

ILLINOIS POLLUTION CONTROL BOARD  
August 3, 1978

ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 78-75  
 )  
 CITY OF ST. FRANCISVILLE, )  
 )  
 Respondent. )

MR. REED W. NEUMAN APPEARED ON BEHALF OF THE AGENCY;  
MR. C. MICHAEL WITTERS APPEARED ON BEHALF OF RESPONDENT.

OPINION AND ORDER OF THE BOARD (by Mr. Dumelle):

The Environmental Protection Agency filed its complaint on March 16, 1978 alleging that the City of St. Francisville has operated its public water supply system without a certified operator in violation of §1 of the Public Water Supply Act, Ill.Rev.Stat. 1975, Ch. 111-1/2, par. 501. The complaint also alleges that the City has failed to submit monthly operating reports to the Agency in violation of Rule 310 of the Board's Regulations, Chapter 6: Public Water Supplies, and in violation of §19 of the Public Water Supply Act, par. 1019.

A hearing was held on June 6, 1978 at the St. Francisville County Court House. Two members of the public were present along with various city officials. The City admits the charges and to receiving notice of these violations as early as February, 1974.

St. Francisville is a small community in Lawrence County with a population of 1,000 people. Its public water supply system serves all but one family in the area (R.14). The City had been plagued for years with an inadequate water supply system and built well number 7 into a deeper aquifer in response to this need (R.16). This well was constructed by volunteer labor due to the city's limited financial resources (R.19).

In its defense, the City claims that it has made reasonable efforts to rectify various problems in its public water system, and there are now only a few remaining unsolved problems. Furthermore, the City has tried repeatedly to obtain the services of a certified operator. It has sent three men to take the certification test, including the present operator,

with 14 years experience, but all to date have failed the test (R.16). The City has also considered hiring a certified operator from outside the area, but has been unable to obtain an operator (R.31). The operating reports have been completed each month but have not been forwarded to the EPA for lack of a certified operator's signature.

The Board appreciates the City's good faith efforts and problems in this matter, but these violations have continued for over four years (R.18). The City has had ample opportunity in which to comply with the regulations of the Board and the Public Water Supply Act. The Board notes that the City has been notified of these violations by letter from the Agency on at least two occasions, on February 7, 1974 and on December 22, 1976. Under the circumstances, the Board finds that a penalty of \$100.00 is warranted, and the Board orders the City to cease and desist such violations within 120 days.

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

ORDER

It is the Order of the Pollution Control Board that:

1. The City of St. Francisville has violated §1 of the Public Water Supply Act, and §19 of the Environmental Protection Act, Ill.Rev.Stat. 1975, Ch. 111-1/2, par. 501 and 1019, respectively, and Rule 310 of the Board's Regulations, Chapter 6: Public Water Supplies.
2. The City of St. Francisville shall cease and desist all violations within 120 days of this order.
3. The City of St. Francisville shall pay a penalty of \$100.00 within 45 days of the date of this Order. Said penalty payment by certified check or money order shall be made payable to:

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

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 3<sup>rd</sup> day of August, 1978 by a vote of 5-0.

Christan L. Moffett SKD  
Christan L. Moffett, Clerk