

ILLINOIS POLLUTION CONTROL BOARD
October 14 , 1976

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 76-153
)
THE FAIR ACRES SUBDIVISION)
 ASSOCIATION, an Illinois not-)
 for-profit corporation,)
)
 Respondent.)

Miss Helga E. Huber, Assistant Attorney General, appeared for the Complainant.
Mrs. Toni Huyten, Secretary-Treasurer, Fair Acres Subdivision Association, appeared for the Respondent.

OPINION AND ORDER OF THE BOARD (by Dr. Satchell):

This matter comes before the Pollution Control Board (Board) upon a complaint filed May 14, 1976 by the Environmental Protection Agency (Agency) alleging that the Fair Acres Subdivision Association operates a public water supply system serving approximately 212 people in the Fair Acres Subdivision, near Silvis, Rock Island County, Illinois. It was further alleged that Respondent's public water supply system includes one drilled well, a pressure storage tank and a distribution system; that water is chlorinated and fluoridated before being pumped to the pressure storage tank and into the distribution system; that since at least September 12, 1973 the Respondent has operated its public water supply system without having in its employ a properly certified public water supply operator in violation of Section 501 of "An Act to Regulate the Operating of a Public Water Supply," Ill. Rev. Stat. Ch. 111 1/2 Par. 501 (1973), Rule 302 of Chapter 6: Public Water Supply Regulations (Regulations) and Section 18 of the Environmental Protection Act (Act).

A hearing was held in this matter on July 28, 1976 in Moline, Illinois. At this time a Stipulation of Facts and Settlement Agreement were submitted for the Board's approval. There was no testimony given.

The stipulated facts are as follows. Respondent is, and has been at all times pertinent to this action, an Illinois not-for-profit corporation. Respondent owns and operates a water supply system, consisting of one drilled well, a pressure storage tank and a distribution system, which serves approximately 212 people in the subdivision located near Silvis, Rock Island County, Illinois. The water is fluoridated and chlorinated before being pumped into the distribution system. The area surrounding the water supply facility is semi-rural, wooded, farmland and residential. The present zoning classification is R1, single family. The water supply is run on a cooperative membership basis. Members pay \$38 per year for water service. The gross income from fifty-seven homes is approximately \$2,166 per year. Respondent employs one person, Mr. Vernon Austin, to supervise the water supply. He receives \$480 per year for his services. Mr. Austin has been employed as the operator of the water supply since at least September 12, 1973.

Respondent was notified of its failure to employ a certified operator by letter dated March 7, 1975. Mr. Austin took the certification exam in June, August, October and November of 1975. He was unsuccessful on the exam. The complaint in this matter was filed May 14, 1976. By letter dated May 29, 1976 Respondent notified the Agency that it had hired Jimmy D. McCooley, a certified operator, to supervise the water supply. On June 1, 1976 Mr. Vernon Austin again took the certification exam and passed as a Class "C" operator, with certificate number 3780.

Respondent admits operating its water supply without a Class A, B or C operator from September 12, 1973 to and including the date of filing this complaint. Respondent stipulates that it has been at all times technically and economically feasible to employ a properly certified operator to supervise its water supply.

The stipulated agreement entails that Respondent shall at all times retain in its employ a Class A, B or C operator duly certified by the Agency to supervise its water supply. Respondent also agrees to pay a penalty of \$100 as the full and only penalty for the admitted violation and any violations found by the Board based on the stipulated facts.

The Board finds the Stipulated Facts and Settlement agreement to be acceptable under Procedural Rule 333. The Board

finds the Respondent to be in violation of Section 1 of "An Act to Regulate the Operating of a Public Water Supply," Rule 302 of the Regulations and Section 18 of the Act. Respondent shall pay a penalty of \$100 for the aforesaid violations.

This constitutes the Board's findings of facts and conclusions of law.

ORDER

It is the Order of the Pollution Control Board that:

1. Respondent is found to have been in violation of Section 1 of "An Act to Regulate the Operating of a Public Water Supply," Rule 302 of the Chapter 6: Public Water Supply Regulations and Section 18 of the Act.
2. Respondents shall at all times retain a properly certified public water supply operator.
3. Respondents shall pay a penalty of \$100 within 35 days of this Order. Payment shall be made by certified check or money order payable to:

State of Illinois
Environmental Protection Agency
Fiscal Services Division
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 14th day of October, 1976 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board