

ILLINOIS POLLUTION CONTROL BOARD
July 8, 1976

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 76-36
)
 VILLAGE OF CALUMET PARK,)
 a municipal corporation,)
)
 Respondent.)

Mr. Richard W. Cosby, Assistant Attorney General, Attorney
for Complainant
Mr. Harold Richter, Maragos, Richter, Berman, Russell & White,
Attorney for Respondent

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

This matter comes before the Board on the Complaint filed February 6, 1976, by the Environmental Protection Agency charging that the Village of Calumet Park owned and operated its public water supply system since September 12, 1973 without having in its employ a properly certified water supply operator in violation of Section 1 of the Operation of a Public Water Supply Act (Ill. Rev. Stat. 1973, Ch. 111 1/2, par. 501-523) (Certification Statute) and since December 21, 1974, in further violation of Rule 302 of the Board's Public Water Supply Rules and Regulations (Regulations) and Section 18 of the Environmental Protection Act (Act). Respondent filed an Answer to the Complaint on March 8, 1976 admitting the allegations contained in the Complaint but alleging as an affirmative defense that the Village has attempted to obtain the services of a public water supply operator and that its present Public Works Commissioner, Lawrence Petta, is taking the course to qualify as a certified operator. Hearing was held in this matter on April 9, 1976, in Chicago.

The Village of Calumet Park, with a population of approximately 10,000 persons, owns and operates a public water supply system consisting solely of a distribution system. The Village receives its water under pressure from the City of Chicago and has neither additional storage nor booster pumps.

Section 1 of the Certification Statute requires the employment of a person certified as competent as a Class D, Class C, Class B, or Class A operator by any public water supply which

facilities are limited to pumpage, storage or distribution. Rule 302 of the Water Supply Regulations requires that the provisions of Section 1 of the Certification Statute are to be met. Section 18 of the Act requires that public water supplies are to be operated and maintained so that the water is assuredly safe in quality, clean, adequate in quantity, and of satisfactory mineral character for ordinary domestic consumption.

At the hearing in this matter the Village failed to present any evidence supporting the allegations of its affirmative defense. Mr. Richter did state, however, that the Village presently has in its employ a certified water supply operator.

The greater part of the hearing in this matter dealt with the underlying policies and reasons for the certification requirements. The Village contended that as long as the supply is being operated in accordance with good operating procedures, no certified operator should be required. Our legislature has declared otherwise, and the policy reasons favoring the licensing of various activities which affect the public safety, health and welfare are a generally accepted fact in today's society.

On the basis of the pleadings and the hearing in this matter, the Board finds that the Village did operate its public water supply in violation of Section 1 of the Certification Statute and Rule 302 of the Water Supply Regulations and Section 18 of the Act.

Section 23 of the Certification Statute requires the imposition of a penalty not less than \$100.00 nor more than \$1,000.00 for each violation of Section 1 found by the Board. A penalty of \$100.00 is assessed for these violations.

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

ORDER

Respondent, Village of Calumet Park, is found to have operated its public water supply in violation of Section 1 of the Certification Statute, and in further violation of Rule 302 of the Water Supply Regulations and Section 18 of the Act, and shall pay a penalty of \$100.00 for such violations. Penalty payment by certified check or money order payable to the State of Illinois shall be made within 35 days of the date of this Order to: Fiscal Services Division, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois, 62706.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 8th day of July, 1976 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board