

ILLINOIS POLLUTION CONTROL BOARD  
January 29, 1976

ENVIRONMENTAL PROTECTION AGENCY,            )  
  )  
  Complainant,            )  
  )  
  v.                            )       PCB 75-366  
  )  
TOWNSHIP OF LEYDEN, a municipal            )  
corporation,                                    )  
  )  
  Respondent.                )

Ms. Mary C. Schlott, Assistant Attorney General, Attorney for  
Complainant  
Mr. Anthony F. Spina, DeMunno & Spina, Attorney for Respondent

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

On September 17, 1975, a Complaint was filed by the Environmental Protection Agency (Agency) alleging in Count I that Respondent, the Township of Leyden, has operated its public water supply system without having in its employ a certified water supply operator from September 12, 1973 until the filing of the Complaint 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 from December 21, 1974 until the filing of the Complaint in violation of Rule 302 of the Pollution Control Board Rules and Regulations, Chapter 6: Public Water Supply (Chapter 6), and Section 18 of the Environmental Protection Act (Act). Count II of the Complaint alleged that Respondent failed to submit water samples and operational reports to the Agency from January 25, 1974 until the filing of the Complaint in violation of Section 19 of the Act, and from December 21, 1974 until the filing of the Complaint in violation of Rules 309 and 310 of the Public Water Supply Rules in further violation of Section 18 of the Act.

Hearing was held on December 10, 1975, in Franklin Park, Illinois at which time a Stipulation and Proposal for Settlement (Stipulation) executed by counsel for both parties was entered into the record. No additional evidence was adduced at the hearing; no members of the public were in attendance.

The Stipulation provided that Respondent is a municipal corporation operating a public water supply system serving approximately 14,000 persons. Respondent's public water supply system is a ground

storage reservoir and distribution system and water from the reservoir is chlorinated before being pumped into the distribution system.

Respondent received letters noting the certified operator and reporting requirements on August 15, 1972, January 10, 1974 and February 4, 1974. Water samples were also requested in the January 10, 1974 letter. An Agency Notice of Violation of the certified operator and reporting requirements was sent to Respondent on March 11, 1975. The Agency did not receive operating reports from January 1974 through August 1975, nor did they receive water samples from Respondent between January 25, 1974 and March 31, 1975. The Respondent neither denied that they did not have a properly certified operator in charge nor furnished proof of any properly certified operator having supervision of the public water supply system. During much of this time Respondent seems to have placed reliance upon the efforts of one Raymond Heyden, then superintendent of the system, to take the Agency's programmed learning course for operators and to also pass the required examination. However, Mr. Heyden never took the examination and left the employ of Respondent sometime mid-year in 1975. Since October 30, 1975, Respondent has employed a certified public water supply operator holding a Class "C" certificate of competence from the Agency which is the required classification for compliance with the statute.

The parties agree that Respondent pay a civil penalty in the sum of \$200.00 on the Board's finding of the violations alleged in the Complaint.

On the basis of the above and the Stipulation, which constitutes the entire record in this case, we find that Respondent did violate:

(a) Section 1 of the Certification Statute from September 12, 1973 to the date of filing of the Complaint.

(b) Rules 302 and 310 of the Rules and Section 18 of the Act between December 21, 1974 and the date of filing of the Complaint.

(c) Rule 309 of the Rules and Section 18 of the Act between December 21, 1974 and April 1, 1975.

(d) Section 19 of the Act between January 25, 1974 and the date of filing of the Complaint.

Section 23 of the Certification Statute requires the imposition of a penalty not less than \$100.00 nor more than \$1000.00 for each violation of Section 1 of the Certification Statute determined by the Board to exist. A civil penalty of \$200.00 is assessed for these violations.

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

ORDER

1. Respondent, Township of Leyden, is found to have operated its public water supply in violation of Section 1 of the Operation of a Public Water Supply Act; Rules 302, 309, and 310 of the Board's Public Water Supply Rules and Regulations; and, Sections 18 and 19 of the Environmental Protection Act, and shall pay a penalty of \$200.00 for such violations. Penalty payment shall be made by certified check or money order payable to the State of Illinois within 35 days of this Order to: Fiscal Services Division, 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 29<sup>th</sup> day of January, 1976 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board