



CITY OF WASHINGTON, ILLINOIS
City Council Agenda Communication

Meeting Date: 03-16-2020

Prepared By: Kevin Schone

Agenda Item: Digester Cleaning Wastewater Treatment Plant #1

Explanation: In August of 2013 the City entered into an agreement to close Plant #1 by December 31, 2017, (Consent Order attached) however this deadline was extended due to the tornado in 2013 and the delay for improvements to Wastewater Treatment Plant #2. In order for the City to decommission Wastewater Treatment Plant #1, sludge from the digester must be pumped, dried, and hauled offsite. This is in addition to other tankage where sludge must also be removed from the site.

Sludge from the aeration basin, clarifiers, and drying beds can be pumped offsite by wastewater treatment personnel with the assistance of the Distribution and Collections department. The digester sludge removal however is specialized work, and time-consuming, requiring contractual work to be done. Three contractors were contacted for pricing to complete this work with results of staff's efforts shown below.

Contractor	Quote
<i>Stewart Spreading</i> 3874 Illinois 71 Sheridan, Illinois 60551	\$24,750
<i>GA Rich & Sons</i> 204 South Perry Street Deer Creek, IL 61733	\$26,481
<i>Nutri Ject Systems Inc.</i> 515 5 th Street Hudson, IA 50643	Declined to Quote

Fiscal Impact: This is an unplanned expenditure of \$24,750, however there are sufficient funds within the wastewater budget for this expenditure.

Recommendation/

Committee Discussion Summary: The wastewater treatment expansion at Plant #2 was completed in 2017 and is now performing well. The permit for Plant #1 expired in July 2018 and if not decommissioned by July 2020 the Agency may require the City to renew the permit in the amount of \$10,000 as well as complete the necessary paperwork to do so. PW's cannot guarantee the Agency won't require the City to complete paperwork or pay the \$10,000 permit fee but we feel we have a better argument for not having to do either if this work is started and we are showing progress for completion.

Plant personnel will work as diligently as possible to have the plant decommissioned, however we are reliant on the contractor approved, and weather, for our success in completing this work.

Below is an email from the Agency reviewing this issue and you will see that the Agency was expecting the interceptor work to be bid in the Fall of 2019, as were most of us. It was thought that the decommissioning of Plant #1 would happen while the interceptor project was progressing to address any connections at the old plant. It is apparent now that this will not happen and the decommissioning needs to proceed.

Recommendation is to award Stewart Spreading of Sheridan Illinois the digester cleaning in the amount of \$24,750.

From: Huson, Todd <Todd.Huson@Illinois.gov>

Sent: Monday, July 22, 2019 10:34 AM

To: Brian Rittenhouse <brittenhouse@ci.washington.il.us>

Cc: Dragovich, Amy <AMY.DRAGOVICH@Illinois.gov>; Callaway, Roger <Roger.Callaway@Illinois.gov>; Miles, Jim <Jim.Miles@Illinois.gov>; Bennett, Todd <Todd.Bennett@Illinois.gov>; Jungles, Paul <Paul.Jungles@Illinois.gov>

Subject: Washington WWTF #1 Close-out

Hi Brian,

Based on our March 26, 2019 meeting and additional information recently provided, the City of Washington should eliminate the discharge and complete close-out of WWTF #1. This facility has only been providing pretreatment for approximately 350,000 gpd since Washington WWTF #2 was completed. The WWTF #1 effluent is being returned to the WWTF #2 interceptor. This is a closed loop system and does not provide significant wet weather storage. Some sludge has reportedly been dewatered during this period.

Consent order 13 CH 226 filed August 23, 2013, required that WWTF #1 be operated until the WWTF #2 Phase 2 improvements were completed. This work was initially scheduled to be completed by December 2017 but was extended due to the tornado damage in 2013. However, the Phase 1 and Phase 2

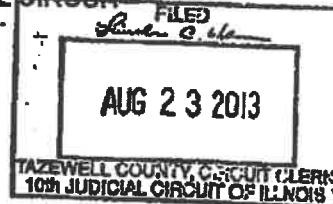
improvements at WWTF #2 have been completed and the plant is performing well. The City should divert to contents from the WWTF #1 aeration tanks, secondary clarifiers, and digesters, and any seepage from the filters or drying beds through the interceptor to WWTF #2. Any sludge should be dewatered and disposed (landfilled) and the sand media from the filters and drying beds should be disposed over time. The outfall should be permanently eliminated and the old WWTF #1 structures should probably be demolished/filled to address insurance liability issues. The sludge disposal requirement and outfall elimination were included the July 24, 2018 letter from Amy Dragovich from Permits to allow termination of the permit.

Let me know when this work is completed, so we can schedule a follow-up inspection. It is our understanding that the City plans to advertised for bids for the WWTF #2 interceptor upgrade this fall. This project will reportedly include influent pump station improvements. Hopefully the elimination of WWTF #1 can be completed ahead of the interceptor project. Contact me if you have any questions, thanks.

Todd R. Huson P.E., P.G.
IEPA Peoria Regional Office
412 SW Washington St., Suite D
Peoria, Illinois 61602
(309) 671-3075
Todd.Huson@Illinois.gov

Action Requested: Approval for Stewart Spreading in the amount of \$24,750.

IN THE CIRCUIT COURT FOR THE TENTH JUDICIAL CIRCUIT
TAZEVELL COUNTY, ILLINOIS



PEOPLE OF THE STATE OF ILLINOIS *ex rel.*
LISA MADIGAN, Attorney General of the
State of Illinois,

Plaintiff,

v.

CITY OF WASHINGTON, an Illinois
municipal corporation,

Defendant.

No. 13CH226

CONSENT ORDER

Plaintiff, PEOPLE OF THE STATE OF ILLINOIS, *ex rel.* LISA MADIGAN, Attorney General of the State of Illinois, the Illinois Environmental Protection Agency ("Illinois EPA"), and Defendant, CITY OF WASHINGTON, an Illinois municipal corporation, ("Parties to the Consent Order") have agreed to the making of this Consent Order and submit it to this Court for approval.

I. INTRODUCTION

This stipulation of facts is made and agreed upon for purposes of settlement only and as a factual basis for the Court's entry of the Consent Order and issuance of any injunctive relief. None of the facts stipulated herein shall be introduced into evidence in any other proceeding regarding the violations of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/1 *et seq.* (2008), and the Illinois Pollution Control Board ("Board") Regulations, alleged in the Complaint except as otherwise provided herein. It is the intent of the parties to this Consent Order that it be a final judgment on the merits of this matter.

A. Parties

1. Contemporaneous with the filing of this Consent Order, a Complaint was filed on behalf of the People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois, on her own motion and upon the request of the Illinois EPA, pursuant to Section 42(d) and (e) of the Act, 415 ILCS 5/42(d) and (e) (2008), against the Defendant.

2. The Illinois EPA is an administrative agency of the State of Illinois, created pursuant to Section 4 of the Act, 415 ILCS 5/4 (2008).

3. At all times relevant to the Complaint, Defendant City of Washington was and is an Illinois municipal corporation that is authorized to transact business in the State of Illinois.

4. The Defendant operates a sewage treatment plant ("Washington STP #2"), located at the end of Ernest Street on the southwest edge of the city, Washington, Tazewell County, Illinois.

5. The Washington STP #2 discharges effluent to Farm Creek pursuant to NPDES permit No. IL0042412. The NPDES permit was issued on September 16, 2004 ("2004 Permit"). The permit was reissued on January 19, 2010 ("2010 Permit"). The 2010 Permit has an effective date of February 1, 2010, and will expire on January 31, 2015.

6. In addition to other conditions, NPDES Permit No. IL0042412 imposes concentration limits for Carbonaceous Biochemical Oxygen Demand ("CBOD"), Suspended Solids ("TSS"), Dissolved Oxygen, and Ammonia Nitrogen.

7. On April 13, 2009, the Illinois EPA received a letter dated April 9, 2009 from the Defendant stating that the effluent from the Washington STP #2 was analyzed at a level of 53 mg/l TSS.

8. The following additional effluent limit excursions were reported by the Defendant in 2009:

<i>Date</i>	<i>Reported Excursion</i>
January 2009	TSS, Monthly Average, 19 mg/l
January 2009	TSS, Daily Maximum, 66 mg/l

<i>Date</i>	<i>Reported Excursion</i>
February 2009	TSS, Monthly Average, 13 mg/l
February 2009	CBOD, Monthly Average, 11 mg/l
March 2009	Ammonia-Nitrogen, Daily Maximum, 5.6 mg/l
April 2009	TSS, Monthly Average, 13 mg/l
April 2009	CBOD, Daily Maximum, 23 mg/l
May 2009	TSS, Daily Maximum, 25 mg/l
May 2009	Ammonia-Nitrogen, Monthly Average, 2.2 mg/l
May 2009	Ammonia-Nitrogen, Daily Maximum, 6.3 mg/l
May 2009	Ammonia-Nitrogen, Weekly Average, 4.8 mg/l
June 2009	Dissolved Oxygen, 5.6 mg/l
July 2009	Dissolved Oxygen, 5.8 mg/l
August 2009	Dissolved Oxygen, 5.8 mg/l
September 2009	Dissolved Oxygen, 5.9 mg/l
November 2009	TSS, Daily Maximum, 25 mg/l

9. During 2010, the following effluent limit excursions were reported by the Defendant:

<i>Date</i>	<i>Reported Excursion</i>
January 2010	TSS, Monthly Average, 22 mg/l
January 2010	TSS, Daily Maximum, 35 mg/l
January 2010	CBOD, Monthly Average, 11 mg/l
February 2010	TSS, Monthly Average, 32 mg/l
February 2010	TSS, Daily Maximum, 105 mg/l
February 2010	Ammonia-Nitrogen, Daily Maximum, 4.6 mg/l
February 2010	CBOD, Monthly Average, 11 mg/l
March 2010	TSS, Monthly Average, 24 mg/l
March 2010	TSS, Daily Maximum, 72 mg/l
March 2010	Ammonia-Nitrogen, Monthly Average, 0.8 mg/l
March 2010	Ammonia-Nitrogen, Daily Maximum, 1.7 mg/l
April 2010	TSS, Monthly Average, 16 mg/l
April 2010	TSS, Daily Maximum, 45 mg/l
April 2010	Ammonia-Nitrogen, Monthly Average, 0.9 mg/l
April 2010	Ammonia-Nitrogen, Daily Maximum, 3.4 mg/l
May 2010	TSS, Monthly Average, 13 mg/l
May 2010	TSS, Daily Maximum, 37 mg/l
May 2010	Ammonia-Nitrogen, Monthly Average, 1.0 mg/l
May 2010	Ammonia-Nitrogen, Daily Maximum, 2.7 mg/l
June 2010	TSS, Monthly Average, 17 mg/l
June 2010	TSS, Daily Maximum, 26 mg/l
June 2010	Ammonia-Nitrogen, Monthly Average, 0.6 mg/l
July 2010	Ammonia-Nitrogen, Monthly Average, 1.0 mg/l
July 2010	Ammonia-Nitrogen, Daily Maximum, 5.6 mg/l
November 2010	Ammonia-Nitrogen, Daily Maximum, 4.6 mg/l

B. Allegations of Non-Compliance

Plaintiff contends that the Defendant has violated the following provisions of the Act and

Board Regulations:

Count I: NPDES Permit Violation

By discharging effluent with a level of TSS in excess of Defendant's NPDES permit concentration limits, Defendant violated Section 304.141 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.141.

By causing, threatening, or allowing the discharge of effluent with excess levels of TSS into the environment so as to cause or tend to cause water pollution or so as to violate regulations adopted by the Pollution Control Board, Defendant violated Section 12(a) of the Act, 415 ILCS 5/12(a) (2008).

By causing, threatening, or allowing the discharge of effluent with levels of TSS in excess of Respondent's NPDES Permit concentration limits, Defendant violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2008).

Count II: Additional NPDES Permit Violations

By discharging effluent with levels of TSS, CBOD, and Ammonia-Nitrogen in excess of the limitations for these contaminants in Defendant's NPDES Permit, Defendant violated Section 304.141 of the Board's Water Pollution Regulations, 35 Ill. Adm. Code 304.141.

By causing, threatening, or allowing the discharge of effluent with excess levels of TSS, CBOD, and Ammonia-Nitrogen into the environment so as to cause or tend to cause water pollution in Illinois or so as to violate regulations adopted by the Pollution Control Board, Defendant violated Section 12(a) of the Act, 415 ILCS 5/12(a).

By causing, threatening, or allowing the discharge of effluent with levels of TSS, CBOD, and Ammonia-Nitrogen in excess of Defendant's NPDES Permit concentration limits, Respondent violated Section 12(f) of the Act, 415 ILCS 5/12(f) (2008).

C. Admission of Violations

The Defendant admits to the violation(s) alleged in the Complaint filed in this matter and referenced above.

D. Compliance Activities to Date

As of April 2011, the Defendant had completed a series of improvements ("Phase I Improvements") to Washington STP #2 which included a new screening unit, an oxidation ditch,

and two new clarifiers. In addition, sludge handling units were converted to aerobic digestion units. And, finally, the treatment plant added the capability of UV disinfection and phosphorous treatment.

II. APPLICABILITY

This Consent Order shall apply to and be binding upon the Parties to the Consent Order, and any officer, director, agent, or employee of the Defendant, as well as any successors or assigns of the Defendant. The Defendant waives as a defense to any enforcement action taken pursuant to this Consent Order the failure of any of its officers, directors, agents, employees or successors or assigns to take such action as shall be required to comply with the provisions of this Consent Order. This Consent Order may be used against the Defendant in any subsequent enforcement action or permit proceeding as proof of a past adjudication of violation of the Act and the Board Regulations for all violations alleged in the Complaint in this matter, for purposes of Sections 39 and 42 of the Act, 415 ILCS 5/39 and 42 (2008).

The Defendant shall notify each contractor to be retained to perform work required in this Consent Order of each of the requirements of this Consent Order relevant to the activities to be performed by that contractor, including all relevant work schedules and reporting deadlines, and shall provide a copy of this Consent Order to each contractor already retained no later than thirty (30) calendar days after the date of entry of this Consent Order.

III. JUDGMENT ORDER

This Court has jurisdiction of the subject matter herein and of the Parties to the Consent Order and, having considered the stipulated facts and being advised in the premises, finds the following relief appropriate:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

A. Penalty

The Defendant shall pay a civil penalty of Two Thousand One Hundred Sixty Dollars (\$2,160.00). Payment shall be tendered within (30) days of the entry of the Consent Order.

B. Interest and Default

1. If the Defendant fails to make any payment required by this Consent Order on or before the date upon which the payment is due, the Defendant shall be in default and the remaining unpaid balance of the penalty, plus any accrued interest, shall be due and owing immediately. In the event of default, the Plaintiff shall be entitled to reasonable costs of collection, including reasonable attorney's fees.

2. Pursuant to Section 42(g) of the Act, interest shall accrue on any penalty amount owed by the Defendant not paid within the time prescribed herein. Interest on unpaid penalties shall begin to accrue from the date such are due and continue to accrue to the date full payment is received. Where partial payment is made on any penalty amount that is due, such partial payment shall be first applied to any interest on unpaid penalties then owing.

C. Payment Procedures

All payments required by this Consent Order shall be made by certified check or money order payable to the Illinois EPA for deposit into the Environmental Protection Trust Fund ("EPTF"). Payments shall be sent by first class mail and delivered to:

Illinois Environmental Protection Agency
Fiscal Services
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276

The name, case number and the Defendant's federal tax identification number shall appear on the face of the certified check or money order. A copy of the certified check or money order and any transmittal letter shall be sent to:

Rachel R. Medina
Environmental Bureau
Illinois Attorney General's Office
500 South Second Street
Springfield, Illinois 62706

D. Future Compliance

1. The Defendant shall implement a second series of improvements ("Phase II Improvements") at Washington STP #2 which will allow the city to abandon the older plant, Washington STP #1.
2. The following Phase II Improvements shall be installed and implemented at Washington STP #2 no later than December 31, 2014: a second oxidation ditch; a third clarifier; and, a sludge dewatering process.
3. Washington STP #1 shall be eliminated as a dry weather treatment facility by December 31, 2017.
4. The Illinois EPA, its employees and representatives, and the Attorney General, her employees and representatives, shall have the right of entry into and upon the Defendant's facility which is the subject of this Consent Order, at all reasonable times for the purposes of conducting inspections and evaluating compliance status. In conducting such inspections, the Illinois EPA, its employees and representatives, and the Attorney General, her employees and representatives, may take photographs, samples, and collect information, as they deem necessary.
5. This Consent Order in no way affects the responsibilities of the Defendant to comply with any other federal, state or local laws or regulations, including but not limited to the Act and the Board Regulations.
6. The Defendant shall cease and desist from future violations of the Act and Board Regulations that were the subject matter of the Complaint.

E. Enforcement and Modification of Consent Order

1. This Consent Order is a binding and enforceable order of this Court. This Court shall retain jurisdiction of this matter and shall consider any motion by any party for the purposes of interpreting and enforcing the terms and conditions of this Consent Order. The

Defendant agrees that notice of any subsequent proceeding to enforce this Consent Order may be made by mail and waives any requirement of service of process.

2. The Parties to the Consent Order may, by mutual written consent, extend any compliance dates or modify the terms of this Consent Order without leave of this Court. A request for any modification shall be made in writing and submitted to the designated representatives. Any such request shall be made by separate document, and shall not be submitted within any other report or submittal required by this Consent Order. Any such agreed modification shall be in writing and signed by authorized representatives of each party, for filing and incorporation by reference into this Consent Order.

F. Notice and Submittals

Except for payments, the submittal of any notice, reports or other documents required under this Consent Order, shall be delivered to the following designated representatives:

As to the Plaintiff

Rachel R. Medina
Assistant Attorney General
Environmental Bureau
500 South Second Street
Springfield, Illinois 62706

Todd Huson
Bureau of Water, Division of Water Pollution Control
Illinois EPA
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

As to the Defendant

Timothy A. Gleason
City Administrator
City of Washington
115 W. Jefferson
Washington, IL 61571

Stephen M. Buck
Husch Blackwell LLP
401 Main Street, Suite 1400
Peoria, IL 61602

G. Release from Liability

In consideration of the Defendant's payment of a \$2,160.00 penalty, its commitment to future compliance as contained in Section III.D above, and completion of all activities required hereunder, the Plaintiff releases, waives and discharges the Defendant from any further liability or penalties for the violations of the Act and Board Regulations that were the subject matter of the Complaint herein. The release set forth above does not extend to any matters other than those expressly specified in Plaintiff's Complaint filed contemporaneously with this Consent Order. The Plaintiff reserves, and this Consent Order is without prejudice to, all rights of the State of Illinois against the Defendant with respect to all other matters, including but not limited to the following:

- a. criminal liability;
- b. liability for future violations;
- c. liability for natural resources damage arising out of the alleged violations; and
- d. the Defendant's failure to satisfy the requirements of this Consent Order.

Nothing in this Consent Order is intended as a waiver, discharge, release, or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or in equity, which the State of Illinois may have against any person, as defined by Section 3.315 of the Act, 415 ILCS 5/3.315 (2008), other than the Defendant.

H. Execution and Entry of Consent Order

This Order shall become effective only when executed by all Parties to the Consent Order and the Court. This Order may be executed by the parties in one or more counterparts, all of which taken together shall constitute one and the same instrument. The undersigned representatives for each party certify that they are fully authorized by the party whom they

represent to enter into the terms and conditions of this Consent Order and to legally bind them to it.

WHEREFORE, the parties, by their representatives, enter into this Consent Order and submit it to this Court that it may be approved and entered.

AGREED:

FOR THE PLAINTIFF:

PEOPLE OF THE STATE OF ILLINOIS
ex rel. LISA MADIGAN,
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement/
Asbestos Litigation Division

BY: 

THOMAS DAVIS, Chief
Environmental Bureau

DATE: 7/18/13

FOR THE DEFENDANT:

CITY OF WASHINGTON

BY: 

TIMOTHY A. GLEASON
City Administrator

DATE: July 1, 2013

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

LISA BONNETT
Director

BY: 

JOHN J. KIM
Chief Legal Counsel

DATE: 8/9/13

ENTERED:



JUDGE

DATE: August 23, 2013