

ILLINOIS POLLUTION CONTROL BOARD
January 4 , 1979

ENVIRONMENTAL PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 78-200
)
CITY OF GRAFTON,)
)
Respondent.)

MR. PATRICK J. CHESLEY, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

MR. GEORGE P. WHITTMAN, ATTORNEY AT LAW, APPEARED ON BEHALF OF THE RESPONDENT.

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

This matter comes before the Board upon a complaint filed by the Environmental Protection Agency (Agency) on July 28, 1978. The complaint alleges that the City of Grafton, in Jersey County, Illinois has caused or allowed the use or operation of a public water supply without an NPDES permit in violation of Rules 901 and 902(e) of the Chapter 3: Water Pollution Regulations (Chapter 3) and Section 12(f) of the Environmental Protection Act (Act). A hearing was held on November 21, 1978 at which time a stipulated agreement was submitted for Board approval. No testimony was given.

The stipulated facts provide that the City of Grafton caused or allowed the use or operation of a public water supply system which discharges contaminants to a gravity drain line which discharges to a natural drainage channel, a tributary of the Illinois River. At no time since October 24, 1977, when Rules 901 and 902(e) of Chapter 3 became effective, to July 28, 1978 did the City of Grafton possess an NPDES permit issued by the Agency for the City's water supply system.

In May, 1978 the City was informed by letter of the need for a permit. The Grafton city council approved the submission of the appropriate application for the permit at its June meeting. However, due to a mix-up, the permit application was never sent to the Agency. The City of Grafton has applied for an NPDES permit and agrees to follow through and obtain the permit.

The parties agreed that the character and degree of the injury was not known. However, the permit system is the heart of the regulatory program to protect the environment in Illinois. Such a program is an important information source concerning the quantity and character of the contaminants being discharged to waters of the state. The public water supply of Grafton has social and economic value and is suitable to the area in which it is located. There is no question of priority of location. It is technically practicable and economically reasonable for the city to obtain an NPDES permit for its wastewater discharge from its public water supply. Considering the nature of the violations and the City's willingness to comply the parties agreed to a \$100 penalty.

The Board finds the agreement acceptable under Procedural Rule 331 and Section 33(c) of the Act. The notice requirement of Procedural Rule 331(c) was met in the November 14, 1978 Environmental Register (#183). The Board finds the City of Grafton in violation of Rules 901 and 902(e) of Chapter 3 and Section 12(f) of the Act. Respondent is assessed a penalty of \$100 and will be required to continue the necessary steps to obtain an NPDES permit.

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

ORDER

It is the Order of the Pollution Control Board that:

1. The City of Grafton is found to have violated Rules 901 and 902(e) of the Chapter 3: Water Pollution Regulations and Section 12(f) of the Environmental Protection Act.
2. Respondent shall continue the necessary steps to receive the appropriate NPDES permit.
3. Respondent shall pay a penalty of \$100 within 45 days of this Order. Payment shall be by certified check or money order payable to:

State of Illinois
Fiscal Services Division
Environmental Protection Agency
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 4th day of January, 1979 by a vote of 4-0.


Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board