ILLINOIS POLLUTION CONTROL BOARD November 1, 1973

ENVIRONMENTAL PROTECTION AGENCY,)		
Complainant,)		
v.)	PCB	73-103
WILLIAMSBURG ESTATES, INC., an Illinois corporation,)		
Respondent.)		

Steven Bonaguidi, Assistant Attorney General for the Agency Theodore N. Schnell, Jr., Attorney for Respondent

OPINION AND ORDER OF THE BOARD (by Mr. Henss)

Respondent owns and operates a housing subdivision known as Williamsburg Estates Unit No. 3 in Bartlett, DuPage County, Illinois. On March 9, 1973, the Environmental Protection Agency filed Complaint alleging that Respondent had, without permit, installed 1,150 feet of 8" sanitary sewer serving lots 2, 4, 8, 9, 10, 13, 14, 16, 17, 18, 19 and 20 in this subdivision. The Agency charges that this installation was done in violation of Section 12(b) of the Environmental Protection Act and Chapter 19, Section 145.11 Illinois Revised Statutes (1969), the terms of which are continued in effect pursuant to Section 49(b) of the Act.

At the public hearing, the parties submitted a Stipulation for Settlement in leiu of testimony. No members of the public appeared at the hearing.

According to the Stipulation, the following events preceded the filing of the Complaint:

February 26,	1968 -	W. A. Rakow and Associates,
		engineers for Williamsburg Estates,
		Inc., made application to the
		Metropolitan Sanitary District (MSD)
		for installation of an 8" sanitary
		sewer line, 1,150 feet in length to
		serve Unit No. 3.

April 16, 1969 - Rakow and Associates filed a similar permit application with the Sanitary Water Board (SWB).

April 28, 1969		SWB acknowledged receipt of the
April 10, ases		application and stated the permit would be granted only upon MSD certification that the receiving sewage treatment system could handle the flow of sewage.
May 23, 1969	-	SWB further advised Rakow and Associates that unless MSD authorization was obtained, the permit to be issued would specify "install only" and that subsequent operation of the system would depend upon "demonstration that the sewage treatment facilities have available capacity to provide adequate treatment of existing and proposed flows".
Date Unknown		Sewer line installed prior to issuance of any permit.
May 6, 1971	-	Williamsburg Estates, Inc., without realizing that permits had not been granted, placed the sewer line into operation by connecting one of the residences in Unit 3 to the sewer line. (No further hook ons of residences were made until permits were obtained from the EPA.)
June 22, 1971		Agency placed Bartlett sewage treat- ment plant on critical review.
September 2, 8, 1971		Agency field investigators learn of the installation and apparently notified Respondent of apparent violation.
November 8, 1971	-	Rakow and Associates request permit to operate sewer connections to serve Lots #8, 9, 16, 18, 19 and 20.
November 10, 1971	****	Agency formally notified Respondent, Rakow and Associates and the Village of Bartlett officials that the

Agency was considering an enforcement action on the apparent violation.

November 24, 1971 - Respondent replied to the Agency
"warning letter" stating that
the Agency investigation was
apparently correct but that
Respondent, having assumed Rakow
and Associates had secured all
required permits, had proceeded
unaware that the required permits
had not been issued. Respondent
pointed out that it would not have
invested almost 1/3 of a million

dollars if it had known the permit had not been issued.

December 10, 1971 - Agency issued permits for operation of sewer systems for Lots 8, 9, 16, 18; 19 and 20 only in Unit #3.

- Rakow and Associates request permit to operate sewer connections for 18 additional lots in Unit 3.

- Agency issued supplementary permit to Village of Bartlett officials to allow service for Lots 1 to 7, 10 to 15, 17 and 21 to 24 only, in accordance with the June 28, 1972 letter submitted by Rakow and Associates.

Finally, the Stipulation provides that: "The Board may find that Williamsburg Estates, Inc...installed and operated the above described sanitary sewer line and appurtenances thereto without a permit in violation of 12(b) of the Environmental Protection Act."

June 28, 1972

August 18, 1972

The parties recommend that we impose a monetary penalty in the amount of \$1,000. The Stipulation is not to be effective unless wholly approved by us. We find the proposed Stipulation for settlement a reasonable resolution. No damage was done to the environment. It is apparent that Respondent did not intend to violate the law. We find that Respondent violated § 12(b) of the Act and we assess a monetary penalty of \$1,000.

ORDER

It is the order of the Board that Williamsburg Estates, Inc. shall pay to the State of Illinois by December 15, 1973 the sum of \$1,000 as penalty for the violations found in this proceeding. Penalty payment by certified check or money order payable to the State of Illinois shall be made to: Fiscal Services Division, Illinois EPA, 2200 Churchill Road, Springfield, Illinois 62706.

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