

ILLINOIS POLLUTION CONTROL BOARD
August 4, 1977

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 77-72
)
 WALNUT HILL WELL ASSOCIATION,)
 an unincorporated association,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by Dr. Satchell):

On March 7, 1977 a complaint was filed with the Board by the Environmental Protection Agency (Agency). The complaint alleges that Walnut Hill Well Association is an unincorporated association located approximately 1.5 miles northwest of Danville in Vermilion County, Illinois; that Respondent owns and operates a public water supply system, serving approximately 56 people; that Respondent's public water supply system includes, but is not limited to, one well, a pressure storage tank and a distribution system; and that since at least September 12, 1973, Respondent has operated its public water supply facility without having in its employ a certified water supply operator in violation of Section 1 of an Act to Regulate the Operating of a Public Water Supply. The complaint further alleges violations of Rule 305 of Chapter 6: Public Water Supplies (Chapter 6), failure to chlorinate the water of the distribution system, and of Rule 306 of Chapter 6, failure to add fluoride to the public water supply.

A hearing was held on May 23, 1977 at which time a stipulated settlement was presented for Board acceptance.

This settlement provides that the public water supply system operated by Respondent has been in operation prior to and continuously since November 22, 1974. The system was operated from September 12, 1973 to August, 1975 without having in Respondent's employ a natural person properly certified as a water supply operator. It is further stipulated that Respondent has never chlorinated or added fluoride to the water it distributes. The parties agreed that Respondent's water supply

system has significant social and economic value to the community, but that failure to chlorinate and fluoridate and the failure to have a certified water supply operator to maintain the system constitutes a potential hazard to the health and general welfare of the people served by this system.

Respondent has employed a Class B water supply operator since August, 1975; however, Agency records did not reflect such employment or classification until February 23, 1977. The parties agree that it is both technically practicable and economically reasonable for Respondent to chlorinate and fluoridate its water. To this end Respondent has retained the services of Engineering and Planning Consultants, Inc. which has proposed a compliance plan to be completed by July 1, 1977 (Stip. 4). The Agency finds this plan acceptable. The parties agree that considering the nature of the violations, the make-up of the Walnut Hill Well Association and its efforts to attain compliance that a \$100 penalty for failing to employ a certified water operator is appropriate and that no penalty is necessary for failure to chlorinate and fluoridate the system.

The Board finds this stipulated agreement acceptable under Procedural Rule 331. The Board finds Respondent in violation of Section 1 of an Act to Regulate the Operating of a Public Water Supply and Rules 305 and 306 of Chapter 6. A penalty of \$100 is assessed.

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

ORDER

It is the Order of the Pollution Control Board that:

1. The Walnut Hill Well Association is found to be in violation of Section 1 of an Act to Regulate the Operating of a Public Water Supply and of Rules 305 and 306 of Chapter 6: Public Water Supplies.
2. Respondent shall pay a penalty of \$100 within 45 days of this order. Payment shall be by certified check or money order payable to:

State of Illinois
Fiscal Services Division
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 4th day of August, 1977 by a vote of 5-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board