

ILLINOIS POLLUTION CONTROL BOARD  
November 29, 1979

ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 79-68
	)	
MARYVILLE COLONIAL NURSING	)	
HOME, INC.,	)	
	)	
Respondent.	)	

MR. BRIAN E . REYNOLDS, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

MR. GEORGE B. FORNESS AND MRS. JANE FORNESS APPEARED ON BEHALF OF THE RESPONDENT.

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

This matter comes before the Board on the March 27, 1979 Complaint brought by the Illinois Environmental Protection Agency ("Agency"). Count I of the Complaint alleged that, from September 19, 1978 until September 22, 1978, the Respondent allowed discharges of effluents from its wastewater treatment facility in excess of 5 times the numerical standards for BOD<sub>5</sub> and suspended solids set forth in Rule 404(f) of Chapter 3: Water Pollution Control Regulations ("Chapter 3"), thereby violating Rule 401(c) of Chapter 3 and Section 12(a) of the Illinois Environmental Protection Act ("Act"). Count II alleged that, from September 19, 1978 until September 22, 1978, the Respondent allowed the discharges of effluents from its facility in excess of 5 times the numerical standards for fecal coliform set forth in Rule 405 of Chapter 3, thereby violating Rule 401(c) of Chapter 3 and Section 12(a) of the Act. Count III alleged that, from September 28, 1978 until the date of filing of the Complaint, the Respondent allowed the discharges of effluents containing BOD<sub>5</sub> in excess of the limitations contained in its NPDES Permit in violation of Rule 410(a) of Chapter 3 and Section 12(f) of the Act. Count IV alleged that, from September 28, 1978 until the date of filing of the Complaint, the Respondent allowed the discharge of effluents containing suspended solids in excess of the limitations contained in its NPDES Permit in violation of Rule 410(a) of Chapter 3 and Section 12(f) of the Act. A hearing was held on October 9, 1979. The parties filed a Stipulation and Proposal for Settlement on November 6, 1979.

The Respondent, Maryville Colonial Nursing Home, Inc., is an Illinois corporation which owns and operates a wastewater treatment

facility at its nursing home in Collinsville Township, Madison County, Illinois. The wastewater treatment plant, which has been in operation since 1969, discharges contaminants pursuant to its NPDES Permit to an unnamed tributary to the Schoolhouse Branch of Cahokia Creek.

On September 15, 1977, the Board granted the nursing home a one year variance from the requirements of Rules 203(f), 402, and 404 of the Board's Water Pollution Control Regulations to allow the petitioner time to upgrade its existing plant or divert its effluent to the Maryville Interceptor. (See: PCB 77-151). The variance in PCB 77-151 expired on September 15, 1978. On September 24, 1978, Mr. George Forness became the owner of Maryville Colonial Nursing Home, Inc. through the purchase of its stock. (Stip. 4). Subsequently, the Respondent agreed to abandon the wastewater treatment plant at the nursing home and to connect with the existing sanitary sewer serving the St. John Neumann School. The Respondent has conducted extensive negotiations with the Roman Catholic Bishop of the Diocese of Springfield, Illinois for the right to connect with the sanitary sewer system and an initial agreement to this effect between the Diocese and the nursing home was reached on September 5, 1979. (Stip. 4).

The proposed settlement agreement provides that the Respondent admits the allegations charged in the Complaint and agrees to:

- (1) cease and desist from further violations;
- (2) abandon its wastewater treatment facility on, or before, December 15, 1979;
- (3) connect to the existing sanitary sewer system serving the St. John Neumann School (pursuant to detailed engineering plans and specifications); and
- (4) pay a stipulated penalty of \$1,000.00. Additionally, the parties have stipulated that the December 15, 1979 wastewater treatment plant abandonment deadline will be excused if the Respondent is unable to meet this deadline due to circumstances beyond its control (such as labor walkouts). (Stip. 6).

In evaluating this enforcement action and proposed settlement, the Board has taken into consideration all the facts and circumstances in light of the specific criteria delineated in Section 33(c) of the Illinois Environmental Protection Act. The Board finds the stipulated agreement acceptable under Procedural Rule 331 and Section 33(c) of the Act. The Board finds that the Respondent, Maryville Colonial Nursing Home, Inc., has violated Rules 401(c) and 410(a) of Chapter 3: Water Pollution Control Regulations and Sections 12(a) and 12(f) of the Act and orders the Respondent to cease and desist from further violations. The Respondent is hereby directed to follow the compliance program set forth in the Stipulation and Proposal for Settlement. The stipulated penalty of \$1,000.00 is hereby assessed against the Respondent.

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

ORDER

It is the Order of the Illinois Pollution Control Board that:

1. The Respondent, Maryville Colonial Nursing Home, Inc., has violated Rules 401(c) and 410(a) of Chapter 3: Water Pollution Control Regulations and Sections 12(a) and 12(f) of the Act.

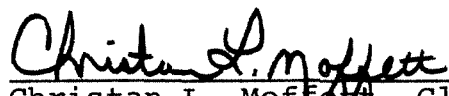
2. The Respondent shall cease and desist from further violations.

3. Within 45 days of the date of this Order, the Respondent shall, by certified check or money order payable to the State of Illinois, pay the stipulated penalty of \$1,000.00 which is to be sent to:

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

4. The Respondent shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed November 6, 1979, which is incorporated by reference as if fully set forth herein.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 29<sup>th</sup> day of November, 1979 by a vote of 4-0.



Christan L. Moffett, Clerk  
Illinois Pollution Control Board