

ILLINOIS POLLUTION CONTROL BOARD  
November 6, 1986

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. ) PCB 82-144  
 )  
CITY OF GALENA, )  
 )  
Respondent. )

MR. JOSEPH A. DRAZEK, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

MACK, RICHARDSON & KELLY (MR. JAMES J. NACK, OF COUNSEL), APPEARED ON BEHALF OF THE RESPONDENT.

MR. FRANK L. EINSWEILER, MAYOR OF GALENA, ALSO WAS PRESENT AT THE HEARING.

OPINION AND ORDER OF THE BOARD (by J.D. Dumelle):

This matter comes before the Board on a six-count Complaint filed on December 15, 1982 by the Illinois Environmental Protection Agency (Agency).

Count I of the Complaint alleged that: (1) from July 1, 1977 until December 15, 1982, the Respondent failed to maintain and operate its municipal wastewater and sludge handling equipment in accord with the requirements of its NPDES Permit No. IL0020249, Agency permit No. 1976-SC-1780, and Agency supplemental permit No. 1976-SC-1780-1, thereby violating Rule 901 of Chapter 3: Water Pollution Regulations (now 35 Ill. Adm. Code 309.102) and Section 12(f) of the Illinois Environmental Protection Act (Act), and (2) from November 22, 1976 until October 23, 1977, the Respondent failed to maintain and operate its municipal wastewater and sludge utilization facility in accord with its Agency permit, thereby violating Section 12(b) of the Act.

Count II alleged that: (1) during the months of August, 1979 and September, 1979, the Respondent discharged effluent which exceeded the 30 milligram per liter (30 mg/l) limitations prescribed for both five-day biochemical oxygen demand (BOD<sub>5</sub>) and suspended solids in Rule 404(a) of Chapter 3: Water Pollution Regulations (now 35 Ill. Adm. Code 304.120(a)), and (2) the Respondent discharged effluent into the Galena River which exceeded the numerical limitations prescribed by the Board's

Water Pollution Regulations for BOD<sub>5</sub> and suspended solids, thereby causing or allowing a violation of its NPDES Permit and Water Pollution Rule 404(a) (now 35 Ill. Adm. Code 304.120(a)) and, hence, Water Pollution Rule 901 (now 35 Ill. Adm. Code 309.102) and Sections 12(a) and 12(f) of the Act.

Count III alleged that the Respondent discharged effluent into the Galena River which exceeded five times the numerical standard prescribed in Water Pollution Rule 404(a) with respect to BOD<sub>5</sub> (during the months of June, 1979, October, 1979, and January, 1980) and suspended solids (during the months of June, 1979; August, 1979; October, 1979; January, 1980; April, 1980; June, 1980; December, 1980; November, 1981; and October, 1982), thereby causing or allowing a violation of Water Pollution Rule 404(a) (now 35 Ill. Adm. Code 304.120(a)) and Section 12(a) of the Act.

Count IV alleged that, from July 1, 1977 until December 15, 1982, the Respondent failed to submit the requisite quarterly Industrial Users Reports as required by its NPDES Permit, thereby causing or allowing a violation of its NPDES Permit and of Water Pollution Rule 501(c) (now 35 Ill. Adm. Code 305.102(b)) and, hence, Water Pollution Rule 901 (now 35 Ill. Adm. Code 309.102) and Section 12(f) of the Act.

Count V alleged that, on January 16, 1980, February 21, 1980, and February 22, 1980, the Respondent caused or allowed a bypass of its discharge without notifying the permit-issuing authority (i.e., the Agency) and failed to submit a plan to the Agency to prevent recurrence of these incidents, thereby failing to comply with the reporting requirements contained in its NPDES Permit regarding bypass of discharge from its sewage treatment works, resulting in conduct causing or allowing a violation of its NPDES Permit and of Water Pollution Rule 501(c) (now 35 Ill. Adm. Code 305.102(b)) and, hence, Water Pollution Rule 901 (now 35 Ill. Adm. Code 309.102) and Section 12(f) of the Act.

Count VI alleged that, from August, 1976 until December 15, 1982, the Respondent failed to chlorinate the water in its public water supply system before the water entered its distribution system, thereby failing to maintain its water supply facilities so as to assure clean, safe water for domestic consumption in violation of Rule 305 of Chapter 6: Public Water Supplies and Section 18 of the Act.

A hearing was held on September 7, 1984 and the parties filed a Stipulation and Proposal for Settlement on September 17, 1984.

On February 20, 1985, the Board entered an Order which rejected the proposed settlement agreement because a majority of the Board concluded that it lacked the statutory authority to

accept settlements which include neither an admission of violation or a stipulation of facts sufficient to form the basis of finding a violation. (See: February 20, 1985 Dissenting Statement of J.D. Dumelle in PCB 82-144, IEPA v. City of Galena.)

Subsequently, that legal issue was litigated and both Illinois appellate courts which considered it concluded that the Board does, in fact, have the power to accept stipulations absent a finding or admission of violation. (See: People v. Archer Daniels Midland, No. 3-85-0222 and 3-85-0224, 3d Dist. 1986 and Chemetco v. IPCB and IEPA, No. 5-85-0143, Fifth Dist. 1986).

Accordingly, on March 27, 1986, the Board entered an Interim Order which indicated that, in light of the Archer Daniels Midland and Chemetco court decisions, the Board might be able to accept the previously submitted settlement and which allowed the parties 45-days to update their 18-month old settlement agreement or to take whatever action they deemed appropriate to reach a expeditious conclusion in this matter.

On May 14, 1986, the parties filed a Joint Motion to Vacate the Board's previous Order dated February 20, 1985 which rejected the stipulation and proposal for settlement and to approve and enter the stipulation and proposal for settlement as originally received on September 17, 1984.

On May 22, 1986, the Board entered an Interim Order which rejected the September 17, 1984 stipulation and proposal for settlement as being outdated and ordered that an updated settlement agreement be filed within 45 days, indicating that "if no such action is taken, then this matter will be subject to dismissal".

On August 14, 1986, the Board entered an Order which dismissed the instant case because the parties failed to file their revised and updated settlement agreement within 45 days.

On August 20, 1986, the Agency filed a Motion to Reinstate which alleged that the failure to timely submit a revised and updated settlement proposal was due to the City of Galena's failure to respond to an Agency request for information and requested an additional 45 days from the date of reinstatement in which to submit the updated settlement proposal. No response was filed by the Respondent.

On August 28, 1986, the Board granted the Agency's Motion to Reinstate and ordered the parties to file a revised and updated settlement proposal on, or before, October 13, 1986.

The parties subsequently filed their revised and updated Stipulation and Proposal for Settlement on October 20, 1986.

The Respondent, the City of Galena (Galena), owns and operates a public water supply system which serves about 4,000 persons and includes fluoride treatment equipment, drilled wells, a standpipe, an elevated water storage facility, and a distribution systems. The Agency has asserted that, since at least August of 1976, the City of Galena has failed to chlorinate the water in its public water supply system before the water enters its distribution system, thereby failing to maintain its public water supply facilities so as to assure that the water is clean and safe in quality for ordinary domestic consumption in violation of 35 Ill. Adm. Code 604.401 and Section 18 (f) the Act. (Stip. 7).

In reference to the public water supply system, the parties have agreed that the City of Galena shall: (1) completely flush the public water supply system once per year; (2) establish and implement a valve and hydrant maintenance program in written form by January 1, 1987; (3) test the river crossings' watermains at no more than 12 months' intervals, and (4) comply with all relevant provisions of the Board's Public Water Supply Regulations. (Stip. 8; 11).

The City of Galena also owns and operates a municipal wastewater treatment facility (WWTP) located at Claude and Meeker Streets in Galena, Jo Daviess County, Illinois. The Respondent's WWTP discharges wastewater containing contaminants into the Galena River, a navigable Illinois water, pursuant to its NPDES Permit No. IL0020249 which was issued on July 1, 1977. (See: Exhibit A). One portion of Galena's facility includes sludge handling equipment which is utilized to handle and remove the sludge which is generated at the WWTP. The Respondent was issued an Illinois EPA Permit No. 1976-SC-1780 on November 22, 1976 authorizing Galena to construct, own, and operate its sludge handling equipment. (See: Exhibit B). This permit had an expiration date of December 31, 1979. (Stip. 3). Additionally, the City of Galena was issued a supplemental Illinois EPA Permit No. 1976-SC-1780-1 on July 19, 1978 which authorized it to construct, own, and operate the sludge handling equipment. (See: Exhibit C). This supplemental permit also had an expiration date of December 31, 1979. (Stip. 3).

The Agency has claimed that, based upon pertinent NPDES compliance inspection reports completed by Agency personnel, the City of Galena has failed to meet the requirements delineated in its NPDES Permit No. IL0020249 and in its Illinois EPA permits pertaining to both the maintenance and operation of its municipal wastewater and sludge handling equipment. (Stip. 3). Specifically, the Agency has contended that the City of Galena has failed to: (1) perform routine preventative maintenance on its operating equipment; (2) repair broken or inoperative equipment within a reasonable time period; (3) buy new operating equipment for the replacement of its worn-out equipment; (4)

install new equipment after such equipment had been purchased; (5) maintain an adequate operating staff for its facility; (6) remove solids collected on bar screens at regular intervals; (7) remove sludge from drying beds at regular intervals; (8) promulgate and adhere to any type of coordinated sludge management program adequate to allow its facility to meet the standards set forth in the permits governing its operation, and (9) equip its facility with adequate backup or emergency equipment sufficient to keep the facility in operation in case of power failure or natural disaster. (Stip. 3-4).

The Agency has contended that this "conduct resulted in Respondent having maintained and operated its municipal wastewater and sludge handling equipment contrary to the terms of its NPDES Permit from July 1, 1977 until December 15, 1982, in violation of its NPDES Permit and hence 35 Ill. Adm. Code 309.102 and Section 12(f)" of the Act. (Stip. 4). Additionally, such conduct allegedly "resulted in Respondent having maintained and operated its municipal wastewater and sludge handling facility contrary to the terms of its Illinois EPA permit from November 22, 1976 to October 23, 1977 in violation of said permit and hence Section 12(b) of the Act..." (Stip. 4-5).

Furthermore, based on the City of Galena's monthly discharge monitoring reports which were submitted in compliance with its NPDES Permit (see: Exhibit A), the Agency concludes that Galena has caused or allowed the discharge of effluent from its WWTP which exceeded the numerical standards set forth in 35 Ill. Adm. Code 304.120(a) for both BOD<sub>5</sub> and suspended solids during the months of August, 1979 and September, 1979 in violation of its NPDES Permit and 35 Ill. Adm. Code 309.102 and 304.120(a) and Section 12(a) and 12(f) of the Act. (Stip. 5).

Additionally, based on the Respondent's monthly discharge monitoring reports, the Agency feels that the City of Galena caused or allowed the discharge of effluent from its WWTP which exceeded five times the numerical standard set forth in 35 Ill. Adm. Code 304.120(a) with respect to BOD<sub>5</sub> (during the months of June, 1979, October, 1979, and January, 1980) and suspended solids (during the months of June, 1979; August, 1979; October, 1979; January, 1980; April, 1980; June, 1980; December, 1980; November, 1981, and October, 1982) in violation of 35 Ill. Adm. Code 304.120(a) and Section 12(a) of the Act. (Stip. 5).

The Agency also has claimed that, based upon the Respondent's monthly discharge monitoring reports, Galena has not met the reporting requirements of its NPDES Permit by failing to submit quarterly Industrial Users Reports from July 1, 1979 to December 15, 1982 in violation of its NPDES Permit and 35 Ill. Adm. Code 305.102(b) and, hence, 35 Ill. Adm. Code 309.102 and Section 12(f) of the Act.

The Agency also believes that, based upon Galena's monthly discharge monitoring reports, the Respondent did not comply with the reporting requirements contained in its NPDES Permit pertaining to the bypass of a discharge from the municipal treatment works, thereby causing or allowing the bypass of a discharge on January 16, 1980, February 21, 1980, and February 22, 1980, and also failed to notify the permit-issuing authority (i.e., the Agency) and failed to submit a plan to prevent recurrence of these incidents in violation of its NPDES Permit and 35 Ill. Adm. Code 305.102(b) and, hence, 35 Ill. Adm. Code 309.102 and Section 12(f) of the Act. (Stip. 6).

The proposed settlement agreement does not contain any specific admission of violations by the Respondent. However, the proposed settlement agreement provides that the Respondent: (1) shall comply with its NPDES Permit, the Board's Water Pollution Regulations and Public Water Supply Regulations, and the Act; (2) follow a specified compliance plan for both its wastewater treatment facility and its public water supply system, and (3) pay a stipulated sum of \$4,000.00 into the Illinois Environmental Protection Trust Fund within 45 days of the date of the Board's Order. (Stip. 7-12).

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 and finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180.

The Respondent will therefore be ordered to follow the agreed-upon compliance plan for both its wastewater treatment facility and public water supply system and to pay the stipulated sum of \$4,000.00 into the Environmental Protection Trust Fund.

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. Within 45 days of the date of this Order, the Respondent, the City of Galena, shall, by certified check or money order payable to the State of Illinois and designated for deposit into the Environmental Protection Trust Fund, pay the stipulated sum of \$4,000.00 which is to be sent to:

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

2. In reference to its wastewater treatment facility, the Respondent shall follow the agreed-upon compliance plan set forth in items #18 through #25 of the Stipulation and Proposal for Settlement filed on October 20, 1986, including, but not limited to, the following steps:
  - (a) The Respondent shall take composite influent and effluent samples at its municipal wastewater facility for both BOD<sub>5</sub> and Total Suspended Solids ("TSS") three (3) times per week and will submit Discharge Monitoring Reports ("DMR") monthly to the Agency. Additionally, the Respondent shall comply with all the monitoring and reporting requirements set forth in its NPDES Permit No. IL0020249.
  - (b) The Respondent shall maintain, at a minimum, the present laboratory space for analyses of such parameters as BOD<sub>5</sub>, TSS, Volatile Suspended Solids ("VSS"), pH, Dissolved Oxygen ("DO"), settleability and sludge concentration. However, because said laboratory is not suitable for analyses of fecal coliform, the Respondent shall provide the testing through an outside laboratory which can perform the necessary analyses within 6 hours of the taking of the samples. The Respondent shall provide verification to the Agency's office in Rockford, Illinois, that this is being done.
  - (c) The Respondent has completed the steps necessary to insure proper operation of all pumps, motors, controllers, screens and appurtenances in the influent pump station and shall maintain same in proper operating condition.
  - (d) The Respondent shall, beginning with its next discharge monitoring report, inventory, sample, analyze (BOD<sub>5</sub> and TSS as a minimum) and measure all industrial/commercial wastewater flows twice per year. The Respondent shall sample, analyze and measure Kraft Products wastewater once per month by composite and report the results to Agency on its monthly discharge monitoring report. Furthermore, the Respondent shall submit quarterly industrial discharger reports with respect to Kraft Products wastewater.
  - (e) The Respondent shall take measures prior to January 1, 1987 to insure proper operation of its sewage flow meter, effluent sample, blowers (and motors), clarifier motors, wiring and appurtenances and shall maintain same in proper operating

condition. The Respondent also shall install a flow meter in one of the two existing plants in order to measure/balance influent flow to each plant. This additional flow meter shall be installed by September 1, 1987.

(f) The Respondent shall have developed a daily Operations and Maintenance checklist on or before November 1, 1986, that will include the following:

1. Process control tests.
2. Influent, return activated sludge and waste activated sludge.
3. Daily, monthly, yearly maintenance and lubrication schedules.
4. Comments on problems, outages and equipment failures.
5. Other daily activities.

(g) The Respondent has already completed the installation and began operation of a new sludge handling facility that will adequately remove sludge from the treatment plant on a year round basis. The Respondent shall maintain said sludge handling facility so that it will continue to adequately remove sludge from the treatment plant on a year round basis. The Respondent also shall submit to the Agency's field office in Rockford, Illinois, by January 1, 1987, a sludge management plan that details disposal and utilization objectives, alternatives, methods, specific sites, equipment, user data sheets, sample and analyses program and report procedures.

(h) The Respondent agrees to develop, by January 1, 1987, a written description of past activities and planned future activities for the evaluation of the infiltration and inflow into the sanitary sewers and further agrees to schedule and budget all cost effective measures to reduce influent flow into the treatment plant within one year of the date hereof.

3. In reference to its public water supply facility, the Respondent shall follow the agreed-upon compliance plan set forth in items #26, 27, and 28 of the Stipulation and Proposal for Settlement filed on October 20, 1986, including, but not limited to, the following steps:

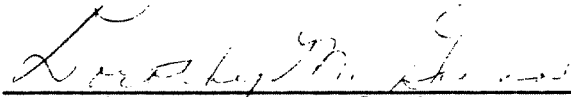


- (a) The Respondent shall completely flush the public water supply system once per year.
  - (b) The Respondent shall establish and implement a valve and hydrant maintenance program in written form by January 1, 1987.
  - (c) The Respondent shall test the river crossings' watermains at no more than 12 months' intervals.
4. The Respondent shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed on October 17, 1986, which is attached and incorporated by reference as if fully set forth herein.

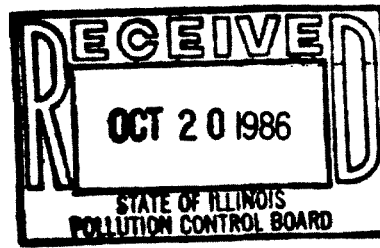
IT IS SO ORDERED.

Board Member J. Theodore Meyer dissented. Board Members Joan G. Anderson and Dr. John C. Marlin concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 6th day of November, 1986, by a vote of 5-1.

  
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Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board

STATE OF ILLINOIS )  
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COUNTY OF JO DAVIESS ) SS



OCT 17 1986

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )  
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Complainant, )  
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v. )  
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CITY OF GALENA, )  
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Respondent. )

PCB 82-144

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STIPULATION AND PROPOSAL FOR SETTLEMENT

NOW COMES the Complainant, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, by NEIL F. HARTIGAN, Attorney General of the State of Illinois, and Respondent, City of Galena, by its attorneys, Nack, Richardson & Kelly, James J. Nack, and stipulate and agree as follows for the purpose of settlement in this cause. The parties stipulate that: (1) the statement of facts contained herein represents a fair summary of the evidence which would be introduced by the parties if a contested hearing were held; (2) said statement of facts is for the purpose of settlement only, and neither the fact that a party has entered into this stipulation, nor any of the facts stipulated herein, shall be used for any purpose unless the Pollution Control Board ("Board") substantially approves the terms and conditions of this stipulation and proposed settlement. Nothing herein contained shall be construed as an admission by Respondent as to any violations of the Illinois Environmental Protection Act or the Pollution Control

Board's Rules and Regulations as set forth in the following Statement of Facts.

I.

STATEMENT OF FACTS

A. Wastewater Treatment

1. At all times relevant hereto, the Respondent, City of Galena, has been an Illinois municipal corporation in Jo Daviess County, Illinois.

2. Respondent owns and operates a municipal wastewater facility located at Claude and Meeker Streets, Galena, Illinois, County of Jo Daviess. Wastewater containing contaminants is discharged from the facility into the Galena River, a navigable water and a water of the State of Illinois. One portion of the above facility consists of equipment used and/or operated for the purpose of removing and handling sludge generated at the facility. This equipment is referred to generally as sludge handling equipment.

3. Respondent was issued a National Pollutant Discharge Elimination System ("NPDES") permit numbered IL0020249 on July 1, 1977, for the facility described above in paragraph 2; a true and correct copy of which is incorporated by reference and attached hereto as Exhibit A.

4. Respondent was issued an Illinois EPA Permit numbered 1976-SC-1780 on November 22, 1976, to construct, own, and

operate the sludge handling equipment described above in paragraph 2; a true and correct copy of which is incorporated by reference and attached hereto as Exhibit B. The expiration date of this Permit was December 31, 1979. Respondent was issued a supplemental permit numbered 1976-SC-1780-1 on July 19, 1978, to construct, own and operate the sludge handling equipment described above in paragraph 2; a true and correct copy of which is incorporated by reference and attached hereto as Exhibit C. The expiration date of this Permit was December 31, 1979.

5. Based upon NPDES compliance inspection reports completed by IEPA personnel, Respondent has failed to meet the requirements set forth in its NPDES permit and in its Illinois EPA permit regarding both the maintenance and operation of its municipal wastewater and sludge handling equipment described above in paragraph 2, to-wit:

- a.) Respondent has failed to perform routine preventative maintenance on operating equipment;
- b.) Respondent has failed to repair inoperative equipment within a reasonable time;
- c.) Respondent has failed to purchase new operating equipment for the replacement of worn-out equipment;
- d.) Respondent has failed to install new equipment after it has been purchased;

- e.) Respondent has failed to maintained an adequate operating staff for its facility;
- f.) Respondent has failed to remove solids collected on bar screens at regular intervals;
- g.) Respondent has failed to remove sludge from drying beds at regular intervals;
- h.) Respondent has failed to promulgate and adhere to any type of coordinated sludge management program adequate to allow the facility to meet the standards set forth in the permits governing its operation;
- i.) Respondent has failed to equip its facility with adequate backup or emergency equipment in case of power failure or natural disaster sufficient to keep the facility in operation during such period.

Said conduct resulted in Respondent having maintained and operated its municipal wastewater and sludge handling equipment contrary to the terms of its NPDES Permit from July 1, 1977 until December 15, 1982, in violation of its NPDES Permit and hence 35 Ill.Adm.Code 309.102 and Section 12(f) of the Illinois Environmental Protection Act ("Act"), Ill.Rev.Stat. ch. 111 1/2, par. 1012(f). Further, said conduct resulted in Respondent having maintained and operated its municipal wastewater and sludge handling facility contrary to the terms of its Illinois EPA permit from November 22, 1976 to October 23, 1977 in violation of said

permit and hence Section 12(b) of the Act, Ill.Rev.Stat., ch. 111 1/2, par. 1012(b).

6. Based on Respondent's monthly Discharge Monitoring Reports submitted in compliance with Exhibit A, Respondent has caused or allowed the discharge of effluent from the facility described above in paragraph 2 which exceeded the numerical standards prescribed in 35 Ill.Adm.Code 304.120(a) for both BOD<sub>5</sub> and suspended solids during the months of August 1979 and September 1979 in violation of Respondent's NPDES Permit and, hence, 35 Ill.Adm.Code 309.102 and 304.120(a) and Sections 12(a) and 12(f) of the Act, Ill.Rev.Stat., ch. 111 1/2, pars. 1012(a) and 1012(f).

7. Based on Respondent's monthly Discharge Monitoring Reports submitted in compliance with Exhibit A, Respondent caused or allowed the discharge of effluent from the facility described above in paragraph 2 which exceeded five times the numerical standard prescribed in 35 Ill.Adm.Code 304.120(a) with respect to BOD<sub>5</sub> during the months of June 1979, October 1979 and January 1980 and which exceeded five times the numerical standard prescribed in 35 Ill.Adm.Code 304.120(a) with respect to suspended solids during the months of June 1979, August 1979, October 1979, January 1980, April 1980, June 1980, December 1980, November 1981 and October 1982, in violation of 35 Ill.Adm.Code 304.120(a) and Section 12(a) of the Act, Ill.Rev.Stat. ch. 111 1/2, par. 1012(a).

8. Based upon Respondent's monthly Discharge Monitoring Reports submitted in compliance with Exhibit A, Respondent has not met the reporting requirements prescribed in the terms and conditions of its NPDES Permit by failing to submit quarterly Industrial Users Reports from July 1, 1979 to December 15, 1982 in violation of its NPDES Permit and 35 Ill.Adm.Code 305.102(b) and, hence, 35 Ill.Adm.Code 309.102 and Section 12(f) of the Act, Ill.Rev.Stat., ch. 111 1/2, par. 1012(f).

9. Based upon Respondent's monthly Discharge Monitoring Reports submitted in compliance with Exhibit A, Respondent did not comply with the reporting requirements contained in its NPDES Permit regarding the bypass of a discharge from its sewage treatment works y causing or allowing the bypass of a discharge on January 16, 1980, February 21, 1980 and February 22, 1980, and failing to notify the permit-issuing authority and failing to submit a plan to prevent recurrence of these incidents in violation of its NPDES Permit and 35 Ill.Adm.Code 305.102(b) and, hence, 35 Ill.Adm.Code 309.102 and Section 12(f) of the Act, Ill.Rev.Stat., ch. 111 1/2, par. 1012(f).

**B. Public Water Supply**

10. Respondent, at all times pertinent hereto, has owned, operated, and been the official custodian of a public water supply system.

11. Respondent's public water supply system is a public water supply, which is a community water supply as defined by

Section 3(m) of the Act, Ill.Rev.Stat., ch. 111 1/2, par. 1003(m).

12. Respondent's public water supply system consists of drilled wells, fluoride treatment equipment, a standpipe, an elevated water storage facility, and a distribution system. Said public water supply system serves approximately 4,000 persons.

13. Since at least August 1976, Respondent has failed to chlorinate the water in its public water system before the water enters the distribution system.

14. Because Respondent has failed to chlorinate the water as described above in paragraph 13, Respondent has failed to maintain its public water supply facilities so as to assure that the water is clean and safe in quality for ordinary domestic consumption, in violation of 35 Ill.Adm.Code 604.401 and Section 18 of the Act, Ill.Rev.Stat., ch. 111 1/2, par. 1018.

## II.

### CONDITIONS AND PROVISIONS OF SETTLEMENT

15. The parties believe the public interest will be best served by the resolution of this enforcement action under the terms provided herein. In accordance with the procedure for settlement prescribed in 35 Ill.Adm.Code 103.180, the parties offer this Stipulation and Proposal for Settlement in lieu of a full evidentiary hearing.



16. This Stipulation and Proposal for Settlement is expressly conditioned upon, and effective only with, approval hereof in all respects by the Board, and anything contained herein shall be null and void and not used for any purpose whatsoever in the event the Board fails to approve these terms of settlement in all respects and incorporate same in a final Board Order.

17. Respondent, City of Galena, shall comply with the Illinois Environmental Protection Act, the Pollution Control Board's Water Pollution Regulations contained in Subtitle C, Title 35 of the Illinois Administrative Code, its NPDES Permit, and the Pollution Control Board's Public Water Supply Regulations contained in Subtitle F, Title 35 of the Illinois Administrative Code, in accordance with the terms of this Stipulation and Proposal for Settlement.

**A. Wastewater Treatment**

18. Respondent agrees to take composite influent and effluent samples at its municipal wastewater facility for both BOD<sub>5</sub> and Total Suspended Solids ("TSS") three (3) times per week and will submit Discharge Monitoring Reports ("DMR") monthly to IEPA. Additionally, Respondent agrees to comply with all monitoring/reporting requirements set forth in Respondent's NPDES permit (No. IL0020249).

19. Respondent agrees to maintain, at a minimum, the present laboratory space for analyses of such parameters as BOD<sub>5</sub>, TSS, Volatile Suspended Solids ("VSS"), pH, Dissolved Oxygen

("DO"), settleability and sludge concentration. However, because said laboratory is not suitable for analyses of fecal coliform, Respondent agrees to provide the testing through an outside laboratory which can perform the necessary analyses within 6 hours of the taking of the samples. Respondent agrees to provide verification to IEPA's field office in Rockford, Illinois, that this is being done.

20. Respondent has completed the steps necessary to insure proper operation of all pumps, motors, controllers, screens and appurtenances in the influent pump station and agrees to maintain same in proper operating condition.

21. Respondent agrees, beginning with its next DMR, to inventory, sample, analyze (BOD<sub>5</sub> and TSS as a minimum) and measure all industrial/commercial wastewater flows twice per year. Respondent agrees to sample, analyze and measure Kraft Products wastewater once per month by composite and report the results to IEPA on its monthly DMR. Further, Respondent agrees to submit quarterly industrial discharger reports with respect to Kraft.

22. Respondent agrees to take measures prior to January 1, 1987 to insure proper operation of sewage flow meter, effluent sample, blowers (and motors), clarifier motors, wiring and appurtenances and agrees to maintain same in proper operating condition. Respondent further agrees to install a flow meter in one of the two existing plants in order to measure/balance influent flow to each plant. This additional flow meter shall be installed by September 1, 1987.

23. Respondent agrees to develop a daily Operations and Maintenance checklist on or before November 1, 1986, that will include the following:

- a. Process control tests.
- b. Influent, return activated sludge and waste activated sludge.
- c. Daily, monthly, yearly maintenance and lubrication schedules.
- d. Comments on problems, outages and equipment failures.
- e. Other daily activities.

24. Respondent has already completed the installation and began operation of a new sludge handling facility that will adequately remove sludge from the treatment plant on a year round basis. Respondent agrees to maintain said sludge handling facility to that it will continue to adequately remove sludge from the treatment plant on a year round basis. Respondent further agrees to submit to the IEPA's field office in Rockford, Illinois, by January 1, 1987, a sludge management plan that details disposal and utilization objectives, alternatives, methods, specific sites, equipment, user data sheets, sample and analyses program and report procedures.

25. Respondent agrees to develop, by January 1, 1987, a written description of past activities and planned future activities for the evaluation of the infiltration and inflow into the sanitary sewers and further agrees to schedule and budget all cost effective measures to reduce influent flow into the treatment plant within one year of the date hereof.

**B. Public Water Supply**

26. Respondent agrees to completely flush the public water supply system once per year.

27. Respondent agrees to establish and implement a valve and hydrant maintenance program in written form by January 1, 1987.

28. Respondent agrees to test the river crossings' watermains at no more than 12 months intervals.

29. In lieu of any and all other monetary fines or penalties of any kind, the parties agree that Respondent's sole monetary penalty for all violations covered by this cause of action shall be the sum of Four Thousand Dollars (\$4,000.00), to be paid by check drawn to the "Treasury of the State of Illinois" and designated for deposit into the Environmental Protection Trust Fund for the specific purpose of environmental protection and related enforcement programs as authorized pursuant to Ill.Rev.Stat., ch. 111 1/2, par. 1061. Such payment shall be

submitted to the Fiscal Services Section of the Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706, within forty-five (45) days of entry of the Board's final order approving said penalty in this cause.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY

CITY OF GALENA

BY: Joseph E. Svobeda  
JOSEPH E. SVOBODA  
Manager, Enforcement

BY: Frank L. Einsweiler  
FRANK L. EINSWEILER  
Mayor of Galena

DATED: 10/14/86

DATED: October 1, 1986

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