

ILLINOIS POLLUTION CONTROL BOARD
February 17, 1972

JEFFERY WIDES)
)
 v.) PCB 71-305
)
 MILDRED KRAWCZYK, CITY OF)
 COLLINSVILLE, et al.)

Jeffery Wides, pro se
Jim D. Keehner, Attorney for the Environmental Protection Agency
R. H. Burroughs, Attorney for Mildred Krawczyk
Dwight C. Taylor, Attorney for the City of Collinsville

Opinion and Order of the Board (by Mr. Aldrich):

This cause was initiated by a citizen's complaint filed July 22, 1971, against Mildred Krawczyk of Collinsville, Illinois. Mrs. Krawczyk is the owner of a water line which serves 11 homes in Holiday Hills Subdivision, Collinsville. Complainant Wides alleges that no written approval was given by the State of Illinois before construction of the public water supply installation, in violation of the Public Water Supply Control Law. Mr. Wides also alleges that Mrs. Krawczyk has failed to provide a continuous, clean, and adequate water supply, in violation of Section 18 of the Environmental Protection Act ("Act").

Mr. Wides' complaint of July 22, 1971 was construed by the Board as an informal one, and the Environmental Protection Agency ("Agency") was asked to investigate the matter. On October 4, 1971, Mr. Wides informed the Board that he had intended his complaint to be a formal one and requested that a hearing be held pursuant to Section 31 of the Act. The Agency subsequently filed a petition to intervene. On November 22, 1971, Mr. Wides amended his formal complaint, naming the City of Collinsville as co-respondent.

The record indicates that Mrs. Krawczyk and her husband developed Holiday Hills Subdivision in 1961 (R.23). Upon her husband's death in 1964, Mrs. Krawczyk became sole owner of the Subdivision except for the lots which had been sold. The water line which was installed in 1961 was one and one-quarter inches in diameter (R.21). Mrs. Krawczyk admitted that no permit had been obtained from the State at the time the installation was made (R.26). All parties stipulated that the one and one-quarter inch water line has been inadequate to serve the needs of the residents for at least six years (R.7). No evidence was adduced as to the cleanliness of the water.

Edward Juneau, an engineer employed by Mrs. Krawczyk, testified that the water system could be improved so as to provide an adequate supply of water for domestic purposes to existing homes in the Subdivision (R.13). This would involve the connection of a six-inch line to a

nearby four-inch water main owned by the City of Collinsville. Estimated cost of the project is \$10,000 to \$15,000. Mrs. Krawczyk agreed to enter into a contract for installation of the proposed facilities (R.25).

Mr. Juneau indicated his readiness to proceed with preparation of plans and specifications for the improvement project provided a permit could be obtained from the Agency and provided that the City of Collinsville would give its consent to connecting a new line to the existing water main (R.13). He estimated that the plans and specifications could be prepared within 30 days and that completion of the project would require no more than ten working days (R.14, 20). However, Mr. Juneau expressed the opinion that a realistic schedule for completion of the project would be more like five months because of the time required for approval of the plans and for arranging the necessary financing, and because of possible delays due to bad weather and frozen ground in January and February (R.19, 20). Counsel for the Agency recommended that the Board establish a stricter timetable by requiring that the project be completed within 90 days (R.31). He suggested that monthly reports be submitted so as to indicate the occurrence of difficulties caused by bad weather which the Board could then take into account.

We feel that five months is an excessive period of time to complete a project which under favorable conditions could be done in two months. The residents of Holiday Hills have been deprived of an adequate water supply for at least six years. We do not think they should now have to wait any longer than is absolutely necessary for the situation to be corrected. We note that all parties have stipulated that the proposed project is a necessary one (R.8). Approval of the project by both the Agency and the City of Collinsville should therefore be swift. We note further the stipulation by all parties that plans for the project were to be initiated as of the date of the hearing in this case, December 28, 1971 (R.35). We will therefore require the project to be completed within approximately 90 days of that date, that is, by March 31, 1972. We will further require the submission of monthly reports as to progress toward completion of the project. Such reports are to include the occurrence of any delays due to unfavorable weather conditions and frozen ground.

Finally, we feel that a money penalty is clearly warranted in this case. Mrs. Krawczyk admitted that no permit had been obtained from the State for installation of the existing water line as required by Par.121b, Sec.2 of the Public Water Supply Control Law. Had this permit been applied for, the present unacceptable conditions in all likelihood would never have arisen. Furthermore, Mrs. Krawczyk has failed to supply residents of Holiday Hills with an adequate supply of water for the past six years. In view of the long-standing nature of the violations we will order that Mrs. Krawczyk pay a penalty to the State in the amount of \$1000.

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

ORDER

1. Mildred Krawczyk shall, by March 31, 1972, take whatever steps are necessary to bring the water supply facilities at Holiday Hills Subdivision, Collinsville, Illinois, into compliance with Section 18 of the Environmental Protection Act.
2. Mildred Krawczyk or her agent shall submit to the Collinsville Office of the Environmental Protection Agency and to the Pollution Control Board a report by March 1, 1972 indicating progress being made toward completion of improvements to the aforementioned water supply facilities, said report to also include the occurrence of any delays due to unfavorable weather conditions and frozen ground.
3. Mildred Krawczyk shall, within 35 days of the entry of this order, pay to the State of Illinois, the sum, in penalty, of \$1000. Penalty payment by certified check or money order payable to the State of Illinois shall be made to the Fiscal Services Division, Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706.

I, Christian L. Moffet, Clerk of the Pollution Control Board, certify that the Board adopted the above opinion and order this 17th day of February, 1972 by a vote of 5-0.

Christian L. Moffett

