

ILLINOIS POLLUTION CONTROL BOARD
April 22, 1976

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 75-376
)
)
 VILLAGE OF CRESTON, a municipal)
 corporation,)
)
 Respondent.)

MS. DOROTHY HOWELL, Assistant Attorney General, appeared on behalf of Complainant;
MR. BRUCE WELLMAN, appeared on behalf of Respondent.

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

On September 26, 1975 the Environmental Protection Agency (Agency) filed a two count Complaint against the Village of Creston located in Ogle County, Illinois. The first Count alleges failure to employ a properly certified public water supply operator in violation of Section 501 of an Act to Regulate the Operating of a Public Water Supply, Ill. Rev. Stat., ch. 111-1/2, par, 501 as amended by P.A. 78-810 (Public Water Supply Act), Section 18 of the Environmental Protection Act (Act), and Rule 302 of the Board's Public Water Supply Regulations. The second Count alleges failure to submit monthly operational reports in violation of Section 19 of the Act and Rule 310 of the Board's Public Water Supply Regulations. A hearing was held on February 11, 1976 at which the parties presented a Stipulation and Proposal for Settlement pursuant to Rule 333 of the Board's Procedural Rules.

The Village of Creston (Creston) owns and operates a public water supply system consisting of one drilled well, one stand-by well, a hydropneumatic storage facility, and a distribution system. Water for the system is fluoridated before being discharged into the distribution system. There is no dispute as to the application of the cited laws and regulations to Creston's facility, which supplies water for drinking and general domestic use to approximately 180 people.

However, this case must be determined on the basis of a Stipulation which does not contain facts sufficient for any finding of violation on either of the two Counts. The choice is to accept or reject the Proposal for Settlement. The Board finds no reason to reject this Settlement, given the fact that a substantial penalty would only deprive this small village of funds necessary for the maintenance of its operation, and would serve no environmental purpose. Further, on March 8, 1976 Creston's Village Clerk certified and sent to this Board a copy of the February 16, 1976 resolution of the Creston Board of Trustees hiring Mr. Arthur Yates, a qualified Class "C" Operator, to operate its public water supply system.

The proposed settlement provides that Creston shall pay \$200.00 to the State of Illinois, and henceforth operate its public water supply system in full compliance with all applicable legislation and regulations. The facts that no actual environmental harm has been shown and that the alleged violations have already been corrected lead this Board to conclude under the particular circumstances displayed in the record, that the Proposal for Settlement should be accepted.

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

ORDER

1. The Board hereby adopts in all respects the Stipulation and Proposal for Settlement submitted by the parties in this cause.

A. The Village of Creston shall henceforth operate its public water supply system in full compliance with all applicable legislation and regulations.

B. The Village of Creston shall remit the sum of \$200.00 to the State of Illinois in settlement of this cause, payment to be made by certified check or money order within 35 days of the date of this Order to:

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

2. This cause is hereby dismissed.

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 22nd day of April, 1976 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board