

ILLINOIS POLLUTION CONTROL BOARD
March 19, 1982

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
) Petitioner,)
)
) v.) PCB 81-133
)
) VILLAGE OF WHITE CITY,)
)
) Respondent.)

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

This matter comes before the Board on a four count complaint filed by the Illinois Environmental Protection Agency (Agency) on August 21, 1981 against the Village of White City. The Village of White City (Village), Macoupin County, is charged with violations of the Environmental Protection Act (Act), of "An Act to Regulate the Operating of a Public Water Supply (PWS Act), Ill.Rev.Stat. Ch. 111½, §501 et seq., and Chapter 6: Public Water Supplies (Chapter 6). On December 1, 1981 a hearing was held at which the parties presented a "Stipulation, Statement of Facts, and Proposal for Settlement". In response to the Board's Order of December 17, 1981, on February 10, 1982 the parties filed a "Supplemental Stipulation and Statement of Facts" which stated that P.A. 82-393, effective January 1, 1982, had no effect on the proposed compliance plan, and which left the minimum statutory penalty issue raised by §523 of the PWS Act to the discretion of the Board.

The Village stipulates that, as charged in Count I of the Complaint, from on or about December 21, 1974 until on or about September 15, 1981 it operated its public water supply without having in its employ a person certified as a Class D, C, B, or A operator. The Board accordingly finds the Village in violation of Section 18 of the Act, Rule 302 of Chapter 6, and, thereby Section 1(d) of the PWS Act.

As alleged in Count II, the Village stipulates that it failed to submit monthly operating reports from on or about June 18, 1980 until August 18, 1981 in contravention of the Agency's June 18, 1980 request. The Board finds the Village in violation of Section 19 of the Act and Rule 310(a) of Chapter 6. The Village also agreed that it had failed, since May 1, 1980 to submit monthly reports required by Agency Technical Policy Statement (TPS) 305(d)(2), (promulgated pursuant to Rule 212(A) of Chapter 6) which would constitute a violation of the above-cited section of the Act and Board rule which underly TPS 305(d)(2).

Count III alleges, and the Village agrees, that on May 15, 1980 an Agency test of its water supply showed a combined chlorine residual of 0.3 mg/l and a free chlorine residual of 0.0 mg/l, while TPS 305(D)(2) (promulgated pursuant to Rules 212(A) and 305 of Chapter 6) requires combined and free chlorine residuals, alternatively, of 0.5 mg/l or 0.2 mg/l. The Board therefore finds the Village in violation of Section 18 of the Act.

Finally, the Village stipulates that from on or about June 18, 1980 it failed to have on hand an approved residual chlorine testing kit, as alleged in Count IV. As TPS 315 and 305(C)(6), (promulgated pursuant to Rule 212(A) of Chapter 6) specify that such kits are among the equipment required by Rule 315, the Board finds the Village in violation of Rule 315 of Chapter 6.

The Village agrees to cease and desist from the above enumerated violations. In addition, the parties propose a compliance plan which would require the Village to employ a certified operator, to submit monthly operating and chlorine testing reports, to maintain specified chlorine residuals, and to obtain and keep available an approved chlorine testing kit.

The Board finds the stipulation of facts and proposal for settlement acceptable pursuant to Procedural Rule 334. The Board will issue a cease and desist order, and will additionally assess the minimum \$100 penalty required by §523 of the PWS Act. However, in light of the representations of financial hardship presented by the Village at hearing, and the Agency's estimation that these representations should be accorded weight, payment of the penalty is abated and forgiven.

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

ORDER

1. Respondent, the Village of White City, is found to be in violation of Section 1(d) of the Public Water Supply Act (PWS Act) Sections 18 and 19 of the Environmental Protection Act, and Rules 302, 310(a) and 315 of Chapter 6: Public Water Supply.


2. Respondent shall cease and desist from said violations.

3. Respondent shall comply with the compliance schedule set forth in the "Stipulation, Statement of Facts, and Proposal for Settlement" filed December 1, 1981, which is incorporated by reference herein as if fully set forth.

4. The Board hereby assesses the nominal \$100 penalty required by the PWS Act, payment of which is abated and forgiven.

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 March, 1982 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board