

ILLINOIS POLLUTION CONTROL BOARD
February 19, 1981

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Complainant,)
)
v.) PCB 79-201
)
VILLAGE OF APPLE RIVER,)
an ILLINOIS MUNICIPAL CORPORATION,)
)
Respondent.)

MRS. ALICE N. KOHN, ASSISTANT ATTORNEY GENERAL APPEARED ON BEHALF OF THE COMPLAINANT.

MR. WILLIAM JAMES APPEARED ON BEHALF OF THE RESPONDENT.

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

The Illinois Environmental Protection (Agency) filed a complaint in this matter on September 26, 1979, against the Village of Apple River (Apple River). The Agency alleges that Apple River has violated Section 18 of the Illinois Environmental Protection Act (Act) and Rules 302 and 305 of Chapter 6 of the Board's Regulations: Public Water Supplies, by failing to chlorinate the water of its public water supply before it enters the distribution system and by failing to have its water supply supervised by a competent Class A, B or C operator. Hearing was held on October 3, 1980. Members of the public were present.

Apple River owns and operates a public water supply system serving an estimated 500 persons in Jo Daviess County (Jt. Ex. #1). Agency representatives inspected this system on July 8, 1976; September 23, 1977; October 30, 1978; and January 4, 1980. On each occasion the Agency found that Apple River was not chlorinating its water and that the operator in charge was a Class D operator (Comp. Ex's 2-5 and 11).

Not only has Apple River not disputed this, it has also entered into a stipulation that it has not chlorinated its water since at least July 8, 1976, and has failed to employ a Class A, B or C operator during the same period. Further, Apple River's Water and Sewer Commissioner, William James, testified that Apple River does not intend to provide continuous chlorination in the future(R. 61).

Therefore, the Board finds that Apple River has violated Section 18 of the Act and Rules 302 and 305 of Chapter 6: Public Water Supplies. As a result of these violations Apple River has allowed those who use its water to be subject to potential

contamination of that water. The dangers involved in the failure to chlorinate public water supplies are discussed at length in the Board's Opinion in R78-8 (October 30, 1980).

Apple River has not alleged that the hiring of a properly certified operator or the use of chlorination is technically impractical or prohibitively expensive. In fact, by October 3, 1980, chlorination equipment had been installed, though it was not in use (Comp. Ex. 8 and R. 36). Also, Apple River now has a properly certified operator. Therefore, the Board finds these actions to be both technically practical and economically reasonable.

The Board does not question the suitability of the location of the public water source or its social and economic value. However, that value is seriously diminished when the supply is not operated in a manner which best protects the health and general welfare of those serviced. Chlorination is a protective measure which should not be ignored, as is the employment of a properly certified operator.

After a consideration of the factors in Section 33(c) of the Act, the Board finds that a penalty of \$100 is appropriate as a necessary aid in the enforcement of the Act in addition to a cease and desist order. This is the minimum penalty the Board may impose under Section 23 of the Public Water Supply Act.

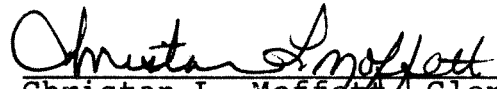
This Opinion constitutes the Board's findings of fact and conclusions of law in this matter.

ORDER

1. The Village of Apple River is found to have violated Section 18 of the Environmental Protection Act as well as Rules 302 and 305 of the Board's Regulations, Chapter 6: Public Water Supplies.
2. The Village of Apple River shall cease and desist within 30 days of the date of this Order from violations of Rules 302 and 305 of Chapter 6.
3. The Village of Apple River shall pay within 45 days of the date of this Order, by certified check or money order payable to the State of Illinois, a penalty of \$100 which is to be sent to : 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 that the above Opinion and Order was adopted on the 19th day of February, 1981 by a vote of 50.



Christan L. Moffett, Clerk
Illinois Pollution Control Board