

ILLINOIS POLLUTION CONTROL BOARD
December 17, 1981

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
) Petitioner,)
)
) v.) PCB 81-133
)
)
) VILLAGE OF WHITE CITY,)
)
) Respondent.)

ORDER OF THE BOARD (by J. Anderson):

This matter comes before the Board on a four count complaint filed by the Illinois Environmental Protection Agency (Agency) on August 21, 1981 against the Village of White City. The Village of White City (Village), Macoupin County, is charged with violations of "An Act to Regulate the Operating of a Public Water Supply (PWS Act), Ill.Rev.Stat. Ch. 111½, §501 et seq., of the Environmental Protection Act (Act), and Chapter 6: Public Water Supplies (Chapter 6). On December 1, 1981 a hearing was held at which the parties presented a "Stipulation, Statement of Facts, and Proposal for Settlement".

The requirements of both the PWS Act and the Act have recently been amended as concerning the need for chlorination and employment of certified operators. These changes in and exemptions from the law are embodied in P.A. 82-393, signed September 4, 1981 and effective January 1, 1982.


In considering the acceptability of this proposed stipulation based on the abbreviated record before the Board, the Board cannot determine whether or not the proposed compliance plan would impose obligations on White City which would be more stringent than those contained in P.A. 82-393. The Board further notes that, while the Village has stipulated to violations of the PWS Act, that it is recommended that no penalty be imposed (R. 6, 12). However Section 523 of the PWS Act states that "the violator shall be penalized by the [Board] not less than \$100.00 nor more than \$1000.00 for each offense" (emphasis added). The Board cannot determine from the record whether the Agency has overlooked this requirement, or whether it has recommended that the minimum penalty be assessed and payment "rescinded" or "forgiven".

The Board will therefore reserve ruling on this proposed stipulation. Within 60 days of the date of this Order, the parties are directed to file written comments concerning the applicability and effect, if any, of P.A. 82-393 on the proposed compliance plan and the proposed \$0 penalty in light of the penalty requirement of §523 of the PWS Act. These comments should include an expression of either the parties' intent to have the Board rule on the December 1 stipulation without change, or their intent to modify that stipulation.

IT IS SO ORDERED.

Board Member I. Goodman abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 17th day of December, 1981 by a vote of 3-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board