

ILLINOIS POLLUTION CONTROL BOARD
March 6, 1980

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 79-216
)
 VILLAGE OF STONEFORT,)
)
 Respondent.)

MS. CHRISTINE G. ZEMAN, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

MR. ARLIE O. BOSWELL, SR., APPEARED ON BEHALF OF THE RESPONDENT.

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

This matter comes before the Board upon a complaint filed on October 17, 1979 by the Environmental Protection Agency (Agency). The complaint alleges that Respondent has operated its public water supply without having a certified Class A, B or C operator in its employ in violation of Section 1(c) of "An Act to Regulate the Operating of a Public Water Supply" (PWS Act), Section 18 of the Environmental Protection Act (Act) and Rule 302 of Chapter 6: Public Water Supplies (Chapter 6); that Respondent failed to submit monthly operating reports in violation of Section 19 of the Act and Rule 310(A) of Chapter 6; and that Respondent failed to provide proper fluoridation in violation of Rule 306 of Chapter 6. A hearing was held on January 17, 1980 at which time a stipulated agreement was presented for Board approval. However, the parties could not agree on a penalty and testimony was presented on this issue. Members of the public appeared and commented.

The stipulation provides that the Village of Stonefort has a population of 325 and is located in Saline County, Illinois. Respondent owns and controls a public water supply consisting of one drilled well, a 50,000 gallon standpipe and a distribution system for the purpose of furnishing water for drinking or general domestic use. The water supply utilizes chemical feeding only, with chlorination of the water as part of its primary treatment. Therefore, at least one person certified as competent as a Class A, B or C water supply operator is required.

Receiving water from a neighboring water district would eliminate most if not all of Respondent's problems. Respondent has 107 water customers and charges a flat rate of \$5.50 per month (R. 35, 37). Respondent has had difficulty in keeping its pumps in repair (R. 37, 38). The repair work is frequently done on a volunteer basis by the Village Board (R. 38). In 1978 a new pump cost approximately \$4000 and took all the town's available general fund money (R. 38). Of the Village population 64% are on fixed incomes (R. 45).

The Agency's policy is to seek penalties that cover the cost saved by the supply in failing to comply with the laws concerning public water supplies (R. 26). The Agency figures that over a six year period Stonefort has saved over \$1500 in salaries. Fluoride chemicals cost \$50 per year (R. 28). This would amount to a substantial penalty. The Agency recommended an \$800 penalty (R. 63).

The Board notes that in recent months Respondent has been working diligently to obtain an alternative water source. While Respondent's earlier record is not commendable, having failed to submit operating reports from 1972, operated without a certified operator since 1973 and experienced problems with the fluoride feeder since 1975, the Board in weighing the many factors of this case determines that an appropriate penalty would impose a severe hardship on Respondent's limited resources. Under these circumstances, the Board finds a penalty of \$150 adequate to aid in the enforcement of the Act.

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

ORDER

It is the Order of the Pollution Control Board that:


1. The Village of Stonefort is found in violation of Section 1(c) of "An Act to Regulate the Operating of a Public Water Supply", Section 18 of the Environmental Protection Act and Rule 302 of Chapter 6: Public Water Supplies; Section 19 of the Act and Rule 310(A) of Chapter 6: and Rule 306 of Chapter 6.
2. Respondent shall comply with all the provisions of the stipulated settlement incorporated by reference as if completely set forth herein.

3. Within thirty-five days of the date of this Order, Respondent shall, by certified check or money order payable to the State of Illinois, pay a civil penalty of \$150 which is to be sent to:

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

Mrs. Anderson abstains.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 6th day of March, 1980 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board