

ILLINOIS POLLUTION CONTROL BOARD
February 19, 1976

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 75-377
)
 VILLAGE OF STEWARD, a municipal)
 corporation,)
)
 Respondent.)

Ms. Dorothy J. Howell, Assistant Attorney General, Attorney
for Complainant
Mr. David K. Guest, 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 Steward operated its public water supply from August 2, 1974 until September 26, 1975, without having a certified operator in its employ 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 on January 27, 1976, at the Village, at which time a Stipulation and Proposal for Settlement (Stipulation) was entered into the record.

The Village owns and operates a public water supply system serving approximately 315 people in Lee County. This water supply system includes two drilled wells, a hydropneumatic storage tank, and a distribution system. Water for the system is fluoridated before entering the storage tanks and the distribution system.

Section 1 of the Certification Statute requires the employment of a person certified as competent as a Class C 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, and in addition requires that all official operating reports submitted to the Agency are to be signed by a certified operator.

The Stipulation provides that the Village operated its water supply from August 2, 1974 until September 26, 1975, without having in its employ a certified operator as required by Section 1 and Rule 302. Since October 15, 1975, the Village has employed an operator holding a Class "C" certificate of competence, such classification being sufficient to meet the requirements of Section 1.

The parties agree to payment of \$200.00 in settlement of the matter.

On the basis of the above and the Stipulation, which constitutes the entire record in this case, we find that the Village did violate Section 1 of the Certification Statute from August 2, 1974 until September 26, 1975, and in further violation of Rule 302 of the Water Supply Regulations and Section 18 of the Act.

Section 23 of the Certification Statute requires the imposition of a penalty 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. A penalty of \$200.00 is assessed for these violations.


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

ORDER

Respondent, Village of Steward, 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, and shall pay a penalty of \$200.00 for such violations. Penalty payment by certified check or money order payable to the State of Illinois shall be made within 35 days of 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 19th day of February, 1976 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board