

ILLINOIS POLLUTION CONTROL BOARD
June 28, 1977

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 76-320
)
 VILLAGE OF HOMEWOOD,)
 a municipal corporation,)
)
 Respondent.)

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

This matter comes before the Board on the Complaint filed on December 16, 1976, by the Environmental Protection Agency charging that on June 7, 1976, the Village of Homewood discharged an effluent from its sewage treatment facility containing a biochemical oxygen demand exceeding five times the numerical standard prescribed by Rule 404(c) and hence in violation of Rule 401(c) of Chapter 3: Water Pollution Regulations, and in further violation of Section 12(a) of the Environmental Protection Act. The Complaint further charged that on June 7, 1976, the Respondent caused or allowed the discharge of effluent containing settleable solids, floating debris, sludge solids, scum, and color in violation of Rule 403, and further that this discharge caused the receiving stream to become contaminated in violation of Rule 203 and in violation of Section 12(a) of the Act. Hearing was held in this matter on May 13, 1977, at which time a Stipulation and Proposal for Settlement was entered into the record.

In the Stipulation, the Respondent admits to the violations charged in the Complaint. The parties agree that the harmful discharges were caused in part by the accumulation of sludge in the primary pond at Respondent's facility to such an extent that the sludge prevented the primary pond from providing any treatment and that the discharges were caused by the surfacing of accumulated sludge which was carried to the secondary pond and was then discharged to Butterfield Creek. The parties also agree that certain operational and equipment deficiencies at the facility contributed to the admitted violations and that improvements in the methods of operation, and the repair and replacement of certain equipment would improve the quality of the effluent therefrom. Respondent has entered into a contract with a consulting engineer to prepare a facilities plan for submission to the Agency by June 30, 1977, which will include a study of the alternatives to bring the facility into compliance with the Act and regulations.

The Stipulation provides the specific steps which the Respondent will take to ensure compliance with the Act and regulations. Because the Agency believes Homewood has demonstrated its willingness to take the actions necessary to comply with the Act and regulations and to that end has cooperated with the Agency since the date of the admitted violations, the Agency recommends that no penalty be assessed in this case. The Board will accept the Agency Recommendation and defer the penalty that would otherwise be assessed for the admitted violation because of the financial limitations of the Village and the compliance program undertaken.

In view of the foregoing and the Stipulation and Proposal for Settlement, the Board finds that Homewood caused the violations as charged. The Board also finds the terms of the Settlement acceptable and will require that the parties adhere to all provisions therein.

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

ORDER

1. Respondent, Village of Homewood, is found to have violated Rules 401(c), 203 and 403 of Chapter 3: Water Pollution Regulations and Section 12(a) of the Environmental Protection Act.

2. Respondent, Village of Homewood, shall adhere to all provisions of the Settlement Proposal, which is hereby incorporated by reference as if fully set forth herein.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 28th day of June, 1977 by a vote of 4-0.

Christan L. Moffett, Clerk
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Illinois Pollution Control Board