

ILLINOIS POLLUTION CONTROL BOARD
November 22, 1974

ENVIRONMENTAL PROTECTION AGENCY)
)
)
 v.) PCB 73-282
)
)
)
 ADOLPH RAYMOND AND JOSEPH NOVELLE)
)

MR. JAMES JENKS, ASSISTANT ATTORNEY GENERAL, appeared on behalf of the Environmental Protection Agency
MR. ROBERT A. NOVELLE, SERPICO, STAMOS, NOVELLE, DVORAK, NAVIGATO & HETT, LTD. appeared on behalf of Respondents;

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

This enforcement action was filed by the Agency on July 12, 1973 and an amended complaint was filed on August 3, 1973.

A hearing was held on May 28, 1974 at which time a Stipulation and Proposal for Settlement was presented for the Board's consideration. It was admitted by the Agency that Respondent was then in full compliance and had been since about June 1, 1973, before the complaint was filed.

I. STATEMENT OF FACTS

Respondents own and operate a mobile home park on an approximately thirty acre site located on property at the southeast corner of the intersection of U.S. Route 14 and Sand Road, approximately two miles east of Crystal Lake, in McHenry County, Illinois.

Development of the site was begun in approximately August, 1971. The site was developed for an intended capacity of approximately 200 mobile homes.

On July 10, 1972, the Illinois Environmental Protection Agency issued permit #1972-GA-776 to Respondents to install, own and operate at the site a contact stabilization activated sludge sewerage treatment plant, complete with graded media, tertiary filter, chlorination facilities, and related appurtenances (hereinafter referred to as "treatment plant").

On approximately April 16, 1972 Respondents constructed a septic tank system and a holding tank with an aeration device which were intended for interim use with approximately 8 trailers, and were so utilized, until such time as the permitted treatment plant was completed.

The treatment plant was completed and its satisfactory operation was begun on approximately June 1, 1973.

Shortly after the treatment plant began operation in June, 1973, the aerated holding tank and septic tank system were disengaged and removed.

Respondents admit that they constructed, installed and operated the aerated holding tank and septic tank system from April 16, 1972 to June 1, 1973 without construction or operating permits having been granted by the Illinois Environmental Protection Agency (hereinafter "Agency"), having only secured a permit to construct such facilities from the Public Health Department of McHenry County.

II. COMPLAINT

A violation of Section 12(c) of the Environmental Protection Act (Ill. Rev. Stat. Ch. 111-1/2 Section 1012(c)(1971)) (hereinafter "Act"), by constructing or installing a septic tank system without a permit granted by the Agency.

A violation of Rule 901(a) of Chapter 3 of the Illinois Pollution Control Board Rules and Regulations of (hereinafter "Chapter 3") for causing or allowing the construction of the septic tank system without a Construction Permit issued by the Agency.

A violation of Rule 902 of Chapter 3 for operating the septic tank system without an operating permit granted by the Agency.

A violation of Section 12(b) of the Act for operating the septic tank system without permits granted by the Agency.

A violation of Section 12(b) of the Act for constructing and installing the aerated holding tank without an Agency Permit.

A violation of Rule 901(c) of Chapter 3 for causing or allowing the construction of the aerated holding tank without a Construction Permit issued by the Agency.

A violation of Rule 902 of Chapter 3 for causing or allowing the operation of the aerated holding tank without an operating permit issued by the Agency.

A violation of Section 12(b) of the Act for operating the aerated holding tank without a permit issued by the Agency.

A violation of Rule 405 of Chapter 3.

III. SETTLEMENT

The Agency and Respondents are in agreement that it is in the Public Interest to resolve the action by Respondents paying a penalty of \$1700. The Board concurs in this resolution.

The question of whether permits are required for septic tank installations was examined by the Board. An order entered July 11, 1974 resulted in an Agency submission of September 19, 1974 showing 120 septic tank permits granted in the period from April 1972 to June 1974. Thus it was established that a regular Agency practice existed to require such permits. And a reading of the Water Pollution Regulations shows that the definition of "treatment works" does cover septic tanks. The inquiry and examination were made because the Board, in late 1970, had asked the Institute for Environmental Quality to study septic tank problems with a view toward possibly establishing a permit system for them. The report, Septic Tanks and the Environment by Dr. James Patterson of the Illinois Institute of Technology, was released June 1971. However, no regulation was proposed for septic tank systems after the report was issued. Hence the confusion as to whether systems over 15 P.E. (this case) should be required to have permits. And while no mention appears of this subject in the Board Opinion of March 1972 we so interpret the regulation. Septic tanks, if placed on poorly percolating soils can cause surface pollution. And if placed on or above certain other strata (fractured limestone, for example) can cause ground water pollution. Permits, for septic systems over 15 P.E., will enable the Agency to regulate at least these larger systems so as to prevent pollution.

ORDER

IT IS THE ORDER OF THE POLLUTION CONTROL BOARD that Respondents shall pay a penalty of \$1700 for the violations cited. Payment shall be made within 90 days from the date of this Order by certified check or money order made payable to the State of Illinois, Fiscal Services Division, Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706.

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 22nd day of November, 1974 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board