

ILLINOIS POLLUTION CONTROL BOARD
August 5, 1971

QUAD CITY AREA REGIONAL)
AIR POLLUTION CONTROL BOARD)

v.)

71-97

VILLAGE OF CORDOVA)

Marshall R. Monarch, for Quad City Area Regional Air Pollution Control Board
David DeDoncker of E. Moline for Village of Cordova

Opinion of the Board (by Mr. Currie):

This complaint by the Regional Board seeks an order for the abatement of odors allegedly coming from two sewage treatment lagoons operated by the Village. We find emissions from the lagoons resulting in air pollution and order the Village to pursue its corrective program posthaste.

The Village was served by septic tanks until recently, when sewers were constructed and, pursuant to a Sanitary Water Board permit, the lagoons in question were built on an island in the Mississippi River to which the raw sewage is conveyed across a causeway. The permit required that the first lagoon be aerated to promote the breakdown of oxygen-demanding wastes (Complainant's Ex. 6), and a later letter informed the Village of the necessity for sealing the lagoons to prevent seepage through the porous soil and for riprapping to protect against flooding and erosion (Complainant's Ex. 7). Both sealing and flood protection, where indicated, are required by Rules and Regulations SWB-1 (R. 98).

In direct violation of the permit and of the letter, the lagoons were placed in operation with neither aerators, sealing, nor riprap. The result, predictably, was that the sewage has received totally inadequate treatment. The absence of aeration means the lagoons are overloaded, according to the Village's expert, by 340% (Complainant's Ex. 2); the raw sewage seeps out through the sandy bottom so that the second lagoon is practically empty and the first has too little in it to permit successful aeration (R. 36-38, 82-83, 102); the lagoons have become anaerobic (R. 82) so there is a most offensive odor, which when the wind is wrong makes life most uncomfortable for the numerous people who live a few hundred feet from the lagoons (R. 4-31). Efforts to disguise the odor with chemicals have, according to some witnesses, had some effect (R. 30, 102, 149),

but it is clear that the odor problem remains serious (R. 7, 10, 17), quite apart from the problems of water pollution (not here charged) that are likely to result from inadequate sewage treatment.

Thus that emissions from the lagoons unreasonably interfere with the enjoyment of life, and thus cause air pollution in violation of the Environmental Protection Act, is clear, and it is not contested. The Village admits there is an odor (R. 25) and that it did not comply with the conditions of the permit (R. 103). The question is what to do about it.

Before the present complaint was filed, the Village hired a consultant to prepare a plan for correcting the situation (R. 44), recognizing, as Village testimony has it, that the Village had been short-changed by its original contractor (R. 146). Principally this plan (Complainant's Ex. 2, Alternate I) contemplates the sealing and aeration of the lagoons, the raising of the second lagoon and riprapping of exposed areas for flood and erosion control, and the chlorination of the effluent. The Village has applied for state and federal grants to help finance the project, which is estimated to cost some \$95,000 (Complainant's Ex. 7). It plans to let bids and proceed with the sealing and aeration as soon as the state Environmental Protection Agency grants it a permit to do so but to postpone the flood control measures until grant funds are available (R. 147, 150-51). The Village estimated it would receive a permit within six weeks after the June 28 hearing and that an additional two months would be required for bids and construction (R. 121-22; Complainant's Ex. 7). This adds up to an October 15 completion date.

There was much testimony as to the dangers of building sewage plants in flood plains. The Village's new consultant conceded that the present location was not ideal, because of its proximity both to high water and to residential areas (R. 141). If the slate were clean we might require that the plant be located elsewhere. But the uncontradicted evidence is that to move the plant now would nearly double the project cost, adding an estimated \$80,000 to the bill (R. 160). On the other side of the ledger, we are assured that the plant after improvements will be two feet above the hundred-year flood (R. 44), which affords a substantial degree of protection. It is also relevant that to require rebuilding this plant elsewhere would delay the correction of the odor problem.

We therefore shall order the Village to correct the present situation by sealing and aerating its existing lagoons as soon as it can. Moreover, reduction of the present flood and erosion hazards is imperative if the plant is to operate

properly and to avoid odor as well as water pollution. Flood and erosion control cannot wait for the uncertain grant of outside funds; it must be accomplished before the Spring of 1972, when there is danger of flooding, whether or not grants are available. If as the deadline approaches the Village finds itself without grants and has exhausted its statutory bonding authority (R. 170), it may apply to us for a supplementary order to issue additional bonds notwithstanding the limit. See League of Women Voters v. North Shore Sanitary District, # 70-7 (March 31, 1971).

No money penalties were requested, and despite the egregious nature of the first consultant's default we do not think it necessary to decide whether or not the absence of notice on this issue precludes our imposing such penalties on our own motion.

This opinion constitutes the Board's findings of fact and conclusions of law.

ORDER

1. The Village of Cordova shall seal and aerate its sewage lagoons, in accordance with Alternate I of the April 2, 1971 report of McClure-Leckman Engineering, as quickly as is feasible, but in no event later than November 1, 1971.
2. The Village of Cordova shall install riprap, raise the south lagoon, and take other measures for control of floods and erosion, all in accordance with Alternate I of the above report, by April 1, 1972, so as to provide at least two feet freeboard above the 100-year flood.
3. Until the measures required by paragraph 1 of this order are completed, the Village of Cordova shall employ chemicals to mask or reduce odors from its sewage lagoons.
4. In the event that federal or state grants are not forthcoming in time to enable the Village to comply with paragraph 2 of this order, the Village may apply to the Board for a supplemental order authorizing the issuance of additional bonds, if necessary. The unavailability of such grants shall not excuse the Village from timely compliance with paragraph 2.

I, Regina E. Ryan, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion and Order this 5th day of August, 1971.

