

ILLINOIS POLLUTION CONTROL BOARD
March 1 , 1979

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 78-282
)
 DONALD EDDINGTON, d/b/a Lincoln)
 Trails Mobile Home Park,)
)
 Respondent.)

MR. REED W. NEUMAN, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

MR. DONALD EDDINGTON APPEARED PRO SE.

OPINION AND ORDER OF THE BOARD (by Dr. Satchell):

This matter comes before the Board upon a complaint filed November 13, 1978 by the Environmental Protection Agency (Agency) alleging violations of Respondent's NPDES permit in violation of Rule 410(a) of the Chapter 3: Water Pollution Regulations and Section 12(f) of the Environmental Protection Act (Act). A hearing was held in this matter on December 28, 1978 at which time a stipulation and proposal was submitted for Board approval. No testimony was given.

The stipulation provides the following facts. Donald Eddington owns and operates the Lincoln Trails Mobile Home Park, (Lincoln Trails) located on R. R. #1 in Sangamon County in the City of Springfield, Illinois. Lincoln Trails at present has about 30-35 spaces in use, serving approximately eighty people. At this facility Respondent owns and operates a sewage treatment facility which is designed to handle approximately 8000 gpd and has served Lincoln Trails since at least April 1, 1976.

Under Respondent's NPDES permit No. IL-0048211, Respondent's facility is authorized to discharge contaminants to Hoover Branch, which is tributary to Sugar Creek. A special condition establishes final effluent limitations of 4 mg/l for BOD₅ and 5 mg/l for suspended solids, both on a thirty day average, effective July 1, 1977. On at least nine occasions between October 1, 1977 and July 1, 1978 Respondent's facility exceeded the limitations for BOD₅ and suspended solids. Special conditions on the permit also required a properly Certified Operator or Registered Engineer to be employed and efforts were to be made to upgrade the staff. To the date of the stipulation proper supervision and operation of the facility have not been achieved.

On February 4, 1977 the Agency sent Respondent notice of the aforementioned violations. Communications between the parties concerning how to correct the situation did occur. On April 13, 1978 the Agency sent Respondent a compliance inquiry letter demanding a written response outlining any steps planned to correct the continuing violations, but Mr. Eddington's response did not adequately address the problems and to the date of the stipulation violations continue. Respondent has made some attempts to upgrade the facility; however, such efforts did not appreciably improve effluent quality. Required equipment upgrading has not taken place. The parties stipulate that Respondent caused or allowed the violations alleged in the complaint. Respondent agrees to pay a penalty of \$2000.

Respondent has agreed to undertake a program to bring the facility into compliance. Steps to be taken include: submission of as-built plans for the issuance of a supplemental permit for the facility as actually built; obtaining a properly certified operator; installing interim control equipment, and submitting a schedule for making plant improvements.

The parties submit that these efforts are technically practicable and economically reasonable. Suitability of location is not at issue. The parties agree that Respondent's facility has great value to the community, but that the continued failure of the facility to be in compliance with the Act and all applicable Rules and Regulations constitutes a potential to injure or to interfere with the protection of the general welfare of the people.

The Board finds the stipulated agreement acceptable under Procedural Rule 331 and Section 33(c) of the Act. Respondent is found in violation of Rule 410(a) of Chapter 3 and Section 12(f) of the Act. Respondent shall pay a penalty of \$2000 to aid the enforcement of the Act. Respondent shall be required to comply with the stipulated compliance plan.

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

ORDER

It is the Order of the Pollution Control Board that:

1. Donald Eddington is found in violation of Rule 410(a) of Chapter 3: Water Pollution Regulations and Section 12(f) of the Environmental Protection Act.

2. Respondent shall comply with the stipulated agreement hereby incorporated by reference as if completely set forth herein.
3. Respondent shall pay a penalty of \$2000 within thirty-five days of this Order. Payment shall be by certified check or money order payable to:

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

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 15th day of March 1979 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board