

ILLINOIS POLLUTION CONTROL BOARD  
April 22, 1976

ENVIRONMENTAL PROTECTION AGENCY,            )  
  )  
  Complainant,            )  
  )  
  v.                            )  
  )  
VILLAGE OF GERMAN VALLEY,                    )  
  )  
  Respondent.                )

PCB 75-374

Ms. Dorothy J. Howell, Attorney for Complainant  
Mr. F. Stanley Rodkey, 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 (Agency) on September 26, 1975, alleging that the Village of German Valley 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 Freeport on November 20, 1975.

The Village, with a population of approximately 250 persons, owns and operates a public water supply system which includes one drilled well, an elevated storage tank and distribution system. Water from the well is chlorinated before being pumped into the storage tank and 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.

A Request for Admission of Fact served on the Village and its Answer thereto establishes that the Village operated its public water supply without a properly certified operator from September 12, 1973 through September 12, 1975. On the basis

of this admission, we find that the Village did violate Section 1 of the Certification Statute for this period, and in further violation of Rule 302 of the Regulations and Section 18 of the Act from December 21, 1974 through September 12, 1975.

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 determined by the Board to exist. The Board will assess a penalty of \$100.00 for this violation. At the hearing it was established that the Village had in its employ an operator holding a Class C certificate of competence prior to the date of filing of the Complaint in this matter; for this reason the penalty will be suspended.

ORDER

Respondent, Village of German Valley, is found to have operated its public water supply in violation of Section 1 of the Certification Statute, and in further violation of Rule 302 of the Water Supply Regulations and Section 18 of the Act for which a penalty of \$100.00 is assessed. The Board suspends the assessed penalty.

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 22<sup>ND</sup> day of April, 1976 by a vote of 5-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board