

ILLINOIS POLLUTION CONTROL BOARD
September 2, 1971

ENVIRONMENTAL PROTECTION AGENCY)

v.)

PCB 71-87)

CLAREMONT HILLS WATER & SEWER CO.)

Melvyn A. Rieff, Assistant Attorney General, for Environmental Protection Agency.

John Loftus for Claremont Hills Water & Sewer Co.

Opinion of the Board (by Mr. Currie):

The company, charged with constructing and operating a well supplying 40 homes (R. 37) with water without acquiring the permit required by section 15 of the Environmental Protection Act, has admitted the violation and agreed to the entry of an order containing corrective provisions and a penalty of not over \$1000 (R. 23-28). We commend the stipulation of facts as a significant saving of the time and money that a hearing would have cost and approve the agreed order with a few modifications. First, we have altered the dates because of the delay in receiving the transcript. Second, we agree with the Agency that \$1000 is the appropriate penalty, balancing the seriousness of the offense--public health is at stake when permit requirements for water supply are ignored, and the requirement was known to the company--against the small size of the operation. We further agree with citizen testimony (R. 36) that the order should not today direct the shutoff of water in the event the company does not comply. What sanction to impose in the event the order is violated can best be decided at that time and proportioned to the nature of the violation, bearing in mind the hardship that a shutoff would inflict on innocent consumers.

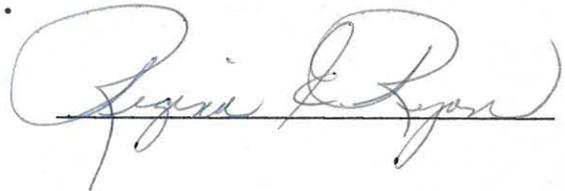
Concern was expressed by consumers over the quality of the water, which assertedly was cloudy on one occasion (R. 49). The Agency did not question quality, its tests so far have shown no problem (R. 67), and it is continuing its observations. Should any problem develop the Agency will be free to seek further relief.

One procedural point deserves mention. An officer of the respondent made a statement but cross-examination was disallowed on the ground he had not been called as a witness but had spoken as an interested citizen (R. 43). The distinction is immaterial; our rules provide that written citizen statements must be stricken if there is no opportunity for questioning (PCB Regs. Ch. 1, Rule 317), and we think the same principle implicitly applies to oral statements.

ORDER

1. Claremont Hills Water & Sewer Co. shall within twenty days after request furnish the Agency whatever supplementary data related to the plans and specifications of its water supply facility may be requested for the purpose of review;
2. Claremont shall make whatever modifications of and additions to the aforementioned facility may be required to satisfy section 16 of the Act, within a reasonable time as directed by the Agency;
3. Claremont shall pay a penalty of \$1000, on or before October 1, 1971, to the State of Illinois.

I, Regina E. Ryan, Clerk of the Pollution Control Board, certify that the Board adopted the above Opinion and Order of the Board this 2nd day of September, 1971.



A handwritten signature in cursive script, appearing to read "Regina E. Ryan", is written over a horizontal line.