

ILLINOIS POLLUTION CONTROL BOARD
December 18, 1975

ENVIRONMENTAL PROTECTION AGENCY,)
Complainant,)
)
v.) PCB 75-373
)
CITY OF KEITHSBURG, a municipal)
corporation,)
Respondent.)

Ms. Dorothy J. Howell, Assistant Attorney General, appeared on behalf of Complainant;

Mr. Gene McWorter appeared on behalf of Respondent.

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

This matter comes before the Pollution Control Board (Board) upon the September 26, 1975, Complaint of the Environmental Protection Agency (Agency) charging the City of Keithsburg (Keithsburg) with violating Section 501 of an Act to Regulate the Operating of a Public Water Supply (PWS Act) Ill. Rev. Stat., ch. 111-1/2 par 501, Rules 302 and 310 of the Public Water Supply Regulations (PWS Regulations) and Sections 18 and 19 of the Environmental Protection Act (Act). The substance of the alleged violations is that from September 12, 1973, Respondent has operated a public water supply without a certified operator and between March 11, 1974, and July, 1975, Respondent has failed to submit monthly reports.

Keithsburg is a municipal corporation operating a public water supply serving 836 people in Mercer County, Illinois. In its answers to Complainant's "Request for Admission of Fact", Keithsburg admits that it operates a water supply system which includes two drift wells, an elevated tank and a distribution system, all operated as a single unit. Section 501(e) of PWS Act requires each public water supply which utilizes chemical feeding, only, to have in its employ at least one person certified as competent as a Class C, Class B, or Class A water supply operator. Keithsburg admits that the water is treated with fluoride and silicate before being pumped to the elevated tank or through the distribution system. Keithsburg also admits that it has not had in its employ a certified water supply operator since September 12, 1973.

The Board finds that since September 12, 1973, Keithsburg has violated Section 501 of PWS Act and since December 21, 1974, Keithsburg has violated Rule 302 of the PWS Regulations and Section 18 of the Act.

During the time period in question, Keithsburg has trained three water supply operators (R48-51) none of which were certified. Keithsburg hired a person who held himself out to be a Class "C" operator but it later became apparent that he held a Class "D" certification (R.53-4).

Complainant's Exhibits 2 through 5 show that the Agency has not received operating reports since at least March 11, 1974. Indeed, testimony showed that sometime in 1973 was the last time before October, 1975, that such a report was received (R.44). Keithsburg's Mayor stated that he directed the Water Superintendent to file the necessary reports (R.52). The Board finds that Keithsburg has failed to file monthly reports as required by Section 19 of the Act since March 11, 1974, and Rule 310 of the PWS Rules since December 21, 1974.

Although Ex. 1 shows that the water quality of Keithsburg's water supply is adequate for human consumption, the Board submits that in order to ensure the potability of the water, a Certified Public Water Supply Operator is required. The purpose of the monthly reports is to ensure the continued maintenance of the sanitary, and mineral quality of the water. The cost of hiring such an operator is not excessive (R.13-19).

The Board finds that Keithsburg has acted in good faith and has attempted to employ a certified operator. In consideration thereof, the Board assesses the minimum penalty of \$100.00 required by Section 523 of the PWS Act.

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:

- a) Respondent City of Keithsburg is found to have violated Section 501 of the PWS Act since September 12, 1973, and Rule 302 of the PWS Regulations and Section 18 of the Act since December 21, 1974; and
- b) Respondent is found to have violated Section 19 of the Act since March 11, 1974, and Rule 310 of the PWS Regulations since December 21, 1974; and
- c) For said violations, Respondent is ordered to pay a penalty of \$100.00, payment to be made within 35 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

and

d) Respondent shall cease and desist from said violations within two months of this Order.

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 December, 1975 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board