

ILLINOIS POLLUTION CONTROL BOARD  
July 21, 1982

ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )  
 )  
Complainant, )  
 )  
v. ) PCB 80-75  
 )  
ALOYSIUS J. SPRINGMAN, )  
 )  
Respondent. )

MR. REED W. NEUMAN, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

MR. ALOYSIUS J. SPRINGMAN APPEARED PRO SE.

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

This matter comes before the Board on the April 15, 1980 Complaint brought by the Illinois Environmental Protection Agency ("Agency").

Count I of the Complaint alleged that, on various specified dates between January 19, 1978 and February 6, 1980, effluent discharges from the Respondent's wastewater treatment system in Madison County caused water pollution by exceeding NPDES Permit limitations for five-day biochemical oxygen demand ("BOD<sub>5</sub>") and suspended solids in violation of Rules 404(c), 410(a), and 901 of Chapter 3: Water Pollution Regulations ("Chapter 3") and Sections 12(a) and 12(f) of the Illinois Environmental Protection Act ("Act").

Count II alleged that, from October, 1977 until April 15, 1980, the Respondent failed to submit the necessary discharge monitoring reports to the Agency in violation of Rules 501(c) and 901 of Chapter 3 and Section 12(f) of the Act.

Count III alleged that: (1) from March, 1978 until September, 1978, a series of sanitary sewer backups occurred in the Respondent's treatment system which caused raw sewage to back up into several homes connected to the system, and (2) on May 4, 1978, May 8, 1978, September 13, 1978, and October 5, 1978, Agency inspections revealed that effluent discharges and overflows occurred from at least 3 manholes and other discharge points along the Respondent's sanitary sewer system in violation of Rule 602(b) of Chapter 3 and Section 12(a) of the Act.

Count IV alleged that the Respondent failed to promptly notify the Agency about noncomplying, unusual or extraordinary discharges from the wastewater treatment system in violation of a condition in its NPDES Permit, Rule 901 of Chapter 3, and Section 12(f) of the Act.

A hearing was held on December 21, 1981. The parties filed a Stipulation and Proposal for Settlement on June 22, 1982.

The Respondent, Mr. Aloysius J. Springman ("Springman"), who is certified by the Agency as a Class 2 wastewater treatment plant operator, owns and operates a wastewater collection and treatment system ("Springhaven system") which presently serves 178 homes in the Springhaven Subdivision in Godfrey Township, Madison County, Illinois. (Stip. 2-4). The Respondent's wastewater treatment system, which was constructed in 1962 and discharges contaminants into an unnamed creek tributary to the Wood River pursuant to NPDES Permit #IL 0042706, presently includes a three-cell lagoon facility with an aerated first cell and "a submerged filter as part of the third cell, followed by a chlorination detention tank just prior to final outlet." (Stip. 4).

Although A.J. Springman and his brother initially shared jointly in the development of the Springhaven Subdivision and in the responsibilities for operating and maintaining the sewage system, A.J. Springman has been in sole control of the sewage system since 1972. (Stip. 3). The monthly sewer fee of \$4.00 per homeowner has remained the same since the system's inception, pursuant to a covenant contained in each property owner's deed. (Stip. 3; Ex. B). There are currently 178 homes connected to Springman's system and, over the years, no significant problems in collecting the \$4.00 monthly sewer fees have been experienced. (Stip. 3).

The Springhaven system was originally constructed as a single-cell lagoon facility of about 3½ acres, but Agency permits were obtained in 1974 to upgrade and expand the initial system. (Ex. B). However, subsequent Agency inspections have revealed that the lagoon system, which was not modified in accordance with the submitted plans, has encountered chronic operation and maintenance deficiencies resulting in "generally poor effluent quality, odors, sewer backups and overflows and other substandard conditions." (Stip. 3; Ex. C).

It is stipulated that the Respondent: (1) allowed discharges from the Springhaven system to exceed applicable effluent limitations for BOD<sub>5</sub> and suspended solids on numerous occasions between January 19, 1978 and March 26, 1981; (2) failed to monitor effluent quality or file any of the required discharge monitoring reports from August, 1975 through October, 1979; (3) allowed effluent discharges or overflows from at least 3 manholes on four specified dates in 1978; and (4) allowed raw sewage to back up into several Springhaven Subdivision homes during the time period from March, 1978 through September, 1978 when sanitary sewer backups occurred in the Respondent's sewage system. (Stip. 4-7; Ex. C and D).

The Respondent has indicated that the problems with sanitary sewer backups and effluent overflows from manholes were caused by "sewer lines occasionally plugged by foreign objects; the final section of sewer line prior to discharge into the lagoons being 6" in diameter as per engineer's approved plans, but which has subsequently proved to be unable to handle heavy loading; and significant problems of infiltration/inflow." (Stip. 7).

Additionally, it is also stipulated that, although notified by both the Agency and the Madison County Environmental Control Department pertaining to various violations and operational deficiencies (including several complaints concerning odors from the lagoons), Springman failed to promptly notify the Agency of noncomplying discharges and failed to correct all environmental problems. (Stip. 7-8; Ex. D, E, and F).

On December 8, 1981, Springman entered into a contract with the Godfrey Township Utility Board ("Township Board") to physically connect the Springhaven Subdivision's sewer system with an interceptor to be constructed tributary to the sewage treatment facility operated by the Township Board. (Stip. 10; Ex. G). Under the terms of the executed agreement, Springman will "surrender ownership as well as operation and maintenance responsibilities of the sewer system" to the Township Board upon completion of the project. (Stip. 10-11). Because the Township Board is currently in the Step 2 phase of the Federal construction grants program, it is presently anticipated that construction will be completed sometime in August of 1984. (Stip. 11).

The proposed settlement agreement provides that the Respondent admits the violations alleged in the Complaint and agrees to follow an interim compliance program which includes: (1) installation of a surface flotation aerator in the first lagoon cell; (2) proper maintenance of all lagoon dikes and levees; (3) elimination of floating materials such as duckweed from all lagoon surfaces; (4) maintenance of a chlorine residual in the final effluent in the range from 0.2 mg/l to 0.75 mg/l; (5) submission of the requisite discharge monitoring reports and waste stabilization lagoon inspection forms to the Agency; and (6) elimination of overflows of raw sewage from the sanitary sewer system by locating and restraining sources of inflow and infiltration. (Stip. 11-12). Additionally, the Respondent has agreed to pay a stipulated penalty of \$1,350.00. (Stip. 12).

In evaluating this enforcement action and proposed settlement agreement, the Board has taken into consideration all the facts and circumstances in light of the specific criteria delineated in Section 33(c) of the Act. The Board finds the settlement agreement acceptable under Procedural Rule 331 and Section 33(c) of the Act. The Board finds that the Respondent, Mr. Aloysius J. Springman, has violated Rules 401(c), 410(a), 501(c), 602(b), and 901 of Chapter 3 and Sections 12(a) and 12(f) of the Act. The Respondent will be ordered to follow the interim compliance program and to pay the stipulated penalty of \$1,350.00.

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, Mr. Aloysius J. Springman, has violated Rules 401(c), 410(a), 501(c), 602(b), and 901 of Chapter 3: Water Pollution Regulations and Sections 12(a) and 12(f) of the Illinois Environmental Protection Act.

2. 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 \$1,350.00 which is to be sent to:

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

3. The Respondent shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed on June 22, 1982, which is incorporated by reference as if fully set forth herein.

IT IS SO ORDERED.

Board Member Dumelle concurred.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 21<sup>st</sup> day of July, 1982 by a vote of 5-0.

Christan L. Moffett  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board