

ILLINOIS POLLUTION CONTROL BOARD
February 7, 1980

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 78-129
)
 VILLAGE OF ITASCA, a municipal)
 corporation,)
)
 Respondent.)

LORETTA A. WEBER, ASSISTANT ATTORNEY GENERAL, APPEARED ON
BEHALF OF RESPONDENT;
LAWRENCE C. TRAEGER, JR., APPEARED ON BEHALF OF RESPONDENT.

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

This enforcement action was filed before the Board on May 10, 1978 by the Environmental Protection Agency (Agency). The final amended complaint, filed March 3, 1979, alleges violation of Sections 4(d) and 12(a), (b), and (f) of the Environmental Protection Act (Act) plus violation of Rules 203(f), 404(f)ii(C), 405, 501(a), and 901 of Chapter 3: Water Pollution Control Rules and Regulations (Water Rules) by the Village of Itasca, located in DuPage County.

The Village never replied to the Agency's Request for Admission which included the alleged violations (R.14). Itasca, therefore, has admitted exceeding the ammonia nitrogen, total suspended solids (TSS), fecal coliform, and BOD₅ standards of its NPDES permit by failing to deny the admissions. Respondent has admitted to not filing regular industrial user reports (R.13). The Village's treatment plant operator has testified that he failed to file non-compliance reports because he thought the city clerk was filing them (R.188). During the hearing, however, Itasca did insist that it did not deny the Agency access to its records.

Itasca owns and operates a sewage treatment plant (STP) which consists of primary and secondary clarifiers, an activated sludge basin, and a polishing lagoon. The discharge is chlorinated prior to discharge to Spring Brook which is tributary to Salt Creek. Sludge is routed from the primary clarifier to a coil filter with automatic discharge into a landfill. The Agency contends that the plant is incapable of consistently

meeting the parameters of the Village's NPDES permit or the Board's Water Rules. The facility is hydraulically and organically overloaded and is not designed to remove ammonia nitrogen. The major problem, however, is the removal of excess sludge. Excess sludge, which easily becomes septic, is presently removed by operating the coil filter.

The Village of Itasca has not been totally ignoring the problem. On December 14, 1976 the Village was informed in a letter from the Agency that no construction permits for sewage treatment improvements would be issued to Itasca as long as the Board's regionalization plan was in effect. In March, 1977, the Illinois Supreme Court ruled that the Board did not have the authority to order regionalization. Village of Lombard v. PCB, 66 Ill. 2d 503, 363 N.E.2d 814. Following this opinion, municipalities were free to pursue construction permits and funding. Itasca, as of June, 1979, had not fully completed applying for Step 1 funding; however, it has received a grant priority number of 15. STP funding is expected to be completed in three years.

Other factors have also complicated the problem. In early 1977 a landfill site to which the village brought sludge became contaminated when operators accepted toxic chemicals from another user. The site became unuseable and dried sludge instead had to be dumped into a ditch adjacent to the treatment plant. Dumping was discontinued when odors became overpowering. Fifteen to eighteen days were spent locating a suitable landfill site. During that time sludge accumulated in the lagoon and adversely affected the effluent.

Freezing weather also interfered with Itasca's efforts to eliminate discharges in excess of NPDES standards. In mid-1977, soundings were made of the lagoon; bids for cleaning the lagoon were received in October. Cleaning operations were interrupted in December by freezing and not completed until summer of 1978. In January, 1978 one primary clarifier ceased functioning, but freezing prevented access to the tank until March. After thawing occurred, the problem was investigated and a chain was ordered. The chain was replaced in June. Effluent quality was decreased during the six months that the clarifier was disabled.

Itasca, however, has not adequately answered all of the allegations. The Village offers no convincing explanation for its failure to file 1) industrial users reports and 2) non-compliance reports. Filing mandatory reports and hiring an individual to operate a sludge vacuum filter are not considered capital improvements, nor are these activities particularly affected by the weather.

Itasca was informed by the Agency in 1977 that hiring an extra person to operate the vacuum filter and coil filter on weekends would improve the quality of its discharge (R.101-102). Since that notification, the Village has not added an extra

worker at the plant (R.186). The Village claims that it has been advertising continuously and has found very few employees (R.186). The Board believes that the Village could have found an additional employee within the space of two years considering the environmental importance of operating the coil filter seven days a week. The Board finds the Village of Itasca in violation of 501(a) of the Water Rules.

The Agency has also alleged that the Respondent has denied it access to records in violation of Section 4(d) of the Act. The section gives the Agency "authority to enter at all reasonable times upon any private or public property" within constitutional limitations to investigate possible violations. The Agency has not alleged that its investigators were denied entry to the plant. The Board finds the lack of cooperation by the Village in making its records immediately available for inspection reflects more lack of administrative ability on the part of the people in charge than an attempt to deny the Agency access to the records. The allegation of violation of Section 4(d) of the Act will be dismissed.

The Village of Itasca by failing to respond to the Agency's Request for Admissions admitted to the alleged violations. The Board has found testimony and evidence that supports all the allegations with the exception of the alleged violation of Section 4(d) of the Act. The Board, therefore, finds the Village of Itasca in violation of Sections 12(a), (b), and (f) of the Act and of Rules 203(f), 404(f)ii(C), 405, 501(a) and 901 of the Board's Water Rules. The Board has considered all factors bearing upon the reasonableness of the discharge and has decided that a penalty is necessary for the enforcement of the act due to the lack of cooperation with the Agency and the failure to try to resolve the existing pollution problem. The Board, therefore, imposes a penalty of \$500 upon the Village of Itasca for the enumerated violations.

Exhibit 20 contains a number of possible temporary solutions to the Village's sludge problem as proposed by its consultant. Testimony indicates that the installation of an aerated sludge holding tank would be the best method to alleviate the problem. However, upon review of Exhibit 20, the Board finds that the option presented as Method A by the consultant is more cost effective and is considered technically effective by those who testified (R.50, 101). Method A calls for hiring one additional operator and operating the vacuum filter seven days a week, two shifts per day. This alternative also involves sludge hauling. The Board finds the efficient use of existing equipment and proper maintenance will solve the sludge problems without major capital expenditures by the Village. The Board, therefore, will order the Village to execute compliance Method A and upgrade maintenance procedures so as to alleviate the sludge problem at the STP.

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 Board finds the Village of Itasca in violation of Sections 12(a), (b) and (f) of the Environmental Protection Act (Act) and Rules 203(f), 404(f)ii(C), 405, 501(a) and 901 of Chapter 3: Water Pollution Control Rules and Regulations.
- 2) The Village of Itasca shall hire one additional operator and operate its vacuum filter seven days a week, two shifts per day, in accordance with Method A noted in Exhibit 20, which Exhibit is incorporated by reference as if fully set forth herein, within 60 days of the date of this Order.
- 3) The Village of Itasca shall operate and maintain its sewage treatment plant in a manner that minimizes the build up of sludge in the system.
- 4) The Village of Itasca shall continue participation in the Municipal Wastewater Treatment Works Construction Grant program in an effort to upgrade its entire wastewater treatment system.
- 5) Within 45 days of the date of this Order, the Village of Itasca shall pay by certified check or money a penalty of \$500 to be sent to:

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

- 6) The complaint of violation of Section 4(d) of the Environmental Protection Act is dismissed.

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 7th day of February, 1980 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board