

ILLINOIS POLLUTION CONTROL BOARD  
September 1, 1977

ENVIRONMENTAL PROTECTION AGENCY,            )  
  )  
  Complainant,    )  
  )  
  )  
  v.                    )  
  )  
  )  
CITY OF HURST,                                    )  
  )  
  Respondent.        )

PCB 77-7

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

On January 7, 1977 the Illinois Environmental Protection Agency' (Agency) filed a complaint charging the City of Hurst (Hurst) with violation of Section 1 of An Act to Regulate the Operating of a Public Water Supply (Act). A hearing was held on August 12, 1977 at the Herrin Council Chambers at which time a Stipulation and Proposal for Settlement was presented for Board approval. It is incorporated by reference as if fully set forth herein.

Hurst, a municipality located in Williamson County, owns and operates a public water supply system consisting of a distribution system and a 70,000 gallon elevated storage tank. Under Section 1 of the Act, every facility limited to pumpage, storage, or distribution must have in its employ at least one person properly certified as a competent water supply operator. The complaint alleges and Hurst admits that from at least January 7, 1975 until the filing of the complaint, Hurst failed to employ a properly certified operator. The violation in fact continued until April 29, 1977, when the head of the City of Hurst Water and Sewer Department, Darrel E. Garner, was awarded a Class B Certificate of Competency by the Agency. Accordingly, the Board finds Hurst violated Section 1 of an Act to Regulate the Operating of a Public Water Supply for having operated its facility without a properly certified operator.

Under the terms of the Act, upon finding a violation the Board must assess a penalty of not less than one hundred dollars (\$100) nor greater than one-thousand dollars (\$1000). The Board finds the stipulated penalty of \$250.00 adequate.

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

ORDER

It is the Order of the Pollution Control Board that:

- 1) The City of Hurst is found in violation of Section 1 of An Act to Regulate the Operating of a Public Water Supply.
- 2) The City of Hurst shall pay a penalty of \$250.00 within 45 days of the date 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

- 3) Respondent shall comply with the terms of the Stipulation and Proposal for Settlement which is hereby incorporated 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 1st day of September, 1977 by a vote of 5-0.

Christan L. Moffett (pk)  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board