

ILLINOIS POLLUTION CONTROL BOARD
January 24, 1980

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 79-15
)
WESTERN UTILITIES, INC.,)
an Illinois corporation,)
)
Respondent.)

MS. ANN L. CARR, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

BARBER & BARBER, ATTORNEYS AT LAW (MR. RICHARD C. EDWARDS, OF COUNSEL), APPEARED ON BEHALF OF THE RESPONDENT.

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

This matter comes before the Board on the January 23, 1979 Complaint brought by the Illinois Environmental Protection Agency ("Agency"). Count I of the Complaint alleged that the Respondent failed to submit the requisite Discharge Monitoring Reports to the Agency for its wastewater treatment plant ("plant") covering the period from December of 1977 through May of 1978 in violation of the conditions imposed by its NPDES Permit, thereby violating Rule 901 of Chapter 3: Water Pollution Control Regulations ("Chapter 3") and Sections 12(a) and 12(f) of the Illinois Environmental Protection Act ("Act"). Count II alleged that, on January 19, 1978, the Respondent allowed the discharge of effluents from its plant containing BOD₅ in excess of prescribed limits in violation of Rules 401(c) and 404(f)(ii)(C) of Chapter 3 and Section 12(a) of the Act. On April 6, 1979, the Agency filed a Request to Admit Facts and a Request for Admission of the Genuineness of Documents. On April 13, 1979, the Respondent filed its Response to the Request to Admit Facts and its Response to the Request for Admission of the Genuineness of Documents. A hearing was held on October 30, 1979. The parties filed a Stipulation and Proposal for Settlement on November 16, 1979.

The Respondent's wastewater treatment facility, which serves the Western Knolls Subdivision in Sangamon County, Illinois, discharges effluent to an unnamed tributary of Spring Creek pursuant to NPDES Permit No. IL 0036480. (See: Exhibit A). The Company is required by its NPDES Permit to submit Discharge

Monitoring Reports to the Agency in June and December of each year pertaining to total flow (MGD), BOD₅, total suspended solids, fecal coliform (No. per 100 ml), and ammonia as N. It is stipulated that the Respondent failed to submit the necessary Discharge Monitoring Reports to the Agency covering the time period from December of 1977 through May of 1978. (Stip. 3). On January 19, 1978, Agency employees collected a grab sample of effluent. Subsequent Agency analysis of this grab sample revealed excessive BOD₅ concentrations. (See: Exhibit B).

The parties have stipulated that the Respondent is currently in the process of closing down its plant and hooking up the Western Knolls Subdivision into the Springfield Sanitary District's sewage system. On October 5, 1979, Western Utilities, Inc. was issued Sewer Construction Permit No. 1979-HB-5613 from the Agency which authorized the construction of the connecting line from the present sewer lines to the Springfield Sanitary District's line.

The proposed settlement agreement provides that the Respondent admits the allegations charged in the Complaint and agrees to: (1) cease and desist from further violations; (2) close down its plant upon completion of the hook-up of the Western Knolls Subdivision into the Springfield Sanitary District's sewage system, and (3) pay a stipulated penalty of \$1,000.00 .

In evaluating this enforcement action and proposed settlement, the Board has taken into consideration all the facts and circumstances in light of the specific criteria delineated in Section 33(c) of the Act. The Board finds the stipulated agreement acceptable under Procedural Rule 331 and Section 33(c) of the Act. The Board finds that the Respondent, Western Utilities, Inc., has violated Rules 401(c), 404(f)(ii)(C), and 901 of Chapter 3: Water Pollution Control Regulations and Sections 12(a) and 12(f) of the Act and orders the Respondent to cease and desist from further violations. The Respondent is directed to follow the compliance program set forth in the Stipulation and Proposal for Settlement which provides that the Respondent agrees to promptly close down its plant upon completion of the hook-up of the Western Knolls Subdivision into the Springfield Sanitary District's sewage system. The stipulated penalty of \$1,000.00 is assessed against the Respondent.

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

ORDER

It is the Order of the Illinois Pollution Control Board that:

1. The Respondent, Western Utilities, Inc., has violated Rules 401(c), 404(f)(ii)(C), and 901 of Chapter 3: Water Pollution Control Regulations and Sections 12(a) and 12(f) of the Illinois Environmental Protection Act.

2. The Respondent shall cease and desist from further violations.

3. The Respondent shall cease operation of its wastewater treatment plant and promptly close down the facility upon the completion of the hook-up of the Western Knolls Subdivision to the Springfield Sanitary District's sewage system in accordance with the compliance program set forth in the Stipulation and Proposal for Settlement.

4. Within 45 days of the date of this Order, the Respondent shall, by certified check or money order payable to the State of Illinois, pay the stipulated penalty of \$1,000.00 which is to be sent to:

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

5. The Respondent shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed November 16, 1979, which is incorporated by reference as if fully set forth herein.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 24th day of January, 1980 by a vote of 4-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board