

ILLINOIS POLLUTION CONTROL BOARD
February 17, 1977

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 76-143
)
 VILLAGE OF ARLINGTON,)
)
 Respondent.)

Mr. Steven H. Gunning, Enforcement Section, Division of Public Water Supply, Illinois Environmental Protection Agency, appeared for the Complainant;
Mr. Bruno P. Bernabei, appeared for the Respondent.

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

This matter comes before the Board on a Complaint filed by the Environmental Protection Agency against Respondent Village of Arlington, Bureau County, Illinois on May 12, 1976. The Complaint alleges that Arlington operated its public water supply system, serving approximately 250 persons, without providing chlorination, in violation of the Board's Public Water Supply Regulation 305. A hearing in this matter was held on September 13, 1976. No issue of fact was presented at that hearing, which takes up all of 24 transcript pages.

At page 22 of the transcript the Agency states, "... I think in this instance there is no value to assessing a fine and the Agency is not asking for one here." The Agency further states, regarding Arlington's efforts to install chlorination facilities, "... they have been going forward expeditiously with it." The record, to the extent there is one, does tend to support these conclusions. The chlorination requirement went into effect as of December 21, 1975. While it is clear that Arlington did make some effort to comply, that effort did

not bring compliance until after the filing of this Complaint. Responsibility for some of the delay has been accepted by Mr. Sullivan, Arlington's consulting engineer. Other segments of the delay have been attributed to poor communications between Arlington and the Agency (R.9,13). There is also a possibility that Mr. Sullivan had been engaged for this project prior to the filing of the Complaint (R.20). The chlorination facilities were installed in August, 1976 (R.9).

The Board finds that the record in this particular case does not demonstrate a penalty to be necessary to aid in the enforcement of the Act.

This Opinion constitutes the finding of facts and conclusions of law of the Board in this matter.

ORDER

The Board hereby finds Respondent Village of Arlington, Bureau County, Illinois to have violated Public Water Supply Regulation 305.

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 17th day of February, 1977 by a vote of 4.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board