

ILLINOIS POLLUTION CONTROL BOARD
April 26, 1990

METRO UTILITY CO. (Chickasaw Hills division),
Petitioner,
v.
ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,
Respondent.

PCB 89-210
(Variance)

DISSENTING OPINION (by J. Dumelle, B. Forcade, and M. Nardulli):

We believe that the poor water quality, poor service, and general unresponsive attitude to public complaints make any hardship largely self-imposed. We would have denied this grant of variance until Metro Utility Co. ("Metro") showed good faith and a change in corporate attitude.

The testimony showed instances of low or no pressure (R.68, 116, 134, 157). A public health danger exists whenever pressure is zero because of the danger of contamination from a cross-connection through a garden hose or elsewhere. That is the reason for "boil orders" when pressure drops to zero.

Metro and its predecessor firm are said to have known about the iron problem since 1971 and "consistently from 1978 on" (R.49 and Petition, Attachment 2). Thus the hardship is self-imposed. Remedial actions should have come much earlier.

Most disturbing is the corporate attitude toward citizen complaints. It appears that the number of citizen complaints received by the utility has been misstated to far lower figures than the number actually received (R.70, 105, 135, 137, 144). In addition, it appears that answers given to at least one citizen were not correct (R.140). The utility company has an obvious credibility problem.

Objections were filed in this proceeding by the following persons or governments:

County Executive, Will County
Two Members, Will County Board
Planner, Homer Township
Supervisor, Homer Township
President, Bonnie Brae Forest Manor
Sanitary District
Eight Families

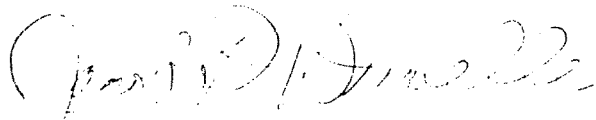
Obviously, all of these governments or families were not satisfied with the utility's performance.

The Board majority, in writing conditions for its grant of variance, inserted a loose requirement for the iron removal equipment at Well No. 3. The testimony indicates that it may be operational by June 1, 1990 (R.33). The majority give 16 months to accomplish this.

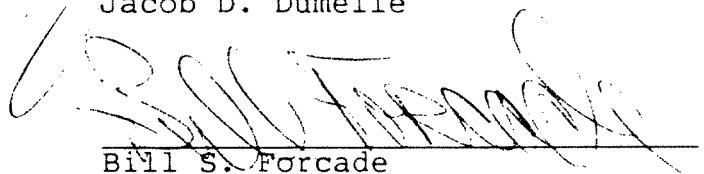
While the Agency is to be commended for surveying the residents as to water quality (408 of 538 stated it was "unacceptable") it seems not to have aggressively followed up on its own long-standing recommendations. The Agency's Recommendation (p.6) states:

...the Agency in the past strongly recommended to the supply that it add an additional well and provide water storage at least equal to an average day's use, considering future increases in service connections.

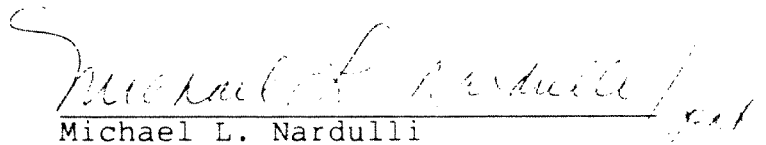
The dates are not given for these past recommendations. Perhaps, if they had been followed up, at least the dangerous "no pressure" episodes would have been avoided. The public is fortunate that a health-threatening contamination of the water supply did not occur.



Jacob D. Dumelle

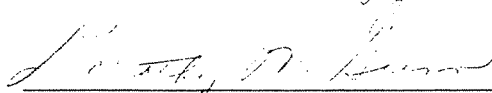


Bill S. Forcade



Michael L. Nardulli

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Dissenting Opinion was submitted on the 17th day of May, 1990.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board