

ILLINOIS POLLUTION CONTROL BOARD
August 21, 1985

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 85-58
)
CITY OF WEST FRANKFORT,)
an Illinois municipal)
corporation,)
)
Respondent.)

MR. JAMES L. MORGAN AND MRS. SUSAN VANTREASE, ASSISTANT ATTORNEYS GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

MR. DONALD R. LUCAS, ATTORNEY AT LAW, APPEARED ON BEHALF OF THE RESPONDENT.

OPINION AND ORDER OF THE BOARD (by W. J. Nega):

This matter comes before the Board on the May 1, 1985 Complaint brought by the Illinois Environmental Protection Agency (Agency). This two-count Complaint alleged that the Respondent's municipal sewage treatment facility: (1) discharged effluents containing excessive levels of ammonia nitrogen (as N), five-day biochemical oxygen demand (BOD₅), and suspended solids, and (2) failed to properly operate and maintain its plant or to submit the necessary monthly discharge monitoring reports to the Agency in violation of 35 Ill. Adm. Code 302.212, 304.105, 305.102(b), 309.102(a) and Sections 12(a), 12(b) and 12(f) of the Illinois Environmental Protection Act (Act).

A hearing was held on July 16, 1985 and the parties filed a Stipulation and Proposal for Settlement (Stip.) on July 31, 1985.

The City of West Frankfort (City), which is located in Franklin County, owns and operates a trickling filter wastewater treatment plant (WWTP) which is rated at 1.4 million gallons per day. The WWTP provides tertiary treatment by an aerated lagoon which discharges its effluent into the Middle Fork of the Big Muddy River pursuant to its NPDES Permit.

The Respondent was issued NPDES Permit No. IL0031704 on May 30, 1975. This original permit was subsequently modified on July 16, 1976 and was set to expire on December 31, 1978

(modified permit). Although a timely application for renewal of the modified permit was submitted by the Respondent, "the permit could not be renewed under Section 301(i) of the Clean Water Act of 1977, 33 U.S.C. Section 1311(i)". (Stip. 2). Accordingly, the Respondent's NPDES Permit was later reissued on April 4, 1983 (reissued permit).

The modified permit that was issued to the Respondent established effluent limitations on the WWTP's effluent of 10 milligrams per liter (mg/l) for BOD₅ as a monthly average and 12 mg/l for suspended solids as a monthly average. Additionally, this modified permit provided that the concentration of ammonia nitrogen (as N) in the WWTP's effluent be limited in order to prevent the waters of the Middle Fork of the Big Muddy River from exceeding the standards established in Rule 203(f) of the Board's Water Pollution Regulations (and later 35 Ill. Adm. Code 302.212). (Stip. 3).

The Board entered an Opinion and Order on December 16, 1982 in PCB 82-117, City of West Frankfort v. IEPA which granted the City of West Frankfort a variance until September 1, 1983 from the ammonia nitrogen limitations of 35 Ill. Adm. Code 302.212 and 35 Ill. Adm. Code 304.301 as well as from the BOD₅ and total suspended solids effluent limitations of 35 Ill. Adm. Code 304.120(c). The variance that was granted in PCB 82-117 provided that the effluent discharged by the City's WWTP would not exceed, as a monthly average, 20 mg/l for BOD₅, 25 mg/l for suspended solids, and 15 mg/l for ammonia nitrogen. These standards were incorporated into the City's reissued permit as interim conditions. (Stip. 3).

However, the final conditions in the reissued permit set stricter limits of 10 mg/l for BOD₅ as a monthly average and 12 mg/l for suspended solids as a monthly average. Moreover, the final conditions in the reissued permit mandated that the WWTP's effluent contain less than 1.5 mg/l of ammonia nitrogen during the time period from April through October and required less than 4.0 mg/l of ammonia nitrogen during the time period from November through March when the downstream daily maximum ammonia nitrogen concentration of the Middle Fork of the Big Muddy River exceeded the levels delineated in 35 Ill. Adm. Code 302.212.

The City has admitted that, on certain specified dates between September 29, 1978 and March 26, 1981, it discharged effluent from its WWTP which caused the waters of the Middle Fork of the Big Muddy River in the immediate vicinity of its facility to contain concentrations of ammonia nitrogen (as N) which exceeded the limits set forth in Rule 203(f) of the Board's Water Pollution Regulations (now 35 Ill. Adm. Code 302.208) and in the Respondent's modified permit. (Stip. 4).

The City has also admitted that, on five specified dates between September 2, 1983 and September 28, 1983, it discharged effluent from its WWTP which exceeded the applicable limits for

ammonia nitrogen in violation of the interim conditions of the reissued permit, thereby causing the waters of the Middle Fork of the Big Muddy Creek to contain concentrations of ammonia nitrogen above the limits prescribed in 35 Ill. Adm. Code 302.212. (Stip. 4-5).

Additionally, the City has admitted that, during various specified months between July, 1981 and June, 1984, it discharged effluent containing concentrations of BOD₅ and suspended solids which exceeded the monthly average limits allowed in its NPDES Permits, its variance in PCB 82-117, or 35 Ill. Adm. Code 304.120 (Stip. 5-6).

Furthermore, the Respondent has admitted that it:
(1) failed to submit the requisite monthly discharge monitoring reports to the Agency as required by its modified permit for the months of May, 1980, June, 1980, and July, 1980, and
(2) intermittently failed to properly operate and maintain its WWTP. (Stip. 6).

In reference to the proper maintenance and operation procedures at the WWTP, Agency inspections have revealed that:
(1) the automatic bypass sluice gate had to be manually operated and the comminutor, flow meters, and one of the lagoon aerators were not working on September 27, 1978 and September 29, 1978;
(2) "the automatic bypass sluice gate still had to be manually operated and the comminutor and flow meters were still not repaired" on July 11, 1979 and August 8, 1980; and (3) the flow meters were still not operational on March 21, 1984. (Stip. 6).

The proposed settlement agreement provides that the Respondent admits the violations alleged in the Complaint and agrees to: (1) cease and desist from further violations; (2) upgrade the plant and prevent any further violations by cleaning the existing effluent polishing lagoon; conducting the appropriate fecal coliform testing; and returning the facility to proper operation, and (3) pay a stipulated penalty of \$1,500.00. (Stip. 7).

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 Board finds that the Respondent, the City of West Frankfort, has violated various specified conditions set forth in its modified and reissued NPDES Permits as well as in its variance in PCB 82-117 and has therefore violated 35 Ill. Adm. Code 302.212, 304.105, 305.102(b), 309.102(a) and Sections 12(a), 12(b), and 12(f) of the Act. The Respondent will be ordered to cease and desist from further violations; follow the agreed-upon compliance plan; and pay a stipulated penalty of \$1,500.00.

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 City of West Frankfort, has violated 35 Ill. Adm. Code 302.212, 304.105, 305.102(a) and Sections 12(a), 12(b), and 12(f) of the Illinois Environmental Protection Act.
2. The Respondent shall cease and desist from all further violations.
3. The Respondent shall take the following actions in order to upgrade its wastewater treatment plant and to prevent any further violations of the Act or applicable Board regulations:
 - (a) The City has returned its wastewater treatment plant to proper operation and shall continue to properly operate the plant; and
 - (b) The City has cleaned the existing effluent polishing lagoon and shall continue to properly maintain it; and
 - (c) The City shall comply with the provisions of its NPDES Permit and applicable Board rules and regulations regarding fecal coliform testing and effluent limitations.
4. Within 45 days of the date of this Order, the Respondent shall, by certified check or money order payable to the State of Illinois, pay the stipulated penalty of \$1,500.00 which is to be sent to:

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

5. The Respondent shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed on July 31, 1985, which is incorporated by reference as if fully set forth herein.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board hereby certify that the above Opinion and Order was adopted on the 21st day of August, 1985 by a vote of 7-0.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk
Illinois Pollution Control Board