

ILLINOIS POLLUTION CONTROL BOARD
August 5, 1976

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 75-395
)
 THE VILLAGE OF MALTA, a municipal)
 corporation,)
)
 Respondent.)

Ms. Dorothy J. Howell, Assistant Attorney General, Attorney
for Complainant
Mr. Douglas R. Engel, Leifheit, Cliffe and Engel, Attorney
for Respondent

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

This matter comes before the Board on a Complaint filed by the Environmental Protection Agency on October 10, 1975, alleging various violations by the Village of Malta in the operation of its public water supply. The Village filed an Answer to the Complaint on November 24, 1975, admitting the allegations in the Complaint and pleading in mitigation that the Village had been unable to employ a properly certified operator. Hearing was held in DeKalb on April 9, 1976, at which time a Stipulation and Proposal for Settlement was entered into the record. No members of the public were present and no additional evidence was adduced at the hearing.

The Village owns and operates a public water supply system serving approximately 320 people in DeKalb County. The system includes drilled wells, a hydropneumatic storage tank and a distribution system. The water is fluoridated before being discharged into the storage tank and distribution system.

On the basis of the pleadings and the Stipulation, the Board finds that the Village operated its supply without having in its employ a properly certified operator from September 12, 1973 until October 10, 1975 in violation of Section 1 of the Operation of a Public Water Supply Act (Ill. Rev. Stat., 1973, Ch. 111 1/2, par. 501-523) (Certification Statute) and from December 21, 1974 until

October 10, 1974 in further violation of Rule 302 of Chapter 6: Public Water Supply Regulations and Section 18 of the Environmental Protection Act (Act).

On the basis of the pleadings and the Stipulation, the Board also finds that the Village failed to submit monthly water samples to the Agency in violation of Rule 309 and Section 19 of the Act in December of 1974, and for the period of February through August, 1975. The Village failed to submit monthly operating reports to the Agency in violation of Rule 310 and Section 19 of the Act from December, 1974 through September, 1975.

The Stipulation does not contain any evidence supporting the Village's allegation that it was unable to employ a certified operator; it does provide, however, that on November 21, 1975 the Village employed a properly certified operator to operate its public water supply. The Village agrees to operate its public water supply in full compliance with all applicable regulations and to correct any non-complying conditions. The parties further agree that the Village pay \$200.00 as penalty for these violations.

The Stipulation and Proposal for Settlement submitted by the parties is found adequate under Rule 333 of our Procedural Rules (EPA v. City of Marion, 1 PCB 591). On the basis of this Stipulation and the record, the Board will assess a penalty of \$200.00 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 Malta, has operated its public water supply in violation of Section 1 of the Certification Statute, Rules 302, 309 and 310 of the Public Water Supply Regulations, and Sections 18 and 19 of the Act and shall pay a penalty of \$200.00 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 Malta, shall operate its public water supply system in full compliance with all applicable legislation and regulations.

3. Respondent, Village of Malta, shall correct any and all conditions representing potential sanitary hazards or noncompliance with qualifications and standards to the satisfaction of Agency technical representatives no later than 30 days of the date of this Order.

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 5th day of August, 1976 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board