

ILLINOIS POLLUTION CONTROL BOARD  
September 15, 1976

ENVIRONMENTAL PROTECTION AGENCY,	)	
	)	
Complainant,	)	
	)	
v.	)	PCB 76-140
	)	
SYLVAN LAKE WATER ASSOCIATION,	)	
First Subdivision,	)	
	)	
Respondent.	)	

Mr. Steven H. Gunning appeared on behalf of Complainant.  
Mr. Don McNamee appeared on behalf of Respondent.

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

On May 12, 1976, the Environmental Protection Agency (Agency) filed a Complaint against the Sylvan Lake First Subdivision Homeowner's Association alleging violation of Rule 305 of Chapter 6: Public Water Supply Regulations. A hearing was held on July 26, 1976, at the Village Hall, Mundelein, Illinois. The association was not represented by counsel. No citizen witnesses were present. At the hearing, the Complaint was amended to reflect the correct title of Respondent: Sylvan Lake Water Association, First Subdivision (Association).

The Association owns and operates a public water supply serving approximately 64 families in Sylvan Lake First Subdivision, near the Village of Mundelein, Lake County, Illinois. The Association's public water supply consists of one drilled well, two pressure storage tanks and a distribution system.

Rule 305 requires public water supplies such as the one in question to chlorinate the water before it enters the distribution system. The compliance date set by Rule 305 is December 21, 1975.

At the hearing, the President of the Association acknowledged that the Association had received notice prior to December 21, 1975 that chlorination would be required by that date (R.10). He testified that although a chlorination unit had been installed during April, 1976, the unit was not presently operable (R.9). The decision to install but not operate the chlorination unit had been arrived at by a vote of the Association's members and was based on the members' desire to retain the natural taste of the water (R.9). A Field Operations Engineer for the Agency testified that a precision chemical feed pump and plastic solution tank had been installed but, as of the week before the hearing, no solution was in the tank (R.17).

The Board finds that the Association violated Rule 305 by failing to chlorinate its water by December 31, 1975. In considering the assessment of a penalty, the Board must consider the factors set out in Section 33(c) of the Environmental Protection Act (Act). An employee of the Agency testified that the injury to the public resulting from a failure to chlorinate a public water supply usually occurs in the distribution system. However, no direct evidence of injury to the public was submitted in this case. The economic and social value of the system are apparent in that the system provides water for approximately 64 families in the Sylvan Lake Subdivision. The suitability of the source's location is not in issue. Finally, the technical feasibility and economic reasonableness of chlorination are evidenced by the fact that the chlorination unit had been installed prior to the filing of the Complaint, but the Association had elected not to operate the unit. A brief submitted by the Association after the hearing indicates that the Association met on July 31 and voted to begin chlorination on or about August 2, 1976.

The Board finds that the Association's deliberate delay in compliance warrants the assessment of a penalty for the violation of Rule 305 found herein. The Association was informed of its public duty to safeguard its water supply, but apparently decided to substitute its own experience with regard to that particular well and distribution system over the experience and expertise behind the regulations involved. The regulations are based upon extensive experience throughout the State, and their purpose is to keep all public water supplies in a safe and sanitary condition. The Board, therefore, assesses a penalty of \$300.00.

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 Sylvan Lake Water Association, First Subdivision is found to have violated Rule 305 of Chapter 8: Public Water Supplies.
2. For said violation, the Association is ordered to pay a penalty of \$300.00, payment to be made within 35 days of the date of this Order, by certified check or money order to:

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

3. The Association shall cease and desist from said violation.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 15<sup>th</sup> day of September, 1976 by a vote of 5-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board