

ILLINOIS POLLUTION CONTROL BOARD
August 12, 1976

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 76-105
)
VILLAGE OF MATHERVILLE,)
a municipal corporation,)
)
 Respondent.)

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

Mr. John G. Ames appeared on behalf of Respondent.

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

This matter comes before the Pollution Control Board (Board) upon a complaint filed by the Environmental Protection Agency (Agency) on April 16, 1976. The complaint alleges that the Village of Matherville owns, operates and controls a public water supply system in which water is treated with potassium permanganate prior to distribution; that Section 1 of An Act to Regulate the Operating of a Public Water Supply requires any public water supply system with chemical treatment only to have in its employ at least one person certified as competent as a Class B or Class A water supply operator; that Rule 302 of the Chapter 6: Public Water Supply Rules and Regulations (Rules) also requires a certified public water supply operator to be employed by any public water supply system; and that Matherville has operated its public water supply system without any certified public water supply operator since at least September 12, 1973 in violation of Rule 302 and Section 1 of an Act to Regulate the operating of a Public Water Supply and Section 18 of the Environmental Protection Act (Act). A hearing was held on June 15, 1976 at Aledo, Illinois, County of Mercer, at which time a Stipulation and Proposal of Settlement was submitted for the Board's approval. No testimony was given.

The stipulated facts, in pertinent part, are as enumerated below. Matherville is a municipal corporation that owns and operates a public water supply facility serving approximately 700 persons. The water system consists of one drilled well, pressure filters, an elevated tank and a distribution system. The water is treated with potassium permanganate prior to being pumped through the pressure filters. Lack of a certified operator was noted by the Agency on three separate field inspections. Letters of notice of the requirements were sent on four occasions. Notice of violation was sent to the Village on April 10, 1975. The Village Water Superintendent took the operator's certification examination in August 1975 but was unsuccessful. On October 1, 1975 the Village was notified by the Agency that it must obtain a certified operator by October 30, 1975. Because the Village's public water system includes filtration and ion exchange equipment, the Village must have in its employ an operator with a Class A or B certificate from the Agency. On May 24, 1976 the Village hired as its public water supply operator, Jack E. Holzer, who holds a Class A certificate of competency from the Agency. The Village admits operating its public water supply system without a certified class A or B operator from September 12, 1973 to April 16, 1976.

The Village and the Agency agree that there is high social and economic value in the fact that the public water supply provides water for the Village's 700 residents. No known public health hazard has resulted from the failure to employ a properly certified operator. The Agency contends that failure to employ certified-as-competent operating personnel increases the risk that contamination may enter a public water supply and thereafter go undetected, thereby increasing the possibility of danger to public health. The Village states that it lacks sufficient knowledge to either admit or deny the Agency's contention. The Village of Matherville has stipulated to a penalty of \$100 for the alleged violations.

The Board finds that the stipulated agreement is adequate under Procedural Rule 333. The Board finds the Village of Matherville in violation of Rule 302 of the Public Water Supply Rules, Section 18 of the Act, and Section 1 of an Act to Regulate the Operating of a Public Water Supply. The Board agrees with the Agency in that lack of a certified-as-competent operator of a public water supply greatly increases the possibility of contamination entering the supply and endangering health. A penalty of \$100 is assessed in accordance with An Act to Regulate the Operating of a Public Water Supply.

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

ORDER


It is the order of the Pollution Control Board that:

1. The Village of Matherville was in violation of Rule 302 of the Chapter 6: Public Water Supply Rules, Section 18 of the Environmental Protection Act, and Section 1 of an Act to Regulate the Operating of a Public Water Supply.
2. A penalty of \$100 is assessed for the aforementioned violations. Payment shall be by certified check or money order payable to:

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

Payment shall be within thirty (30) days of this Order.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 12th day of August, 1976 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board