

ILLINOIS POLLUTION CONTROL BOARD
February 2, 1978

ENVIRONMENTAL PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 77-79
)
ESTATE ENTERPRISES, INC.,)
an Illinois corporation,)
)
Respondent.)

Mr. Jeffrey S. Herden, Assistant Attorney General, appeared on behalf of Complainant.
Mr. Robert Cynowa, President of Estate Enterprises, Inc., appeared as the Respondent.

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

This matter comes before the Board on a Complaint filed on March 10, 1977, by the Environmental Protection Agency charging that on numerous occasions Respondent discharged an effluent from its sewage treatment plant containing a biochemical oxygen demand and fecal coliform level exceeding five times the standard prescribed by Rules 404(f) and 405 respectively and hence in violation of Rule 401(c) of Chapter 3 and of Section 12(a) of the Environmental Protection Act. In addition, the Complaint charged that Respondent's discharge contained settleable solids, floating debris, visible oil, grease, scum, or sludge solids in violation of Rule 403 which caused discoloration, odor, and turbidity in the receiving stream. The Agency also claimed that Respondent's failure to eliminate excessive infiltration into the sewers caused overflows in violation of Rule 602(b) of Chapter 3 and Section 12(a) of the Act and further that Respondent caused or allowed raw and untreated sewage to be deposited on land which caused a pollution hazard to the waters of Illinois in violation of Section 12(d) of the Act.

Hearing was held in Kankakee, Illinois, on October 21, 1977, in which the parties submitted a Stipulation and Proposal for Settlement. No comments were received from the public.

Estate Enterprises, Inc. owns and operates a mobile home facility known as Manteno Mobile Home Park in Kankakee, Illinois. It also owns the sewers and the aeration treatment plant in question, which discharges into the Exline Slough. The ratio of the seven-day-ten-year low flow to the average dry weather flow in the Exline Slough is less than one to one.

The Stipulation indicates that Respondent's problems were caused by improper and inattentive maintenance. As a result of discussions between parties and technical advisors, Respondent has agreed to employ a properly certified operator for not less than three days per week for six months from the date of the Board Order.

The Settlement provides that Respondent will maintain the operation of the chlorination equipment and will conduct tests outlined in the Agency's policy statement TP-20-24 (Stip. Exh. A) and those analyses on page 7 of the Settlement at the stated frequencies.

Respondent also agrees to inspect the treatment facility for operational problems and to report any malfunctions to the Agency within 72 hours after discovery.

The Board accepts the Stipulation and Proposal for Settlement submitted by the parties and finds Estate Enterprises, Inc. in violation of Rules 403, 404(f), 405, and 602(b) of Chapter 3: Water Pollution Regulations and Sections 12(a) and 12(d) of the Act.

In assessing a penalty for these violations, the Board has reviewed the provisions in Section 33(c) of the Act. Based on this record, the Board finds that the mobile home park treatment facility has social and economic value and is suitable, if not essential, to the mobile home park. However, the water pollution generated by this facility is excessive in light of the technical practicability and economic reasonableness of significantly improving the quality of the discharge. Accordingly, the Board assesses the stipulated penalty of \$1500.00.

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

ORDER

1. Estate Enterprises, Inc. is hereby found to have discharged contaminants into the environment of Illinois in violation of Rules 403, 404(f), 405, and 602(b) of Chapter 3: Water Pollution Regulations and Sections 12(a) and 12(d) of the Act.

2. The Respondent shall pay a penalty of \$1500.00 within 35 days of the date of this Order. Payment shall be by certified check or money order payable to:

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

3. The Respondent shall adhere to all provisions of the Settlement Proposal which is hereby incorporated by reference as if fully set forth herein.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 2ND day of February, 1978 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board