

ILLINOIS POLLUTION CONTROL BOARD
November 2, 1978

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 78-22
)
 VILLAGE OF TALLULA, a municipal)
 corporation,)
)
 Respondent.)

MR. HOMER J. TICE, KNUPPEL, GRSBOLL, BECKER & TICE APPEARED ON BEHALF OF RESPONDENT.

MR. STEPHEN T. GROSSMARK, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE AGENCY.

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

The Complaint in this case alleges that Respondent owns and operates a sewage treatment plant which is not under the direct supervision of an operator certified by the Agency. This constitutes a violation of Rule 1201 of Chapter 3: Water Pollution of the Board's Rules and Regulations. A hearing was held on September 25, 1978 in the Village Hall in Tallula. No members of the public were present.

At the hearing the parties offered a Statement of Stipulated Settlement to resolve this case. The stipulation states that Respondent has operated a sewage treatment facility consisting of three aerated lagoons since 1972. This facility requires a Class D Agency certified operator. Since September 1, 1974 Respondent has not employed a certified operator. A copy of a contract, attached as Exhibit A, shows that a certified operator was retained on May 2, 1978. A penalty of \$250. is proposed in the stipulation.

The Board accepts the stipulation as a satisfactory resolution of this case. Paragraphs 8-11 of the stipulation provide a framework for consideration of the factors in Section 33(c) of the Act. After a review of those factors, the proposed penalty appears reasonable.

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


ORDER

It is the Order of the Pollution Control Board that:

1. Respondent has violated Rule 1201 of Chapter 3: Water Pollution of the Board's Rules and Regulations; and
2. Within 45 days of the date of this Order Respondent shall forward the sum of \$250. by certified check or money order payable to the State of Illinois 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 2nd day of November, 1978 by a vote of 40.



Christan L. Moffett, Clerk
Illinois Pollution Control Board