

ILLINOIS POLLUTION CONTROL BOARD  
February 3, 1977

ENVIRONMENTAL PROTECTION AGENCY, )  
)  
Complainant, )  
)  
v. ) PCB 75-402  
)  
)  
VILLAGE OF CREVE COEUR, )  
)  
Respondent. )

MR. FREDRIC BENSON, Assistant Attorney General, appeared for  
the Complainant;  
MR. J. MICHAEL MATHIS, appeared for the Respondent.

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

This matter comes before the Board pursuant to the June 18, 1976 Interim Order of the Board remanding this enforcement action to the parties for the purpose of preparing a detailed compliance schedule. Such schedule was presented to the Board on October 29, 1976. The Complaint in this matter was filed on October 15, 1975 by the Environmental Protection Agency against the Village of Creve Coeur, Tazewell County, Illinois. The Complaint alleges that the Creve Coeur Village operated its sewage treatment plant so as to violate Water Pollution Regulations 403, 405, and 1201 and Section 12(a) of the Act. At the April 28, 1976 hearing, Creve Coeur admitted to these violations (R. 3). The only issue in this case, therefore, has been regarding the fashioning of a remedy.

The character of the violations in this case is essentially that of a lack of maintenance which resulted in the discharge of improperly treated wastewater into the Illinois River. However, the crux of the entire matter is the absence of a properly certified plant operator. The pollution could have been easily prevented by the use of technically practicable and economically reasonable means. While the environmental injury was not severe it was nevertheless unreasonable. The social and economic value of the sewage treatment plant and the suitability of the site are not significant issues in this case.

The record in this case is replete with explanations and excuses for the admitted violations. After having carefully weighed the factors of Section 33(c) of the Act, the Board finds that a penalty is necessary in this case. However, the particular facts of this case demonstrate substantial mitigation.

There is evidence that Creve Coeur, like other similar small municipalities, has had acute financial and management problems. Similarly, there is some evidence of attempts to remedy the problem prior to the filing of the instant Complaint. It is the Board's judgment that a penalty of \$200.00 is adequate to discourage the past conduct of Creve Coeur and yet not be so harsh as to overshadow its present substantial efforts to remedy those past violations and assure that they do not recur in the future.

On October 29, 1976 the parties in this case filed a Status Report and Proposed Compliance Schedule. According to that Schedule the only task not yet completed would be the provision of a stand-by power source at the plant by March 1, 1977. The Board will accept the jointly proposed Compliance Schedule.

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

Mr. Young abstains.

#### ORDER

1. Respondent Village of Creve Coeur, Tazewell County, Illinois is hereby found to have violated Water Pollution Regulations 403, 405, and 1201 and Section 12(a) of the Environmental Protection Act.


2. Respondent Village of Creve Coeur shall pay to the State of Illinois, as a penalty for the aforesaid violations, the sum of \$200.00. Payment shall be made by certified check or money order, within 35 days of the date of this Order, to:

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

3. Respondent Village of Creve Coeur shall fully comply with its October 29, 1976 Proposed Compliance Schedule, which is hereby incorporated by reference into this Order as if fully presented 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 3<sup>RD</sup> day of February, 1977 by a vote of 4-0.



Christan L. Moffett, Clerk  
Illinois Pollution Control Board