

ILLINOIS POLLUTION CONTROL BOARD
October 14, 1976

ENVIRONMENTAL PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 76-130
)
VILLAGE OF GLENWOOD,)
a municipal corporation,)
)
Respondent.)

Ms. Helga Huber, Assistant Attorney General, Attorney for
Complainant
Mr. Joseph R. Perozzi, McGrane, Perozzi, Stetler, Meekins
& Gerardi, Attorney for Respondent

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

This matter comes before the Board on the Complaint filed May 6, 1976 by the Environmental Protection Agency (Agency) charging in Count I that the Respondent Village of Glenwood (Glenwood) owned and operated a public water supply system since at least March 26, 1974 without having in its employ a properly certified water supply operator in violation of Section 1 of the Operation of a Public Water Supply Act (Ill. Rev. Stat., 1973, Ch. 111 1/2, par. 501) (Certification Statute) and since December 21, 1974, in violation of Rule 302 of Chapter 6: Public Water Supply of the Pollution Control Board Rules and Regulations (Chapter 6) and Section 18 of the Environmental Protection Act. The Complaint further charges in Count II that Glenwood failed to file reports since January 1, 1975 pertaining to the sanitary quality, mineral quality or adequacy of said water supply as requested by the Agency in violation of Rule 310 of Chapter 6 and Section 19 of the Act.

A Stipulation of Fact executed by the parties (Joint Exh. #1) was entered into the record at a hearing on the matter on July 6, 1976 in Chicago.

The Village of Glenwood owns and operates a water supply system serving approximately 12,000 persons in Cook County, Illinois which system includes four drilled wells, two elevated storage tanks, one ground storage reservoir and a distribution system. The water supply is chlorinated and water from Wells No. 3 and 5 is treated with potassium permanganate, polyphosphate

and filtered before being pumped to the elevated storage tanks and thence to the distribution system.

The Certification Statute requires under Section 1(b) that each public water supply which includes filtration, aeration and filtration, or ion exchange equipment as a part of its primary treatment shall have in its employ at least one natural person certified as competent as a Class B or Class A water supply operator. Rule 302 of Chapter 6 requires that all provisions of the Certification Statute shall be met.

From the stipulated facts we conclude that Glenwood was and is required by the Certification Statute to have in its employ a water supply operator holding a Class A or B certificate of competence during the periods alleged and that during the period alleged Glenwood did not employ a public water supply operator possessed of a Class A or B certificate of competence. The Stipulation and Record (R. p6) indicate that a properly certified operator was employed by Glenwood on July 6, 1976.

In regard to Count II, the failure to file operating reports as required by Rule 310 of Chapter 6, Respondent's Sewer and Water Department Superintendent, Louis Kromer, testified that he was aware of the rule and thought that he was complying with it (R. p11); that he first found out about operational reports in a letter from the Agency in September or October of 1975 and that he started filing operational reports in January 1976 (R. p6). Mr. Kromer also acknowledged that he had received a copy of Chapter 6 in early 1975 (R. p9-10).

The Village Clerk, Jean Maggio, testified that the first official notification that there had been a violation of the Act was in February of 1976 (R. p16) and of efforts taken by Glenwood to hire a properly certified operator after receipt of a list of certified operators (Exhibit B) furnished by the Agency on June 8, 1976 culminating in the employment of a properly certified operator (R. p16-20).

On the basis of the pleadings, the Stipulation of Facts and the testimony at the hearing in this matter the Board finds the Respondent did violate Section 1 of the Certification Statute, Rules 302 and 310 of Chapter 6 and Sections 18 and 19 of the Act. Section 1 of the Certification Statute requires the imposition of a penalty of not less than \$100.00 nor more than \$1000.00 for each violation of Section 1 found by the Board. The Board will assess \$200.00 as penalty for these violations.

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

ORDER

Respondent, Village of Glenwood, is found to have operated its public water supply in violation of Section 1 of the Certification Statute (Ill. Rev. Stat. 1973 par. 501), Rules 302 and 310 of Chapter 6: Public Water Supply Pollution Control Board Rules and Regulations, and Sections 18 and 19 of the Environmental Protection Act (Ill. Rev. Stat. 1973 par. 1018;1019) and shall pay a penalty of \$200.00 for such violations. Penalty payment by certified check or money order payable to the State of Illinois shall be made within 35 days of the date of this Order to: Fiscal Services Division, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois, 62706.

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 14th day of October, 1976 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board