

ILLINOIS POLLUTION CONTROL BOARD
June 18, 1976

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 75-491
)
 VILLAGE OF SAYBROOK,)
 a municipal corporation,)
)
 Respondent.)

Ms. Mary C. Schlott, Assistant Attorney General, Appeared for
Complainant
Hon. Jerome K. Nord, Mayor of Saybrook, Appeared for Respondent

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

This matter comes before the Board on a Complaint filed by the Agency on December 19, 1975, charging that the Village of Saybrook operated its public water supply 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. 1973, Ch. 111 1/2, par. 501-523) (Certification Statute), in violation of Rule 302 of the Board's Public Water Supply Rules and Regulations (Regulations), and in further violation of Section 18 of the Environmental Protection Act (Act). Hearing was held in Bloomington on April 19, 1976 at which time a Stipulation and Proposal for Settlement was filed with the Board.

The Village, with a population of approximately 814 persons, owns and operates a public water supply system which includes two drilled wells, an elevated storage tank, and a distribution system. Water from the wells is fluoridated before being pumped into the distribution system.

Section 1 of the Certification Statute requires the employment of a person certified as competent as a Class C, Class B, or Class A operator by any public water supply conducting chemical treatment only. Rule 302 of the Water Supply Regulations requires that the provisions of Section 1 of the Certification Statute are to be met. Section 18 of the Act requires that public water supplies are to be operated and maintained so that the water is assuredly safe in quality, clean, adequate in quantity, and of satisfactory mineral character for ordinary domestic consumption.

The Agency informed the Village of the need for a properly certified operator in letters to the Village mailed on August 3, 1973 and March 4, 1975. Mayor Nord responded on April 21, 1975 to an April 9, 1975 Agency Notice of Violation stating that the water supply operator, Mr. Leon Tammen, planned to take the May examination. In response to this information, the Agency set a compliance date of June 15, 1975 and informed the Village that it must hire a properly certified operator in the eventuality that Mr. Tammen did not pass the May examination. Mr. Tammen did not pass the May examination and the Complaint was filed on December 19, 1975. Both Mr. Tammen and Mayor Nord took the February 2, 1976 exam, and although Mayor Nord passed the exam, Mr. Tammen was again unsuccessful. On February 4, 1976, the Village hired an operator holding a Class A certificate of competence.

The Village admits operating its public water supply from September 12, 1973 until December 19, 1975 in violation of Section 1 of the Certification Statute and from December 20, 1974 until December 19, 1975 in further violation of Rule 302 and Section 18 of the Act. For these admitted violations the Village has agreed to pay a penalty of \$100.00.

On the basis of the foregoing and the Stipulation, which constitutes the entire record in this case, we find that the Village did violate Section 1 of the Certification Statute, Rule 302 of the Regulations and Section 18 of the Act. 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 of the Certification Statute found by the Board. The Board will assess \$100.00 as penalty for these violations.


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

ORDER

Respondent, Village of Saybrook, is found to have operated its public water supply in violation of Section 1 of the Certification Statute, Rule 302 of the Board's Water Supply Regulations and in further violation of Section 18 of the Act and shall pay a penalty of \$100.00 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.

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 18th day of June, 1976 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board