

ILLINOIS POLLUTION CONTROL BOARD
April 26, 1979

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 78-138
)
 SALT CREEK DRAINAGE BASIN SANITARY)
 DISTRICT, a municipal corporation,)
 PETER ENZWEILER, VERNON G. DORN)
 and FRANK FOSTER, as trustees,)
 and DENNIS TAGGART, Superintendent,)
)
 Respondents.)

Ms. Jill Leslie Drell, Assistant Attorney General, appeared on behalf of the Complainant;
Mr. Thomas J. Young, Attorney at Law, appeared on behalf of the Respondents.

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

This matter comes before the Board on a five-count complaint filed by the Environmental Protection Agency on May 20, 1978, alleging that the Respondents, Salt Creek Drainage Basin Sanitary District, the trustees and the Superintendent, Dennis Taggart, had failed to comply with numerous reporting and sampling requirements of their NPDES permit in reports submitted to the Agency from July, 1977 through November, 1977, in violation of Sections 12(a), (b) and (f) of the Environmental Protection Act and Rule 901 of Chapter 3: Water Pollution Regulations. The complaint also charged that at various times from July through November, 1977, the Respondents made false statements on NPDES Discharge Monitoring Reports (DMR) submitted to the Agency for concentrations of fecal coliform and BOD₅. Count V of the complaint further alleged that in November, 1977, the Respondents failed to comply with the required effluent limitations for BOD₅ and for the fecal coliform parameters of their NPDES permit.

A hearing was held on March 20, 1979. At that time, a Stipulation and Proposal for Settlement was submitted for approval by the Board. No testimony was given during the hearing.

The Respondent, Salt Creek Drainage Basin Sanitary District, owns and operates a sewage treatment plant which discharges to the Salt Creek upstream from the Des Plaines River. On November 8, 1976, the District was issued NPDES Permit IL0030953 which was modified on September 9, 1977. (Stip. 1, 2; Att. B)

The parties to this settlement stipulated that the data in the DMR's submitted to the Agency from July through November, 1977, were inaccurate to the extent alleged in the complaint. The stipulation also stated that the Respondent, Dennis Taggart, was responsible for preparing the DMR's during this time period for submission to the Agency. (Stip. 2; Att. C)

The parties further stipulated that since the filing of the complaint, the District has developed programs to eliminate systematic inaccuracies in future reports to the Agency. The District has hired a new manager of operations and three new laboratory technicians and have also completed construction of new laboratory facilities. Of equal importance are the implementation of new laboratory procedures for greater staff accountability to the management. Recently, the District has completed a \$4.5 million project to upgrade and expand its sewage treatment plant. The District is now in substantial compliance with the procedural and substantive requirements of their NPDES permit. (Stip. 2, 3; R. 6)

The settlement also provided that the Respondent trustees, Peter Enzweiler, Verron G. Dorn, deceased, and Frank Foster, be dismissed as parties to this action.

On the basis of the foregoing and the Stipulation and Proposal for Settlement entered into the record on March 27, 1979, the Board finds the Respondents, Salt Creek Drainage Basin Sanitary District and Dennis Taggart, in violation of Sections 12(a), (b) and (f) of the Act and Rule 901 of Chapter 3: Water Pollution Regulations. The Board will dismiss the Respondents, Peter Enzweiler, Vernon G. Dorn, deceased, and Frank Foster, as party-respondents to this enforcement action.

The Board has considered the application of the requirements of Section 33(c) of the Act to the facts and circumstances contained herein and finds that the Stipulation and Proposal for Settlement to be acceptable under Procedural Rule 331. The parties agree that the District experienced an economic benefit of \$1,500.00 because of their failure to obtain compliance and the District and Dennis Taggart agree to pay the amount of \$1,500.00 for the violations admitted; \$1,000.00 to be paid by the District and \$500.00 by Dennis Taggart. (Stip. 3) The Board finds the assessments

of \$1,000.00 to the District and \$500.00 to the Respondent, Dennis Taggart, are sufficient and necessary to the enforcement of the Act.

This opinion constitutes the Board's finding of fact and conclusion of law in this matter.

ORDER

1. Respondents, Salt Creek Drainage Basin Sanitary District and Dennis Taggart, are found to have violated Sections 12(a), (b) and (f) of the Environmental Protection Act and Rule 901 of Chapter 3: Water Pollution Regulations from July, 1977, through November, 1977, for failure to comply with the reporting and sampling requirements of NPDES Permit IL0030953, for making false statements on discharge monitoring reports submitted to the Environmental Protection Agency and for failure to meet NPDES permit effluent limitations for BOD₅ and fecal coliform in November, 1977.

2. The Board will dismiss Respondent trustees, Peter Enzweiler, Vernon G. Dorn, deceased, and Frank Foster, as respondents herein.

3. Respondent, Salt Creek Drainage Basin Sanitary District, shall pay a penalty of \$1,000.00 within 35 days of this order. Payment shall be by certified check or money order payable to:

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

4. Respondent, Dennis Taggart, shall pay a penalty of \$500.00 within 35 days of this order. Payment shall be by certified check or money order payable to:

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

IT IS SO ORDERED.

Mr. Irvin G. Goodman abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 26th day of April, 1979, by a vote of 3-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board