

ILLINOIS POLLUTION CONTROL BOARD

July 18, 1974

ENVIRONMENTAL PROTECTION AGENCY)
COMPLAINANT)
)
)
v.) PCB 74-68
)
)
CITY OF POLO)
RESPONDENT)

MR. STEPHEN WEISS, ASSISTANT ATTORNEY GENERAL, in behalf of the ENVIRONMENTAL PROTECTION AGENCY
MR. CRAIG E. McGUIRE, ATTORNEY, in behalf of the CITY OF POLO

OPINION AND ORDER OF THE BOARD (by Mr. Marder)

This case comes to the Board on complaint filed February 15, 1974, and amended complaint filed April 4, 1974, charging the City of Polo with various violations of the Public Water Supply Systems Rules and Regulations (hereinafter referred to as Regulations) and the Environmental Protection Act in the operation of its public water supply system.

Hearing was held June 7, 1974, in Polo, Illinois.

The Complaint and Amended Complaint charge that the City of Polo, in the operation of its public water supply system, which consists of three wells, a ground storage reservoir, and a distribution system violated:

1. From on or about December 8, 1971, and continuing every day to the filing of the Complaint, Respondent violated Sec. 18 of the Act and Rule 3.11 of the Regulations by allowing a non-watertight sewer laid in sandy soil to be within 70 feet of its well number 1;
2. From on or about December 8, 1971, and continuing every day to the filing of the Complaint, Respondent violated Rule 3.15 of the Regulations and Sec. 18 of the Environmental Protection Act by failing to chlorinate water obtained from its well number 1, which is located in a limestone formation with less than 100 feet of cover drift.
3. From on or about December 8, 1971, and continuing every day to the filing of the Complaint, Respondent violated Rule 3.11 of the Regulations by allowing a

non-watertight sewer laid in sandy soil to be within 70 feet of its well number 2.

4. From on or about December 8, 1971, and continuing to the filing of this Complaint, Respondent violated Rule 3.11 of the Regulations by allowing a non-watertight sewer to be within 28 feet of its number 3 well.
5. From on or about December 8, 1971, and continuing to the filing of the Complaint, Respondent violated Rule 3.11 of the Regulations and Sec. 18 of the Environmental Protection Act by allowing a non-watertight sewer to be within 25 feet of its ground storage reservoir.
6. That from on or about December 8, 1971, and continuing to the filing of the Complaint, Respondent violated Rule 3.60 of the Regulations and Sec. 18 of the Environmental Protection Act by allowing a cross-connection with a private well located in a pit owned by Schwenk's Restaurant to its system, thereby allowing a connection whereby unsafe water may enter its system.
7. That from on or about December 8, 1971, and continuing to the filing of the Amended Complaint, Respondent violated Rule 3.11 of the Regulations by allowing a drain line from a feed lot which is a non-watertight sewer, laid in sandy soil, to be within 50 feet of its well number 1.

At hearing time the parties presented a Stipulation of Fact and a Proposal for Settlement. Counsel for the Respondent stated that the city admits to their technical errors and that the case was well brought (R. 3). He also stated that the reason the city was in its present position was because of certain errors made by the city's consulting engineers (R. 3).

The pertinent facts stipulated to are as follows:

1. The public water supply system owned and operated by the Respondent includes three wells, a ground storage reservoir, and distribution system.
2. That on November 13, 1969, a sanitary sewer extension permit No. 1969-1A-803 was issued by the Sanitary Water Board for a sanitary sewer extension. Such permit was based on plans, specifications, and drawings prepared for Polo by Beling Engineering Consultants. This data did not indicate the location of Respondent's public water supply system.
3. The sewer extension was completed in accordance with the data submitted in September 1971.
4. Part of said sewer extension was constructed out of 8-inch bell and spigot clay pipe, which is not watertight and was laid in sandy soil located within 70 feet of wells number

- 1 and 2, 28 feet of well number 3, and 25 feet from the underground storage reservoir.
5. A drain line from a feed lot was laid in sandy soil within 50 feet of well number 1. Such line is not watertight.
 6. Well number 1 is located in a limestone formation with less than 100 feet of cover drift. No chlorine is presently being added or has ever been added at any point in the public water supply system.
 7. There has been a cross-connection of a private well to the public water supply system from which unsafe water may have entered the system.
 8. That in December 1971 Respondent was notified by the Agency of these possible violations.
 9. That in early 1972, Respondent contacted its consulting engineers about this problem.
 10. That on June 4, 1973, Respondent notified its engineers again that the well was in non-compliance, to which Beling responded that steps would be taken to replace the clay pipe that is located closer than 50 feet from the water well.
 11. A permit application was filed by Beling with the Agency on December 13, 1973, and was issued on February 13, 1974, for the sewer modification. This proposal did not put Respondent in compliance. On April 15, 1974, the Agency issued a proposal for the immediate compliance plan proposed in the settlement agreement.
 12. On February 14, 1974, the cross-connection with the private well was disconnected permanently.
 13. Respondent retained the Layne Western Co. to investigate sealing well number 1. A final proposal was made to the Department of Mines and Minerals on May 21, 1974, to which no response has been made.
 14. On or about May 15, 1974, Beling entered into a contract with Kinney Excavating Co. to install a six-inch diameter thermal joint polyethylene liner pipe in the abovementioned sewer extension for which Permit Number 1974-HB-235-2 has been issued by the Agency.

The facts as stipulated show that Respondent has violated the sections of the Environmental Protection Act and Regulations as charged. In the settlement proposal, Respondent has agreed to carry out a compliance plan that will bring about a sealing of well number 1 and lining of sewer pipes affecting wells number 2 and 3 so as to end its violations. The specifics of this plan shall be incorporated in the Ord-

er following.

The Board finds that this settlement is in the public interest and will alleviate the violations as charged.

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

ORDER

IT IS THE ORDER of the Pollution Control Board that:

1. Respondent, City of Polo, is found to have violated:
 - A) Sec. 18 of the Environmental Protection Act as charged.
 - B) Rules 3.11, 3.15, and 3.60 of the Regulations as charged.
2. Polo shall obtain written approval for construction of a well seal for well number 1 from the Environmental Protection Agency's Division of Public Water Supply and the Illinois Department of Mines and Minerals.
3. Within 90 days of the approval required in Order #2, Respondent shall seal well #1 through the Galena-Platt-Plattenville limestone formation in a method which shall prevent contamination of wells numbered 2 and 3.
4. Respondent shall prevent sewer exfiltration in that portion of its sewer system located within 25 to 70 feet from wells number 2 and 3 and the water storage reservoir by installing 6-inch thermal-jointed polyethylene liner pipe within the present 8-inch pipe on or before November 1, 1974.
5. Respondent is granted variance from Rule 3.11, 3.15, and 3.60 of the Regulations until November 1, 1974.
6. Respondent shall pay to the State of Illinois the sum of \$750 within 35 days from the date of this Order. Penalty payment by certified check or money order payable to the State of Illinois shall be made to: Fiscal Services Division, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706.
7. Respondent shall, within 35 days from the date of this Order, post a performance bond in a form satisfactory to the Agency in the amount of \$1000 as provided for by the stipulated settlement agreement. Bond shall be forwarded to the Agency at the address listed above.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, certify that the above Opinion and Order was adopted by the Board on the 18th day of July, 1974, by a vote of 5 to 0.

Christan L. Moffett