

ILLINOIS POLLUTION CONTROL BOARD  
April 8, 1976

PEOPLE OF THE STATE OF ILLINOIS, )  
 )  
 Complainant, )  
 )  
 v. ) PCB 75-119  
 )  
 ARBURY UTILITIES, INC., )  
 )  
 Respondent. )

Ms. Dorothy Howell appeared on behalf of Complainant.  
Mr. Daniel Kucera appeared on behalf of Respondent.

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

This matter comes before the Pollution Control Board (Board) upon the Complaint filed on March 14, 1975, by the Attorney General of the State of Illinois against Arbury Utilities, Inc. The Complaint alleged that Arbury failed to operate its public water supply facilities so that water shall be safe in quality, clean, adequate in quantity and of satisfactory mineral character for ordinary domestic consumption, in violation of Section 18 of the Environmental Protection Act (Act). Specifically, the Complaint alleged that Arbury distributed water to its customers which contains an offensive odor, oil, a residue, is discolored due to the presence of iron, is unpalatable, and has been without sufficient pressure so that customers of the supply have been furnished inadequate quantities of water for ordinary domestic use and have on occasion been without water.

A hearing in this matter was held on March 11, 1976, at the Frankfort Village Hall. At that hearing, a Settlement Stipulation, representing the final agreement of the parties, was entered into evidence. No other evidence was presented, and no citizen witnesses were present.

In the Stipulation, the parties indicate that on December 31, 1975, Arbury Utilities Company, Inc., which serviced 400 customers in the Arbury Hills Subdivision, Will County, Illinois, was merged with Citizens Utilities Company of Illinois (Citizens) with the approval of the Illinois Commerce Commission (ICC). Citizens is

the survivor. Citizens is, therefore, substituted for Arbury Utilities Company, Inc., as Respondent in these proceedings.

Citizens is a corporation engaged in providing public utility water and sanitary sewer service in various service areas within the metropolitan Chicago area, pursuant to various Certificates of Public Convenience and Necessity issued by the Illinois Commerce Commission. In the Arbury area, Citizens owns, operates, and maintains a public water supply and distribution system, including two wells, a ground pressure tank, and an integrated system of mains, hydrants, and appurtenances thereto.

The source of all raw water supplies of Citizens within its Arbury service area is underground waters drawn from wells. Upon being drawn from the well, water at each wellhead receives gas chlorination for disinfection; secondary chlorination, if necessary, with sodium hypochlorite by proportioning pump; and fluoridation. In addition, trisodium polyphosphate is injected for iron control by sequestration. Softening by the ion exchange process is provided by a group of three softening units. In addition, Citizens maintains a program for the regular flushing of its mains and hydrants.

The parties recognize that any iron or hardness in the water supply of Citizens is due to natural causes and is present in the underground waters as taken from the wells. The parties agree that some customers of Citizens' water system have experienced discolored water, odor, low pressure or a residue at taps within the home. Complainant indicates in the Stipulation that had this matter proceeded to hearing, twenty witnesses would have been called to testify on behalf of Complainant. For purposes of settlement, Citizens agreed to present no evidence in the Stipulation to controvert such testimony. Citizens also indicates that, although the softening units are effective, they are difficult to operate and maintain, and Citizens is experiencing extensive delays in receiving replacement parts from equipment suppliers. Therefore, occasionally finished water hardness may rise should the softening equipment malfunction.

The parties and the ICC have reviewed and evaluated possible improvements to the existing source of water supply and alternative sources of supply and have determined that the most cost-effective program is to provide additional storage by installation of a 200,000 gallon overhead water storage tank. The estimated construction cost of the tank is \$250,000.00. Citizens' consulting engineers have advised that installation of the tank will permit more effective flushing of the distribution system and will enable any carbon dioxide naturally present in the water as taken from the wells to be vented.

This should result in some improvement in taste and odor conditions. Citizens has already obtained the approval of the ICC and an option to purchase the land for a water storage tank.

The parties and the ICC have also determined that the water softening equipment, which if continued in use would have to be replaced by new equipment, should be removed from service for a trial period of 90 days. Thereafter, Citizens has agreed to survey the Arbury customers to determine the financial feasibility of installing new softeners.

In the Stipulation, Citizens has agreed to implement a Program to improve the quality of its public water supply. That Program includes: monitoring its water supply and distribution system; constructing a 200,000 gallon overhead water storage tank; removing water softening equipment for a trial period, afterwards surveying the Arbury customers to determine whether they would be willing to support new equipment with an increase in rates, and, if so, constructing such equipment upon approval by the ICC of a rate increase; notifying customers of scheduled flushings of the distribution system; and other improvements.

The Board finds that Citizens has violated Section 18 of the Act in operating its public water supply facilities. The parties, however, agree that, under the circumstances, no monetary penalty be assessed. The Board finds that the Program outlined in the Stipulation, which Citizens has already begun to implement, is an adequate plan of compliance and that acceptance of the Stipulation rather than continuation of hearings is in the best interests of the public. Therefore, the Board accepts the Stipulation and assesses no monetary penalty against Citizens.

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

It is the Order of the Board that:

1. Citizens Utilities Company of Illinois is found to have violated Section 18 of the Act by distributing water to its customers which is not safe in quality, clean, adequate in quantity, and of satisfactory mineral character for ordinary domestic consumption.
2. Citizens shall cease and desist from said violation by complying with the Program agreed to by the parties in the Settlement Stipulation submitted on March 11, 1976.

Mr. Young abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 8<sup>th</sup> day of April, 1976 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board