

ILLINOIS POLLUTION CONTROL BOARD
February 19, 1976

ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Complainant,)	
)	
)	
v.)	PCB 75-375
)	
VILLAGE OF PEARL CITY, a municipal)	
corporation,)	
)	
Respondent.)	

MS. DOROTHY J. HOWELL, Assistant Attorney General, appeared on behalf of Complainant;
MR. RICHARD ECKERT, appeared on behalf of Respondent.

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

This matter comes before the Board on a Complaint filed by the Environmental Protection Agency (Agency) on September 26, 1975 against Respondent Village of Pearl City (Pearl City), located in Stephenson County, Illinois. The complaint alleges violation of (1) Section 501 of an Act to Regulate the Operating of a Public Water Supply (Public Water Supply Act), Illinois Rev. Stat., Ch 111-1/2, as amended in 1973; (2) Rule 302 of the Board's Public Water Supply Regulations; (3) Section 18 of the Environmental Protection Act (Act). The violation of the Public Water Supply Act is alleged to have existed since September 12, 1973, while violation of Rule 302 and Section 18 of the Act is alleged to have existed since December 21, 1974. All of these violations are based on the same operative facts; operation of a public water supply without a certified water supply operator.

A hearing was held on November 20, 1975 at which the parties presented a Stipulation of Fact. Pearl City thereby admitted to the following: A.) Ownership and operation of a public water supply system, including two wells, an elevated tank, a distribution system, and a chlorination and fluoridation mechanism for the water from one of the two wells. B.) Not having employed a certified water supply operator from at least September 12, 1973 until October 25, 1975.

Pearl City thus admits all facts necessary for a finding of violation. The only remaining issue concerns the fashioning of a remedy. On this issue one fact is prominent. Pearl City is a village with a population of approximately 585. While the failure to have a certified operator has jeopardized the health and welfare of the people of Pearl City, the Board does not find a substantial penalty to be appropriate in this case. As Respondent's attorney stated, "If the Pollution Control Board levies a fine, this is simply going to delay the very essence of what the Pollution Control Board is after..." The Board recognizes the financial burdens of small communities. However, the hiring of a certified operator is a legal duty designed to protect the health and welfare of those served by public water supply systems. This is not an instance of a "technical" violation. It is a two-year long violation which could have resulted in serious injury to those who rely upon the adequacy and healthfulness of their water supply.

The Public Water Supply Act provides for a minimum penalty of \$100 for a violation thereof. The Board finds this to be adequate in this instance.

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

ORDER

1. Respondent Village of Pearl City is hereby found to have violated Section 501 of the Public Water Supply Act, Rule 302 of the Public Water Supply Regulations, and Section 18 of the Environmental Protection Act.

2. Respondent shall pay, as a penalty for these violations a penalty of \$100, payment to be made by certified check or money order, within 35 days of the date of this Order to:

State of Illinois
Environmental Protection Agency
Fiscal Services Division
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 19th day of February, 1976 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board