

ILLINOIS POLLUTION CONTROL BOARD  
May 20, 1976

ENVIRONMENTAL PROTECTION AGENCY, )  
)  
Complainant, )  
)  
v. ) PCB 75-470  
)  
VILLAGE OF THOMSON, )  
a municipal corporation, )  
)  
Respondent. )

Ms. Mary C. Schlott, Assistant Attorney General, appeared on behalf of the Complainant.

Mr. Richard K. Smith appeared on behalf of the Respondent.

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

This matter comes before the Board upon a complaint filed on December 15, 1975 by the Environmental Protection Agency (Agency) alleging that the Village of Thomson, Carroll County, Illinois since at least September 12, 1973 has operated its public water supply system without having in its employ a certified water supply operator with a Class A, Class B, or Class C certificate of competence in violation of Paragraph 501 of an Act to Regulate the Operating of a Public Water Supply System and since December 21, 1974 in violation of Rule 302 of the Rules and Regulations, Chapter 6: Public Water Supply (hereinafter Rules) and Section 18 of the Environmental Protection Act.

A hearing was held March 22, 1976 in Mount Carroll, Illinois. At that time a Stipulation and Proposal for Settlement was introduced. There was no testimony given.

The agreed facts are as follows. The Village of Thomson has a public water supply system that serves approximately 622 persons. The system includes two drilled wells, an elevated storage tank and a distribution system. The water is fluoridated prior to being pumped into the distribution system.

Employment of a certified water supply operator is required by Section 1 of an Act to Regulate the Operating of a Public Water Supply, Ill. Rev. Stat., Ch. 111 1/2, par. 501 (1973) since at least September 12, 1973. The Board's Rules and Regulations Chapter 6: Public Water Supply, Rule 302 has had the same requirement since December 21, 1974.

The Village's failure to employ a certified operator was first noted on March 7, 1973 and reported to the Respondent by the Agency in a letter sent March 30, 1973. Additional correspondence was sent March 4, 1975. On April 9, 1975 a Notice of Violation was sent to the Village. The mayor responded that the Village had a man who would take the test; however, this person did not pass. Notification of this was in August 1975. In December 1975 the Agency filed this action. On January 15, 1976, the Village of Thomson hired a certified public water supply operator, who holds a Class C certificate.

For terms of settlement the Village admits violation of Rule 302, of the Chapter 6: Water Pollution Regulations, Section 18 of the Act, and Paragraph 501 of an Act to Regulate the Operating of a Public Water Supply. The Village of Thomson agrees to pay a penalty of \$100 for these violations.

The Board accepts this stipulation as adequate under Procedural Rule 333. The Board finds that the Village of Thomson was in violation of Paragraph 501 of An Act to Regulate the Operating of a Public Water Supply from September 12, 1973 to December 15, 1975, Rule 302 of the Board's Chapter 6: Water Pollution Regulations and Section 18 of the Act from December 20, 1974 to December 15, 1975. Because of the size of the Village the Board finds the penalty of \$100 adequate. The Village of Thomson is assessed a \$100 penalty, to be paid within thirty (30) days of this order.

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

#### ORDER

It is the order of the Pollution Control Board that:

1. The Village of Thomson was in violation of Paragraph 501 of An Act to Regulate the Operating of a Public Water Supply, Rule 302 of the Chapter 6: Water Pollution Regulations and Section 18 of the Act.

2. The Village of Thomson shall pay a penalty of \$100 within thirty (30) 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 20<sup>th</sup> day of May, 1976 by a vote of 5-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board