

ILLINOIS POLLUTION CONTROL BOARD
August 5, 1976

PEOPLE OF THE STATE OF ILLINOIS,)	
)	
Complainant,)	
)	
v.)	PCB 75-101
)	
)	
VILLAGE OF LOMBARD, a)	
municipal corporation,)	
)	
Respondent.)	

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

This matter comes before the Board on the Complaint of the People of the State of Illinois by William J. Scott, Attorney General (People) against the Village of Lombard (Lombard), a municipal corporation. Lombard filed a Motion to Dismiss on March 11, 1975, which the Board, at that time, ordered taken with the case. Lombard's Motion to Dismiss is hereby denied.

A hearing on this matter was held on May 19, 1976, and on June 8, 1976 a Stipulation and Proposal for Settlement was filed with the Board. A number of citizen complaints concerning sewer overflows in Lombard have been received.

Lombard owns and operates a sewage treatment plant located at Route 53 and Glen Oak Road, Lombard, DuPage County, Illinois. This sewage treatment plant treats the waste generated by the Village of Lombard and several unincorporated areas and discharges into the East Branch of the DuPage River.

Count 1 of the People's Complaint charges Lombard with diverting or bypassing from its sewage treatment plant to retention lagoons where the sewage received, at the most, primary treatment and chlorination. The People further allege that since the bypassing was not necessary, due to the ability of the sewage treatment plant to receive additional in-flow, Lombard violated Rule 602(b) of the Illinois Pollution Control Board's Water Pollution Regulations (Regulations) in that it prevented the maximum practical flow through its sewage treatment facility.

Count 2 of the People's Complaint alleges that Lombard caused or allowed overflows from certain of its sanitary sewers tributary to the sewage treatment plant, in violation of Rule 602(b) of the Regulations.

Count 3 alleges that Lombard, in the operation of its retention ponds and lagoons during periods of dry weather flow, caused or allowed visible floating solid materials to be discharged into the East Branch of the DuPage River, so as to constitute floating debris and/or unnatural color in violation of Rule 203(a) of the Regulations. In addition it is alleged that the discharge from the retention ponds or lagoons exceeded 400 fecal coliforms per 100 ml in violation of Rule 405 of the Regulations and caused visible floating solid materials exceeding 200 mg/l of BOD and 25 mg/l of suspended solids to be discharged into the DuPage River in violation of Rule 404(b) of the Regulations.

Count 4 of the Complaint alleges that Lombard caused or allowed discharges from its combined sewers to enter basements and flow onto sidewalks, lawns and streets, thus creating a threat of water pollution in violation of Section 12(a) of the Environmental Protection Act (Act) and a water pollution hazard in violation of Section 12(d) of the Act.

The proposed Stipulation contains facts and admissions sufficient to find the violations as alleged in the People's Amended Complaint filed on May 28, 1976. The proposed Settlement acknowledges the problems caused by the aforementioned violations and proposes a number of actions to be taken by Lombard to help correct the problems. Included are maintenance and housekeeping schedules, record keeping on sanitary sewer surcharging, detection and correction of infiltration in sanitary sewers, separation of combined sewer system, installation of storm sewers, dredging of solids from the final lagoons, installation of new equipment to control overflows and retain floating or suspended solids from direct discharge, progress reports to be sent to the Office of the Attorney General, etc.

The Board will accept Paragraph 25 of the Proposed Stipulation and Proposal for Settlement insofar as that paragraph indicates the individual position of the parties herein, that a penalty is not appropriate. The Board, however, expressly rejects the proposition that parties to a Stipulation before the Board may demand, as a part of that Stipulation, that the Board not assess a penalty if it should find one appropriate.

The Board finds the Stipulation and Proposal for Settlement

a reasonable resolution of this action and will accept it as such. Recognizing the fact that the monies assessed in a penalty would be better spent on execution of the provisions in the Proposed Settlement, no penalty will be assessed in this matter.

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

Mr. Goodman abstains.

ORDER

It is the Order of the Pollution Control Board that:

1. The Village of Lombard is found in violation of Rule 602(b), 203(a), 405, 404(b) of the Illinois Pollution Control Board's Water Pollution Regulations and Sections 12(a) and 12(d) of the Environmental Protection Act in the operation of its sewage treatment system.

2. The Village of Lombard shall carry out the procedures as set forth in the Stipulation and Proposal for Settlement filed with the Board on June 8, 1976, which Stipulation and Proposal for Settlement is hereby 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 the above Opinion and Order were adopted on the 5th day of August, 1976 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board