

ILLINOIS POLLUTION CONTROL BOARD
January 18, 1979

ENVIRONMENTAL PROTECTION AGENCY,)
)
 Complainant,)
)
 v.) PCB 78-199
)
 VILLAGE OF NORRIS,)
)
 Respondent.)

MR. PATRICK J. CHESLEY, ASSISTANT ATTORNEY GENERAL, appeared on behalf of Complainant.

MR. JOHN C. POTTER, BAUDINO & POTTER, appeared on behalf of Respondent.

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

The Complaint in this case alleges that Respondent operated a public water supply facility, discharging contaminants in violation of Section 12(f) of the Act which requires an NPDES permit for point source discharges, and Water Pollution Rules 901 and 902(e). A hearing was held on October 27, 1978 in Farmington, Illinois.

At the hearing the parties offered Joint Exhibit 1, a Stipulation and Proposal for Settlement as the entire record. No members of the public were present.

The Stipulated Settlement states that since October 24, 1977 Respondent has operated a public water supply facility in Norris and discharged contaminants into an unnamed tributary of Big Creek. Big Creek is a tributary of Spoon River, both being navigable waters and waters of the state.

On May 27, 1978 the Village of Norris was informed by the Agency that it required an NPDES permit under Section 39(b) and Water Pollution Rules 901 and 902(e) for its public water supply system. No NPDES permit was applied for by Norris, or any explanation given to the Agency as to why such permit was not needed within 30 days of notification. On July 29, 1978, the Village of Norris eliminated the discharge from its public water supply system.

The Stipulation and Proposal for Settlement provides that no NPDES permit is presently needed by Respondent due to elimination of the discharge. Respondent is to pay a \$100 penalty within forty-five (45) days of the date of the Board's approval

of this settlement. The Board finds, after a review of the factors listed in Section 33(c) of the Act, that the settlement constitutes a reasonable and appropriate resolution of this case.

This Opinion constitutes the Board's findings of fact and conclusions of law in this case.


ORDER

- 1) Respondent has violated Rules 901 and 902(e) of the Water Pollution Rules and Section 12(f) of the Act.
- 2) Within forty-five (45) days of the date of this Order, Respondent shall forward the sum of \$100, payable by certified check or money order to:

State of Illinois
Fiscal Services Section
Illinois 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 18th day of January, 1979 by a vote of 4-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board