

ILLINOIS POLLUTION CONTROL BOARD  
February 10, 1983

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 81-157  
 )  
 ROME WATER WORKS, INC., )  
 )  
 Respondent. )

H. ALFRED RYAN, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF  
COMPLAINANT, AND

PEGGY SPIELMAN, SECRETARY-TREASURER OF ROME WATER WORKS, INC.,  
ATTENDED HEARING 3/25/82 ON ITS BEHALF.

OPINION AND ORDER OF THE BOARD (by J. Anderson):

This matter comes before the Board on the thirteen count complaint filed October 13, 1981 by the Illinois Environmental Protection Agency (Agency). The Complaint charges respondent Rome Waterworks, Inc. (Rome) with various violations of the Act and Chapter 6: Public Water Supplies (Chapter 6) occurring between 1977 and 1981 arising out of its operation of a public water supply located near Chillicothe in Peoria County. On April 1, 1982 the Board granted the Agency's motion to dismiss without prejudice Count VII of the Complaint dealing with failure to maintain a fluoride ion concentration, based on the order entered Illinois Pure Water Commission v. IDPH, IEPA, and Alton Water Co., No. 78 E 128, Madison Co. (appeal pending). A tentative settlement of the entire case was discussed at hearing March 25, 1982, but no settlement was filed. At another hearing held September 30, 1982, at which again no members of the public were present, a signed stipulation and proposed settlement agreement was presented.

This proposed agreement was filed with the Board October 15, 1982. In essence the proposal provides that Rome has stipulated to the violations alleged, has agreed to enter into and complete a compliance program, and to pay a penalty of \$1000 in eighteen installments.

The Rome public water supply supplies a service population of 280 people. As of the time of the proposed stipulation, the operating portions of the system consisted of two drilled wells,

and two pressure tanks having respective gross capacities of 1,600 and 4,230 gallons. A third 17,600 gallon tank had been installed, but no operating permits had been issued and Rome had not confirmed whether the tank had been operated.

The Complaint alleges violations of various Agency Technical Policy Statements (TPS) promulgated pursuant to Rule 212(A) of Chapter 6, and accordingly of the various underlying provisions of the Act and Chapter 6. Count I of the Complaint alleges that on various dates in June - July, 1980 the supply's positive water pressure fell below the 20 pounds per square inch required to maintain an adequate and safe supply. Violations alleged are of TPS 212 F, and therefore of Section 18 of the Act and Rule 308(B) of Chapter 6. Concerning this, Rome claims that to meet Illinois Commerce Commission criteria, it will need to install a third well, which it proposes to have operational July 1, 1983.

Count II alleges that TPS 212D.2 requires a pressure storage capacity of 35 gallons per person, which computes to 9,800 gallons in Rome's case. Since July, 1979, Rome's capacity has been short 3,970 gallons, based on the capacity of the two permitted pressure tanks, in violation of Section 18 of the Act and Rule 308(B). Rome proposes to correct this by applying for a permit for the 17,600 gallon tank and by incorporating it into its system.

Count III alleged that Rome had a cross-connection with a private well located at the Rome Elementary School, in violation of Section 18 of the Act and Rules 314(A-C). The stipulation recites that the cross-connection was pulled and capped on December 16, 1981.

County IV alleged that for eleven monthly sampling periods, between January 14, 1979 and December 7, 1980, Rome failed to submit water samples to the Agency for bacteriological analysis and failed to have a certified laboratory make such analyses in violation of Sections 18 and 19 of the Act and Rule 309(A) as implemented in TPS 309A. Count V alleges that for the same periods Rome failed to give public notification of these failures in violation of Sections 18 and 19 of the Act and Rule 313(D).

Count VI alleges that on July 11, 1979, November 14, 1979 and February 6, 1980 the free chlorine residuals specified in TPS 305D.2 were not achieved, resulting in a violation of Section 18 of the Act and Rule 305. The stipulation recites that on these days the total chlorine residual was 0.0 mg/l.

As Count VII was dismissed, no purpose is served by reciting facts concerning this Count. Count VIII alleges that Rome failed to submit fluoride content samples to the Agency in 14 specified months between 1979 and 1981 as required by TPS 306(B)(1), in violation of Sections 18 and 19 of the Act.

Count IX and X allege that since on or before May, 1977, Rome has failed to submit daily operational records for fluoride and chlorine treatment as set forth respectively in TPS 306B.2 and TPS 305D.2, in violation of Section 18 of the Act and Rule 310A of Chapter 6. Count XI and XII respectively allege that on specified dates in 1979-1981, Rome failed to have a functioning master water meter as required by TPS 306A.11 and TPS 212A, in violation of Section 18 of the Act, and failed to have a water sight glass installed on its 1,600 gallon pressure tank as required by TPS 306A.12, in violation of Section 19 of the Act. Count XIII alleges that on 4 specified dates in 1977-1981, Rome failed to have smooth-nosed sampling taps on its well discharge lines (so that representative untreated water samples can be collected directly from the wells for analysis) as required by TPS 306A.12, in violation of Section 19 of the Act.

In evaluating this proposed settlement in the light of Section 33(c) of the Act, the Board finds that Respondent has committed the alleged violations, and further finds that the compliance program and stipulated \$1,000 penalty are an acceptable resolution of this matter. The Board's Order will not contain a finding of violation of the TPS, or Recommended Standards for Water Works incorporated in various TPS by reference, but will find violations only of the underlying Board rules and Sections of the Act. The Board notes that many of the dates for correction of equipment deficiencies are long past (e.g. May, June, 1982), and that the October 1, 1982 date for payment of the first 18 monthly penalty installments had passed before filing of the stipulation. The Board will not adjust these compliance plan dates, assuming they have been complied with. Payment of the penalty will be ordered to begin March 1, 1983, however, as it would be unfair to penalize Rome for any non-payment since October of a proposed penalty only now being accepted.

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

#### ORDER

1. Respondent, Rome Waterworks, Inc., is found to have violated Sections 18 and 19 of the Environmental Protection Act and Rules 305, 308(B), 309(A), 313(D) and 314(A-C) of Chapter 6: Public Water Supplies.

2. Respondent shall comply with the compliance plan contained in the Stipulation of Facts and Proposed Settlement dated September 21, 1982 and filed October 15, 1982, which is incorporated by reference herein as if fully set forth.


3. Respondent shall pay a stipulated penalty of \$1,000, payable in 17 monthly installments of \$56.00 and an eighteenth installment of \$48.00, beginning on March 1, 1983. Checks shall be made payable to "The State of Illinois" and mailed to:

Illinois Environmental Protection Agency  
 Fiscal Services Section  
 2200 Churchill Road  
 Springfield, IL 62706

IT IS SO ORDERED.

Chairman J.D. Dumelle concurred.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 10<sup>th</sup> day of January, 1983 by a vote of 50.

  
 Christan L. Moffett, Clerk  
 Illinois Pollution Control Board