

ILLINOIS POLLUTION CONTROL BOARD
March 1, 1979

ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 78-84
)
VILLAGE OF GRANDVIEW,)
a municipal corporation,)
)
Respondent.)

MR. REED W. NEUMAN, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

HECKENKAMP & FUITEN, ATTORNEYS AT LAW (MR. WALTER J. SIMHAUSER, OF COUNSEL), APPEARED ON BEHALF OF THE RESPONDENT.

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

This matter comes before the Board on the March 20, 1978 Complaint brought by the Illinois Environmental Protection Agency ("Agency") which alleged that, from August 1, 1974 until the date of the filing of the Complaint, the Village of Grandview operated its public water supply system without having in its employ a certified Class D, Class C, Class B, or Class A water supply operator, in violation of Section 1 of an Act to Regulate the Operating of a Public Water Supply, Ill. Rev. Stat; 1975, ch. 111-1/2, par. 501(d). A hearing was held on June 1, 1978.

The Village of Grandview ("Grandview") is a municipal corporation and is located in Sangamon County. The Respondent owns and operates a public water supply system which has a distribution system consisting of valve fire hydrants, service taps, and distribution mains. (R. 47). Grandview's public water supply system receives treated water from the Springfield water supply system by means of two transmission mains and thus, no chemical treatment is employed by the Respondent. Accordingly, the Respondent has no treatment or storage facilities.

The Complainant's witness was Mr. Steven Gunning, an Agency attorney. Mr. Gunning testified that he did the legal work pertaining to the initiation of the formal Complaint and indicated that proper

legal notice of violation was sent to the Village of Grandview (R. 10-14; See: Complainant's Exhibits 1 and 2).

The Respondent's first witness was Mr. Willian Knope. Mr. Knope testified that he is the Superintendent of the Respondent's water supply system and has been employed since July, 1965 by the Village of Grandview. (R. 18). Although Mr. Knope had no formal training pertaining to water supply systems, he obtained on-the-job experience. For the first two years of his employment by the Village of Grandview (i.e., 1965 - 1967), Mr. Knope "worked outside on the water mains and reading meters" under the direction and supervision of Mr. Kinks, who was the Superintendent of the water supply system at that time. (R. 19-20). When Mr. Kinks left in 1967, Mr. Knope became the new Superintendent. (R. 20). Mr. Knope's background includes two years of high school and four years of military service. (R. 19).

Mr. Knope testified that the Grandview Water Department serves customers in a four block square area and some customers in the Starnes subdivision that the City of Springfield would not service. (R. 20). The Village of Grandview has a total of approximately 670 customers (i.e., about 665 customers are individual home owners or renters, and the remaining five customers are businesses). (R. 21). Mr. Knope stated that the Grandview Water System does not have a water pumping station or storage system of any kind. Water is chemically treated at the City of Springfield's plant and transported through mains to the Village of Grandview. (R. 22). Mr. Knope indicated that periodic tests to determine the purity of the water that Grandview serves to its customers are made every month (i.e., representative water samples are mailed to the Agency for bacteriological testing and chemical analysis). (R. 22-24).

Additionally, Mr. Knope testified that the Village of Grandview had recently made a contract with the engineering firm of Greene & Elliott, Ltd. to provide water supply operator services to the Respondent. (See: Respondent's Exhibit 1; R. 28-29). Mr. Knope indicated that he had made an effort to secure certification as a public water supply operator, but had failed the certification test twice due to unfamiliarity with the answers to questions pertaining to water treatment and storage equipment that the Grandview system does not have. (R. 29-31). Mr. Knope stated that he plans to take the Class D operator's exam again and that Mr. Williams may help him study for the test. Mr. Knope also indicated that Mr. Williams is currently collecting water samples and sending these samples to the Agency, and performing other tasks that were formerly within Mr. Knope's exclusive purview. (R. 33-39).

Mr. Knope also stated that the Village of Grandview, although it has now paid off the outstanding bonds used for the financing of its water mains, has been having serious financial problems with its water supply system because of the increased rates that the City of Springfield has been charging which weren't covered by Grandview's existing rate schedule. (R. 31-33). In fact, some citizens have been protesting against the rates and charges made by the water system. (R. 33).

The Respondent's second witness was Mr. C. Murray Williams. Mr. Williams testified that he is employed by the consulting engineering firm of Greene & Elliott, Ltd. and is a properly certified Class A water supply operator. (R. 40-41). Mr. Williams' educational background includes a degree in chemistry, graduate courses, and many courses on water analysis and water treatment. The record reveals that Mr. Williams has extensive experience in the operation and supervision of various public water supplies and has even received a commendation from the U. S. Army Corps of Engineers in connection with water treatment analysis on the Manhattan Project. (R. 40-43). Mr. Williams testified that he has personally been serving as the water supply operator for the Village of Grandview since May 1, 1978 and has provided the Agency with the requisite water samples and has completed the necessary forms to establish himself as "the legally certified operator for the Village of Grandview. (R. 44-46). Mr. Williams stated that he has familiarized himself with the work that Mr. Knope has done in the past as Village Water Superintendent and indicated that "all of the evidence... indicates that the job has been properly performed." (R. 48). Mr. Williams also stated that, in his opinion, the Grandview water supply system presently furnishes a safe and suitable water supply to its customers. (R. 49-50).

In evaluating this enforcement action, 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. On the basis of the record, the Board finds that the Village of Grandview operated its public water supply system without a properly certified Class D, Class C, Class B, or Class A water supply operator from August 1, 1974 until March 20, 1978 in violation of Section 1(d) of an Act to Regulate the Operating of a Public Water Supply, Ill. Rev. Stat. 1975, ch. 111-1/2, par. 501(d). Accordingly, a penalty of \$250.00 is 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 Village of Grandview has violated Section 1(d) of an Act to Regulate the Operating of a Public Water Supply (Ill. Rev. Stat., 1975, ch. 111-1/2, par. 501(d)) from August 1, 1974 until March 20, 1978.

2. The Village of Grandview shall cease and desist from all further violations of Section 1(d) of an Act to Regulate the Operating of a Public Water Supply (Ill. Rev. Stat., 1975, ch. 111-1/2, par. 501(d)).

3. Within 45 days of the date of this Order, the Village of Grandview shall pay a penalty of \$250.00 , payment to be made by certified check or money order to:

State of Illinois
Fiscal Services Division
Illinois Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 13th day of March, 1979 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board