

ILLINOIS POLLUTION CONTROL BOARD  
April 13, 1978

COMMONWEALTH EDISON COMPANY, )  
 )  
Petitioner, )  
 )  
v. ) PCB 77-347  
 )  
ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
Respondent. )

MS. CHRISTINE HEHMEYER OF ISHAM, LINCOLN & BEALE  
appeared on behalf of Petitioner.  
MESSRS. WILLIAM BARZANO AND PATRICK CHESLEY, ASSISTANT  
ATTORNEYS GENERAL, appeared on behalf of Respondent.

OPINION AND ORDER OF THE BOARD (by Mr. Dumelle);

Petitioner has requested a Variance from the drinking water standards for iron and manganese. The Agency filed a Recommendation in support of the Variance. A hearing was held on March 9, 1978 at the Logan County Courthouse in Lincoln, Illinois.

Petitioner owns and operates the public water supply which serves the residents of the City of Lincoln. The water from six of the supply's eight wells is not being adequately treated to comply with the iron (0.3 mg/l) and manganese (0.05 mg/l) levels mandated by Rule 304(b)(4) of Chapter 6: Public Water Supplies. Petitioner's latest sampling data from these six wells show levels of 0.37 mg/l iron and 0.30 mg/l manganese. The Agency's records show the following data:

	Iron	Manganese
Average	0.94 mg/l	0.49 mg/l
High	2.40 mg/l	1.20 mg/l
Low	0.10 mg/l	0.18 mg/l

Petitioner acquired the Lincoln Water Supply in a merger with Central Illinois Gas and Electric. Until 1976 Petitioner was attempting to sell the system. When the Illinois Commerce Commission disapproved a proposed sale, Petitioner engaged independent consultants to recommend alternate methods of compliance. The result was the aeration-sedimentation-filtration system which is being proposed here. Both

parties agree that this program should result in compliance and that March 31, 1979 is a reasonable target date for completion. A total expenditure of \$1,525,000.00 is contemplated.

In its Opinion supporting the adoption of the drinking water standards, the Board stated that high levels of iron and manganese did not constitute health hazards. Limits were set on these parameters so that staining of fixtures and laundry could be avoided. A compliance date of January 1, 1978 was selected to give the affected communities an opportunity to evaluate alternate methods of compliance.

Although Petitioner was somewhat slow in developing its compliance plan, its reluctance to act can be explained by its belief that the water supply would be sold. Petitioner felt that the future of the Lincoln water supply should be left up to the entity that would be responsible. Once the Illinois Commerce Commission ruled that Petitioner would remain in control, Petitioner acted relatively expeditiously.

It would be unreasonable to require Petitioner to provide water which conforms to Board standards while construction is going on since no threat to public health is present and since no feasible interim method exists.

Since no general contractor will be retained to construct the required improvements and Petitioner has sufficient assets to insure timely completion, no bond shall be required.

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

#### ORDER

It is the Order of the Pollution Control Board that Petitioner be granted a Variance from the drinking water standards for iron and manganese in Rule 304(b)(4) of Chapter 6: Public Water Supplies until March 31, 1979 subject to the following conditions:

- 1) Petitioner shall adhere to the Compliance Schedule submitted as Exhibit A in this proceeding, which is hereby incorporated into this Order.
- 2) Petitioner shall submit progress reports to the Agency every three (3) months until completion of the project.

- 3) Petitioner shall maintain a program of periodic main flushing to alleviate problems caused by iron and manganese sediment buildup.
- 4) Within 45 days after the date of this Order, Petitioner shall execute and forward to the Illinois Environmental Protection Agency, Division of Public Water Supply, 2200 Churchill Road, Springfield, Illinois 62706 a Certification of Acceptance and Agreement to be bound to all terms and conditions of this Variance. This 45 day period shall be held in abeyance during any period this matter is being appealed. The form of this Certification shall be as follows:

CERTIFICATION

I (We), \_\_\_\_\_, having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 77-347 hereby accept that Order and agree to be bound by all of its terms and conditions.

\_\_\_\_\_  
SIGNED

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
DATE

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 13<sup>th</sup> day of April, 1978 by a vote of 5-0.

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