

ILLINOIS POLLUTION CONTROL BOARD  
October 8, 1981

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. ) PCB 80-56  
 )  
CITY OF O'FALLON, a municipal )  
corporation, )  
 )  
Respondent. )

CHRISTINE ZEMAN, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF  
THE COMPLAINANT.

KOEBEL & MERKEL, ATTORNEYS AT LAW (MR. DELMAR O. KOEBEL, OF COUNSEL),  
APPEARED ON BEHALF OF THE RESPONDENT.

OPINION AND ORDER OF THE BOARD (by N.E.Werner):

This matter comes before the Board on the April 2, 1980 Complaint  
brought by the Illinois Environmental Protection Agency ("Agency").  
On September 19, 1980, the Agency filed an Amended Complaint.\*

Count I of the Amended Complaint alleged that, from November 1,  
1978 until September 19, 1980 (including, but not limited to,  
November 26, 1978, December 3, 1978, and April 26, 1979), the City of  
O'Fallon (the "City") allowed the discharge of sewage, which had  
excessive levels of odor and turbidity, from a separate sanitary sewer  
overflow into Illinois waters in violation of a condition in its  
NPDES Permit No. IL 0021636, thereby violating Rule 901 of Chapter 3:  
Water Pollution Control Regulations ("Chapter 3") and Sections 12(a)  
and 12(f) of the Illinois Environmental Protection Act ("Act").

Count II alleged that, from October 4, 1977 until September 19,  
1980, the Respondent operated its wastewater treatment facility  
(the "facility" or "plant") without a certified Class I operator in  
violation of Rule 1201 of Chapter 3 and Section 12(a) of the Act.

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\*At the hearing, the Agency made an oral motion to amend Count I of  
the Amended Complaint to correct a typographical omission. The  
Respondent had no objection to this procedure and the Hearing Officer  
characterized the minor correction as a "housekeeping chore". (R. 8-9).

Count III alleged that, during various specified time intervals, the City failed to comply with some monitoring, sampling, recording, and reporting requirements established by its NPDES Permit in violation of Rules 501(c) and 901 of Chapter 3 and Section 12(f) of the Act.

Count IV alleged that, on various occasions, the Respondent's discharge from outfall 001 failed to comply with the NPDES Permit discharge limitations on minimum and maximum chlorine residual, pH, and total suspended solids in violation of Rule 901 of Chapter 3 and Section 12(f) of the Act.

Count V alleged that, from October 1, 1979 until September 19, 1980, the City allowed excessive sludge to develop and pumped the sludge into a polishing lagoon which discharged to Silver Creek, a navigable Illinois water, thereby failing to properly operate its facility in a manner to minimize discharges of excessive pollutants and produce as high quality of effluent as possible in violation of conditions in its NPDES Permit, Rules 403 and 901 of Chapter 3, and Section 12(f) of the Act.

Count VI alleged that, from October 1, 1979 until March 21, 1980, the City modified its facility without a Construction Permit from the Agency by decreasing the capacity and efficiency of its existing treatment works, resulting in an excessive collection of sludge in violation of Rule 951(a) of Chapter 3 and Section 12(b) of the Act.

Count VII alleged that, from June 1, 1980 and continuing intermittently until September 19, 1980, the City allowed the emission of odors into the atmosphere which unreasonably interfered with the enjoyment of life and property in violation of Section 9(a) of the Act.

A hearing was held on August 4, 1981. The parties filed a Stipulation and Proposal for Settlement on August 6, 1981.

The Respondent, which has a population of about 10,000 people, owns and operates a wastewater treatment plant located on Reider Road in St. Clair County, Illinois. The City discharges from a point source at its plant (i.e., outfall 001) to an unnamed tributary of Silver Creek pursuant to NPDES Permit No. IL 0021636.

The parties have stipulated that the Agency received complaints on June 1, 1980 from residents of rural Lebanon, Illinois (who live about one-half mile northwest of the Respondent's plant) that septic odors from the City's lift station were unreasonably interfering with the use and enjoyment of their property. (Stip. 16). The City has stated that these septic odors, which persisted about 4 or 5 days, resulted from the failure of an alarm to notify its employees that the blower at the treatment plant had broken down. (Stip. 16). Once the City found out about the problem, the blower was promptly repaired. (Stip. 16).

It is also stipulated that, because the City's plant has now been reclassified by the Agency as a Group B facility, a certified Class I operator is not presently needed. (Stip. 6-7). On July 25, 1980, the Agency issued Water Pollution Control Permit No. 1980-AB-864 to the Respondent which authorizes the "necessary piping changes to utilize the existing lagoon for storage of digested sludge." (Stip. 16). This will hopefully eliminate any further sludge problems. The City is also in the process of actively pursuing a Step II facilities planning grant to expedite the upgrading of the City's plant so as to prevent further sanitary sewer overflows into Illinois waters. (Stip. 4).

The proposed settlement agreement provides that the Company admits the allegations in the Amended Complaint and agrees to:  
(1) properly operate its wastewater treatment plant to minimize discharges of pollutants and produce high quality effluent;  
(2) cease and desist from further violations, and (3) pay a stipulated penalty of \$3,660.00 . (Stip. 17-20).

In evaluating this enforcement action and proposed settlement agreement, the Board has taken into consideration all the facts and circumstances in light of the specific criteria delineated in Section 33(c) of the Act. The Board finds the settlement agreement acceptable under Procedural Rule 331 and Section 33(c) of the Act.

Accordingly, the Board finds that the Respondent, the City of O'Fallon, has violated Rules 403, 501(c), 901, 951(a), and 1201 of Chapter 3: Water Pollution Control Regulations and Sections 9(a), 12(a), 12(b), and 12(f) of the Illinois Environmental Protection Act. The City will be ordered to cease and desist from further violations and pay a stipulated penalty of \$3,660.00 .

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 O'Fallon, has violated Rules 403, 501(c), 901, 951(a), and 1201 of Chapter 3: Water Pollution Control Regulations and Section 9(a), 12(a), 12(b), and 12(f) of the Illinois Environmental Protection Act.

2. The Respondent shall cease and desist from further violations.

3. Within 35 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 \$3,660.00 which is to be sent to:

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

4. The Respondent shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed on August 6, 1981, which is incorporated by reference as if fully set forth herein.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 8<sup>th</sup> day of October, 1981 by a vote of 5-0.



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Christan L. Moffett, Clerk  
Illinois Pollution Control Board