

ILLINOIS POLLUTION CONTROL BOARD
July 23, 1981

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Complainant,)
)
v.) PCB 78-301
)
AIRVIEW MOBILE HOME PARK, and)
BENJAMIN B. LEAF,)
)
Respondent.)

NANCY J. BENNETT, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.
SHERWIN J. STONE, ATTORNEY AT LAW, APPEARED ON BEHALF OF THE RESPONDENTS.

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

This matter comes before the Board on a December 4, 1978 Complaint filed by the Illinois Environmental Protection Agency (Agency). That complaint was amended on March 9, 1978.

Respondent Benjamin B. Leaf, doing business as Airview Mobile Home Park (Airview), owns and/or operates Airview which is located near Milan, Illinois, in Rock Island County. Airview has a wastewater treatment facility which discharges from a point source into Case Creek which is tributary to the Rock River at Milan. Thus, discharge is to a water of the state (Stip. 1).

On September 8, 1977, Airview was issued NPDES Permit No. IL52825, which required that thirty-day average BOD₅ levels of Airview's discharge not exceed 4 mg/l (Stip.2), SS levels not exceed 5 mg/l (Stip.2), and that fecal coliform be monitored and reported monthly (Stip.3). Incidents of non-compliance were also to be reported.

In its amended complaint the Agency alleges that Airview has violated Sections 12(a) and 12(f) of the Illinois Environmental Protection Act (Act) and Rules 404(f) and 901 of the Illinois Pollution Control Board Rules and Regulations, Chapter 3: Water Pollution, from November of 1977 to at least July of 1978.

A hearing was held on December 3, 1979, at which only the Agency appeared. Mr. Armin J. Grossell of the Metropolitan Airport Authority was also present, but did not testify. At

that hearing, the Agency represented to the Board that a draft settlement agreement had been written and that Airview had admitted all the alleged violations and agreed to terms including, among other things:

1. Upgrading of its current wastewater system based on a proposal by James Kammueler, an Agency representative;
2. Submission of an agreement application to the Agency for a construction permit for such upgrading within 45 days after the Board Order approving the Settlement;
3. Submission of an application to the Agency for a "Pfeffer Exemption" from Rule 404(f) within the same period;
4. Submission of an application for modification of its current NPDES permit as it relates to BOD₅ and SS; and
5. Payment of a \$3,000 penalty (R. 6-8).

A second hearing was held June 1, 1981, at which neither party nor any member of the public was present. The filing of the stipulation and proposal for settlement was announced and the hearing adjourned.

The stipulation includes an admission of all alleged violations. It also includes thirty-day average BOD₅ and SS discharge concentrations from November, 1977 to July, 1978. BOD₅ varied from 44 to 92 mg/l and SS ranged from 40 to 86 mg/l. Averages were 68 and 67 mg/l, respectively, during that period (Stip.2). Since Airview's effluent has a dilution ratio of less than one to one, former Rule 404(f) of Chapter 3 set effluent limitations for BOD₅/SS of 4/5 mg/l, respectively. However, the Board notes that since the filing of this action, that standard has been deleted and the 10/12 mg/l limitation of Rule 404(c) is applicable to the discharge.

Since the stipulated discharge concentrations of BOD₅ are far in excess of even the 10/12 standard, and since there has been no objection and there appears to be no prejudice to either party, the Board will accept the stipulation and proposal for settlement.

The terms of the settlement are in general conformity with those presented at the first hearing. In short, BOD₅/SS limitations of 60/60 will go into effect immediately and will remain in effect until upgrading is completed. Completion is to be on or before July 1, 1982. At that time BOD₅/SS limitations of 30/30 will become effective and remain so until 6 months after completion of the Moline South Slope Regional Treatment System is completed or until December 31, 1984, whichever is earlier. Thereafter, Airview shall meet the Board's applicable

effluent standards. During these periods Airview shall also conform to all monitoring, reporting and permit requirements as more fully set forth in the stipulation and proposal for settlement. A stipulated penalty of \$3,000 is to be paid. In the event that the Regional System will not become available for Airview's use before December 31, 1984, Airview shall further upgrade its plant to meet Board standards by that date.

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 Act. The Board finds that settlement agreement acceptable under Procedural Rule 331 and Section 33(c).

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

ORDER

1. Airview shall comply with all the terms of the Stipulation and Proposal for Settlement filed on June 1, 1981, which is incorporated by reference as if fully set forth herein.
2. Airview shall, within 45 days of the date of this Order, pay a penalty of \$3,000 by certified check or money order payable to the State of Illinois and sent to:

Illinois Environmental Protection Agency
Attn: Mary Jo Heiss
Fiscal Services Division
2200 Churchill Road
Springfield, Illinois 62706

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 23rd day of July, 1981 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board