

ILLINOIS POLLUTION CONTROL BOARD
January 22, 1976

PEOPLE OF THE STATE OF ILLINOIS,)
Complainant,)
)
)
v.) PCB 75-116
)
)
CITIZENS UTILITIES COMPANY OF)
ILLINOIS, an Illinois Corporation,)
Respondent.)

Mr. James K. Jencks, Assistant Attorney General, appeared on behalf of Complainant.

Mr. Daniel J. Kucera, Chapman & Cutler, appeared on behalf of Respondent.

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

This matter comes before the Pollution Control Board (Board) upon the March 13, 1975, Complaint filed by the People of the State of Illinois (State) against Citizens Utilities Company of Illinois (Citizens) charging a continuing violation of Section 18 of the Environmental Protection Act (Act) from July 1, 1970, to the filing of the Complaint. In particular, the Respondent was charged with failing to direct and maintain its public water facilities so that water is safe in quality, clean, adequate in quantity and of satisfactory mineral character for ordinary domestic consumption in that the water supplied contained offensive odor, oil, a residue, is discolored and unpalatable due to the presence of iron and has been without adequate pressure.

On October 20, 1975, a hearing was held at which time a "Settlement Stipulation" was filed with the Board. On January 13, 1976, pursuant to the Board's December 4, 1975 Interim Opinion and Order, the parties submitted to the Board an Amended Settlement Stipulation. The Amended Stipulation is submitted purely for settlement purposes, to avoid continued litigation. Both parties agree that it

does not form the basis for the finding of a violation on the part of Citizens. The parties have agreed to a Program which involves monitoring and maintaining Citizens' water supply and distribution system, maintaining records thereof, and permitting authorized representatives of the Agency reasonable inspection of such records. Furthermore, Citizens has agreed to pay \$1000.00 to the State of Illinois in consideration of settlement of this matter.

The Board finds the Amended Settlement Stipulation to be consistent with its December 4, 1975, Interim Opinion and Order and to be an acceptable means of settling this matter. Based upon the facts stipulated to by the parties, the Board agrees to forego determination of whether a violation has occurred, to accept payment of \$1000.00 by Citizens to the State of Illinois in consideration of settlement of this matter, and to accept the Program of general maintenance agreed to by the parties as an adequate plan of compliance. In so doing, the Board does not accept nor will it be bound by any conclusions of law that might be contained in Citizen's Amended Settlement Stipulation. Based upon the settlement of this cause without finding a violation, the Complaint is dismissed with prejudice.

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

ORDER

It is the Order of the Pollution Control Board that:

1. In consideration of settlement of this matter, Citizens Utilities Co. of Illinois shall pay within 30 days the sum of \$1000.00. Payment shall be made by certified check or money order to:

State of Illinois
Fiscal Services Division
Environmental Protection Agency
2200 Churchill Road
Springfield, Illinois 62706
2. Citizens Utilities Co. of Illinois shall comply with all the terms of the Program agreed to by the parties in the Amended Settlement Stipulation (pp.6-9), which is hereby incorporated by reference herein.
3. The Complaint filed in this matter is dismissed with prejudice.

Within 30 days of the adoption of this Order, the Respondent shall execute and forward to both the Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706 and the Pollution Control Board a Certification of Acceptance and agreement to be bound to all terms and conditions of this Opinion and Order. The form of said certification shall be as follows:

CERTIFICATION

I (We), _____ having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 75-116 hereby accept said Order and agree to be bound by all of the terms and conditions thereof.

Signed _____

Title _____

Date _____

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 22nd day of January, 1976 by a vote of 4-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board