011 leak from the Respondent's primary lagoon caused water pollution and allowed contaminants to come in contact with the environment. However, both of these incidents were of short duration and therefore did not pose a substantial threat to the health, general welfare and physical property of the people.

2. Respondent's WWTP serves the people of Hammond by providing sanitary treatment and handling of the Village's wastewater, therefore there is social and economic benefit to the Respondent's site when it is operated in compliance with State and Federal laws and regulations.

3. Respondent's WWTP is suitable for the area in which it is located.

4. It is technically feasible and economically reasonable for Respondent to operate its WWTP in compliance with State and Federal laws and regulations.

5. Respondent has taken actions to remedy the overtopping and total suspended solids violations at the WWTP. Respondent has smoke tested its collection system and is in the process of remedying deficiencies discovered during the testing. Respondent has retained a new certified operator in order to ensure compliance with all reporting and systems reliability regulations. Respondent will apply for an individual NPDES permit.

IV. CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h) (2012), provides as follows:

In determining the appropriate civil penalty to be imposed under . . . this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

1. the duration and gravity of the violation;
2. the presence or absence of due diligence on the part of the respondent in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
3. any economic benefits accrued by the respondent because of delay in compliance with requirements, in which case the economic benefits shall be determined by the lowest cost alternative for achieving compliance;
4. the amount of monetary penalty which will serve to deter further violations by the respondent and to otherwise aid in enhancing voluntary compliance with this Act by the respondent and other persons similarly subject to the Act;
5. the number, proximity in time, and gravity of previously adjudicated violations of this Act by the respondent;
6. whether the respondent voluntarily self-disclosed, in accordance with subsection i of this Section, the non-compliance to the Agency;
7. whether the respondent has agreed to undertake a "supplemental environmental project," which means an environmentally beneficial project that a respondent agrees to undertake in settlement of an enforcement action brought under this Act, but which the respondent is not otherwise legally required to perform; and
8. whether the respondent has successfully completed a Compliance Commitment Agreement under subsection (a) of Section 31 of this Act to remedy the violations that are the subject of the complaint.

In response to these factors, the Parties to the Stipulation state as follows:

1. Respondent's monitoring and reporting violations continued for less than one year. The 2008 sanitary sewer overflow and 2011 leak from the Respondent's primary lagoon were isolated incidents with short durations. Respondent's effluent violations and failure to submit accurate DMRs interfered with the State's ability to properly administer its NPDES permit

program which relies upon accurate self reporting. The 2008 and 2011 incidents caused water pollution and allowed contaminants to come in contact with the environment. Taken as a whole, Respondent's violations had a moderate gravity.

2. Respondent was initially uncooperative with the Agency. However, after a change in certified operators, Respondent has been diligent in coming back into compliance.

3. Respondent accrued some economic benefit from its violations.

4. Complainant has determined, based upon the specific facts of this matter, that a penalty of Fifteen Thousand Nine Hundred and Eighty Dollars (\$15,980.00) will serve to deter further violations and aid in future voluntary compliance with the Act and Board regulations.

5. The Respondent has no previously adjudicated violations.

6. The Respondent did not voluntarily disclose any of the violations at issue in this Stipulation.

7. A SEP is not at issue in this matter.

8. A CCA is not at issue in this matter.

V. TERMS OF SETTLEMENT

A. Penalty Payment

1. The Respondent shall pay a civil penalty in the sum of Fifteen Thousand Nine Hundred and Eighty Dollars (\$15,980) in three installments. One payment of Seven Thousand Nine Hundred and Ninety Dollars (\$7,990.00) to be made within thirty (30) days from the date the Board adopts and accepts this Stipulation. One Payment of Three Thousand Nine Hundred and Ninety Five Dollars (\$3,995.00) to be made twelve (12) months from the date the Board adopts and accepts this Stipulation and a final payment of Three Thousand Nine Hundred and Ninety Five Dollars (\$3,995.00) to be made twenty four (24) months from the date the Board adopts and accepts this Stipulation.

B. Payment Procedures

All payments required by this Stipulation shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF"). Payments shall be sent by first class mail and delivered to:

Illinois Environmental Protection Agency
Fiscal Services
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

The name, case number and the Respondent's federal tax identification number shall appear on the face of the certified check or money order. A copy of the certified check or money order and any transmittal letter shall be sent to:

Michael D. Mankowski
Environmental Bureau
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62706

C. Future Compliance

1. Within one hundred and twenty (120) days of the adoption and acceptance of this Stipulation by the Board, the Respondent shall increase the height of all berms around the lagoons at the WWTP by 1 foot and level the berms to a consistent height throughout the WWTP.

2. Within one hundred and twenty (120) days of the adoption and acceptance of this Stipulation by the Board, the Respondent shall install plumbing, with valve controls, connecting the three lagoons of the WWTP to ensure control of water movement between the lagoons.

3. Within one hundred and twenty (120) days of the adoption and acceptance of this Stipulation by the Board, the Respondent shall install Illinois EPA approved aeration equipment in the third lagoon at the WWTP. Aeration must be provided in the third lagoon to optimize the

effectiveness of the existing rock filter and thus boost Dissolved Oxygen and combat algae growth.

4. Collection System Maintenance and Repair

a. Beginning on the date this Stipulation is adopted and accepted by the Board, the Respondent shall clean its collection system at a rate of 25% of the system per year.

b. Beginning within thirty (30) days of the adoption and acceptance of this Stipulation by the Board, the Respondent shall televise all portions of its collection system that have known problems.

c. Within ninety (90) days of the completion of the televising, the Respondent shall submit to the Illinois EPA a report outlining the results of the televising efforts.

d. Within ninety (90) days following the submittal of the televising report, the Respondent shall develop and submit a Collection System Repair Plan to address any problems discovered during the televising of the collection system for Illinois EPA approval.

e. Once approved by the Illinois EPA, the Respondent shall implement the Collection System Repair Plan to completion in a timely fashion, not to exceed two years from the date of approval.

D. Notice and Submittals

Except for payments, the submittal of any notice, reports or other documents required under this Consent Order, shall be delivered to the following designated representatives:

As to the Complainant

Michael D. Mankowski
Assistant Attorney General
Environmental Enforcement Bureau
500 South Second Street
Springfield, Illinois 62706

Michael Roubitchek
1021 North Grand Ave East
Mail Code 21
Post Office Box 19276
Springfield, Illinois 62794-9276

As to the Respondent

Village of Hammond
Michael Chappell, Village President
103 East First Street
P.O. Box 207
Hammond, Illinois 61929

Andrew Bequette
Beckett & Webber, P.C.
401 S. Main
P.O. Box 348
Tuscola, IL 61953-0348

E. Release from Liability

In consideration of the Respondent's payment of the \$15,980 penalty, its commitment to cease and desist as contained in Section V.C. above, completion of all activities required hereunder, and upon the Board's approval of this Stipulation, the Complainant releases, waives and discharges the Respondent from any further liability or penalties for the violations of the Act and Board Regulations that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Complainant's Complaint filed on the same day as this Stipulation. The Complainant reserves and this Stipulation is without prejudice to, all rights of the State of Illinois against the Respondent with respect to all other matters, including but not limited to, the following:

1. criminal liability;
2. liability for future violation of state, federal, local, and common laws and/or regulations;
3. liability for natural resources damage arising out of the alleged violations; and

4. liability or claims based on the Respondent's failure to satisfy the requirements of this Stipulation.

Nothing in this Stipulation is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315, or entity other than the Respondent.

F. Enforcement and Modification of Stipulation

1. Upon the entry of the Board's Order approving and accepting this Stipulation, that Order is a binding and enforceable order of the Board and may be enforced as such through any and all available means.

[Intentionally Left Blank]

G. Execution of Stipulation

The undersigned representatives for the Parties to the Stipulation certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and to legally bind them to it.

WHEREFORE, the Parties to the Stipulation request that the Board adopt and accept the foregoing Stipulation and Proposal for Settlement as written.

PEOPLE OF THE STATE OF ILLINOIS,
LISA MADIGAN
Attorney General
State of Illinois

THE ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY
LISA BONNETT, Director
Illinois Environmental Protection Agency

BY: Matthew J. Dunn
MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

BY: [Signature]
JOHN J. KIM
Chief Legal Counsel

DATE: 3/24/14

DATE: 3/20/14

VILLAGE OF HAMMOND

BY: Michael A. Chappell
Name: Michael A. Chappell
Title: Village President

DATE: 2/26/2014

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,

Complainant,

v.

**VILLAGE OF HAMMOND,
an Illinois municipal corporation,**

Respondent.

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**PCB NO.
(Enforcement - Water)**

MOTION FOR RELIEF FROM HEARING REQUIREMENT

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by LISA MADIGAN, Attorney General of the State of Illinois, and pursuant to Section 31(c)(2) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(c)(2) (2012), moves that the Illinois Pollution Control Board grant the parties in the above-captioned matter relief from the hearing requirement imposed by Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2012). In support of this motion, Complainant states as follows:

1. On today's date, March 24, 2014, a Complaint was filed with the Illinois Pollution Control Board ("Board") in this matter.
2. The parties have reached agreement on all outstanding issues in this matter.
3. This agreement is presented to the Board in a Stipulation and Proposal for Settlement, filed contemporaneously with this motion.
4. All parties agree that a hearing on the Stipulation and Proposal for Settlement is not necessary, and respectfully request relief from such a hearing as allowed by Section 31(c)(2) of the Act, 415 ILCS 5/31(c)(2) (2012).

WHEREFORE, Complainant, PEOPLE OF THE STATE OF ILLINOIS, hereby requests that the Board grant this motion for relief from the hearing requirement set forth in Section 31(c)(1) of the Act, 415 ILCS 5/31(c)(1) (2012).

Respectfully submitted,

PEOPLE OF THE STATE OF ILLINOIS
LISA MADIGAN
ATTORNEY GENERAL

MATTHEW J. DUNN, Chief
Environmental Enforcement/Asbestos
Litigation Division

BY: s/Jane E. McBride
JANE E. MCBRIDE
Environmental Bureau
Assistant Attorney General

500 South Second Street
Springfield, Illinois 62706
217/782-9031

CERTIFICATE OF SERVICE

I hereby certify that I did on March 24, 2014, cause to be served by First Class Mail, with postage thereon fully prepaid, by depositing in a United States Post Office Box in Springfield, Illinois, a true and correct copy of the following instruments entitled NOTICE OF ELECTRONIC FILING, COMPLAINT, STIPULATION AND PROPOSAL FOR SETTLEMENT and MOTION FOR RELIEF FROM HEARING REQUIREMENT upon the following:

Village of Hammond
c/o Timothy Flavin
Village President
P.O. Box 207
Hammond, IL 61929

Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
Springfield, IL 62794

s/ Jane E. McBride _____
JANE E. MCBRIDE
Assistant Attorney General

This filing is submitted on recycled paper.