ILLINOIS POLLUTION CONTROL BOARD January 30, 1973

ENVIRONMENTAL	PROTECTION	AGENCY))	#72-95
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DAVID HALVERS	ON)	

OPINION AND ORDER OF THE BOARD (BY SAMUEL T. LAWTON, JR.):

Complaint was filed against Respondent alleging that he owns and operates public water facilities located in the Village of Cortland, near the intersection of Highway Alternate No. 30 and Somonauk Road in DeKalb County. The complaint alleges that during late 1970 and early 1971, Respondent constructed the public water supply facilities without obtaining a permit from the Environmental Protection Agency and has operated the facilities without approval of the Agency, in violation of Section 15 of the Environmental Protection Act; that he has failed to submit water samples for analysis in violation of Section 19 of the Act; that he has failed to maintain continuous, adequate and satisfactory operation of the system in violation of Rule 3.30 of the Public Water Supply System Rules and Regulations and failed to comply with the requirements of safety, cleanliness and mineral character in violation of Rule 350; that Respondent has failed to provide adequate pressure storage and chlorination in violation of Section 18 of the Act and has failed to employ certified personnel as required by Section 501 of "An Act to Regulate the Operating of a Public Water Supply" (Ill. Rev. Stat., Ch. 111-1/2, Sec. 501).

An agreed statement of facts was entered into between the Agency and Respondent in which Respondent admits the installation and operation without permit, allegedly as a result of misunderstanding, and that he failed to submit water samples for analysis to the Agency although he did submit water samples to several other public agencies during the time in question and the samples were "favorably tested". Respondent further concedes that he did not employ a certified public water supply operator although, apparently, a certified operator is presently employed by Respondent. The agreement states that a pressure storage system with compressor, as required by regulation, has been installed and that "as built" plans for the water supply system have been submitted and approved by the Agency, and samples are being submitted on a monthly basis.

On November 14, 1972, we entered an order reciting the foregoing facts. We noted, however, that on the state of the record, we were without adequate guidance with respect to the type of order to enter in th

proceeding. We directed the parties to submit, within 30 days, relevant information on the question of remedy. A recommendation was submitted by the Agency in which the Agency states that the admitted violations appear to have been the consequence of negligence rather than intent and that all violations have been terminated. The Agency suggests that the order direct that Respondent refrain from future violations and the imposition of a fine in the amount of \$500, of which half would be suspended in the event all violations are corrected within 30 days, and that no violations recur in the following three years. We believe the proposal to be somewhat ambigious in that the recommendation states that all violations have been terminated, yet suggests partial refund in the event all violations are corrected within thirty days. However, we believe the settlement a reasonable one in view of Respondent's compliance at the present We will direct Respondent to cease and desist from any time. violations of the Act or Regulations in the conduct of its public water facility and will assess a penalty in the amount of \$250.

This opinion constitutes the findings of fact and conclusions of law of the Board.

IT IS THE ORDER of the Pollution Control Board that Respondent, DAVID HALVERSON, cease and desist all violations of the relevant statutes and regulatory provisions with respect to the conduct of public water supply facilities operated by him in the Village of Cortland. Respondent shall pay to the State of Illinois, a penalty in the amount of \$250, on or before March 6, 1973, for violations aforesaid as charged in the complaint, to be paid to: Fiscal Services Division, Illinois Environmental Protection Agency, 2200 Churchill Drive, Springfield, Illinois 62706.

I, Christan Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted on the 30^{11} day of January, 1973, by a vote of 3 to 0.

Christens Moffett

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