

ILLINOIS POLLUTION CONTROL BOARD  
October 14 , 1976

ENVIRONMENTAL PROTECTION AGENCY,        )  
  )  
                                  Complainant,        )  
  )  
                                  v.                    )  
  )  
  )  
VET'S PLACE SUBDIVISION HOME-        )  
OWNERS' ASSOCIATION                    )  
  )  
                                  Respondent.        )

PCB 76-148

Mr. Stephen Gunning, Technical Advisor, Mr. Richard Gerard, Engineer, and Mr. Franklin Lewis, Regional Manager, Region 3, Department of Public Water Supplies, appeared on behalf of the Complainant.  
Mr. John Stoecker appeared on behalf of Respondent.

OPINION AND ORDER OF THE BOARD (by Dr. Satchell):

This matter comes before the Pollution Control Board (Board) upon a complaint filed on May 12, 1976 by the Environmental Protection Agency (Agency) alleging that Respondent owns and operates a public water supply serving approximately 85 people in Vet's Place Subdivision, R.R.#1, Chillicothe, Peoria County, Illinois. The complaint further alleges that Respondent's public water supply consists of one drilled well, a distribution system and a pressure storage tank which Respondent has failed to chlorinate since December 21, 1975 in violation of Rule 305 of the Chapter 6: Public Water Supply Regulations (hereinafter Regulations).

A hearing was held in this matter on August 5, 1976 at Peoria, Illinois. At the hearing John L. Stoecker, Vice-President of the Vet's Place Subdivision Homeowners' Association, testified that there is no chlorination being fed into the water supply (R. 8, 10). Mr. Stoecker became aware of the requirement when he became Vice-President six months before the hearing (R. 10). Someone in the Association informed him of the requirement (R. 10). An enforcement notice was sent to the Association (Comp. Ex. 1). Implementation of chlorination has been discussed in the organization; however, the Association has taken no action (R. 11). The Subdivision has regularly submitted water samples to the Agency and there is no complaint that there has been contaminated water (R. 15). The Water Association apparently feels absent evidence of

contamination that there is no need for chlorination (R. 38).

The Board finds that Respondent has violated Rule 305 of the Regulations by failing to chlorinate its water. Prior to assessment of a penalty the Board must consider the factors of Section 33(c) of the Act. To date the water samples of the Subdivision have not indicated any contamination (R. 15). As of yet there has been no injury to the community. There is no question that a safe water supply is a necessity to the 24 homes served by the distribution system (R. 9). The suitability of the sources location is not in issue. An Agency witness estimated the chlorination system could be installed for \$500 to \$1,000 (R. 33). Up to the last elections the Association was charging two dollars per month for service (R. 47). The rate has now been increased to five dollars per month (R. 49). The Secretary and President of the Association do not pay (R. 48). This would give the Association approximately \$1,200 per year to run. The Board finds that the chlorination of the supply system is technically and economically reasonable.

The Board finds that Respondent's deliberate delay in compliance warrants the assessment of a penalty for the violation of Rule 305. The Respondent was informed of its public duty to safeguard its water supply, but apparently decided to substitute its own judgment and experience with regard to the distribution system over the experience and expertise behind the regulations involved. The regulations are based upon extensive experience throughout the State, and their purpose is to keep all public water supplies in a safe and sanitary condition. The Board, therefore, assesses a penalty of \$200 to aid in the enforcement of the Board's regulations. Respondent shall chlorinate its water supply in compliance with Rule 305 and shall cease and desist future violations.

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

#### ORDER

It is the Order of the Pollution Control Board that:

1. Respondent is found to be in violation of Rule 305 of Chapter 6: Public Water Supply Regulations.

2. Respondent shall chlorinate its public water supply system in compliance with Rule 305 of Chapter 6.
3. Respondent shall cease and desist future violations of the Regulations within ninety (90) days.
4. Respondent shall pay a penalty of \$200 within 35 days of this Order. Payment shall be made by certified check or money order payable to:

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

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 14<sup>th</sup> day of October, 1976 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board