

ILLINOIS POLLUTION CONTROL BOARD  
March 20, 1980

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. ) PCB 79-17  
 )  
VILLAGE OF MAHOMET, )  
a municipal corporation, )  
 )  
Respondent. )

MR. DOUGLAS P. KARP, ASSISTANT ATTORNEY GENERAL, APPEARED ON  
BEHALF OF THE COMPLAINANT.

PHIPPS AND EVANS, ATTORNEYS AT LAW (MR. JAMES W. EVANS, OF  
COUNSEL), APPEARED ON BEHALF OF THE RESPONDENT.

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

This matter comes before the Board on the January 24, 1979 Complaint brought by the Illinois Environmental Protection Agency ("Agency"). Count I of the Complaint alleged that the Respondent owned a public water supply system which was operated from April 1, 1976 until January 24, 1979 with no certified Class B or Class A water supply operator in violation of Section 1(b) of an Act to Regulate the Operating of a Public Water Supply, Ill. Rev. Stat. 1977, ch. 111½, par. 501(b). Count II of the Complaint alleged that from May 1, 1978 until January 24, 1979 the Respondent failed to maintain a fluoride ion concentration of 0.9 to 1.2 mg/l in its distribution system in violation of Rule 306 of Chapter 6: Public Water Supplies, and Section 17 of the Illinois Environmental Protection Act ("Act"). A hearing was held on February 8, 1980. The parties filed a Stipulation and Proposal for Settlement on February 13, 1980.

The Respondent, the Village of Mahomet ("Village"), owns and operates a public water supply facility ("facility") in Champaign County which consists of two drift wells, an elevator tank, a standpipe, and distribution system. As part of its primary treatment, the water in the system is aerated, settled, chlorinated, pumped, filtered, and fluoridated. After the water has gone through the water treatment facility, the Village takes finished water samples and then sends them to the Agency for analysis.

The stipulated facts indicate that, from April 5, 1976 until October 15, 1979 (exclusive of the time period from February 12, 1979

through October 15, 1979), the Respondent failed to employ a certified Class B or Class A operator in charge of its facility and instead utilized certified Class C or Class D operators as well as uncertified operators. (Stip. 2-3).

The parties have also stipulated that on May 1, 1978, July 10, 1978, August 21, 1978, October 16, 1978, January 30, 1979, March 5, 1979, and August 8, 1979, the Respondent failed to maintain a fluoride ion concentration of 0.9 to 1.2 mg/l in its water distribution system. (Stip. 3; See: Exhibits A, C, D, E, F, and G). The Respondent maintains that the fluoride levels were above or below the range of 0.9 to 1.2 mg/l as a result of a mechanical failure in the fluoride injector. Although this mechanical failure was detected by a former water supply operator employed by the Village, it was not corrected until after August 15, 1979. (Stip. 3).

The proposed settlement agreement includes a detailed compliance program and schedule which provides that the Respondent shall: (1) promptly hire a properly certified Class A or Class B operator; (2) provide for the addition of fluoride to the water supplies (to maintain the appropriate fluoride levels at all times); (3) accurately collect and analyze water samples (to determine the fluoride levels in the finished water); (4) operate and maintain the facility in good working condition (by immediately repairing and replacing malfunctioning or defective parts and equipment - including all sampling, testing, and monitoring equipment used to determine the fluoride content of the finished water); (5) maintain a spare parts inventory (for all sampling, testing, and monitoring equipment), and (6) pay a stipulated penalty of \$500.00. The record indicates that the Village has already hired a properly certified operator and submitted the requisite forms to the Agency. (R. 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. The Board finds the stipulated agreement acceptable under Procedural Rule 331 and Section 33(c) of the Act. The Board finds that the Respondent, the Village of Mahomet, has violated Section 1(b) of an Act to Regulate the Operating of a Public Water Supply, Ill. Rev. Stat. 1977, ch. 111½, par. 501(b), Rule 306 of Chapter 6: Public Water Supplies, and Section 17 of the Act. The stipulated penalty of \$500.00 is assessed 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 Respondent, the Village of Mahomet, has violated Section 1(b) of an Act to Regulate the Operating of a Public Water Supply, Ill. Rev. Stat. 1977, ch. 111½, par. 501(b), Rule 306 of Chapter 6: Public Water Supplies, and Section 17 of the Illinois Environmental Protection Act.

2. Within 45 days of the date of this Order, the Respondent shall, by certified check or money order payable to the State of Illinois, pay the stipulated penalty of \$500.00 which is to be sent to:

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

3. The Respondent shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed February 13, 1980, which is incorporated by reference as if fully set forth herein.

Chairman Dumelle concurs. Mr. Goodman concurs.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 20<sup>th</sup> day of March, 1980 by a vote of 4-0.



Christan L. Moffett Clerk  
Illinois Pollution Control Board