

ILLINOIS POLLUTION CONTROL BOARD  
October 28, 1976

ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. ) PCB 76-145  
 )  
EUREKA KNOLLS WATER ASSOCIATION, )  
 )  
Respondent. )

Mr. Stephen Gunning, Attorney at Law, appeared for the Complainant.

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 the Eureka Knolls Water Association owns and operates a public water supply serving approximately 45 persons in the Eureka Knolls Subdivision, near the City of Eureka, Woodford County, Illinois. The complaint further alleges that Respondent's public water supply consists of two drilled wells, a 3,000 gallon pressure storage tank and a distribution system; that the water is fluoridated prior to its entrance into the distribution system; and that since December 21, 1975, Respondent has failed to chlorinate its water in violation of Rule 305 of the Chapter 6: Public Water Supply Regulations (Regulations).

A hearing was held in this matter on August 17, 1976 at Eureka, Illinois. At this time a Stipulation of Facts and Agreements was entered into evidence. No testimony was given.

The stipulated facts are as follows. The Eureka Knolls Water Association is a homeowners' association which owns and operates a public water supply serving approximately forty-five people in the Eureka Knolls Subdivision near Eureka, Woodford County, Illinois. The system consists of two drilled wells, a 3,000 gallon pressure storage tank and a distribution system. It is stipulated that the water is fluoridated prior to its entrance into the distribution system. The Chapter 6: Public Water Supply Regulations provide that all public water supplies must provide chlorinated water within one year of the effective date, December 21, 1974. Shortly after the adoption

of these rules the Agency sent copies of these rules to all public water supplies listed in its records, including Respondent. On July 17, 1975 the Agency in a general mailing to all public water supplies noted the upcoming compliance date. On February 11, 1976 the Agency sent a letter to Respondent again noting the now effective chlorination requirements. The Agency received no response and on March 23, 1976 an Agency Enforcement Notice concerning failure to chlorinate was sent to Respondent. On May 10, 1976 a complaint was filed by the Agency with the Pollution Control Board alleging Respondent's failure to provide chlorination. Subsequent to this filing it was discovered by the agency that the Agency had received a letter prior to the complainant's filing from engineers retained by Respondent stating that Respondent was planning to do everything necessary to bring its water supply in compliance with existing regulations, including the installation of chlorination equipment. The parties further stipulate and agree that the Respondent has in the past maintained its water supply in a reasonably safe condition and that water samples routinely analyzed each month by the Agency have shown that the well supply source for the supply has been free from bacteriological contamination at the time of sampling. On July 19, 1976 Respondent forwarded plans and specifications to the Agency for the installation of chlorination equipment. The Agency has reviewed and approved these plans and will issue its construction permit by August 20, 1976.

The terms of the settlement agreement are that Respondent will undertake the installation of chlorination equipment at its water supply facility in accordance with the terms and conditions of the permit. Respondent agrees to have its chlorination installation operable by September 30, 1976; and upon issuance of an operating permit by the Agency will begin operation of the chlorination equipment on or before October 8, 1976. Because of the initial confusion and Respondent's good faith effort towards complying with the Regulations the Agency and Respondent agreed that no monetary penalty would be assessed.

The Board finds the settlement agreement acceptable under Procedural Rule 333. The Board further finds Respondent was in violation of Rule 305 of the Regulations but that a penalty would not aid in the enforcement of the Act. Respondent will be required to carry out all the conditions of the agreement.

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 have been in violation of Rule 305 of the Chapter 6: Public Water Supply Regulations.
2. Respondent shall have installed a chlorination system by September 30, 1976. This system shall begin operation with the proper permit by October 8, 1976.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 28<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