

ILLINOIS POLLUTION CONTROL BOARD
May 15, 1980

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 78-305
)
GLEN'S RESTAURANT, INC.,)
d/b/a GLEN'S TRUCK STOP,)
)
Respondent.)

MS. CHRISTINE G. ZEMAN, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

MRS. CLARA J. JONES, THE OWNER OF THE BUSINESS, APPEARED ON BEHALF OF THE RESPONDENT.

OPINION AND ORDER OF THE BOARD (by Board Member Werner):

This matter comes before the Board on the December 12, 1978 Complaint brought by the Illinois Environmental Protection Agency ("Agency"). Count I of the Complaint alleged that the Respondent failed to submit monthly Discharge Monitoring Reports on a semi-annual basis to the Agency pertaining to a wastewater treatment facility ("facility") at the restaurant as required by its NPDES Permit for the months of September, 1977 through October, 1978 in violation of Rule 901 of Chapter 3: Water Pollution Control Regulations ("Chapter 3") and Section 12(f) of the Illinois Environmental Protection Act ("Act"). Count II alleged that the Respondent operated its facility without an Agency-certified operator in violation of Rules 901 and 1201 of Chapter 3 and Section 12(f) of the Act. Count III alleged that from January 9, 1975 until December 12, 1978, the operation and maintenance of the facility was low in quality (including, but not limited to, improper operation and maintenance of the sand filter) in violation of Rule 901 of Chapter 3 and Section 12(f) of the Act.

On January 10, 1980, the Board entered an Order which mandated that a hearing be held within 60 days. On January 23, 1980, the Agency filed a Motion for Modification which requested that the Board extend the time by which the hearing must be held from March 10, 1980 to April 18, 1980. On February 7, 1980, the Board granted the Agency's motion. A hearing was held April 15, 1980. The parties filed a Stipulation and Proposal for Settlement on April 18, 1980.

The Respondent owns and operates a wastewater treatment facility at its restaurant which is located at U.S. Highway 51 in Cairo, Alexander County, Illinois which discharges effluent pursuant to NPDES Permit No. IL 0045276 into the Ohio River by way of the Goose Pond Pumping Station. (See: Exhibit A). This NPDES Permit requires that the Respondent submit its monthly Discharge Monitoring Reports on a semi-annual basis on March 15th and September 15th of each year. It is stipulated that Glen's Restaurant, Inc. failed to submit the requisite reports to the Agency for the months of September, 1977 through January, 1979. Since January 1979, the Respondent has submitted its Discharge Monitoring Reports on a monthly basis. (Stip. 2). The parties have also stipulated that the Respondent hired an Agency-certified operator in January of 1979 to direct the operation of its facility and submit the necessary reports. (Stip. 3). The Respondent has admitted that during the time period alleged in the Complaint, the operation and maintenance of its facility (including the sand filter) was not at optimum levels. (Stip. 3).

The proposed settlement agreement and compliance program provides that the Respondent will: (1) properly operate and maintain its wastewater treatment facility until such a time as the restaurant is connected to the municipal sewer system of the City of Cairo on, or before, August 1, 1980; (2) take all steps necessary after the cessation of operations at its facility to insure that its abandoned wastewater treatment system will not cause possible health or safety problems (including the dismantling of all above-ground pipes, pumps, appurtenances, and the sand filter); (3) dispose of all debris at an Agency-permitted landfill, and (4) pay a stipulated penalty of \$100.00 .

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 the stipulated agreement acceptable under Procedural Rule 331 and Section 33(c) of the Act. The Board finds that the Respondent has operated its wastewater treatment facility in violation of Rules 901 and 1201 of Chapter 3: Water Pollution Control Regulations and Section 12(f) of the Act. The stipulated penalty of \$100.00 is assessed against the Respondent.

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, Glen's Restaurant, Inc., d/b/a Glen's Truck Stop, has violated Rules 901 and 1201 of Chapter 3: Water Pollution Control Regulations and Section 12(f) of the Illinois Environmental Protection Act.

2. Within 30 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 \$100.00 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 April 18, 1980, which is incorporated by reference as if fully set forth herein.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 15th day of May, 1980 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board