

ILLINOIS POLLUTION CONTROL BOARD  
September 29, 1975

ENVIRONMENTAL PROTECTION AGENCY, )  
Complainant, )  
 )  
v. ) PCB 74-258  
 )  
PRESTON UTILITIES CORPORATION, )  
an Illinois Corporation, )  
Respondent. )

Mr. James K. Jenks, Assistant Attorney General, appeared on behalf of the Complainant;  
Mr. Mark H. Virshbo and Mr. Glenn E. Nelson, Isham, Lincoln and Beale, 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 July 8, 1974, complaint of the Environmental Protection Agency (Agency) against Preston Utilities Corporation (Preston), an Illinois Corporation. The complaint charges Preston with violation of Section 12(a) of the Environmental Protection Act (Act) and Rule 403 of the water regulations from July 1, 1970 to the date of filing; Rules 203(a), 404, 501, 1002 of the Water Regulations; and Section 12(b) of the Act and Rule 903(a) of the Water Regulations from June 30, 1974 to the date of filing of the complaint herein. Two hearings were held, August 23 1974, and August 20, 1975, respectively. At the final hearing a stipulation and settlement proposal was read into the record.

Preston is a privately-owned public utility providing sewer service to 795 residential and commercial customers in Joliet Township, Will County, Illinois. Preston collects domestic wastes through 6.2 miles of sewer mains and treats said wastes in a 200,000 gallon/day capacity primary treatment plant consisting of a lift station, meter, Yeoman Spirogester, and gas chlorinator. The effluent is discharged from the plant to Hickory Creek, approximately one mile from its confluence with the Des Plaines River downstream of Lockport (Stip. 2).

Preston admits that the BOD and SS concentrations of its effluent from its primary treatment plant exceeded the limits imposed by Rule 404 of the Water Regulations and that the fecal coliform concentrations of the effluent exceeded the limit imposed by Rule 405 of the Water Regulations on those dates set forth in the complaint (Stip. 3).

Preston also admits that, since March 7, 1972, it has discharged the effluent from its treatment plant into the waters of the State of Illinois without submitting operating reports to the Agency required pursuant to Rule 501(a) of the Water Regulations. In addition, Preston admits that it has not filed a Project Completion Schedule required by Rule 1002 of the Water Regulations (Stip. 3).

Finally, Preston admits that it has been operating its primary treatment plant, since June 30, 1974, without an Agency issued operating permit required pursuant to Rule 952(a) of the Water Regulations (Stip. 4).

Preston has entered into an agreement with City of Joliet whereby Preston will construct a connection of its present outfall into Hickory Creek with the influent manhole of the City's East Side Sewage Treatment Plant. Joliet would then treat Respondent's wastewater at a charge to Preston according to the City's tarriff for its extracorporate customers.

Preston agrees to pay a stipulated penalty of \$4,000.00 for its violations of the Act and Water Regulations. In addition, no later than October 15, 1975, Preston will file with the Agency an application for a permit to construct a connection of its present outfall into Hickory Creek with the City of Joliet's inceptor main at the City's East Side Sewage Treatment Plant and Preston will file for all other necessary permits.

Within 30 days of the receipt of all necessary permits, Preston, pursuant to its memorandum of agreement with Joliet, will request an easement for construction and will place orders for construction materials.

After receiving a construction permit, Preston agrees to submit progress reports to the Agency's Compliance Program Coordinator, 2200 Churchill Road, Springfield, Illinois, every 30 days. Preston also agrees to commence construction within 30 days of its receipt of the required materials at the site, and baring any delays caused by forces beyond Respondent's control, to complete construction within 90 days of its commencement.

The Board finds Preston's proposed settlement to be a viable means of ending its polluting of the State's Waters and therefore accepts the Agreement. The Board further finds that Preston has violated Section 12(a) of the Act and Rule 403 of the Water Regulations from July 1, 1970 to July 8, 1974; Rules 203(a), 404, 501, 1002 of the Water Regulations on those dates specified in the complaint; and Rule 903(a) of the Water Regulations and Section 12(b) of the Act from June 30, 1974, to July 8, 1974. The Board assesses the stipulated penalty of \$4000.00 for said violations.

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

ORDER

It is the Order of the Pollution Control Board that:

1) Respondent Preston Utilities is found to have violated Section 12(a) of the Act and Rule 403 of the Water Regulations from July 1, 1970 to July 8, 1974; Rules 203(a), 404, 501, 1002 of the Water Regulations on those dates specified in the Complaint; and Rule 903(a) of the Water Regulations and Section 12(b) of the Act from June 30, 1974 to July 8, 1974; and

2) Respondent Preston Utilities shall pay as a stipulated penalty the sum of \$4000.00, 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) By no later than October 15, 1975, Respondent will file with the Complainant an application for a permit to construct a connection of its present outfall into Hickory Creek with the City of Joliet's interceptor main at the City's East Side Sewage Treatment Plant and will file application for other necessary permits; and

4) Within 30 days of its receipt of the last of the necessary permits, Respondent will request the City to grant an easement for the construction pursuant to Respondent's Memorandum of Agreement with the City and will place orders for the materials which will be required for the construction; and

5) Subsequent to its receipt of the construction permit from Complainant, Respondent will submit progress reports to Complainant's Compliance Program Coordinator, 2200 Churchill Road, Springfield, Illinois, every 30 days; and

6) Within 30 days of its receipt of the required materials at the construction site, Respondent will commence construction; and

7) Subject to delays due to adverse weather or river conditions, labor disputes, or other causes beyond Respondent's reasonable control, Respondent will complete construction within 90 days of commencement.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 29<sup>th</sup> day of September 1975 by a vote of 4-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board