

ILLINOIS POLLUTION CONTROL BOARD  
November 16, 1978

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. ) PCB 78-202  
 )  
CITY OF LAWRENCEVILLE, )  
 )  
Respondent. )

MR. PATRICK J. CHESLEY, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

MR. DOUGLAS A. ENLOE, ATTORNEY AT LAW, APPEARED ON BEHALF OF THE RESPONDENT.

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

This matter comes before the Board on the July 28, 1978 Complaint brought by the Illinois Environmental Protection Agency ("Agency") which alleged that, from October 24, 1977 until July 28, 1978, the City of Lawrenceville discharged wastewater containing contaminants from its public water supply system without possessing an NPDES permit issued by the Agency in violation of Rule 901 and 902(e) of Chapter 3: Water Pollution Regulations and Section 12(f) of the Illinois Environmental Protection Act ("Act"). A hearing was held on October 24, 1978. The parties filed a Stipulation and Proposal for Settlement on November 3, 1978.

The City of Lawrenceville is an Illinois municipal corporation which operates a public water supply system in Lawrence County, Illinois. As a result of the operation of this public water supply system, the Respondent caused or allowed the discharge of wastewater containing contaminants to flow directly into the Embarrass River until shortly after May 26, 1978. (Stipulation, p. 2). The Embarrass River is a navigable water and a water of the State of Illinois. Shortly after May 26, 1978, the City of Lawrenceville eliminated the discharge from its public water supply system which had flown into the Embarrass River.

At no time from October 24, 1977 to July 28, 1978 did the City of Lawrenceville possess, nor was it ever issued, an NPDES

permit by the Illinois Environmental Protection Agency for the wastewater discharge from its public water supply system. (Stipulation, p. 3). The City of Lawrenceville acquired its public water supply system on March 23, 1976 in connection with a forced judicial sale of the Eastern Illinois Water Company. That Company had owned and operated as a single unit water systems in Palestine, Tuscola and Robinson, Illinois, in addition to the one in Lawrenceville. The City encountered problems in sorting out the records, equipment and material pertaining solely to the public water supply in the City of Lawrenceville. The City initially formed a water board to operate its system. However, such method of operation was found to be unsatisfactory and the water board was dissolved in January of 1978. The first notification that the City received from the Agency that there was a violation was through a letter dated May 26, 1978. Shortly after that date the City eliminated its wastewater discharge from its public water supply system. (Stipulation, p. 3).

It is stipulated that it is both technically practicable and economically reasonable to obtain an NPDES permit for the wastewater discharge from the City's public water supply system. In addition, it is both technically practicable and economically reasonable for the City to eliminate such discharge. (Stipulation, p. 4). However, the Stipulation and Proposal for Settlement provides that since the City of Lawrenceville has already eliminated the discharge, there is no need for the City to obtain an NPDES permit. (Stipulation, p. 5). The parties have agreed that considering the nature of the violations, the reasons for the violations and the fact that the City of Lawrenceville has eliminated the wastewater discharge, a stipulated penalty of \$100.00 is appropriate in this case. (Stipulation, p. 5).

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. Incinerator, Inc. v. Illinois Pollution Control Board, 59 Ill. 2d 290, 319 N.E. 2d 794 (1974). Accordingly, the Board finds that, from October 24, 1977 until July 28, 1978, the City of Lawrenceville discharged waste water from its public water supply system without an NPDES permit for point source discharges issued by the Agency in violation of Rule 901 and 902(e) of Chapter 3: Water Pollution Regulations and Section 12(f) of the Illinois Environmental Protection Act. The Board hereby imposes the stipulated penalty of \$100.00 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 City of Lawrenceville has violated Rule 901 and 902(e) of Chapter 3: Water Pollution Regulations and Section 12(f) of the Illinois Environmental Protection Act from October 24, 1977 until July 28, 1978.

2. Within 45 days of the date of this Order, the City of Lawrenceville shall pay the stipulated penalty of \$100.00 , payment to be made by certified check or money order to:

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

3. The City of Lawrenceville shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed November 3, 1978, which is incorporated by reference as if fully set forth herein.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 16<sup>th</sup> day of November, 1978 by a vote of 3-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board