

ILLINOIS POLLUTION CONTROL BOARD
March 6, 1980

PEOPLE OF THE STATE OF ILLINOIS,)
)
 Complainant,)
)
 v.) PCB 77-232
)
 LAKE IN THE HILLS SANITARY DISTRICT,)
)
 Respondent.)

MR. DOUGLAS P. KARP, ASSISTANT ATTORNEY GENERAL, APPEARED ON
BEHALF OF THE COMPLAINANT.

COWLIN, COWLIN AND UNGVARSKY, ATTORNEYS-AT-LAW (MR. RICHARD J.
CURRAN, JR., 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 September 13, 1977 Complaint brought by the People of the State of Illinois ("People"). On October 4, 1977, the People filed a Motion for Leave to File an Amended Complaint and an Amended Complaint (which merely corrected a typographical error in the original Complaint). The Amended Complaint alleged that: (1) a power failure at two of the Respondent's lift stations caused raw sewage to be discharged from sewer manholes and flow into a lake during the weeks of July 4, 1977, July 18, 1977, and July 31, 1977, and (2) the Respondent failed to procure or utilize auxiliary emergency power sources during the periods of power failure and failed to take reasonable measures to prevent the discharge of raw sewage into a lake causing water pollution in violation of Rule 601(a) and Rule 601(b) of Chapter 3: Water Pollution Control Regulations ("Chapter 3") and Section 12(a) of the Illinois Environmental Protection Act ("Act"). On November 29, 1979, the Board entered an Order mandating that a hearing be held within 60 days. A hearing was held on January 17, 1980. The parties filed a Stipulation and Proposal for Settlement on January 22, 1980.

The Lake in the Hills Sanitary District ("Sanitary District") owns and operates a sanitary sewage treatment plant ("plant") in the Village of Lake in the Hills, McHenry County, Illinois. The Sanitary District discharges effluent from its sewage treatment facilities to the Fox River pursuant to NPDES Permit No. IL 0021733. Its plant includes wastewater treatment facilities and a sanitary collection system. The sanitary collection system consists of 5 lift stations and various sewer manholes. Two of the lift stations

are situated about 20 feet from a small recreational lake ("lake") which is used primarily during the summer months for swimming by the members of a local property owners' association.

The parties have stipulated that, as a result of a power failure at Commonwealth Edison Company's facilities which lasted about 3 hours, on July 5, 1977 a power failure at the Hilltop sewage lift station caused raw sewage to be discharged from a sewer manhole into the lake. (Stip. 3). During this power failure, the Respondent did not possess or utilize auxiliary power sources to prevent or minimize the discharge of untreated sewage into the lake. (Stip. 3).

Additionally, on July 31, 1977, raw sewage overflowed at a manhole and allowed a discharge to flow overland into the lake. This overflow was caused by blockage in the sewer line which developed from alleged vandalism. (Stip. 3). The Complainant believes that the Sanitary District's failure to frequently clean the sewer pipe lines and manholes increased the likelihood of sewer line blockage and raw sewage overflow into the lake.

The proposed settlement agreement provides for a compliance program to prevent the recurrence of environmental problems. The detailed compliance plan mandates* that the Respondent install: (1) two portable engine generators for emergency purposes to provide auxiliary power to the off-site lift stations in the event of a power failure (to eliminate sewer backups and overflows due to power failures); (2) a stationary engine generator which will provide stand-by auxiliary power for the sewage treatment plant; (3) two variable speed pumps to the existing main sewage lift station at the plant (to provide sufficient capacity to handle the peak sewage flows and to reduce the incidents of sanitary collection system surcharge), and (4) a telemetering system which, in conjunction with the alarm status sensors at the lift stations, will monitor equipment malfunctions, power line failures, high wetwell level and drywell conditions, and detect intruders and vandals. The compliance plan also sets a schedule for periodic maintenance and cleaning of the sewer collection system and includes a program for locating unauthorized sanitary sewer connections. (Stip. 5-7; R. 5-6). The parties have indicated that a stipulated penalty of \$500.00 is appropriate.

In evaluating the enforcement action and the proposed settlement agreement, the Board has taken into consideration all the

*The ambiguous wording of paragraph 23 of the Stipulation seems to mandate a reporting duty existing into perpetuity. The Board interprets this paragraph to imply that notification on progress of each of the required steps should proceed until all necessary work is completed.

facts and circumstances in light of the specific criteria delineated in Section 33(c) of the Illinois Environmental Protection 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 has violated Rules 601(a) and 601(b) of Chapter 3: Water Pollution Control Regulations and Section 12(a) of the Act. The stipulated penalty of \$500.00 is assessed against the Respondent, Lake in the Hills Sanitary District.

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. Respondent, Lake in the Hills Sanitary District, has violated Rules 601(a) and 601(b) of Chapter 3: Water Pollution Control Regulations and Section 12(a) of the Act.
2. 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 \$500.00 which is to be sent to:

Mr. Thomas Pagati
Chief Fiscal Officer
Attorney General's Office
500 S. Second Street
Springfield, Illinois 62706

3. The Respondent shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed January 22, 1980, which is incorporated by reference as if fully set forth herein.

Mrs. Anderson abstains.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 6th day of March, 1980 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board