

ILLINOIS POLLUTION CONTROL BOARD  
September 7, 1978

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. ) PCB 77-107  
 )  
RANCH OAKS SERVICE ASSOCIATION, )  
an Illinois not-for-profit )  
corporation, )  
 )  
Respondent. )

MS. JUDITH S. GOODIE, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

MURPHY, TIMM, LENNON, SPESIA & AYERS, ATTORNEYS AT LAW (MR. E. KENT AYERS, 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 April 14, 1977 Complaint brought by the Illinois Environmental Protection Agency charging the Ranch Oaks Service Association with violations of Rules 203(a), 401(c), 403, 404(f) and 405 of Chapter 3: Water Pollution Regulations and Section 12(a) of the Illinois Environmental Protection Act. A hearing was held on March 2, 1978. The parties filed a Stipulation and Proposal for Settlement on March 7, 1978.

The Ranch Oaks Service Association ("Ranch Oaks") owns and operates a sewage treatment plant located approximately one mile northwest of Manhattan, Will County, Illinois along U. S. Route 52. Ranch Oaks is an Illinois not-for-profit corporation whose purpose is to provide a common sewage disposal system for residents and lot owners of the Ranch Oaks Subdivision in Will County. The Respondent is dependent upon its approximately seventy home owners for funds for the operation and maintenance of its sewage treatment plant and the construction of necessary improvements, since as a service association it is not eligible for federal funding or other federal financial aid.

The Respondent's sewage treatment plant, which was constructed in 1958, discharges effluent into Jackson Creek, a tributary to the Des Plaines River. The dilution ratio of the seven-day, once in ten years low flow of the receiving stream (i.e., Jackson Creek) to the average dry weather flow of the Ranch Oaks sewage treatment plant is less than one to one.

The stipulated background facts indicate that the Sanitary Water Board granted Ranch Oaks a permit to install and operate its treatment plant in 1959. In 1960, the Respondent received a permit from the Sanitary Water Board to install and operate sanitary sewer extensions with a discharge to the treatment works. On December 8, 1972, Ranch Oaks submitted to the Agency a Project Completion Schedule pursuant to Rule 1002 of the Board's Water Pollution Regulations, which provided for the addition of: 1) a final clarifier scum baffle and air lift; 2) an effluent sand filter; 3) an effluent chlorine contact tank; and 4) flow recording facilities. These modifications to the treatment plant were to be completed by December, 1974. However, at the time of filing of the Complaint in this case, these modifications had not yet been made.

On June 9, 1976, a compliance conference was held, at which time Respondent agreed to apply for an NPDES permit, and to apply to the Agency for a permit to install disinfection facilities. Ranch Oaks further agreed to upgrade its treatment plant in accordance with a schedule to be set forth in the NPDES permit. Nevertheless, at the time of filing of the Complaint (i.e., April 14, 1977), the actions agreed to by the Respondent had not yet been taken.

Subsequently, in May, 1977, the Respondent met with officials of the EPA and the office of the Attorney General and worked out a preliminary schedule of modifications and completions to the Ranch Oaks sewage treatment plant. In July, 1977, the Respondent was granted an exemption from Rules 404(c) and 404(f), according to Rule 404(c) (iii) of the Board's Water Pollution Regulations, and its effluent now must not exceed a standard of 30 mg/l BOD<sub>5</sub> and 30 mg/l suspended solids. Ranch Oaks applied to the Agency for a permit to construct disinfection facilities and the Agency issued this permit on July 29, 1977. To finance all of the improvements, the Respondent collected \$700.00 from each lot owner in its subdivision. Initial construction was started on December 1, 1977 and is proceeding essentially on schedule despite adverse weather conditions during the earlier part of the year.

In the proposed settlement agreement submitted to the Board for approval, it is stipulated that: (1) On November 19, 1975, December 4, 1975 and November 10, 1976, the Respondent operated its sewage treatment plant so as to cause or allow Jackson Creek to be contaminated with unnatural sludge or bottom deposits, floating debris, unnatural plant or algae growth, and unnatural color or turbidity, in violation of Water Rule 203(a); (2) On August 22, 1974, July 17, 1975, November 19, 1975, December 4, 1975, June 3, 1976, and November 10, 1976, discharged effluent contained settleable solids, floating debris, scum, sludge solids which was of such a character that color, odor, and turbidity were not reduced below obvious levels, in violation of Water Rule 403; (3) On May 18, 1972, August 22, 1974, February 27, 1975, July 17, 1975, November 19, 1975, December 4, 1975, June 3, 1976, and November 10, 1976, discharged effluent contained fecal coliform exceeding five times the numerical standard prescribed by Water Rule 405; (4) On February 27, 1975, July 17, 1975, November 19, 1975, December 4, 1975, and November 10, 1976, discharged effluent contained biochemical oxygen demand exceeding 5 times the numerical standard prescribed by Water Rule 404(f); (5) On August 22, 1974, July 17, 1975, November 29, 1975, June 3, 1976, and November 10, 1976, discharged effluent contained suspended solids exceeding five times the numerical standard prescribed by Water Rule 404(f); and (6) On May 18, 1972, August 22, 1974, February 27, 1975, July 17, 1975, November 19, 1975, December 4, 1975, June 3, 1976, and November 10, 1976, the Respondent allowed the discharge of contaminants (i.e., treated and untreated sewage) from its sewage treatment plant into the environment of Illinois, thereby causing water pollution in violation of Section 12(a) of the Illinois Environmental Protection Act.

The proposed settlement agreement provides that the Respondent pay a stipulated penalty of \$1,000.00 and promptly modify its treatment plant to bring it into compliance with the Act and the Board's Water Pollution Regulations (including, but not limited to, the installation of sand filters, a chlorine contact tank, a final clarifier scum return and a flow recording facility).

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. Incinerator, Inc. v. Illinois Pollution Control Board, 59 Ill. 2d 290, 319 N.E. 2d 794 (1974).

Accordingly, the Board accepts the Stipulation and Proposal for Settlement and finds the Ranch Oaks Service Association in violation of Rules 203(a), 403, 404(f) and 405 of Chapter 3: Water Pollution Rules and Regulations and Section 12(a) of the Act during the previously specified dates from May 18, 1972 until April 14, 1977. The Board imposes the stipulated penalty of \$1,000.00 .

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 Ranch Oaks Service Association has violated Rules 203(a), 403, 404(f) and 405 of Chapter 3: Water Pollution Rules and Regulations and Section 12(a) of the Act.

2. Within 35 days of the date of this Order, the Ranch Oaks Service Association shall pay the stipulated penalty of \$1,000.00 payment to be made by certified check or money order to:

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

3. The Ranch Oaks Service Association shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed March 7, 1978, 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 7<sup>th</sup> day of September, 1978 by a vote of 4-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board