

ILLINOIS POLLUTION CONTROL BOARD  
February 7, 1980

ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, )  
 )  
Complainant, )  
 )  
v. ) PCB 79-194  
 )  
VILLAGE OF ST. MARIE, )  
 )  
Respondent. )

MS. CHRISTINE G. ZEMAN, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

MR. EDWARD R. STONE, PRESIDENT OF THE VILLAGE BOARD, APPEARED ON BEHALF OF THE RESPONDENT.

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

This matter comes before the Board on the September 12, 1979 Complaint brought by the Illinois Environmental Protection Agency ("Agency") which alleged that the Respondent owned a public water supply system which was operated from May 17, 1977 until September 12, 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. 111-1/2, par. 501(b), Rule 302 of Chapter 6: Public Water Supplies, and Section 18 of the Illinois Environmental Protection Act ("Act"). A hearing was held on November 19, 1979. The parties filed a Stipulation and Proposal for Settlement on November 29, 1979.

The stipulated facts indicate that the Agency sent a Notice of Violation to the Village of St. Marie ("Village") on January 7, 1975 which advised the Respondent of its failure to employ a properly certified operator. (Stip. 2). On February 9, 1975, Mr. Merece Gowin, a former operator of the Respondent's facilities, reinstated his formal certification with the State of Illinois. The Agency, in a letter dated March 24, 1975, requested that Mr. Gowin submit a "Notification of Certified Operator in Responsible Charge" form in order to bring the Respondent into compliance with the Board's Public Water Supply Regulations and the Public Water Supply Act. However, the requisite form was not submitted to the Agency. Subsequently, on May 17, 1977, the Agency was notified of Mr. Gowin's death. (Stip. 3).

On December 18, 1978, the Agency again indicated to the Village that it was not in compliance. On March 8, 1979, a second Notice of Violation for failure to employ a certified operator was sent to the Village. On July 13, 1979, the Agency again notified the Village that the necessary form had not been submitted. (Stip 3-4).

During the time period from May 17, 1977 until September 24, 1979, Mr. Ben Kocher was employed by the Village to operate its public water supply system. Mr. Kocher failed to pass the Class C exam in June of 1977, but took the test again in August of 1979. He obtained his Certification as a Class C water supply operator on August 21, 1979. (Stip. 4).

On September 24, 1979, the Village retained Mr. Thomas C. Martin, a certified Class A water supply operator. On September 26, 1979, the Agency received the requisite notification form which indicated that Mr. Martin was employed to operate only the Village's treatment plant. On September 24, 1979, the Village submitted another notification form which stated that Mr. Ben Kocher, their certified Class C operator, was to be responsible for only the distribution system. (Stip. 4).

The proposed settlement agreement provides that the Respondent: (1) admits the allegations charged in the Complaint; (2) agrees to cease and desist from further violations, and (3) agrees to pay a stipulated penalty of \$300.00 .

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, Village of St. Marie, has violated Section 1(b) of an Act to Regulate the Operating of a Public Water Supply, Ill. Rev. Stat. 1977, ch. 111-1/2, par. 501(b), Rule 302 of Chapter 6: Public Water Supplies, and Section 18 of the Act. The stipulated penalty of \$300.00 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, Village of St. Marie, has violated Section 1(b) of an Act to Regulate the Operating of a Public Water Supply, Ill. Rev. Stat. 1977, ch. 111-1/2, par. 501(b), Rule 302 of Chapter 6: Public Water Supplies, and Section 18 of the Illinois Environmental Protection Act.

2. The Respondent shall cease and desist from further violations.

3. 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 \$300.00 which is to be sent to:

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

4. The Respondent shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed November 29, 1979, which is incorporated by reference as if fully set forth herein.

Chairman Dumelle concurs.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 7<sup>th</sup> day of February, 1980 by a vote of 4-0.

  
Christan L. Moffett, Clerk

Illinois Pollution Control Board