

ILLINOIS POLLUTION CONTROL BOARD  
September 21, 1978

ENVIRONMENTAL PROTECTION AGENCY,        )  
  )  
                                  Complainant,        )  
  )  
                                  v.                        )        PCB 78-85  
  )  
CORINTH PUBLIC WATER DISTRICT, a        )  
public corporation,                        )  
  )  
                                  Respondent.        )

MR. REED W. NEUMAN, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

MR. DON E. KRAMER, 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 on March 20, 1978 by the Environmental Protection Agency (Agency) alleging that Respondent owns and operates a public water supply system which includes, but is not limited to, a distribution system consisting only of distribution piping. It is further alleged that Respondent's public water supply system has been operated since September 1, 1975 continuing to the date of this complaint without having in Respondent's employ a certified Class D, Class C, Class B or Class A water supply operator in violation of Section 1 of "An Act to Regulate the Operating of a Public Water Supply" Ch. 111 1/2 Ill. Rev. Stat. ¶501 (1977). A hearing was held in this matter on August 23, 1978 at which time a stipulation and proposal for settlement was presented for Board approval. No testimony was given.

The stipulation provides the following facts. The District owns and operates a water supply facility in Williamson County, Illinois. The District receives treated water from the Rend Lake intercity water supply system. The Corinth Public Water District employs no chemical treatment for its water. The water goes through a distribution system consisting of distribution piping which serves approximately 2800 people. This system has operated since at least September 1, 1975.

The facility requires at least a Class D certified operator. Since September 12, 1975 the District has not had a properly certified operator. On April 1, 1977 the Agency sent a notice of violation requesting a response. No response was given. On May 2, 1978 subsequent to the filing of this complaint the District hired George Holland as its water supply operator. Mr. Holland is a certified Class A operator. He has no fixed term of employment and is required to work as many hours as the District's needs may require at a salary of \$50 a month. The Agency has provided Respondent with a list of certified operators in the area to assure the District can secure services suited to its needs.

Respondent admits the alleged violation and agrees that compliance is technically practicable and economically reasonable. The suitability of location is not in issue. The facility has significant social and economic value to the community but past failure to comply has constituted a potential to injure or interfere with the protection of the property and general welfare of the people. In settlement Respondent agrees to operate its public water supply facility only under the active supervision of a certified Class D, C, B or A water supply operator. Respondent agrees to pay a penalty of \$400.

The Board finds the stipulated agreement acceptable under Procedural Rule 331. The Board further finds Respondent in violation of Section 1 of "An Act to Regulate the Operating of a Public Water Supply". Respondent will be assessed a penalty of \$400.

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

#### ORDER

It is the Order of the Pollution Control Board that:

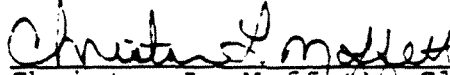
1. The Corinth Public Water District is found to have violated Section 1 of "An Act to Regulate the Operating of a Public Water Supply" Ch. 111 1/2 Ill. Rev. Stat. ¶501 (1977).
2. Respondent shall comply with all terms of the stipulation agreement hereby incorporated by reference as if fully set forth herein.

3. Respondent shall pay a penalty of \$400 within thirty-five days of this order. Payment shall be by certified check or money order payable to:

State of Illinois  
Fiscal Services Division  
Illinois Environmental Protection Agency  
2200 Churchill Road  
Springfield, Illinois 62706

Mr. Jacob D. Dumelle concurred.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 21<sup>st</sup> day of September, 1978 by a vote of 4-0.

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