

ILLINOIS POLLUTION CONTROL BOARD  
January 18, 1979

ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 78-56  
 )  
 WATUHIYI WATERWORKS, LTD., an )  
 Illinois Corporation, and M & S )  
 DEVELOPMENT COMPANY, an Illinois )  
 Corporation, )  
 )  
 Respondents. )

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

Respondents, Watuhiyi Waterworks, Ltd., an Illinois Corporation, and M & S Development Company, an Illinois Corporation, owners and operators of a public water supply, were charged by a Complaint filed March 1, 1978, with the construction of a storage tank and the installation and operation of water mains in violation of Section 15 of the Environmental Protection Act and Rules 201(a) and 202 of Chapter 6: Public Water Supply, of the Pollution Control Board Rules and Regulations.

A Statement of Stipulated Settlement was filed October 6, 1978; hearing was held at the Marshall County Courthouse, Lacon, Illinois, on December 12, 1978. No members of the general public were present; no evidence was taken at the hearing.

The facts set forth in the Stipulated Settlement establish that Respondents own and operate a public water supply in a residential area known as Hopewell Estates, located south of Sparland, Marshall County, Illinois (Stip. 2). During the fall of 1976, Respondents met with representatives of the Complainant and were informed of the necessity for Agency permits prior to the construction or operation of any component of a public water supply facility. Prior to the issuance of any permit, Respondents built a 25,000 gallon tank; on October 11, 1977, the Agency issued an "as-built" permit for the tank (Stip. 2, 3). The Agency issued September 1, 1976, permit N 399-FY-1977 for the construction of water mains in Hopewell Estates with a special condition limiting construction to certain streets because of low well capacity then existing. Water mains were constructed and

put into operation, contrary to the conditions of the permit, during the period September 1, 1976, to September 1, 1977. On October 5, 1977, the Agency issued "as-built" plan approval, a new water source having been developed at the facility (Stip. 3, 4).

The Respondent stipulates and admits the violation of Section 15 of the Act and of Rules 201(a) and 202 of Chapter 6. Respondent agrees to cease and desist from violations of the Act and Chapter 6 and to pay a civil penalty of \$300.00 within 45 days of the entry of an Opinion and Order in this case (Stip. 5, 6).

On the basis of the foregoing and the Statement of Stipulated Settlement entered into by the parties as filed October 6, 1978, the Board finds that Respondents did violate Section 15 of the Environmental Protection Act and Rules 201(a) and 202 of Chapter 6: Public Water Supply, of the Pollution Control Board Rules and Regulations. The Board further finds that \$300.00 is a sufficient penalty for the violations found herein and necessary to the enforcement of the Act and will assess that amount as penalty for the infractions. The Board has considered the application of the requirements of Section 33(c) of the Act to the facts and circumstances herein and finds the Statement of Stipulated Settlement acceptable under Rule 331 of the Board's Procedural Rules.

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

ORDER

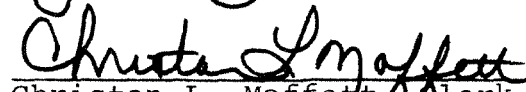
1. Respondents, Watuhiyi Waterworks, Ltd. and M & S Development Company, are found to have constructed and operated public water supply facilities in violation of Section 15 of the Environmental Protection Act and of Rules 201(a) and 202 of Chapter 6: Public Water Supply, of the Pollution Control Board Rules and Regulations. The Board will assess a joint penalty of \$300.00 for such violations; penalty payment, jointly or severably, shall be made by certified check or money order within 45 days of this Order payable to:

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

2. Respondents, Watuhiyi Waterworks, Ltd. and M & S Development Company, shall adhere to all provisions of the Statement of Stipulated Settlement which is incorporated by reference as if fully set forth herein.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 18<sup>th</sup> day of January, 1979 by a vote of 4-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board