

ILLINOIS POLLUTION CONTROL BOARD
June 10, 1982

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
Complainant,)
)
v.) PCB 81-196
)
WESTPORT WATER SYSTEMS, INC.,)
an Illinois Corporation, and)
LEO SWITZER, JR.,)
)
Respondents.)

MR. WILLIAM E. BLAKNEY, ASSISTANT ATTORNEY GENERAL, APPEARED ON BEHALF OF THE COMPLAINANT.

MR. LEO SWITZER, JR. APPEARED PRO SE.

OPINION AND ORDER OF THE BOARD (By N.E. Werner):

This matter comes before the Board on the December 15, 1981 Complaint brought by the Illinois Environmental Protection Agency ("Agency"). The Complaint alleged that the Respondents operated their public water supply system in such a manner as to fail to: (1) maintain the appropriate free or combined chlorine residual in its distribution system; (2) feed fluoride and maintain a fluoride concentration between 0.9 mg/l and 1.2 mg/l; (3) submit the requisite operational records to the Agency pertaining to fluoride and chlorine treatment; (4) have a properly functioning water meter on the system's finished water supply; (5) equip the system's discharge piping with an air valve with piping terminating in a downward direction above the natural ground level; (6) have openings in the fluoride solution tank which were constructed to exclude the entrance of outside contamination; (7) obtain valid written approval from the Agency before completing construction of its water supply system; and (8) have a certified water supply operator.

Accordingly, the Respondents are allegedly in violation of Section 1 of "An Act to Regulate the Operating of a Public Water Supply", Ill. Rev. Stat., Ch. 111 1/2, par. 501 et seq. ("Public Water Supply Act"); Rules 212, 302, 306, and 310A of Chapter 6: Public Water Supplies ("Chapter 6"); and Sections 15 and 18 of the Illinois Environmental Protection Act ("Act"). A hearing was held on April 22, 1982. The parties filed a Stipulation and Proposal for Settlement on May 6, 1982.

Westport Water Systems, Inc. ("Westport") owns and operates a public water supply system which supplies water to the Westport Section III Subdivision and is located in an unincorporated area near the city of Galesburg, Knox County, Illinois. The system, which has an estimated service population of 161 people, includes one rock well which was installed in 1974 and has a pumping rate of 52 gallons per minute; one pressure tank which has a gross capacity of 9,000 gallons; and a distribution system which was installed in 1970. (Stip. 2-3). Respondent Leo Switzer, Jr. is the President, Secretary, official custodian, and operator of Westport. (Stip. 2).

The proposed settlement agreement provides that the Respondents admit the violations alleged in the Complaint and agree to follow a specified compliance program and schedule to: (1) obtain a properly certified operator; (2) retain a consulting engineer to prepare and submit to the Agency the requisite "as-built" plans for the system; (3) provide and utilize the appropriate chlorination and fluoridation equipment to insure that Westport's water supply is properly chlorinated and fluoridated; (4) install a properly functioning master meter; (5) cover the openings in the solution tank; (6) extend the discharge piping air valve to a point 18 inches above the natural ground level, and then terminate it in a downward direction; (7) maintain daily operational records and promptly submit all necessary reports to the Agency; and (8) pay a stipulated penalty of \$1,500. (Stip. 5-6).

At the hearing, Mr. Leo Switzer, Jr. stated that: (1) a certified operator has already been hired; (2) a consulting engineer will be retained; (3) the master meter has been ordered at a cost of \$320; (4) the openings in the solution tank have been covered; and (5) the discharge piping air valve has been properly modified. (R.7-8). Mr. George Broch, a member of the Westport Home Owners' Association, also made some comments at the hearing which were primarily in regard to an unrelated Interstate Commerce Commission rate increase hearing involving the Respondents. (R.11-18). After Mr. Broch reviewed the Stipulation itself, he had no comments on, or objections to, the Stipulation. (R.18).

In evaluating this enforcement action and proposed settlement agreement, the Board has taken into consideration all the facts and circumstances in light of the specific criteria delineated in Section 33(c) of the Act. The Board finds the settlement agreement acceptable under Procedural Rule 331 and Section 33(c) of the Act. The Board finds that the Respondents, Westport Water Systems, Inc. and Leo Switzer, Jr., have violated Section 1 of the Public Water Supply Act; Rules 212, 302, 306, and 310A of Chapter 6; and Sections 15 and 18 of the Act. The Respondents will be ordered to follow their compliance plan and schedule and to pay the stipulated penalty of \$1,500.

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 Respondents, Westport Water Systems, Inc. and Leo Switzer, Jr., have violated Section 1 of the Public Water Supply Act; Rules 212, 302, 306, and 310A of Chapter 6: Public Water Supplies; and Sections 15 and 18 of the Illinois Environmental Protection Act.

2. Within 45 days of the date of this Order, the Respondents shall, by certified check or money order payable to the State of Illinois, pay the stipulated penalty of \$1,500 which is to be sent to:

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

3. The Respondents shall comply with all the terms and conditions of the Stipulation and Proposal for Settlement filed on May 6, 1982, which is incorporated by reference as if fully set forth herein.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 10th day of June, 1982 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board