

ILLINOIS POLLUTION CONTROL BOARD
March 11, 1976

CITIZENS FOR A BETTER ENVIRONMENT,)
an Illinois not-for-profit corporation,)
)
Complainant,)
)
v.) PCB 75-380
)
WHITE'S SEPTIC, INC.,)
)
Respondent.)

Ms. Helga E. Huber, Attorney for Complainant
Mr. Daniel J. Kucera, Chapman & Cutler, Attorney for Respondent

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

This case arises out of a Complaint filed September 30, 1975 by Complainant Citizens for a Better Environment alleging that Respondent White's Septic, Inc. caused or allowed the operation of a solid waste management site in violation of Rule 202(b)(1) of the Board's Solid Waste Rules and Regulations and in further violation of Section 21(b) and 21(e) of the Environmental Protection Act. Hearing was held on January 30, 1976, at which time a Settlement Stipulation was filed with the Board. No additional evidence was adduced at the hearing and no members of the public were in attendance.

The Stipulation provides that Respondent's correct name is White's Septic, Inc. and that Respondent is engaged in the business of operating a 30 acre farm near Bartlett in DuPage County in addition to engaging in the business of collecting domestic septic tank sludge from various septic tanks in the Bartlett area. Respondent applies this septic tank sludge collected by it to the soil on its farm so as to fertilize crops growing there. There are no stipulated facts which suggest that Respondent deposits any solid waste upon the farm. On the basis of these stipulated facts, the Board is not able to find any violation of the Act or Regulations.

The Board accepts the Settlement Stipulation entered into by the parties in a spirit of cooperation and conciliation, and to avoid the expense of further litigation to determine whether the violations alleged in the Complaint existed. Respondent agrees to apply to the Illinois Environmental Protection Agency for such operating permits as may be required with respect

to its operation on its farm and to further advise Complainant on the progress of any such application. It is noted, however, that Respondent's septic tank sludge collection operation may be subject to the provisions of the Private Sewage Disposal Licensing Act (Ill. Rev. Stat. 1975, Ch. 111 1/2, §116.301 - 116.323 and the Private Sewage Disposal Licensing Act and Code of the State of Illinois, Department of Public Health.

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

ORDER

IT IS THE ORDER OF THE BOARD that the Complaint alleging violations of Rule 202(b)(1) of the Board's Solid Waste Rules and Regulations and Sections 21(b) and 21(e) of the Environmental Protection Act by Respondent White's Septic, Inc. be dismissed.

Mr. Goodman abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 11th day of March, 1976 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board