

ILLINOIS POLLUTION CONTROL BOARD
June 12, 1980

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 79-214
)
OGLE COUNTRY VIEW HOMEOWNERS')
ASSOCIATION, an Illinois)
not-for-profit Corporation,)
)
Respondent.)

ALICE NUSBAUM, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

KENNETH MANON, PRESIDENT OF THE ASSOCIATION, APPEARED ON BEHALF OF THE RESPONDENT.

OPINION AND ORDER OF THE BOARD (by Board Member Werner):

This matter comes before the Board on the October 10, 1979 Complaint brought by the Illinois Environmental Protection Agency ("Agency"). Count I of the Complaint alleged that the Respondent owned a public water supply system which was operated from December 16, 1976 until October 10, 1979 without chlorination of the water before it entered the distribution system in violation of Rule 305 of Chapter 6: Public Water Supplies ("Chapter 6") and Section 18 of the Illinois Environmental Protection Act ("Act"). Count II alleged that, from December 16, 1976 until October 10, 1979, the Respondent failed to provide supplemental fluoridation of its water so that the fluoride ion concentration has not been maintained between 0.9 and 1.2 mg/l in its distribution system in violation of Rule 306 of Chapter 6 and Section 18 of the Act. Count III alleged that, from December 16, 1976 until October 10, 1979, the Respondent had no operating master meter to monitor the finished water in violation of Agency Technical Policy Statement 306(A)(11) and therefore in violation of Section 18 of the Act. On April 14, 1980, a hearing was held and the parties filed a Stipulation and Proposal for Settlement.

The Respondent, the Ogle Country View Homeowners' Association (the "Association"), owns and operates a public water supply system which distributes water to about 13 separate homes or properties (with an estimated service population of 46 persons). This small facility, which includes one drilled well, one hydropneumatic

tank and a distribution system, is located in Lindenwood, Ogle County, Illinois.

The parties have stipulated that the Association failed to chlorinate its water and provide supplemental fluoridation from December 16, 1976 until April 14, 1980, despite notification from the Agency to the Respondent on January 10, 1977, January 3, 1979, and January 30, 1979 pertaining to noncompliance with the Board's Public Water Supply Regulations and the Act. (Stip. 2-3). The Association asserts that it has been unable to chlorinate and fluoridate the water because of a lack of sufficient funds in its treasury. (Stip. 3). The Respondent states that it has had an operating master meter since November 23, 1977, and the Agency notes that its operational survey of the Respondent's facility (which was conducted on October 2, 1978) indicated that this master meter was being utilized. (Stip. 2).

The proposed settlement agreement provides that the Respondent shall: (1) chlorinate the water distributed by its public water supply system within 60 days; (2) provide supplemental fluoridation of the water distributed by its public water supply system (so that a fluoride ion concentration between 0.9 and 1.2 mg/l is maintained) within 120 days; (3) apply for and obtain all necessary construction and operating permits from the Agency pertaining to the installation of its chlorination and fluoridation equipment, and (4) pay a stipulated penalty of \$300.00 within one year of the date of this Board Order. (Stip. 4).

In evaluating this enforcement action and proposed settlement, the Board has taken into consideration all the facts and circumstances in light of the specific criteria delineated in Section 33(c) of the Illinois Environmental Protection Act. The Board finds the stipulated agreement acceptable under Procedural Rule 331 and Section 33(c) of the Act. The Board finds that the Respondent, the Ogle Country View Homeowners' Association, has violated Rules 305 and 306 of Chapter 6: Public Water Supplies and Section 18 of the Act. The stipulated penalty of \$300.00 is hereby assessed against the Respondent.

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

ORDER

It is the Order of the Illinois Pollution Control Board that:

1. The Respondent, the Ogle Country View Homeowners' Association, has violated Rules 305 and 306 of Chapter 6: Public Water Supplies and Section 18 of the Illinois Environmental Protection Act.

2. Within 60 days of the date of this Order, the Respondent shall chlorinate the water distributed by its public water supply system.

3. Within 120 days of the date of this Order, the Respondent shall provide supplemental fluoridation of the water distributed by its public water supply system so that a fluoride ion concentration between 0.9 and 1.2 mg/l is maintained.

4. The Respondent shall apply for and obtain all necessary construction and operating permits from the Agency pertaining to the installation of its chlorination and fluoridation equipment.

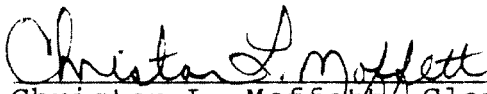
5. Within 1 year of the date of this Order, the Respondent shall, by certified check or money order payable to the State of Illinois, pay the stipulated penalty of \$300.00 which is to be sent to:

Illinois Environmental Protection Agency
Fiscal Services Divison
2200 Churchill Road
Springfield, Illinois 62706

6. The Respondent shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed April 14, 1980, which is incorporated by reference as if fully set forth herein.

Chairman Dumelle and Mr. Goodman concur.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 13th day of June, 1980 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board