

ILLINOIS POLLUTION CONTROL BOARD
April 12, 1979

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 77-17
)
IDLEWILD COUNTRY CLUB,)
an Illinois not-for-profit)
corporation,)
)
Respondent.)

SARI S. ESCOVITZ, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

EPTON & DRUTH, ATTORNEYS AT LAW (ALAN R. MILLER, 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 17, 1977 Complaint brought by the Illinois Environmental Protection Agency ("Agency"). On October 27, 1978, the Agency requested leave to file an Amended Complaint, and the Board granted the Complainant's motion on November 2, 1978. Count I of the Amended Complaint alleged that, on October 30, 1973, November 19, 1975, and July 21, 1976, the effluent discharged from Respondent's sewage treatment plant into Butterfield Creek contained fecal coliforms five times in excess of the numerical standard prescribed in Rule 405 of Chapter 3: Water Pollution Regulations ("Chapter 3"), in violation of Rule 401(c) of the Board's Water Pollution Regulations and Section 12(a) of the Illinois Environmental Protection Act ("Act"). Count II of the Amended Complaint alleged that, on November 19, 1975 and July 21, 1976, the Respondent's sewage treatment plant discharged effluent into Butterfield Creek which was observably murky and odorous, in violation of Rule 403 of Chapter 3 and Section 12(a) of the Act. Count III of the Amended Complaint alleged that, on November 19, 1975, the discharge from Respondent's sewage treatment plant caused Sphaerotilus (fungus) (sic) growths to cover rocks sprayed with the effluent discharging into Butterfield Creek; and black, sludge-like material discharged from

the plant was accumulated in the stream bed below the rocks, in violation of the water quality standard of Rule 203(a) of Chapter 3 and in violation of Rule 402 of the Board's Water Pollution Regulations. Count IV of the Amended Complaint alleged that, since July 27, 1973, the Respondent operated its sewage treatment plant without an operator certified by the Agency, in violation of Rule 1201 of Chapter 3 and Section 12(a) of the Act. Count V of the Amended Complaint alleged that, since April 7, 1972, the Respondent failed to submit reports of operation to the Agency, in violation of Rule 501 of the Board's Water Pollution Regulations and Section 12(a) of the Act. Count VI of the Amended Complaint alleged that the Respondent discharged contaminants or pollutants into State waters from a point source within the State without first obtaining an NPDES permit, in violation of Rule 901 of Chapter 3 and Section 12(f) of the Act. A hearing was held on February 9, 1979. The parties filed a Stipulation and Proposal for Settlement on March 14, 1979.

The Respondent, Idlewild Country Club ("Idlewild") is a Illinois not-for-profit corporation duly organized and existing under the laws of the State of Illinois. Idlewild is a private club consisting of approximately 171 regular members. Idlewild's activities are primarily seasonal and its facilities are used mostly during the spring and summer months (i.e., between Memorial Day and Labor Day). During the season between Memorial Day and Labor Day, there are approximately 75 full-time employees at Idlewild. During the rest of the year, there are about 13 full-time employees.

Idlewild is located in an unincorporated area of Cook County, Illinois. The two closest municipal limits are that of the Village of Homewood and the Village of Flossmoor. Since January 1, 1967, and continuing to the present, Idlewild has owned a golf course, restaurant, bar and grill, fast food bar, outdoor pool, and 20-room dormitory at Dixie Highway and Holbrook Road near Flossmoor, Cook County, Illinois. Idlewild has owned and operated an extended aeration sewage treatment facility ("facility") at the above-described location since 1967. The facility collects and treats waste water from the Respondent's operations. Effluent from the facility is discharged from a point source into Butterfield Creek. The dilution ratio of Butterfield Creek is less than one to one. The Respondent's extended aeration sewage treatment facility was installed in 1967 pursuant to an Installation-Only Permit issued by the Illinois Sanitary Water Board. (See: Exhibit D of the Stipulation and Proposal for Settlement. All exhibits in this case have been attached to, and are incorporated by reference into, the Stipulation and Proposal for

Settlement). In 1967, the Respondent sent a Letter of Notification to the Illinois Sanitary Water Board indicating that the sewage treatment facility was being operated. (See: Exhibit E). However, the letter was improperly addressed and there is no record of its receipt by the Illinois Sanitary Water Board. Accordingly, Idlewild never applied for or obtained an Operating Permit. (Stip. 4).

Since 1975, the Agency has sent Idlewild several notices setting forth the NPDES permit requirements and notifying the Respondent that it is in violation of the law. (See: Exhibits F, G, and H). In the Stipulation, the Respondent admits that these notices were sent in the ordinary course of business, properly addressed with prepaid postage, but Idlewild states that it has no record of these notices. (Stip. 4). Upon inquiry to the former manager of Idlewild at the time of the notices, the Respondent has been informed that the manager claims no recollection of these notices. This manager was relieved of his position by Idlewild in June, 1977. (Stip. 4). On June 28, 1977, the Respondent filed an application for an NPDES permit. (See: Exhibits I, J, and K).

It is stipulated that on October 30, 1973, November 19, 1975 and July 21, 1976, Idlewild caused or allowed the discharge of effluent into Butterfield Creek which contained fecal coliforms five times in excess of the numerical standard prescribed in Rule 405 of the Board's Water Pollution Regulations. (See: Exhibit A). Moreover, on November 19, 1975 and July 21, 1976, Idlewild discharged effluent into Butterfield Creek which was observably murky and odorous. (See: Exhibit B). Additionally, on October 19, 1975, the Respondent discharged effluent into Butterfield Creek which caused the Creek to contain fungus growths and black, sludge-like material. (See: Exhibit C; Stip. 3).

The Idlewild Country Club has retained the engineering firm of Baxter & Woodman, Inc. ("B & W"). Mr. Walter H. Jollie is the professional engineer responsible for preparation of a study entitled "Wastewater Disposal Alternatives-Idlewild Country Club". ("B & W Study"; See: Exhibit L). The parties have stipulated that Alternative 2: "Discharging untreated wastewater to the Village of Flossmoor sewer system", and Alternative 1: "Upgrading existing treatment plant" presented in the B & W Study are the most economically reasonable and technically feasible methods of bringing Idlewild into compliance with the Board's Water Pollution Regulations and the Act. (Stip. 5-6). Idlewild has indicated a willingness to connect to the Flossmoor sewage system, which is included within the Metropolitan Sanitary District of Greater Chicago. As a condition thereof, the Village of Flossmoor

insists upon annexation of the clubhouse building into the Village. (Stip. 6). In order to connect to the Flossmoor sewage system, the Village of Flossmoor must approve annexation under the conditions preserving Idlewild's rights to maintain its facilities and services. Furthermore, it will be necessary to obtain a permit from the Agency, the Department of Transportation, and the Metropolitan Sanitary District of Greater Chicago. Additionally, an easement over and through adjoining property must be obtained in order to reach the Flossmoor sewer. Idlewild has attempted to meet the conditions necessary for connecting to Flossmoor and is continuing in its efforts. However, ultimate connection to the Village of Flossmoor's sewage system is dependent, in part, upon matters outside of Idlewild's control. (Stip. 6).

By connecting to the Flossmoor sewage system, Idlewild will incur expenses including engineering and construction costs, acquisition of easement costs, and related expenses. Permanent expenses will include tax liability for the clubhouse being incorporated within the Metropolitan Sanitary District of Greater Chicago and the Village of Flossmoor, utility tax imposed by the Village of Flossmoor, and license fees. In exchange, the benefits to Idlewild from annexing to Flossmoor and connecting to its sewer system include all Village services, such as those of Flossmoor's police and fire departments, possible insurance savings as a result thereof, and a savings of \$450.00 per month which is currently being paid by Idlewild to Donald Hoekstra, the operator of its facility. (Stip. 6-7). An operator will not be required when Idlewild's untreated wastewater is discharged into Flossmoor's system. Idlewild will also be relieved from its present outside user's charges for fire services. (See: Exhibit M; Stip. 7).

The proposed settlement agreement provides that the Respondent, the Idlewild Country Club, shall promptly: (1) commence an interim remedial program to upgrade its existing waste water treatment plant (the "facility") to improve effluent quality; (2) begin to implement the specific requirements of the Metropolitan Sanitary District of Greater Chicago ("MSDGC") for connection to their system; (3) petition to annex its clubhouse to the Village of Flossmoor pursuant to a pre-annexation agreement; (4) request legislation incorporating its clubhouse within the MSDGC; (5) prepare engineering plans for the disposition of the settling pond upon completion of the connection to the Village of Flossmoor; (6) post a performance bond of \$20,000; and (7) pay a stipulated penalty of \$1,000 . Moreover, the Stipulation and Proposal for Settlement includes detailed provisions pertaining to the requisite steps which the Respondent shall take within sixty days of annexation to the Village of Flossmoor and incorporation into the MSDGC (these specific terms and conditions are delineated in the Board's Order).

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 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, the Idlewild Country Club, has violated Rules 203(a), 401(c), 402, 403, 405, 501 and 901 of Chapter 3: Water Pollution Regulations and Section 12(a) and Section 12(f) of the Act. Accordingly, the Respondent shall pay the stipulated penalty of \$1,000 .

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 has violated Rules 203(a), 401(c), 402, 403, 405, 501, and 901 of Chapter 3: Water Pollution Regulations and Section 12(a) and Section 12(f) of the Act.

2. Within 30 days of the date of this Order, the Respondent shall post a performance bond in the amount of \$20,000 to assure completion of Alternative 1 or 2 of the Baxter & Woodman, Inc. engineering study ("B & W Study").

3. Within 30 days of the date of this Order, the Respondent shall pay the stipulated penalty of \$1,000 . Payment shall be by certified check or money order payable to:

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

4. Within 30 days of the date of this Order, the Respondent shall:

- A. Commence an interim remedial program to upgrade the existing waste water treatment plant (the "facility") to improve effluent quality.
- B. Commence to implement the requirements of the Metropolitan Sanitary District of Greater Chicago ("MSDGC") for connection to their system which includes, among other things, the following:

- a. Eliminate all sources of inflow such as downspouts from roof drains, footing drains, sump pumps, and contributions from other surface runoff.
 - b. Inspect and seal off manhole covers to eliminate seepage of storm water.
 - c. Smoke test the existing sewer system for sources of infiltration.
 - d. Install a flow meter on influent to the sewage treatment plant.
- C. Petition to annex its clubhouse to the Village of Flossmoor pursuant to a pre-annexation agreement preserving Idlewild's right to maintain present facilities and operations.
- D. Request legislation incorporating its clubhouse within the MSDGC.
- E. Prepare engineering plans for the disposition of the settling pond upon completion of the connection to Flossmoor, and a contingency plan to upgrade or modify the use of the settling pond in conjunction with the continued use of the facility.
- F. Perform an engineering study to determine the technical feasibility of providing flow equalization of effluent to the facility.
- G. Maintain a bound log for documentation of the time of the certified operator's attendance at the facility. At a minimum the following information shall be included:
- a. Time of arrival and departure, and date.
 - b. Note of observation including, but not limited to, visual inspections of plant operations and appearance of effluent.
 - c. Activities performed while on premise.

d. Maintain records of malfunctions, upsets, repairs, replacements, and breakdowns.

- H. Examine and measure the settling pond depth and determine need for dredging. Provide the Agency with information on the quantity of sludge disposed of, on a monthly or quarterly basis, and the name of the site where sludge is deposited. Prepare a contingency plan to upgrade the existing facility.
- I. Designate one person in the employment of Idlewild as having primary responsibility for the operation and performance of the facility.
- J. Maintain records of the chlorine usage rate.

5. Within 60 days of annexation to the Village of Flossmoor and incorporation into the MSDGC, Idlewild shall complete all engineering plans and specifications to be filed with the Village of Flossmoor, MSDGC, Department of Transportation of the State of Illinois, and the Agency.

- A. Within sixty days of the issuance of all of the above permits, Idlewild shall cause the construction of the sewer connection to Flossmoor to be completed.
- B. Idlewild shall submit monthly reports to the Agency documenting the progress of the work described herein.
- C. Idlewild shall employ a Certified Operator to supervise the operation of its existing facility until such time as the connection to the Village of Flossmoor sanitary sewer is completed. Idlewild shall provide the Agency with evidence that the operator employed is certified by the Agency.
- D. Idlewild shall submit monthly operation reports on the operation of its facility to the Agency.
- E. Idlewild shall sample the effluent discharged from its facility on a weekly basis. Sample analyses for fecal coliform, BOD and suspended solids shall be performed on the samples taken and shall be provided to the Agency in the monthly operating report.

- F. Idlewild shall not increase the strength or quantity of the contaminants discharged from its facility.
- G. Idlewild shall do everything within its control to effect connection to Flossmoor's sewage treatment system and the provisions of this Settlement.
- H. Regardless of the reason, in the event that Idlewild has not effected connection to Flossmoor's sewage treatment system (Alternative 2 of the B & W Study), by the 180th day after the date of the Board Order approving this Settlement or October 31, 1979, whichever is later, Idlewild shall commence all work and take all actions not previously taken which are required for upgrading its facility to bring it into compliance (Alternative 1 of the B & W Study); and the facility shall be brought into compliance by January 1, 1980.

6. The Respondent shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed March 14, 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 the above Opinion and Order were adopted on the 12th day of April, 1979 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board