

ILLINOIS POLLUTION CONTROL BOARD
September 18, 1975

ENVIRONMENTAL PROTECTION AGENCY,)
Complainant,)
)
v.) PCB 75-113
)
VILLAGE OF KANE,)
Respondent.)

Ms. Marilyn B. Resch, Assistant Attorney General, appeared on behalf of the Complainant;
Mr. Hugh Strickland, McDonald and Strickland, appeared on behalf of the Respondent.

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

This matter comes before the Pollution Control Board (Board) upon the May 20, 1975, Amended Complaint of the Environmental Protection Agency (Agency) against the Village of Kane (Kane). The original complaint was filed March 10, 1975, charging Kane with violating Section I of an Act to Regulate the Operation of a Public Water Supply, Ill. Rev. Stat. Chapter 111 1/2 Par. 501 (1973), in that Kane operated a public water supply from on or about June 11, 1974, to the date of filing of the complaint without a certified Class B or Class A operator. The Amended Complaint added a violation of Rule 302 of the Public Water Supplies Regulations from December 21, 1974, to the date of filing. A hearing was held July 23, 1975, at Carrollton, Illinois.

Rule 302, in pertinent part, states: "All provisions of An Act to Regulate the Operating of a Public Water Supply ...shall be met."

Paragraph 501(b) of the Public Water Supply Act states:

(b) Each public water supply which includes filtration, aeration and filtration, or ion exchange equipment as a part of its primary treatment shall have in its employ at least one natural person certified as competent as a Class B or Class A water supply operator.

Kane is located in Greene County, Illinois, and has a population of 473 (R.38). Kane admits that its public water supply utilizes filtration equipment as part of the primary treatment of its well water (Comp. Ex. 1). It also admits that between June 11, 1974, and March 10, 1975, the Village had no certified water supply operator (R.3). In addition, Kane admits that several letters, including a notice of violation, had been sent to it by the Agency (Comp. Ex. 1).

The Board must find that Kane has violated both Paragraph 501 of the Public Water Supply Act and Rule 302 of the Public Water Supply Regulations.

Prior to June 11, 1974, John Elmor was the certified water supply operator for the Village. When he died in June of 1974, his son-in-law, Delbert Allan, became the operator although he was not certified (R.19). On June 4, 1975, Kane hired Jack Shafer as operator. Mr. Shafer, who also operates the Jerseyville water supply, holds a Class A certification (R.33, 42).

The Board notes that the requirements for obtaining a Class B certificate includes three years of on the job training plus a high school education or four years actual training and a grade school education. After being trained, the prospective operator must pass a written examination. A certified operator is necessary in order to assure safe water production and to maintain the water quality until it reaches the consumer.

The minimum penalty set by law for the violations found herein is \$100.00. The Board finds that as Kane now has a certified operator and as no citizen complaints were filed, a penalty of \$100.00 is appropriate.

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

ORDER

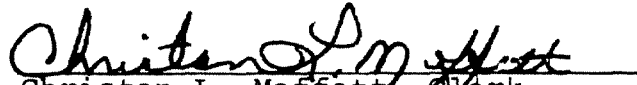
It is the Order of the Pollution Control Board that:

1) Respondent Village of Kane is found to have violated Paragraph 501 of the Public Water Supply Act and Rule 302 of the Public Water Supply Regulations during the period between June 11, 1974, and March 10, 1975; and

2) Respondent Village of Kane shall pay as a penalty the sum 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

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 September 1975 by a vote of 30.


Christan L. Moffett, Clerk
Illinois Pollution Control Board