

ILLINOIS POLLUTION CONTROL BOARD
November 29, 1979

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 78-203
)
VILLAGE OF JEWETT,)
)
Respondent.)

MR. PATRICK J. CHESLEY, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

MR. BOBBY F. SANDERS, ATTORNEY AT LAW, APPEARED ON BEHALF OF THE RESPONDENT.

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

This matter comes before the Board on the July 28, 1978 Complaint brought by the Illinois Environmental Protection Agency ("Agency") which alleged that, from October 24, 1977 until July 28, 1978, the Respondent caused or allowed the discharge of wastewater containing contaminants to flow into an unnamed tributary of Cottonwood Creek, a navigable water and water of the State of Illinois, which is tributary to Muddy Creek, which is tributary to the Embarras River, both of which are navigable waters and waters of the State of Illinois, without possessing an NPDES permit for point source discharges in violation of Rules 901 and 902(e) of Chapter 3: Water Pollution Control Regulations and Section 12(f) of the Illinois Environmental Protection Act ("Act"). On August 30, 1978, the Agency filed its Request to Admit Facts. However, the Village of Jewett failed to respond to the Complainant's request for admission of facts. Accordingly, under the Board's Procedural Rule 314(c), each of the matters of fact is deemed admitted. A hearing was held on December 2, 1978. The parties filed a Stipulation and Proposal for Settlement on January 4, 1979.

The Respondent is an Illinois municipal corporation which operates a public water supply system in the Village of Jewett in Cumberland County, Illinois. The Village of Jewett is a small village with a population of only 238 individuals. There are 101 connections to the Respondent's public water supply system. It is stipulated that the only time a discharge occurs from the system is in connection with the weekly back flushing operation. (Stip. 3).

The parties have stipulated that the Village of Jewett did, in fact, discharge wastewater containing contaminants into Illinois waters without an NPDES permit from October 24, 1977 until July 28, 1978. (Stip. 2-3). The violations apparently occurred during a prior Village administration, and the current Mayor and Board of Trustees seem to have made good faith efforts to achieve compliance. (R. 5-6). After the Complaint was filed, the Respondent made inquiries concerning the NPDES permit requirements and promptly filed an application for the NPDES permit. (Stip. 3). It is stipulated that a proposed NPDES permit has been drafted by the Agency and that the permit has been sent out for public comment. (Stip. 3).

The proposed settlement agreement provides that the Respondent: (1) admits the allegations charged in the Complaint; (2) agrees to obtain an NPDES permit; and (3) agrees to pay a stipulated penalty of \$100.00 .

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 Jewett, has violated Rules 901 and 902(e) of Chapter 3: Water Pollution Control Regulations and Section 12(f) of the Act. The stipulated penalty of \$100.00 is hereby 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 Jewett, has violated Rules 901 and 902(e) of Chapter 3: Water Pollution Control Regulations and Section 12(f) 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 \$100.00 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 January 4, 1979, which is incorporated by reference as if fully set forth herein.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 29th day of November, 1979 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board