

ILLINOIS POLLUTION CONTROL BOARD
September 6, 1979

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 78-188
)
 VILLAGE OF RAYMOND,)
)
 Respondent.)

WILLIAM J. BARZANO, JR., ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF COMPLAINANT;
GERALD PATRICK HUBER, ATTORNEY, APPEARED ON BEHALF OF RESPONDENT.

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

This matter comes before the Board upon the June 21, 1978 Complaint filed by the Environmental Protection Agency (Agency) against the Village of Raymond (Raymond), population, 890. The Agency's Amended Complaint of November 15, 1978 alleges violations of NPDES permit conditions, Rule 901 of the Water Pollution Regulations, and Section 12(f) of the Environmental Protection Act (Act). A hearing was held on December 13, 1978 in which citizen witnesses participated.

Raymond operates a municipal wastewater treatment facility (STP) which consists primarily of an Imhoff tank, a trickling filter, a three-stage aeration lagoon, and chlorination. It has a design flow of 0.1 mgd and discharges into the west fork of Shoal Creek.

On November 30, 1973 Raymond was issued a NPDES permit which authorized it to discharge in accordance with permit terms. The Complaint alleges that Raymond allowed a bypass of discharge from its STP and that it failed to report this bypass to the Agency. The Complaint also alleges that an insufficient amount of time was spent at the STP and that sludge and solid disposal procedures utilized by facility operators were inadequate.

On February 7, 1978 the Agency's routine inspection of Raymond's STP disclosed that sewage flow was bypassed after its primary treatment in the Imhoff tank. The bypass resulted

from the inoperability of one of two primary effluent pumps and from the other pump's ineffectiveness (R.11). The Agency did not establish how long the bypass lasted (R.31), but Raymond was aware before February 7, 1978 of the pumps' deteriorated condition. Although there was no choice but to bypass due to the condition of the pumps, the bypass was not necessary to prevent a loss of life or damage to property (R.13). It was not necessitated by excessive storm drainage (R.31).

Raymond first notified the Agency of the bypass on March 16, two days after its receipt of a bypass compliance inquiry letter from the Agency. Raymond alleges that it was unfamiliar with the permit requirement of notification, although it had had opportunities to read the permit prior to February 7, 1979 (R.103).

The Agency conducted an inspection of the STP on July 18, 1978. This inspection indicated that the facility's bar screen needed cleaning, that the Imhoff tank's settling chamber was full of sludge, that gasification occurred in the secondary settling tank, and that the northern aerator in the lagoon was out of service. Some of these problems had been noted during prior Agency inspections (R.66). The Agency representative who inspected the plant felt that several of the deficiencies could be attributable to an insufficient amount of time being spent at the facility (R.66). The STP operators worked approximately two to three hours on weekdays and visited the plant during weekends and holidays (R.16,17). One of the biggest deficiencies at the STP had been an inability to dispose of sludge and solid material. Although it had been Raymond's practice to wet haul the sludge, there is not enough surrounding land for acceptance of the deposits.

Raymond has taken steps to correct the problems. It has purchased two new pumps, new aerators, and a new well. It also purchased real estate for use as sludge drying beds and has applied under a grant program to obtain them. Moreover, operators have been instructed to spend at least four man hours per weekday at the plant.

At the hearing Mr. Woodrow Paulson, mayor of Raymond, Mr. Mark Meyers and Mr. Dennis Held, Trustees, Mr. Ray Held of the local fire district, and Miss Sandra McIntire, local reporter, testified. Their testimony indicated that Raymond had made good faith attempts to upgrade the quality of the STP, but also illustrated the economic difficulties which Raymond faced.

Maintaining a bypass in strict conformance with permit conditions prevents potential degradation of the receiving water. Raymond's nonconformity to permit conditions created a potential danger to the health, general welfare, and property of the People of Illinois. Notwithstanding that there was no choice but to bypass, the bypass may have been prevented

had the pumps been replaced sooner (R.59). Moreover, Raymond had an obligation to promptly inform the Agency of the bypass.

The Board finds that Raymond failed to properly maintain and operate the STP in accordance with permit conditions, and that this created such conditions as the accumulation of sludge. Raymond's poor management of its STP created a potential danger to the People of Illinois because it constituted an ineffective treatment of sewage. Although the STP has social and economic value to Raymond, and the facility is suitable to the area in which it is located, it is imperative that the plant be run properly so that its social and economic value to the public is not jeopardized. The Board recognizes that Raymond has experienced economic difficulties in maintaining its facilities and that Raymond has attempted in good faith to upgrade its plant.

The Board finds Raymond to be in violation of Rule 901 and Section 12(f) of the Act. The Board finds that Raymond must continue its efforts to obtain sludge drying beds, that the operators of the STP must work an average of four man hours per weekday and observe plant conditions on weekends, and that Raymond must continue its efforts to upgrade the operations of the facility. The Board further finds that a fine of \$100 is sufficient to serve the purposes of the Act. The violations did not result in immediate harm to the environment and Raymond had attempted to correct the problems in good faith.

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

ORDER

It is the Order of the Pollution Control Board that:

- 1) The Village of Raymond violated Rule 901 of Chapter 3: Water Pollution Regulations and Section 12(f) of the Environmental Protection Act.
- 2) The Village of Raymond shall cease and desist from failing to properly maintain and operate its sewage treatment plant.
- 3) The Village of Raymond shall promptly undertake all necessary pre-grant and post-grant steps to obtain sludge drying beds, shall require its operators to spend an average of four man hours per weekday at the sewage treatment plant, and shall continue its efforts to upgrade the facility.

- 4) The Village of Raymond shall, within 35 days of the date of this Order, pay a penalty of \$100 by certified check or money order to:

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

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 6th day of September, 1979 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board