

ILLINOIS POLLUTION CONTROL BOARD
November 23, 1977

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 77-181
)
 VILLAGE OF EMDEN, a municipal)
 corporation,)
 Respondent.)

MS. ANNE L. CARR, ASSISTANT ATTORNEY GENERAL, APPEARED FOR
THE COMPLAINANT,
MR. WARREN PETERS, VILLAGE ATTORNEY, APPEARED FOR THE RE-
SPONDENT.

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

I. LEGAL BACKGROUND

This matter comes before the Board upon the July 5, 1977
Complaint of the Environmental Protection Agency (Agency)
charging the Village of Emden (Emden), a municipal corporation,
with violating Rule 305 of Chapter 6: Public Water Supplies
(Chapter 6). A hearing was held on October 13, 1977. The
parties filed a Stipulation and Proposal for Settlement on
October 18, 1977.

II. FACTUAL BACKGROUND

Emden owns and operates a public water supply which
serves the village, located in Logan County, Illinois. From
December 21, 1975 until on or about March 30, 1976 the pub-
lic water supply was not chlorinated as required by Rule 305.
Adequate chlorination equipment was installed on or about
March 30, 1976. However, Emden failed to obtain a construction
permit for this equipment.

The Agency had sent three letters to Emden, (April 3, 1975, July 7, 1975, and February 11, 1976) concerning the chlorination requirement. No response was received. The Agency then sent an Enforcement Notice to Emden on December 21, 1976. Again, no response was received. Plans and specifications concerning the chlorination facilities were not submitted to the Agency by Emden until after the filing of the present Complaint.

Emden admits, in the stipulation, of having violated Rule 305 of Chapter 6 for approximately three months in 1976.

III. STIPULATION AND SETTLEMENT

In the Stipulation and Proposal for Settlement, Emden agrees to operate its public water supply in compliance with the Environmental Protection Act and Chapter 6. The parties agree that no penalty should be assessed.

The Board accepts the Stipulation and Proposal for Settlement and finds Emden in violation of Rule 305 of Chapter 6. Because of the short period of non-compliance, the Board imposes no penalty for this violation.


This Opinion and Order constitutes the findings of fact and conclusions of law of the Board.

ORDER

It is the Order of the Pollution Control Board that:

1. Emden has violated Rule 305 of Chapter 6 from December 12, 1975 through approximately March 30, 1976.
2. Emden shall comply with all terms and conditions of the Stipulation and Proposal for Settlement filed October 18, 1977, which is incorporated by reference as if fully set forth herein.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 23rd day of November, 1977 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board