

ILLINOIS POLLUTION CONTROL BOARD  
June 2, 1983

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. ) PCB 82-123  
 )  
VILLAGE OF TAYLOR SPRINGS, )  
a municipal corporation, )  
 )  
Respondent. )

JAMES L. MORGAN, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

OTTO E. FUNK, ATTORNEY AT LAW, APPEARED ON BEHALF OF THE RESPONDENT.

OPINION AND ORDER OF THE BOARD (by W.J. Nega):

This matter comes before the Board on the October 6, 1982 Complaint brought by the Illinois Environmental Protection Agency (Agency).

Count I of the Complaint alleged that, from September 12, 1973 until October 6, 1982, the Village of Taylor Springs (Village) failed to have a certified operator for its public water supply system (system) in violation of Rule 302 of Chapter 6: Public Water Supplies (35 Ill. Adm. Code 603.103), Section 18 of the Illinois Environmental Protection Act (Act), and Section 501(d) of "An Act to Regulate the Operating of a Public Water Supply", Ill. Rev. Stat., 1981, Ch. 111½, sec. 501, et seq. (Public Water Supply Act).

Count II alleged that, on July 26, 1979 and November 2, 1981, the Village failed to maintain a minimum pressure of 20 psi in the Summit Heights area of its distribution system contrary to the requirements of the Agency's Technical Policy Statement (TPS) 212 F, thereby violating Section 18 of the Act requiring the supply of water to be assuredly safe in quality, and adequate in quantity.

Count III alleged that, from August 9, 1979 until October 6, 1982, the Respondent failed to submit monthly operating reports as required by TPS 305(D)(2) to the Agency, after demand by the Agency, in violation of Rule 310(A) of Chapter 6: Public Water Supplies (35 Ill. Adm. Code 606.101) and Sections 18 and 19 of the Act.

Count IV alleged that, between July 26, 1979 and May 4, 1981, the Respondent constructed and operated a new water main in the Summit Heights area of the Village without a construction or operating permit from the Agency, in violation of Rules 201 (35 Ill. Adm. Code 602.101) and 202 (35 Ill. Adm. Code 602.102) of Chapter 6: Public Water Supplies and Sections 15, 16, and 18 of the Act.

A hearing was held on April 26, 1983. The parties filed a Stipulation and Proposal for Settlement on May 3, 1983.

The Respondent owns and operates a public water supply system in Montgomery County, Illinois which is limited to the distribution of water for drinking and general domestic use and serves approximately 650 people in the Village of Taylor Springs.

In a letter dated August 9, 1979, the Agency asked the Respondent to submit monthly operation reports containing data on daily water usage and the results of tests for chlorine residuals, but the Village did not comply with the Agency's request. (Stip. 2).

The proposed settlement agreement provides that the Respondent admits the violations alleged in the Complaint and agrees to: (1) employ a properly certified operator (such an operator was hired on December 27, 1982); (2) cease and desist from further violations; (3) submit "as-built" plans and specifications to the Agency for the water main constructed without an Agency permit within 30 days from the date of the Board's Order; (4) obtain proper permits before making any other alterations in the system; (5) submit complete monthly operating reports to the Agency (proper reports have been filed since November 9, 1982); (6) alleviate the problem of inadequate water pressure in the Summit Heights area by implementing the measures approved by the Agency in the Public Water Supply Construction Permit, No. 0644-FY 1983, issued to the Village on March 28, 1983; and (7) pay a stipulated penalty of \$400.00. (Stip. 3-6).

In evaluating this enforcement action and proposed settlement agreement, the Board has taken into consideration all the facts and circumstances in light of the specific criteria delineated in Section 33(c) of the Act and finds the settlement agreement acceptable under 35 Ill. Adm. Code 103.180. The Board finds that the Respondent, the Village of Taylor Springs, has violated Rules 201, 202, 302 and 310(A) of Chapter 6 (35 Ill. Adm Code 602.101; 602.102; 603.103; and 606.101); Section 1(d) of the Public Water Supply Act; and Sections 15, 16, 18 and 19 of the Illinois Environmental Protection Act. The Respondent will be ordered to cease and desist from further violations; follow the compliance plan set forth in the Stipulation; and to pay the stipulated penalty of \$400.00.

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, the Village of Taylor Springs, has violated Rules 201, 202, 302 and 310(A) of Chapter 6: Public Water Supplies (35 Ill. Adm. Code 602.101; 602.102; 603.103; and 606.101); Section 1(d) of the "An Act to Regulate the Operating of a Public Water Supply", Ill. Rev. Stat. 1981, Ch. 111½, Sec. 501, et seq; and Sections 15, 16, 18 and 19 of the Illinois Environmental Protection Act.

2. The Respondent shall cease and desist from further violations.

3. Within 30 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

4. The Respondent shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed on May 3, 1983, which is incorporated by reference as if fully set forth herein.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 2<sup>ND</sup> day of June, 1983 by a vote of 4-0.



Christan L. Moffett, Clerk  
Illinois Pollution Control Board