

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**In the Matter of:**

**City of White Hall  
Sewage Treatment Plant  
White Hall, Illinois**

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) **NOTICE OF VIOLATION**  
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**NOTICE OF VIOLATION**

The U.S. Environmental Protection Agency (EPA) is issuing this Notice of Violation (NOV) under Section 309(a)(1) of the Clean Water Act (CWA), 33 U.S.C. § 1319(a)(1). EPA finds that the City of White Hall (White Hall) Sewage Treatment Plant (STP) has violated Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

**STATUTORY AND REGULATORY BACKGROUND**

1. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant by any person except, *inter alia*, in compliance with an NPDES permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, commonly known as an NPDES permit.
2. Section 402(b) of the CWA, 33 U.S.C. § 1342(b), authorizes states to request approval from the EPA to administer their own permit programs for discharges into navigable waters within their jurisdictions.
3. Pursuant to Section 402(b) of the CWA, 33 U.S.C. § 1342, the State of Illinois requested approval from EPA to administer its own permit program for discharges into navigable waters within Illinois, and such approval was granted by EPA on October 23, 1977, 42 Fed. Reg. 58,566 (Nov. 10, 1977). Pursuant to Illinois' approved permit program, the Illinois Environmental Protection Agency ("Illinois EPA") has issued NPDES permits.
4. Violation of a permit issued under Section 402 of the CWA, 33 U.S.C. § 1342, is a violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a).
5. White Hall is a municipality, chartered under the laws of the State of Illinois, and is a "municipality" and a "person" as those terms are defined in Sections 502(4) and (5) of the CWA, 33 U.S.C. § 1362(4) and (5), and 40 C.F.R. § 122.2.

## **FACTUAL ALLEGATIONS**

6. White Hall owns the White Hall STP and is the NPDES Permit permittee for the STP.
7. The NPDES Permit issued by the Illinois EPA to White Hall for the White Hall STP, Permit No. IL0022390, became effective on October 1, 2020 and expires on September 30, 2025.
8. At all times relevant to this NOV, the White Hall WWTP was authorized to discharge pollutants from its STP to Seminary Creek only in compliance with the specific terms and conditions of its NPDES permit.
9. Illinois EPA has designated Seminary Creek as impaired for aquatic life due to nitrogen and/or phosphorus pursuant to Section 303(d) of the CWA, 33 U.S.C. § 1313(d).
10. The NPDES Permit issued to White Hall requires White Hall to complete effluent sampling and analysis each month at the STP. Special Condition 6 of the NPDES Permit requires that these data are reported in monthly Discharge Monitoring Reports (DMRs) prepared by White Hall and submitted to Illinois EPA.
11. From January 2020 to February 2022, the White Hall STP exceeded its applicable permitted effluent limits for various pollutants 98 times.
12. White Hall did not submit the following reports to Illinois EPA by the applicable deadlines:
  - a. DMRs from January, March, May, and August 2020, and May, June, and September 2021;
  - b. Annual fiscal reports for the years of 2020 and 2021; and
  - c. Semi-Annual biosolids monitoring reports for the second half of 2021 and first half of 2022.
13. On September 22, 2022, EPA and the City of White Hall executed an Administrative Order on Consent (AOC).
14. Paragraph 58 of the AOC requires White Hall, within 30 days of the effective date of the AOC, to submit to EPA a plan for the STP to come into compliance with its NPDES Permit and prevent future exceedances of the Permit effluent limits and violations of its reporting requirements. Pursuant to Paragraph 59 of the AOC, White Hall shall implement the plan upon approval of the plan by EPA.
15. The plan submitted by White Hall did not address all areas of NPDES Permit noncompliance. EPA did not approve the plan.
16. White Hall failed to submit to Illinois EPA semi-annual biosolids monitoring reports for the first half of 2023, second half of 2023, first half of 2024, and second half of 2024.

17. On November 28, 2023, EPA conducted a CWA inspection of the White Hall STP (“Inspection”).

### **VIOLATIONS**

18. Standard Condition 5 of White Hall STP’s NPDES Permit requires that “[t]he permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with conditions of this permit.”
19. During the Inspection, EPA observed the following:
- a. The surface water in the primary clarifier was frothy and full of scum;
  - b. The primary clarifier weirs were dirty and coated with grime;
  - c. The clarifier’s skimmer was not operational;
  - d. The waste sludge pump had been removed from operation and, therefore, the STP could not pump waste sludge from the primary clarifier;
  - e. An excess of debris and sludge at the STP preventing the full flow of wastewater through the system; and
  - f. The surface water in the final clarifier was covered with green material.
20. In addition, White Hall STP staff indicated to EPA that a blockage at the bottom of the clarifier was plugging the return sludge pump in the secondary clarifier.
21. The issues cited in the two paragraphs above constitute violations of Standard Condition 5 of the NPDES Permit.
22. Standard Condition 10(c) of the NPDES Permit requires that records of monitoring information shall include:
- a. The date, exact place, and time of sampling or measurements;
  - b. The individual(s) who performed the sampling or measurements;
  - c. The date(s) analyses were performed;
  - d. The individual(s) who performed the analyses;
  - e. The analytical techniques or methods used; and
  - f. The results of such analyses.
23. During the Inspection, EPA observed that all monitoring records lacked required data, including the name of the person doing the sampling and analyses, the date/time the samples were collected, and the date/time the samples were analyzed.
24. The failures to include required data in the monitoring records constitute violations of Standard Condition 10(c) of its NPDES Permit.

25. Standard Condition 10(d) of the NPDES Permit requires that “Monitoring must be conducted according to test procedures approved under 40 C.F.R. Part 136, unless other test procedures have been specified in this permit. Where no test procedure under 40 C.F.R. Part 136 has been approved, the permittee must submit to the Agency a test method for approval. The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals to ensure accuracy of measurements.”
26. During the Inspection, EPA observed the following issues regarding the White Hall STP’s NPDES Permit compliance sampling:
- a. White Hall did not confirm the pH measurement of the preserved ammonia-nitrogen samples;
  - b. White Hall only calibrated its pH probe with a 7.0 buffer (one point calibration), instead of using 4.0 and 10.0 standards as well (three-point calibration);
  - c. Compliance samples that are analyzed for pH are not analyzed at the STP, but instead at the City’s drinking water plant, which suggests to EPA that the 15-minute holding time (as specified in 40 CFR Part 136.3) is not being met;
27. The issues cited in the paragraph above are not in accordance with the test procedures approved under 40 C.F.R. Part 136, and therefore constitute violations of Standard Condition 10(d) of its NPDES Permit.
28. From October 2022 to January 2025, the White Hall STP exceeded its applicable permitted effluent limits, as specified in Page 2 and 3 of the NPDES Permit, for various pollutants 68 times; including exceeding its ammonia-nitrogen effluent limits 60 times. A summary table of these NPDES permit exceedances is included with this NOV as Attachment 1.
29. The effluent exceedances described above constitute violations of the NPDES Permit.
30. As documented by the EPA ECHO website, White Hall did not submit its biosolids monitoring reports to Illinois EPA for the first half of 2023, second half of 2023, first half of 2024, and the second half of 2024 by the dates required by its NPDES Permit.
31. The failures to submit biosolids monitoring reports constitute violations of the NPDES Permit.
32. Each of the instances detailed from paragraphs 18-31 are violations of White Hall STP’s NPDES Permit No. IL0022390.

33. White Hall STP's violations of its NPDES Permit No. IL0022390 are violations of Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

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