

ILLINOIS POLLUTION CONTROL BOARD
January 6, 1977

PEOPLE OF THE STATE OF ILLINOIS)
and the ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Complainants,)
)
)
v.) PCB 75-95
) PCB 75-118
)
STAR UTILITY COMPANY, an Illinois)
corporation, and MIDWEST UTILITY)
COMPANY, an Illinois corporation,)
)
Respondents.)

Honorable William J. Scott, Attorney General, by Ms. Mary C. Schlott and Ms. Dorothy J. Howell, appeared on behalf of the Complainants; Mr. Daniel J. Kucera of Chapman & Cutler, appeared on behalf of Star Utility Company; Mr. Charles Atwell, Sr. appeared on behalf of Midwest Utility Company.

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

This matter comes before the Pollution Control Board upon the Second Amended Complaint filed by the Environmental Protection Agency (Agency) and the People of the State of Illinois (People) against Star Utility Company (Star) and Midwest Utility Company (Midwest) on August 20, 1975. Hearings were held in this matter on August 6, 1975, October 24, 1975, and November 7, 1975, at the Village Hall, Orland Park, Illinois. At a fourth hearing held on March 4, 1976, the parties entered into a Settlement Stipulation. On April 8, 1976, the Board rejected the Stipulation because it included, as a condition precedent to compliance, a rate increase depending entirely upon the decision of the Illinois Commerce Commission. On October 27, 1976, the parties submitted another Settlement Stipulation, which the Board will address herein.

The Second Amended Complaint filed in this matter charged Respondents with several violations of the Environmental Protection

Act (Act) and the Water Pollution Regulations (Chapter 3) in the ownership and operation of a public water supply and sewage treatment system in an unincorporated area in Orland Township, Cook County, Illinois, adjacent to the northern boundaries of the Village of Orland Park. In its service area, Star owns, operates and maintains a public water supply and distribution system, including a well, 3 pressure tanks, and an integrated system of mains, hydrants and appurtenances thereto. The source of water supply of Star is underground water drawn from a well. Upon being drawn from the well, water receives chlorination for disinfection and fluoridation. Star maintains a program for the regular flushing of its mains and hydrants. In its service area Star also owns, operates and maintains a sewage treatment plant and the sewage collection systems tributary thereto. From 1968, when Star commenced operations, to January, 1976, Midwest provided management and operation services to Star under a contractual relationship, and was responsible for the operation and maintenance of Star's water and sewer plants and systems.

Specifically, the Complaint charged Respondents with failing to adequately chlorinate their public water supply, distributing water containing offensive odor and offensive taste, and distributing water without adequate pressure in violation of Section 18 of the Act; allowing excess infiltration into and overflows from the sanitary sewers in violation of Rule 602(b) of Chapter 3 and Section 12(b) of the Act; failing to operate their sewer system so as to minimize violations of applicable standards during various adverse contingencies in violation of Rule 601(a) and Section 12(b) of the Act; violating the BOD and suspended solids effluent standards of Rule 404(f); violating the fecal coliform effluent standards of Rule 405; and violating the mercury, phenols or oil effluent standards of Rule 408.

The parties stipulate that some customers of Star's water system experienced occasions of odor, taste, low pressure or service interruption at taps within the home and that some customers experienced occasions of sewage backups at drains within the home. The Stipulation indicates that, had hearings been completed, Complainants' witnesses would have presented evidence of nine dates on which the effluent discharged from the sewage treatment plant contained BOD and/or suspended solids in amounts exceeding the standards of Rule 404(f) of the Water Regulations and of four dates on which the effluent contained oil (hexane solubles or equivalent) in amounts exceeding the standards of Rule 408(a). The parties further stipulate that performance of additional operation and maintenance functions could have prevented or alleviated some of the above conditions. For purposes of settlement, Respondents have presented no evidence in the Stipulation to controvert such evidence submitted on behalf of Complainants. However, the parties do stipulate that operating data

indicates that operation of the water and sewer plants has been substantially improved.

The Stipulation indicates that Midwest and Star terminated their relationship in January, 1976, and that Midwest no longer provides any services on behalf of Star. In the Stipulation, Midwest agrees to waive any defense. After termination of its relationship with Midwest, Star directly employed a new certified water plant operator and a new certified sewage treatment plant operator. In addition, Star assumed administrative duties previously performed by Midwest. The Stipulation furthermore indicates that Star is engaging in negotiations with the Village of Orland Park for the possible sale of its water and sewer systems to the Village, in which case the Village would connect Star's sewage collection system to lines of the Village which discharge to an interceptor of the Metropolitan Sanitary District, and operation of the sewage treatment plant would be discontinued. The Stipulation also details the limited financial resources Star has had with which to make improvements to the system. Should Star sell its utility system to the Village, some of the capital improvements would no longer be necessary.

Star has agreed to carry out an extensive Program as to its sewage treatment plant and sewers as well as to its public water supply system. Star's compliance plan is no longer contingent upon approval of a rate increase by the Illinois Commerce Commission. Furthermore, Star has agreed to remit the sum of \$1,000.00 to the State, and Midwest has agreed to remit \$250.00. The Board finds that the agreed-upon Programs are adequate to ensure that compliance with the Act and the Board's Rules and Regulations will be achieved. Based upon the Settlement Stipulation submitted by the parties, the Board finds that Star and Midwest violated Section 12(b) and Section 18 of the Act and Rules 602(b), 601(a), 404(f) and 408(a) of Chapter 3. Because no evidence was presented on violation of the fecal coliform effluent standards, Count IV of the Second Amended Complaint is hereby dismissed. The Board will order Star to pay \$1,000.00 and Midwest to pay \$250.00 as a penalty for said violations and will order Star to comply with the Programs detailed in the Stipulation.

This Opinion represents 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. Star Utility Company and Midwest Utility Company are found to have violated Sections 18 and 12(b) of the

Environmental Protection Act and Rules 602(b), 601(a), 404(f) and 408(a) of the Board's Water Pollution Regulations (Chapter 3).

2. For said violations, a penalty of \$1,000.00 is assessed against Star, and a penalty of \$250.00 is assessed against Midwest, penalty payment by certified check or money order to be paid within 35 days of the date of this Order to:

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

3. Respondent Star shall comply with the Programs as to its sewage treatment plant and sewers as well as its public water supply, as outlined in the Stipulation submitted by the parties on October 27, 1976.

4. Count IV of the Second Amended Complaint is hereby dismissed.

Mr. Young abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 6th day of January, 1977 by a vote of 3-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board