

ILLINOIS POLLUTION CONTROL BOARD
January 8, 1976

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 75-252
)
)
 VILLAGE OF HARMON, an Illinois)
 municipal corporation,)
)
 Respondent.)

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

This matter comes before the Pollution Control Board (Board) on a Complaint filed by the Environmental Protection Agency (Agency) on June 25, 1975 against Respondent Village of Harmon (Village), located in Lee County, Illinois. On September 12, 1975 the Village filed an "Admission of Facts" which admits all of the facts alleged in the Complaint which are necessary to support a finding of violation by the Board. A hearing was held on September 23, 1975 at which no testimony or other evidence was given on the issue of whether the Village had violated Section 19 of the Environmental Protection Act (Act), Section 501 of An Act to Regulate the Operating of a Public Water Supply (Public Water Supply Act) and Rules 302, 309, and 310 of the Board's Public Water Supply Regulations, as alleged in the three count complaint. The only evidence introduced at the hearing concerned factors of mitigation.

In the "Admission of Facts" the Village has admitted to the following:

- A. Ownership and operation of a public water supply system including one deep well, an elevated tank, and a distribution system.
- B. Failure to comply with Agency requests to submit water samples and operating reports.
- C. Failure to employ a certified operator.

The Board therefore finds the Village to have violated Section 19 of the Act, Section 501 of the Public Water Supply Act, and Rules 302, 309, and 310 of the Public Water Supply Regulations. The only remaining question concerns the remedy. At the hearing it was shown that the Village, with a population of approximately 250 persons has been under severe financial and man-power restraints. As the Agency stated regarding the Village's efforts to correct its violations, "In this particular case, the Village has taken just about every step they probably can take to come into compliance..." (R. 17). However, these violations

have created a very real risk to the health of the residents of the Village of Harmon. The Acts and Regulations violated were established to insure the maintenance of safe and adequate public water supplies. By its neglect, the Village has violated these standards and jeopardized the health and welfare of its citizens. Even given a present good faith attempt to comply, a penalty in this case will demonstrate to Harmon and other similar communities that Illinois law and the Board's Regulations must be complied with every day, and not merely after the commencement of an enforcement action.

The minimum penalty set for a violation of the Public Water Supply Act, Ill. Rev. Stat., Ch. 111-1/2, §523 (1973), is \$100. Due to the present good faith effort to comply and the limited financial resources of the Village, the Board finds the minimum penalty to be appropriate for the violations as alleged in the Complaint.

This Opinion constitutes the findings of fact and conclusions of law.

ORDER

It is the Order of the Pollution Control Board that:

1. Respondent Village of Harmon is found to have violated Section 19 of the Environmental Protection Act, Section 501 of the Public Water Supply Act, and Rules 302, 309, and 310 of the Board's Public Water Supply Regulations.


2. Respondent shall pay, as a penalty for these violations a penalty of \$100, payment to be made by certified check or money order, within 35 days of the date of this Order to:

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

3. Respondent shall cease and desist from the above stated violations.

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 January, 1976 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board