

ILLINOIS POLLUTION CONTROL BOARD
July 24, 1980

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	
)	
v.)	PCB 77-183
)	
DOMESTIC UTILITY SERVICES CO.,)	
an Illinois Corporation,)	
)	
Respondent.)	

WILLIAM J. BARZANO, JR., ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

ROOKS, PITTS, FULLAGAR & POUST, ATTORNEYS AT LAW (JOHNNINE BROWN HAZARD, OF COUNSEL), APPEARED ON BEHALF OF THE RESPONDENT.

OPINION AND ORDER OF THE BOARD (by N.E.Werner):

This matter comes before the Board on the July 5, 1977 Complaint brought by the Illinois Environmental Protection Agency ("Agency"). On October 28, 1977, a pre-trial hearing conference was held. On January 25, 1978, the Agency filed a Motion for Leave to File an Amended Complaint and the Amended Complaint.

Count I of the Amended Complaint alleged that, from December 17, 1975 until January 25, 1978, the Respondent operated its public water supply facility without a certified Class B or Class A public water supply operator in violation of Section 1(b) of an Act to Regulate the Operating of a Public Water Supply, Ill. Rev. Stat. 1975, ch. 111½, par. 501(b) et seq. ("Public Water Supply Act"). Count II alleged that, from January 1, 1977 until January 25, 1978, the Respondent failed to submit monthly operating reports to the Agency on the chlorine residual levels of the finished water in its distribution system in violation of Rule 310 of Chapter 6: Public Water Supplies ("Chapter 6") and Section 17 of the Illinois Environmental Protection Act ("Act"). Count III alleged that, from January 1, 1976 until January 25, 1978, the Respondent failed to sample and analyze 34 bacteriological samples of the finished water per month and report the results to the Agency in violation of Rule 309(A) of Chapter 6 and Section 17 of the Act.

On November 29, 1979, the Board entered an Order which noted that there was no activity in this case in over 22 months and mandated that a hearing be held within 60 days. On January 30, 1980, a hearing was held. The parties filed a Stipulation and Proposal for Settlement on June 5, 1980.

The Respondent, the Domestic Utility Services Co. ("Domestic"), is an Illinois corporation with principal offices in Glenview which operates a public water supply facility ("facility") serving approximately 30,000 people in the unincorporated areas of Maine and Northfield Townships and parts of the Villages of Park Ridge and Niles in Cook County, Illinois. The Company has its own source of water supply which consists of three drilled wells, two elevated storage tanks, and a ground storage tank. Domestic utilizes ion exchange equipment as part of its water treatment process.

The stipulated facts indicate that, in response to complaints about "red water" and odor, the Agency inspected the Respondent's facilities on November 3, 1975 and December 17, 1975. (See: Stip. 2 and Exhibit A). On January 20, 1976, the Agency sent a letter to the Company pertaining to various deficiencies in the Respondent's facility which were noted during the Agency's inspections. (See: Exhibit B). On February 25, 1976, the Agency sent Domestic a Notice of Violation regarding the lack of a properly certified operator. (See: Exhibits C, D, E, and F).

The parties have also stipulated that the Respondent's facility is currently in compliance with the Board's Public Water Supply Regulations, the Public Water Supply Act, and the Illinois Environmental Protection Act. (Stip. 5). The proposed settlement agreement provides that the Respondent shall: (1) submit specified sampling, monitoring, and operating reports to the Agency (including, but not limited to, reports itemizing emergencies and/or equipment failures) (See: Exhibits G and H); (2) submit to the Agency on a monthly basis as part of its operating report information regarding the amount and concentration of phosphate being added to its water prior to distribution from its facility, and (3) pay a stipulated penalty of \$400.00. (Stip. 6). The Company has not admitted any of the violations alleged in the Amended Complaint. (Stip. 5; 7).

In evaluating this enforcement action and proposed settlement, the Board has taken into consideration all the facts and circumstances in light of the specific criteria delineated in Section 33(c) of the Illinois Environmental Protection Act. The Board finds the stipulated agreement acceptable under Procedural Rule 331 and Section 33(c) of the Act. The Board finds that the Respondent, Domestic Utility Services Co., has violated Section 1(b) of an Act to Regulate the Operating of a Public Water Supply, Ill. Rev. Stat. 1975, ch. 111½, par. 501(b); Rules 309(A) and 310 of Chapter 6: Public Water Supplies; and Section 17 of the Illinois Environmental Protection Act. The stipulated penalty of \$400.00 is assessed against the Respondent.

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

ORDER

It is the Order of the Illinois Pollution Control Board that:


1. The Respondent, Domestic Utility Services Co., has violated Section 1(b) of an Act to Regulate the Operating of a Public Water Supply, Ill. Rev. Stat. 1975, ch. 111½, par. 501(b); Rules 309(A) and 310 of Chapter 6: Public Water Supplies; and Section 17 of the Illinois Environmental Protection Act.

2. Within 35 days of the date of this Order, the Respondent shall, by certified check or money order payable to the State of Illinois, pay the stipulated penalty of \$400.00 which is to be sent to:

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

3. The Respondent shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed on June 5, 1980, which is incorporated by reference as if fully set forth herein.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 24th day of July, 1980 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board