

ILLINOIS POLLUTION CONTROL BOARD
September 18, 1975

ENVIRONMENTAL PROTECTION AGENCY,)
Complainant,)
)
v.) PCB 75-145
)
CHESTNUT MOUNTAIN LODGE, INC.,)
an Illinois Corporation,)
Respondent.)

Mr. Marvin I. Medintz, Assistant Attorney General, appeared on behalf of the Complainant;
Mr. John E. Golden, Attorney at Law, appeared on behalf of the Respondent.

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

This matter comes before the Pollution Control Board (Board) upon the April 2, 1975, complaint of the Environmental Protection Agency (Agency). The Agency charges Chestnut Mountain Lodge, Inc., (Chestnut), an Illinois corporation, with violating Section 12(a) of the Environmental Protection Act (Act) and Rules 403 and 405 of the Water Pollution Regulations since May 7, 1973, and Rule 404(e) of the Water Pollution Regulations since December 31, 1973. A hearing was held in Galena, Illinois, on July 22, 1975, at which time a stipulation was read into the record.

Chestnut is a year round vacation resort located on 232 acres (R.32) in Jo Daviess County, Illinois. It is situated on a bluff overlooking the Mississippi River, surrounded by farm land. Chestnut is eight miles from Galena and eight miles from Hanover, Illinois (R.33).

The maximum daily flow of waste water from the guest rooms, public and staff restrooms, and restaurant and bar is approximately 18,000 gallons (R.16). The waste water contains contaminants including debris, oil, odor, suspended solids and fecal coliform (Exs. 1 through 16). The averages of certain contaminants from 1972 to 1974 were:

BOD ₅	190
SS	75
Fecal coliform	7,998,510
NH ₃	15.2

The sewage treatment is accomplished through two septic tanks which discharge to an intermittent stream south of Lodge which flows southwest to an unnamed tributary of the Mississippi River (Ex. 4)

Rule 403 is violated where effluent contains settleable solids, floating debris, visible oil, grease, scum or sludge solids. Color, odor and turbidity must be reduced below obvious levels.

Rule 404(f) requires that no effluent whose dilution is less than one to one shall exceed 4 mg/l of BOD₅ or 5 mg/l of SS.

Rule 405 states that no effluent governed by Chapter 3 shall exceed 400 fecal coliforms per 100 ml.

Section 12(a) of the Act is violated where discharge of contaminants is caused or threatened into the environment so as to cause water pollution in Illinois or so as to violate the regulations or standards adopted by the Board.

The record adequately supports a finding that Section 12(a) of the Act and Rules 403 and 405 have been violated by Chestnut since May 7, 1973, and Rule 404(f) has been violated since December 31, 1973.

The Parties propose that Respondent build a three lagoon treatment system for its wastewater. Chestnut has applied to the Agency for a permit to build the system. In contemplation of obtaining the permit, Chestnut has stopped all discharges by constructing a dike in the area of the first cell of the proposed treatment system (R.10).

The treatment system would be constructed within 90 to 120 days from the date the permit is issued. It would cost between \$25,000 and \$30,000 (R.11, 25). The system, having a design flow of 20,000 gallons per day, would consist of three cells (R.15). The system would use either a completely enclosed pipe system or drainage ditches to prevent surface water from entering the treatment facility (R.13). The first cell of the system would employ an aerator to add oxygen to the wastewater thereby reducing oxygen demand (R.18). The second and third cells are non-aerated and would pick up free oxygen from the atmosphere and would have more area per pound of BOD₅ than supplied by the first cell (R.18). The wastewater would then flow through a rock filter designed to remove accumulated algae (R.19) to a chlorination cell which would maintain a one mg. per liter chlorination level (R.19). The waste water would be retained 67 days in the first cell, 45 days in the second and third cells, and 2 days in the chlorination cell (R.19).

The stipulation requires Chestnut to cease and desist from discharging its wastewater until the system is completed. Respondent stipulates to a penalty of \$2500.00.

The Board finds the treatment system as proposed to be adequate and accepts the stipulated penalty of \$2500.00.

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

ORDER

It is the Order of the Board that:

1) Respondent Chestnut Mountain Lodge is found to have violated Section 12(a) of the Act and Rules 403 and 405 of the Water Regulations from May 7, 1973, to April 2, 1975, and Rule 404(f) from December 31, 1973 to April 2, 1975; and

2) Respondent Chestnut Mountain Lodge, Inc., shall pay as a penalty the sum of \$2500.00, payment to be made within 35 days of the date of this Order, by certified check or money order to:

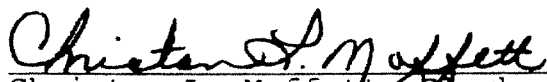
State of Illinois
Fiscal Services Division
Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706

and

3) Respondent Chestnut Mountain Lodge, Inc., shall, within 120 days of receiving a construction permit from the Environmental Protection Agency, construct a 3 cell wastewater treatment facility as more fully set forth herein and in the stipulation entered into between the Agency and Respondent on or about July 22, 1975; and

4. Respondent Chestnut Mountain Lodge, Inc., shall cease and desist from discharging its wastewater until said treatment facility is completed.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 18th day of September 1975 by a vote of 3-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board