

ILLINOIS POLLUTION CONTROL BOARD
November 19, 1981

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 81-41
)
VILLAGE OF COOKSVILLE,)
)
Respondent.)

MARILI McFAWN, ATTORNEY AT LAW, APPEARED ON BEHALF OF THE COMPLAINANT.
JOHN SCHWULST, ATTORNEY AT LAW, APPEARED ON BEHALF OF THE RESPONDENT.

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

This matter comes before the Board on the March 12, 1981
Complaint brought by the Illinois Environmental Protection Agency
("Agency").

Count I of the Complaint alleged that the Respondent, the Village of Cooksville (the "Village"), failed to: (1) have a certified water supply operator from January 13, 1978 until March 12, 1981; (2) submit the requisite monthly operating reports and water samples to the Agency; (3) provide a screened vent for the casing of its well, and (4) provide the necessary test equipment to ascertain the iron content of its water in violation of Section 1(b) of "An Act to Regulate the Operating of a Public Water Supply", Ill. Rev. Stat., ch. 111-1/2, par. 501 et seq., 1979 (the "Water Act"), Rules 310(a) and 315 of Chapter 6: Public Water Supplies ("Chapter 6"), and Sections 18 and 19 of the Illinois Environmental Protection Act ("Act").

Count II alleged that the Village failed to obtain an NPDES Permit after the expiration of its prior NPDES Permit on December 31, 1978 in violation of Section 12(f) of the Act.

A hearing was held August 27, 1981. The parties filed a Stipulation and Proposal for Settlement on August 31, 1981.

The Village of Cooksville, owns and operates a public water supply system which serves about 285 people in McLean County, Illinois. The Respondent's water supply facilities include "two drift wells, a forced draft aerator, a pressure filter, a 12,000 gallon pressure tank, and a distribution system". (Stip. 1). Water is "aerated,

settled, pumped, chlorinated, and filtered" at the Village's treatment plant "prior to its entrance into the pressure tank and distribution system". (Stip. 2).

The Village's water treatment plant discharges wastewater containing suspended solids, iron and other materials from its backflushing filters into an unnamed tributary of the Mackinaw River pursuant to NPDES Permit No. IL 0023698 (which expired on December 31, 1978). Although the Respondent was notified that it was necessary to renew the expired NPDES Permit, it failed to do so. (See: Exhibits C, D, F, and G).

The Village hired a certified water supply operator in November, 1977 who subsequently died in January, 1978. After the death of their certified operator, no new individual was hired until the Agency filed its formal Complaint. It is stipulated that the plant now has a properly certified operator. (Stip. 2).

Moreover, the Village has now provided a screened vent for its well casing, submitted the necessary monthly operating reports, and come into compliance with applicable regulations. (Stip. 2).

The proposed settlement agreement provides that the Village admits the allegations in the Complaint and agrees to: (1) properly operate its public water supply system in accordance with the Board's Public Water Supplies Regulations, the Illinois Environmental Protection Act, and the Water Act; (2) promptly submit its NPDES Permit application to the Agency, and (3) pay a stipulated penalty of \$200.00 . (Stip. 4).

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. The Board finds the settlement agreement acceptable under Procedural Rule 331 and Section 33(c) of the Act.

Accordingly, the Board finds that the Respondent, the Village of Cooksville, has violated Section 1(b) of the Water Act; Rules 310(a) and 315 of Chapter 6, and Sections 12(f), 18, and 19 of the Illinois Environmental Protection Act. The Village will be ordered to pay the stipulated penalty of \$200.00 .

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 Cooksville, has violated Section 1(b) of "An Act to Regulate the Operating of a Public Water Supply", Ill. Rev. Stat., ch. 111-1/2, par. 501 et seq. (1979); Rules 310(a) and 315 of Chapter 6: Public Water Supplies, and Sections 12(f), 18, and 19 of the Illinois Environmental Protection Act.

2. 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 \$200.00 which is to be sent to:

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

(Attention: Mary Jo Heiss)

3. The Respondent shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed on August 31, 1981, 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 19th day of November, 1981 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board