

ILLINOIS POLLUTION CONTROL BOARD  
March 19, 1982

ILLINOIS ENVIRONMENTAL PROTECTION )  
AGENCY, )  
 )  
Complainant, )  
 )  
v. ) PCB 81-178  
 )  
OLD SALEM CHAUTAUQUA ASSOCIATION, )  
 )  
Respondent. )

MS. GWENDOLYN W. KLINGLER, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

MS. VELMA HOPPER, SECRETARY FOR THE OLD SALEM CHAUTAUQUA ASSOCIATION, APPEARED ON BEHALF OF THE RESPONDENT.

OPINION AND ORDER OF THE BOARD (by I. Goodman):

This matter comes before the Board on the November 6, 1981 Complaint brought by the Illinois Environmental Protection Agency ("Agency") which alleged that the Respondent, the Old Salem Chautauqua Association ("Association"), operated its public water supply system without a certified operator and failed to: (1) submit monthly operating reports or water samples to the Agency; (2) provide public notification that it failed to perform the required monitoring and testing procedures; (3) obtain and utilize the requisite chlorine testing equipment, in violation of Section 1(d) of "An Act to Regulate the Operating of a Public Water Supply," Ill. Rev. Stat., Ch. 111-1/2, par. 501 et seq., 1979 ("PWS Act"); Rules 302, 305, 309(A), 310(A), 313(D), and 315 of Chapter 6: Public Water Supplies ("Chapter 6"); Agency Technical Policy Statements 305(C)(6) and 315; and Sections 18 and 19 of the Illinois Environmental Protection Act ("Act"). A hearing was held on February 2, 1982 at which no members of the public were present. The parties filed a Stipulation and Proposal for Settlement on February 4, 1982.

The Respondent, an Illinois incorporated association of homeowners and landowners in the Old Salem Chautauqua Park ("Park"), distributes water for drinking and general domestic use to about 110 permanent residents of the Park who live in 50 homes near the City of Petersburg ("City") in Menard County, Illinois. (Stip. 2; 9). The water comes from the City's water supply system. Water usage is ascertained from meters located at the tap to each residence and the City directly bills the property owners for any water consumed. (Stip. 2).

The parties have stipulated that the Association: (1) has not had a certified operator for its system since September 12, 1973; (2) failed to submit the necessary monthly operating reports to the Agency since January 5, 1981, after demand by the Agency; (3) failed to submit representative water samples of its finished water to a certified laboratory for bacteriological analysis despite requests by the Agency, for various monthly sampling periods between October 15, 1979 and May 3, 1981; (4) failed to provide public notification that it hadn't performed the required monitoring and testing procedures; and (5) failed to have approved residual chlorine testing equipment or utilize any equipment to determine whether required levels of free and combined chlorine were being continuously maintained. (Stip. 4-8).

The Association has indicated that its past noncompliance was due to: (1) severely limited incoming funds due to low assessment fees and lack of taxing power; (2) large expenses incurred to correct problems resulting from an antiquated sewer system; (3) defaults by Association members on their assessment obligations, and (4) legal and engineering costs in establishing a new sanitary district. (Stip. 9-10). It is stipulated that the officers and directors of the Association, who serve without compensation, have "devoted considerable time and expense to the resolution of defects in the sewer system serving the Park in an effort to remedy pollution to the Sangamon River and, in doing so, have secured the creation of the Old Salem Chautauqua Park Sanitary District, which, within the past year, has required all residents of the Respondent Park to install private sewage disposal systems at their own expense to disconnect from the old sewer and has substantially resolved the water pollution problem from the Park." (Stip. 10). Additionally, the parties have noted no "incidents which have resulted in demonstrable adverse effects to the health of any Park resident or visitor." (Stip. 10-11).

The proposed settlement agreement provides that the Association admits the violations as charged in the Complaint and agrees to: (1) cease and desist from further violations; (2) employ a certified operator within 30 days of the date of the Board Order; (3) maintain the necessary operating reports, collect the requisite water samples, and comply with other operational requirements; and (4) pay a stipulated penalty of \$300 in quarterly installments over a one-year period. (Stip. 11-13). The Board finds the settlement agreement acceptable under Procedural Rule 331 and Section 33(c) of the Act and finds that the Respondent has violated Section 1(d) of the PWS Act; Rules 302, 305, 309(A), 310(A), 313(D), and 315 of Chapter 6; and Sections 18 and 19 of the Act. The Association will be ordered to pay the stipulated penalty of \$300.

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

ORDER

1. The Respondent, the Old Salem Chautauqua Association, has violated Section 1(d) of "An Act to Regulate the Operating of a Public Water Supply," Ill. Rev. Stat., Ch. 111-1/2, par. 501 et seq. (1979); Rules 302, 305, 309(A), 310(A), 313(D), and 315 of Chapter 6: Public Water Supplies and Sections 18 and 19 of the Illinois Environmental Protection Act.

2. Within 30 days of the date of this Order, the Respondent shall employ a certified operator for the operation and maintenance of its public water supply system and shall have an approved chlorine test kit available for that operator.

3. Effective the date of this Order, the Respondent shall:

- (a) cease and desist from further violations;
- (b) initiate maintaining operational reports and submit them to the Agency monthly. These reports must include records of usage, and chlorine residuals run at least two days per week. However, reports of total water consumption are not due for one year;
- (c) assure that the required bacterial samples are collected, submitted, and analyzed within each sampling period; and
- (d) issue public notification in accordance with the public water supply rules and regulations, when applicable.


4. Within one 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. Payments shall be made in four quarterly installments of \$75 each and are to be sent to:

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

5. The Respondent shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed on February 4, 1982, which is incorporated by reference as if fully set forth herein.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 19<sup>th</sup> day of March, 1982 by a vote of 4-0.

  
Christan L. Moffett, Clerk  
Illinois Pollution Control Board