

ILLINOIS POLLUTION CONTROL BOARD
April 15, 1982

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Complainant,)
)
v.) PCB 79-127
)
CITY OF MARQUETTE HEIGHTS,)
a municipal corporation,)
)
Respondent.)

WILLIAM E. BLAKNEY, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

WILLIAM F. MORRIS, TEPLITZ & MORRIS, APPEARED ON BEHALF OF THE RESPONDENT.

OPINION AND ORDER OF THE BOARD (by I. Goodman):

This matter comes before the Board on the June 20, 1979 Complaint brought by the Illinois Environmental Protection Agency (Agency). The Complaint alleged that the Respondent, the City of Marquette Heights (City), improperly operated its municipal sewage treatment facility (facility) by exceeding the fecal coliform bacteria limits of its NPDES Permit and failing to: (1) provide auxiliary power at its two lift stations; (2) conduct routine maintenance on its flow meter; (3) monitor and report influent and effluent BOD₅ and suspended solid levels; (4) monitor and record the facility's actual total flow; (5) submit discharge monitoring reports to the Agency after July, 1978; (6) maintain adequate water sampling records; and (7) promptly notify the Agency about noncomplying discharges, in violation of Rules 401(c), 405, 501(c), 502, 601(a), and 901 of Chapter 3: Water Pollution Regulations (Chapter 3) and Sections 12(a) and 12(f) of the Illinois Environmental Protection Act (Act). The City did not file any responsive pleadings to the Complaint. Hearings were held on September 2, 1981; September 10, 1981; and January 18, 1982. At the hearing of September 2, 1981, the Agency withdrew the prior allegations in the Complaint pertaining to violations of fecal coliform standards and failure to file discharge monitoring reports. (R. 4-5). Although various witnesses testified during the hearings on September 2, 1981 and September 10, 1981, the parties, at the close of the September 10, 1981 hearing, decided to negotiate a stipulated settlement and asked that the hearing be reconvened at a later

date. (R. 237-239). At the hearing of January 18, 1982, the parties indicated that they had reached a mutually satisfactory agreement. The parties filed their Stipulation and Proposal for Settlement on January 18, 1982. Since the settlement agreement is not inconsistent with the testimony, there is no reason why the Board should not therefore consider the Stipulation.

The City owns and operates a sewage treatment plant in Tazewell County, Illinois which discharges effluent into the Illinois River pursuant to NPDES Permit No. IL0029777. The plant, which serves about 3,200 persons, has a design average flow of 0.5 MGD. The Respondent's sewage treatment system includes the plant itself, "seven drying beds with total square footage of 13,000 sq. ft., two lift stations, and separate sanitary sewers". (Stip. 1-2). Although the units designed and installed to provide secondary treatment have not been operated, the plant's equipment includes "a comminutor/bar screen, a primary clarifier, an activated sludge unit, a secondary clarifier, an anerobic digester, and chlorination". (Stip. 2). It is stipulated that "the sewage treatment plant was constructed in 1948 by a private developer who operated said system through 1963 when it was purchased by the City, at which time the City assumed operation of the plant". (Stip. 2). The City maintains that, because the private developer never operated any of the secondary treatment equipment, the equipment was, due to "prior non-use", deteriorated and ineffective after 1963. (Stip. 2). Nonetheless, the Agency placed the Respondent's sewage treatment plant on restricted status on December 6, 1976, "for failure to provide secondary treatment or its equivalent". (Stip. 3).

The parties have indicated that "the long term solution to City's municipal sewage treatment problems lies in the completion and operation of the proposed Creve Coeur-Marquette Heights Regional Sewage Treatment Plant". (Stip. 5; see: IEPA v. Village of Creve Coeur, PCB 79-218, January 8, 1981). However, until such a regional treatment facility is completed, the parties have developed a detailed compliance program and schedule to alleviate the short term environmental problems which have been encountered. (Stip. 5-9).

The proposed settlement agreement provides that the City shall: (1) install the appropriate tees and valves at the force mains of its two lift stations to enable it to use the trailer mounted portable pump; (2) evaluate the effectiveness of its present chlorination system by taking effluent samples at the river outfall whenever possible, performing the necessary sampling and tests, and installing a diffuser in the primary tank for the purpose of chlorination, if necessary; (3) supply sufficient manpower to achieve proper operation, maintenance, and record keeping at the facility, including monthly flow meter calculations and all records required by its NPDES

Permit; (4) begin to report raw influent test data by submitting a second discharge monitoring report form sheet; (5) take composite samples in a specified manner; (6) conduct a comprehensive sludge management program; and (7) pay a stipulated penalty of \$1,500. (Stip. 5-10). The Board finds the settlement agreement acceptable under Procedural Rule 331 and Section 33(c) of the Act and finds that the Respondent has violated Rules 401(c), 405, 501(c), 502, 601(a), and 901 of Chapter 3 and Sections 12(a) and 12(f) of the Act. The City will be ordered to pay the stipulated penalty of \$1,500 to aid in the enforcement of the Act.

This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

1. The Respondent, the City of Marquette Heights, has violated Rules 401(c), 405, 501(c), 502, 601(a), and 901 of Chapter 3: Water Pollution Regulations and Sections 12(a) and 12(f) of the Illinois Environmental Protection Act.


2. Within 45 days of the date of this Order, the City of Marquette Heights shall, by certified check or money order payable to the State of Illinois, pay the stipulated penalty of \$1,500 which is to be sent to:

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

3. The Respondent shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed on January 18, 1982, which is incorporated by reference as if fully set forth herein.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 15th day of April, 1982 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board