

ILLINOIS POLLUTION CONTROL BOARD
April 22, 1976

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 76-11
)
 CITY OF ATHENS, a municipal)
 corporation,)
)
 Respondent.)

Mr. Steven Watts, Assistant Attorney General, Attorney for Complainant
Mr. Sam Blaine, Attorney for Respondent

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

This matter comes before the Board on the Complaint filed on January 12, 1976 by the Environmental Protection Agency (Agency) charging that the City of Athens operated its public water supply from September 12, 1973 until January 12, 1976 without having in its employ a properly certified water supply operator in violation of Section 1 of An Act to Regulate the Operating of a Public Water Supply (Certification Statute), and from December 21, 1974 in violation of Rule 302 of Chapter 6: Public Water Supply Rules and Regulations and Section 18 of the Environmental Protection Act.

The City of Athens, located in Menard County with a population of approximately 1200 people, owns and operates a public water supply system which includes two drilled wells, a reaction basin, a 60,000 gallon elevated storage tank and a distribution system. Water from the wells are aerated, chlorinated, filtered and fluoridated before being discharged into the distribution system.

Section 1(b) of the Certification Statute requires any public water supply system utilizing aeration and filtration to have in its employ at least one person certified as competent as a Class B or Class A water supply operator. Rule 302 requires that all provisions of the Certification Statute are to be complied with.

At the hearing held on March 11, 1976 Complainant's Request for Admissions and Respondent's Answer thereto were admitted into the record. This evidence establishes that Respondent operated its supply in violation of the referenced statutes and regulations from June 17, 1975 until January 12, 1976. Neither this evidence nor any other evidence adduced at the hearing, however, relates to the period from September 12, 1973 until June 17, 1975, a time period accounting for the majority of time in which the supply was allegedly operated without an operator.

The Mayor of Athens, Alfred Mason, testified regarding the difficulty Athens encountered in its attempts to employ a properly certified operator. Athens' present water and sewer superintendent plans to take the Class B certification examination but three years of experience in water supply operation is a prerequisite for taking the examination. A retired resident of Athens whose certification license had expired provided assistance whenever requested to do so by the City. This resident has once again renewed his license and plans to provide assistance in the future if requested to do so by the water superintendent. The Mayor testified concerning conversations with Agency personnel, and that it was his understanding that the above arrangement was satisfactory to the Agency. This testimony was unrebutted by the Agency.

In response to this action, Athens has hired a properly certified water supply operator living in a nearby town to supervise the operation of its water supply system.

Section 23 of the Certification Statute requires the imposition of a fine of not less than \$100.00 nor more than \$1,000.00 for each violation of Section 1 determined by the Board to exist. A penalty of \$100.00 is assessed for these violations. In view of the relatively short duration of the violations proven and since there is serious question whether Athens was justified in reliance on the belief that their method of operation was acceptable to the Agency, the penalty will be suspended.

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

ORDER

Respondent, City of Athens, is found to have operated its public water supply in violation of Section 1 of the Certification Statute, and in further violation of Rule 302

of the Water Supply Regulations and Section 18 of the Act. The Board assesses a penalty of \$100.00 for the violation of the Certification Statute which shall be suspended.

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 22nd day of April, 1976 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board