

ILLINOIS POLLUTION CONTROL BOARD
June 18, 1976

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 75-6
)
)
 CITIZENS UTILITIES,)
)
 Respondent.)

Mr. James L. Dobrowolny, Assistant Attorney General, appeared on behalf of Complainant
Mr. Daniel J. Kucera, Chapman and Cutler, appeared on behalf of Respondent

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

On January 6, 1976, the Environmental Protection Agency (Agency) filed a Complaint against Respondent Citizens Utilities Company of Illinois (Citizens). Citizens filed a Motion to Dismiss on January 22, 1975. The Agency filed an Amended Complaint on January 24. On February 4, Respondent amended its Motion to Dismiss which was granted as to Count I. On March 5, 1975, the Agency filed its second Amended Complaint. On March 12, Citizens moved to dismiss again. That motion was denied as to Count I, the remaining portions being taken with the case by Board Order of April 4, 1975. Due to the Board's decision herein, the remaining portions of said Motion are denied.

Citizens provides public utility and sanitary sewer service in several portions of metropolitan Chicago. Included in its service area is the "Fernway-Westhaven" area, in which Citizens provides public water and sanitary sewer service to some 700 customers located in the Fernway Subdivision of Orland Park and the Village of Westhaven.

Count I of the Second Amended Complaint charges Respondent with violating Section 18 of the Environmental Protection Act (Act) in that Respondent has failed to distribute water which is clean and of satisfactory mineral character for ordinary domestic consumption. More particularly, Citizens is charged with distributing water which is discolored and unpalatable due to the presence of excessive concentrations of iron. Count II charges violation of Section 19 of the Act in that Respondent allegedly failed to submit bacterial samples to Complainant for fifteen months in 1973 and 1974. Count III alleges that Citizens has allowed the existence of three operational and structural sanitary defects: i.e., lack of screen on well casing vents; an unscreened air relief valve vent pipe which terminates below ground levels; and fill line for the phosphate tank which terminates below the tank rim, in violation of Section 18 of the Act.

At a hearing conference on April 21, 1976, the parties agreed to submit a Settlement Agreement to the Board by May 25, 1976. That Settlement was received May 24, 1976.

Respondent's public water supply system includes four wells, two elevated storage tanks and an integrated system of mains, hydrants, and appurtenances thereto. At a cost of \$311,000.00, Citizens constructed Well No. 3 which has been the primary water supply since December 23, 1974. The underground waters are drawn from the wells, chlorinated, and fluoridated. Trisodium polyphosphate is injected for iron control by sequestration. Since October of 1975, Respondent has attempted to control pH by feeding caustic soda. Since March, 1975, Citizens has implemented a flushing program for its distribution system.

The parties stipulate that water quality has improved since well No. 3 became operational. That well has a depth of 1,700 feet with capacity of 1,000 g.p.m. Respondent has also constructed a new 400,000 gallon elevated storage tank at a cost of \$226,000.00. The parties stipulate that Respondent has consistently submitted the monthly bacterial samples at least since the filing of the Complaint and that the water is bacteriologically safe. The parties also stipulate to a dismissal of Count III.

The Respondent, in consideration of the Settlement of this cause, agrees to remit \$1,600 to the State of Illinois. In addition, Respondent agrees to implement the following program which

is taken verbatim from the Settlement Proposal:

PROGRAM

1. Respondent agrees to do the following:
 - (a) To continue to use Well No. 3 as its lead well, subject to unavailability due to mechanical failure or shutdown due to maintenance, repair, power outage, failure, or other operational difficulties.
 - (b) To continue to regularly flush its distribution system as required to remove accumulated sediment and to control sediment thereafter.
 - (c) To submit all monthly bacterial samples required by Complainant, and to maintain records of the taking of such samples.
 - (d) To continue its program for monitoring its water supply and distribution system and to maintain records thereof, and to permit authorized representatives of the Illinois Environmental Protection Agency and of the office of the Illinois Attorney General, Environmental Control Division, reasonable inspection of such records.
 - (e) To monitor and control any corrosive tendencies of the water supply, Respondent shall adjust the pH by the addition of caustic when necessary as indicated by an average chlorine residual in finished water at either .5 ppm combined or .15 ppm free. For purposes of this subparagraph, the residual shall be measured by a weekly sample by Respondent from the distribution system at the south end of 170th Place in the Fernway Subdivision. The "average chlorine residual" shall be based upon the readings of said samples for the period April 1, 1976, to October 1, 1976. At the Agency's request, samples taken in September, 1976, shall be joint-samples taken by representatives of Respondent and the Agency.
 - (f) Respondent shall eliminate the dead-end water mains located in the Village of Westhaven at the south end of the streets from 90th to 94th Avenues by installing

a water main of at least 8" diameter connecting to the mains in each of said streets at the south end thereof. Such work shall be completed by October 1, 1976.

- (g) Respondent shall flush monthly its water mains located at the south end of the streets in the Fernway Subdivision, and Leonard A Lindstrom, engineer for the Agency, and David Varner, engineer for Respondent, shall cooperate to experiment with valving at such locations to improve the effectiveness of such flushing.
 - (h) In the event that Respondent is unable to maintain the average chlorine residual, as defined in subparagraph (e) above, then it shall install a water main of at least 8" diameter connecting its main at the south end of 170th Place in the Fernway Subdivision with its main at the south end of 90th Avenue in the Village of Westhaven. If such installation is required, the following schedule will be observed:
 - (1) Application for Agency permit by December 1, 1976;
 - (2) Agency permit issued by March 1, 1977;
 - (3) Construction completed by June 1, 1977, or by July 1, 1977, in the event of unfavorable weather conditions.
- Notwithstanding the foregoing, failure to maintain the average chlorine residual shall be excused, and the above work not required, if due to a cause beyond control of Respondent.
- (i) In the event that Respondent has maintained the average chlorine residual, as defined in subparagraph (e) above, during the rest period referred to therein, but fails to maintain it subsequent to October 1, 1976, then within 60 days after written notice from the Agency it shall implement the construction program described in subparagraph (h) above, in accordance with a time schedule containing the relative time frames of the schedule contained therein. Failure to maintain the chlorine residual after October is defined as follows: when the average of the chlorine levels in weekly samples by Respondent for any calendar month from the south end of 170th Place in the

Fernway Subdivision is less than .5 ppm combined or .15 ppm free. Maintaining on the average either level satisfies the chlorine residual maintenance requirement. Notwithstanding the foregoing, failure to maintain the average chlorine residual shall be excused if due to a cause beyond the control of Respondent.

- (j) Respondent shall give prior notice by mail to customers of all scheduled flushings of its distribution system.
- (k) Respondent has established and will maintain a department in its office for the handling of service complaints by customers, in accordance with General Order 24, Revised of the Illinois Commerce Commission, and will expedite its training program for personnel handling such complaints.
- (l) Respondent has distributed and will continue to distribute periodically with its bills informative literature with respect to the customer's use of water service, including maintenance of the customer's hot water heater and water softener.
- (m) Respondent will actively attempt to have prosecuted persons who wrongfully open its hydrants or mains, provided that witnesses will cooperate by furnishing the necessary identification, evidence and testimony.
- (n) Respondent will comply with all applicable water supply requirements of the Statutes and Board regulations with respect to iron content subject to such variances and exceptions as may be allowed.

The Board finds the Settlement Stipulation to be adequate and will accept it in settlement of this action.

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

ORDER

It is the Order of the Board that

- 1) In consideration of the Settlement herein, this cause is hereby dismissed.

2) Respondent shall remit \$1,600.00 by certified check or money order payable to the State of Illinois within thirty-five days from the date of this Order. Said payment shall be sent to:

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

3) Respondent shall comply with the proposed program which is hereby incorporated by reference as though it were fully setforth herein.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 18th day of June, 1976 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board