

ILLINOIS POLLUTION CONTROL BOARD
May 10, 1979

ENVIRONMENTAL PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 79-31
)
VILLAGE OF CISCO,)
)
Respondent.)

MR. BRIAN E. REYNOLDS, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

MR. JOHN W. FOLTZ, 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 February 13, 1979 by the Environmental Protection Agency (Agency) against Respondent, the Village of Cisco (Cisco), which operates a public water supply in Piatt County. Count I charges that Respondent failed to employ a certified operator from May 1, 1978 through February 13, 1979, in violation of Board Rule 302 of Chapter 6: Public Water Supply, and Section 1(b) of An Act to Regulate a Public Water Supply, Ch. 111 1/2, ¶501(b), Ill. Rev. Stat. (1977). Count II charges that Respondent failed to submit daily records on a monthly basis after the Agency demanded records on August 28, 1972, in violation of Section 19 of the Environmental Protection Act (Act). A hearing was held at Monticello on April 6, 1979, at which time the parties presented a stipulation and proposal for settlement. No members of the public attended the hearing and there was no objection. This Opinion is based on the facts stipulated.

Cisco's treatment plant includes aeration and filtration. Section 1(b) of the Public Water Supply Act requires: "Each public water supply which includes . . . aeration and filtration . . . as part of its primary treatment shall have in its employ at least one natural person certified as competent as a Class B or Class A water supply operator." Rule 302 incorporates this requirement. In the stipulation, Cisco admits that its certified operator resigned on May 1, 1978 and that it failed to employ a Class B or Class A operator until November 14, 1978.

Section 19 of the Act authorizes the Agency to demand reports from owners of public water supplies and requires that reports be submitted within fifteen days of demand. Agency demanded that Cisco submit daily records on a monthly basis on August 28, 1972, March 13, 1974 and November 9, 1977. Cisco admits that it has failed to submit any operational records to the Agency. It is stipulated that Respondent has started keeping daily records since February 13, 1979 and has agreed to file monthly reports.

Cisco agrees in the stipulation to pay a fine of \$250 and to cease and desist from further violations. At the hearing the parties' attorneys made statements which bear on Section 33(c). They agreed that the reports and certified operation were technically and economically reasonable and that there was no question of suitability of the water source. Cisco asserted that it was a rural town with a part time government and that a fine of \$250 was a burden on its citizens.

The Board finds the settlement acceptable under Rule 331. The penalty of \$250 is adequate considering mitigating factors under Section 33 (c).

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 Board finds the Village of Cisco in violation of Section 1(b) of An Act to Regulate a Public Water Supply and Board Rule 302, and Section 19 of the Environmental Protection Act.
2. The Village of Cisco shall cease and desist from further violations of the Act, Board Rules and An Act to Regulate a Public Water Supply.
3. The Village of Cisco shall pay a penalty of \$250 within thirty days of the date of this Order by certified check or money order payable to:

Illinois Environmental Protection Agency
Fiscal Services Division
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 10th day of May, 1979 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board