

ILLINOIS POLLUTION CONTROL BOARD
October 30, 1975

LA VERNE HROMEK, et al.,)	
Complainants,)	
)	
v.)	
)	
LAKELAND PARK WATER COMPANY,)	
and LADD ENTERPRISES - DIVISION)	
of ROBINO-LADD COMPANY,)	
Respondent,)	
-----)	PCB 74-85 and
)	PCB 74-194
)	Consolidated
ENVIRONMENTAL PROTECTION AGENCY,)	
Complainant,)	
)	
v.)	
)	
LAKELAND PARK WATER COMPANY,)	
Respondent.)	

Mr. Sherwood L. Levin, attorney for La Verne Hromec, et al.
Mr. Stephen Z. Weiss, attorney for the Environmental Protection Agency.
Mr. Joseph S. Wright, Jr., attorney for Lakeland Park Water Company.

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

These actions, as consolidated, come before the Board upon complaint of La Verne Hromec (Hromec) and the Illinois Environmental Protection Agency (Agency) against Respondent Lakeland Park Water Company (Lakeland). The complaint in PCB 74-85 was filed by Hromec on March 4, 1974, charging Lakeland with violation of Rule 204(b) of the Water Pollution Regulations of Illinois (Regulations) and the requirements of Public Health Service Drinking Water Standards--1972 (Health Standards) by allowing its public water supply to have an iron content of 2 milligrams per liter (mg/l), and Rule 204(c) of the Regulations and the requirements of the Health Standards by allowing its public water supply to have a coliform count of over 3 per 50 ml of water sampled.

On May 24, 1974, the Agency filed a complaint alleging that Lakeland violated Rule 3-13 of the Public Water Supply System Rules and Regulations of the Illinois Department of Public Health and Section 5.2 of the Public Health Service Drinking Water Standards of the U.S. Department of Health

Education and Welfare by failing to provide water containing no more than 0.3 mg of iron per liter, and Section 18 of the Environmental Protection Act (Act) by failing to direct or maintain the continuous operation and maintenance of the Public Water Supply facility so that the water shall be assuredly safe in quality and of satisfactory mineral character for the ordinary domestic consumption and providing water which is red, brown, and rust colored and having an odor.

On June 4, 1974, Complainant Hromec filed an amended complaint alleging that Respondent Lakeland had violated Section 15 of the Act by not obtaining a permit from the Illinois Department of Public Health for their public water supply; Section 18 of the Act by distributing water at low pressure so as to fail to be of adequate quantity from time to time and distributing water through a system not assuredly safe in quality, clean and of satisfactory mineral character for ordinary domestic consumption. In the amended complaint, Hromec, in addition, alleged the previous violations as alleged in the original complaint with some expansion on the dates of violation. The two enforcement cases were consolidated on June 27, 1974, pursuant to a motion by the Agency.

Respondent Lakeland has owned, operated and controlled a public water supply system for furnishing water for general drinking and domestic use to the residents of an area commonly known as the Lakeland Park and Lakeland Shore Subdivisions of the City of McHenry, McHenry County, Illinois. This public water supply generally includes two wells, an elevated tank, and a water distribution system.

On December 18, 1974, the Pollution Control Board received a Stipulation and Proposal for Settlement which was admitted into evidence at the September 6, 1974, hearing on this matter. The Board, in a January 16, 1975, Order, rejected the stipulation and remanded it to the parties for further action. On September 29, 1975, a second Stipulation and Proposal for Settlement was received by the Board from the parties herein. This second stipulation corrects the deficiencies of the original stipulation and is accepted by the Board.

The Board finds that the stipulated facts do not support the allegation of violation of Rule 204(b) or 204(c) of the Regulations. The Board has previously decided that Rule 204 applies only to those who discharge contaminants to the waters of the State. Since Lakeland is not charged with such discharge, the complaint with respect to Rule 204 of the Regulations is hereby dismissed. (Paige Hall, et al v. Decatur, PCB 74-33, August 7, 1975.)

That section of the complaint alleging violation of Section 15 of the Act by not obtaining a permit from the

Illinois Department of Public Health approving plans and specifications for the water supply is likewise dismissed, since Respondent produced properly issued permits from said department. The Board finds the stipulated facts support the allegation of violation of Section 18 of the Act wherein Lakeland distributed water through the system at such low pressure as to fail to be of adequate quantity from time to time, and distributed water through its system not assuredly safe in quality. There was also evidence introduced to the effect that Lakeland had been derelict in the direction of the water supply facilities. This evidence was presented in the stipulation in the form of stipulated citizen testimony, expert testimony and report records from the Agency.

The terms of the settlement include the following conditions to be met by November 1, 1975:

1. The addition of iron-sequestering chemicals to the system in a manner and amount acceptable to the Agency.
2. Maintenance of a minimum and adequate chlorine residual throughout the distribution system.
3. Maintenance of constant water pressure of 20 pounds per square inch at all times throughout the system.
4. Maintenance of satisfactory operating records which will include, but are not limited to, water pumpage, the quantity and concentration at the plant and random points in the distribution system of chemicals being introduced into the system, the water pressure at random points in the system, the date and location of water line breaks and leaks, and complaints made to Respondent about the iron and chlorine concentrations, pressure and outages of water, including the date of the complaint, the substance of the complaint and who made the complaint.
5. Replacement of broken and inadequate water pipes as such replacement becomes necessary to maintain the water quality, quantity and pressure at all times according to the rules and regulations governing public water supplies.
6. Forwarding copies of operating records to the Agency on a monthly basis which point to line breaks or leaks, or complaints about the water distributed.

On or before October 1, 1975, Lakeland shall complete the installation of hydrants or looping of dead ends, as determined by sound engineering practices, in the water distribution system to further alleviate citizen complaints about water and to make the iron-sequestration more effective.

On or before November 15, 1975, a questionnaire will be sent out by the Agency to the citizens served with the water

by Respondent asking for comments about the water concerning its color, odor and pressure.

On or before December 15, 1975, the Agency will decide whether the water from Respondent is acceptable according to the Rules and Regulations in effect at that time setting forth standards for Public Water Supplies. If the water is found acceptable to the Agency, then Respondent need only continue to furnish water of a quality which meets the standards set forth in the Public Water Supply Rules and Regulations in effect at that time.

If the water is found unacceptable to the Agency, then, within 30 days after being notified to that effect by the Agency, Respondent shall notify the Agency, in writing, as to which alternative, as set forth below, it will follow. The alternatives may be chosen only from among the following:

1. On or before November 1, 1976, have in operation a well, which will be the only source of water for Respondent's water supply system, producing water after treatment with an iron concentration of no more than 0.3 mg/l or then existing Agency standards.

2. On or before November 1, 1976, obtain water from the City of McHenry, if acceptable to the City, which will be the only source of water from Respondent's water supply system and which will contain an iron concentration of no more than 0.3 mg/l.

3. On or before November 1, 1976, have iron removal equipment in operation at its present treatment facility with an output of water having an iron concentration of no more than 0.3 mg/l and said output of water being the only source of water for Respondent's water supply system.

The stipulation further states that on or before January 1, 1976, the Respondent shall execute a non-surety bond guaranteeing performance with the amount, equal to the cost of the project based upon competitive bids, that is necessary to assure completion of the above-chosen alternative.

The time for performance of any term of the settlement may be extended by the Board pursuant to application by Lakeland for a variance in accordance with provisions of the Act. Lakeland, in addition, agrees to remit the stipulated penalty of \$3,000 to the State of Illinois, 30 days after approval of the stipulation by the Board and agrees that it will not in any way use the amount of such penalty as the basis of a request to the Illinois Commerce Commission for permission to increase its rates. The settlement in no way provides or exempts Lakeland from other obligations it may incur as a result of the future operations of its water supply.

The Board notes that the operation of Lakeland has been assumed by a new company with whom this stipulation has been agreed and who has already started compliance. The Board finds the stipulation, compliance plan, and penalty to be a suitable resolution of the issues herein.

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

ORDER

It is the Order of the Pollution Control Board that:

1. Respondent Lakeland Park Water Company has violated Section 18 of the Environmental Protection Act as found in the Opinion herein; and
2. Respondent Lakeland Park Water Company shall perform according to the guidelines set forth in today's Opinion and the stipulation filed with the Board on September 29, 1975, which stipulation is hereby incorporated by reference as if more fully set forth herein; and
3. Respondent Lakeland Park Water Company shall pay a penalty of \$3000.00, payment to be made within 30 days of the date of this Order, by certified check or money order to:

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

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 30th day of October, 1975 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board