

ILLINOIS POLLUTION CONTROL BOARD
October 4 , 1978

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 78-154
)
 LIBERTY-LEDFOORD WATER DISTRICT,)
)
 Respondent.)

MR. REED NEUMAN, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF COMPLAINANT.

MR. ARLIE O. BOSWELL, SR., ATTORNEY AT LAW, APPEARED ON BEHALF OF RESPONDENT.

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

This matter comes before the Board on a Complaint filed May 29, 1978, by the Environmental Protection Agency charging that Liberty-Ledford Water District with operating its public water supply facility without a certified operator since September 12, 1973, in violation of Section 1 of the Public Water Supply Act, (Ill. Rev. Stat. 1975, Ch. 111 1/2, par. 501). Hearing was held on this matter on August 15, 1978, at which time the parties submitted a Stipulation and Proposal for Settlement pursuant to Rule 331 of the Board's Procedural Rules. No members of the public were present at the hearing.

Liberty-Ledford Water District has owned and operated a public water supply facility since September 1, 1973, which includes a distribution system, a booster pump station and a 130,000 gallon standpipe serving approximately 1,200 people in Saline County, Illinois (Stip. 2).

The Stipulation indicates that the District has operated this facility from September 12, 1973, without having in its employ a properly certified operator. In May, 1977, Respondent initiated efforts to hire a Class C water supply operator after receiving the Agency's notice of violation. However, due to unstated difficulties, the Class C operator was not hired until June 23, 1978, after the commencement of this enforcement action (Stip. 3, 4, 5).

In settlement, the parties agree that the District shall pay a \$200.00 penalty and shall operate its public water facility only under the active supervision of a certified Class D, C, B or A water supply operator.

On the basis of the foregoing, the Board finds Liberty-Ledford Water District in violation of Section 1 of the Public Water Supply Act and will hereby assess the stipulated penalty of \$200.00.

The Board will accept the Stipulation and Proposal for Settlement submitted by the parties in its entirety as required by Procedural Rule 331.

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

ORDER

Respondent, Liberty-Ledford Water District, is hereby found to have operated its public water supply facility without a certified operator in violation of Section 1 of the Public Water Supply Act. The Board will assess a penalty of \$200.00 for the violation. Penalty payment by certified check or money order shall be made not later than 35 days of the date of this Order to: State of Illinois, Fiscal Services Division, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois, 62706.

Respondent, Liberty-Ledford Water District, shall comply with all terms and conditions of the Stipulation and Proposal for Settlement filed August 25, 1978, which is incorporated by reference as if fully set forth herein.

IT IS SO ORDERED.

Mr. Goodman abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 4th day of October, 1978 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board