

ILLINOIS POLLUTION CONTROL BOARD  
February 15, 1979

ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 78-126  
 )  
 VILLAGE OF CLAYTON, a )  
 municipal corporation, )  
 )  
 Respondent. )

MR. STEPHEN GROSSMARK, ASSISTANT ATTORNEY GENERAL, appeared on behalf of Complainant.

MR. EDWARD TUCKER, LEWIS, BLICKHAN, GARRISON & TUCKER, appeared on behalf of Respondent.

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

The Complaint in this case alleges that Respondent operated a wastewater treatment facility, discharging contaminants which caused a green discoloration of the receiving water in violation of Section 12(a) of the Act and Rules 203(a), 402 and 403 of Chapter 3: Water Pollution. The effluent discharged contained levels of BOD<sub>5</sub> and suspended solids in excess of standards set out in Rule 404(f). Fecal coliform levels exceeded applicable standards in violation of Rule 405, these excesses thereby violating Rule 402(c) of Chapter 3 and Section 12(a) of the Act. No sample of the effluent was obtained by Respondent after the final treatment process, violating Rule 502 of Chapter 3. Respondent failed to operate its facility under the direct and active field supervision of a person certified by the Agency, as specified in Rule 1201 of Chapter 3 and Section 12(a) of the Act. There was no inclusion of the effluent parameter of fecal coliform in Respondent's Discharge Monitoring Report as required by its NPDES permit, in violation of Rule 901 of Chapter 3 and Section 12(f) of the Act. A hearing was held on July 27, 1978 in Clayton, Illinois.

At the hearing, the Agency outlined the elements of a Stipulation and Proposal for Settlement. No members of the public were present at the hearing. The written agreement was submitted to the Board on December 12, 1978.

The Stipulated Settlement states that on 14 occasions from September 26, 1974 through November 15, 1976 Respondent allowed effluent from its Clayton wastewater treatment facility to flow into Walnut Fork, a tributary to McKree Creek in Adams County, both navigable waters and waters of the State of Illinois. On at least 15 occasions between April 3, 1974 and November 15, 1976,

the discharged effluent from the facility had an unnatural green coloration. This effluent also contained levels of BOD<sub>5</sub> and suspended solids in excess of acceptable standards as specified in the Rules. The excessive levels of BOD<sub>5</sub> and suspended solids were emitted on 14 occasions from September 26, 1974 to November 15, 1976. The fecal coliform levels of the discharge from the facility surpassed those standards of the pertinent Rules and Section 12(a) of the Act. This discharge of fecal coliform took place on at least ten different dates beginning August 11, 1975 to November 15, 1976. The Rules require that a sample of the effluent be obtained at a point after the final treatment process and before discharge into waters of the State. Respondent's facility has never had devices for the taking of such samples nor for measuring or recording effluent flow. Since July 27, 1973 the operation of Respondent's facility has not been under the direct and active field supervision of a person certified by the Agency as being competent to operate such a facility in violation of Rule 1201 and Section 12(a) of the Act. Respondent was issued NPDES permit No. 0028134 for the facility, authorizing Respondent to discharge contaminants in accordance with the permit from July 1, 1977 through July 31, 1981. Since July 1, 1977 Respondent failed to include in its Discharge Monitoring Report, the data collected for the parameter fecal coliforms, a condition required by the permit.

The Stipulation and Proposal for Settlement provides that by September 1, 1978 Respondent will begin fecal coliform effluent monitoring tests and will commence properly reporting the results of the tests to the Agency. Weeds on the plant grounds and lagoon berms will be kept mowed and sewage solids will also routinely be removed from the plant inlet structure. Respondent will obtain the services of a properly certified and trained operator by November 1, 1978 or hire an operator to supervise the present uncertified operator pursuant to a contractual agreement approved by the Agency. The chlorine feed facilities will be improved by November 30, 1978 and Respondent will take measures to protect the chlorine feed facilities from freezing. Devices will be installed capable of measuring the effluent from Respondent's facility. From April 15, 1979 to July 1, 1979, the lagoon's inner banks will be repaired and steps taken to prevent erosion, restoring the lagoon's inner banks to their original 3 to 1 slope by placement and grading of quality fill material. Grant funding will be pursued for plant upgrading. Respondent is to pay a \$1000 civil penalty within forty-five (45) days of the date of the Board's approval of this settlement.

The Board finds, after a review of the factors listed in Section 33(c) of the Act, that the settlement constitutes a reasonable and appropriate resolution of this case.

ORDER

- 1) Respondent has violated Rules 203(a), 402, 403, 404(f), 405 and thereby Rule 401(c), Rules 502, 901 and 1201 of Chapter 3: Water Pollution and Sections 12(a) and 12(f) of the Act.
- 2) Respondent shall comply with sections (a) through (j) of paragraph 19 of the Stipulated Settlement.
- 3) Within forty-five (45) days of the date of this Order, Respondent shall forward the sum of \$1000, payable by certified check or money order to:

State of Illinois  
Fiscal Services Section  
Illinois Environmental Protection Agency  
2200 Churchill Road  
Springfield, Illinois 62706

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 15<sup>th</sup> day of February, 1979 by a vote of 3-0.

Christan L. Moffett / ss  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board

