

ILLINOIS POLLUTION CONTROL BOARD  
June 9, 1977

ENVIRONMENTAL PROTECTION AGENCY, )  
)  
Complainant, )  
)  
v. ) PCB 77-29  
)  
VILLAGE OF BIGGSVILLE, )  
)  
Respondent. )

Steven R. Watts, Assistant Attorney General, Attorney for  
Complainant  
Lyman R. Fort, Attorney for Respondent

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

This matter comes before the Board on the Complaint filed on January 26, 1977, by the Environmental Protection Agency charging in Count I that the Respondent Village of Biggsville owned and operated a public water supply system since at least September 12, 1973, without having in its employ a properly certified water supply operator in violation of Section 1 of the Operation of a Public Water Supply Act (Ill. Rev. Stat., 1975, Ch. 111 1/2, par. 501) (Certification Statute). The Complaint further charges in Count II that the Village failed to submit monthly operating reports from June 1974 through April 1976 inclusive and for November and December 1976 in violation of Rule 310 of the Board's Public Water Supply Regulations (Chapter 6) and Section 19 of the Act.

A Stipulation of Facts and Proposed Settlement was entered into the record at the hearing on the matter held on April 22, 1977, in Biggsville.

The Village of Biggsville owns and operates a public water supply system which includes two drilled rock wells, a 30,000 gallon elevated storage tank and a distribution system. Water is chlorinated by chemical feeding before entering the distribution system. The Village admits that it operated its public water supply from January 1975 to February 1, 1977, without a properly certified water supply operator. Although the Village did have in its employ a Class C operator from September 12, 1973 to January 1975, the Village failed to notify the Agency that

such operator was so employed as required by Section 1 of the Certification Statute. The Village also admits that it failed to submit monthly operating reports from June 1974 through April 1976, and that the reports for November and December 1976, were not timely filed. The Village presently has in its employ a properly certified Class C operator.

The Proposed Settlement provides that the Village will timely file its monthly operating reports and will make a good faith effort to attain and submit to the Agency the public water supply's operating reports for June 1974 through April 1976. The parties further agree that a penalty of \$300.00 is appropriate in this case.

On the basis of Stipulation of Facts and Proposed Settlement, the Board finds that the Village did violate Section 1 of the Certification Statute as charged in Count I of the Complaint. The Board further finds that the Village did violate Rule 310 of Chapter 6 and Section 19 of the Act as charged in Count II of the Complaint. Section 23 of the Certification Statute requires the imposition of a penalty of not less than \$100.00 nor more than \$1,000.00 for each violation of Section 1 found by the Board.

The Board finds that the Proposed Settlement is reasonable and acceptable. In accordance therewith the Board will assess \$300.00 as penalty for the violations found herein.

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

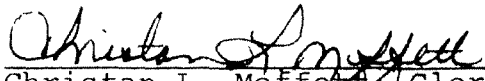
#### ORDER

1. Respondent, Village of Biggsville, is found to have operated its public water supply in violation of Section 1 of the Certification Statute, Rule 310 of Chapter 6: Public Water Supply Regulations, and Section 19 of the Environmental Protection Act and shall pay a penalty of \$300.00 for such violations. Penalty payment by certified check or money order payable to the State of Illinois shall be made within 35 days of the date of this Order to: Fiscal Services Division, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois, 62706.

2. Respondent, Village of Biggsville, shall comply with all other terms of the Proposed Settlement submitted by the parties, which is incorporated by reference as if fully set forth herein.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 9<sup>th</sup> day of June, 1977 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board