

ILLINOIS POLLUTION CONTROL BOARD
January 19, 1989

VILLAGE OF PLAINFIELD,)
)
 Petitioner,)
)
 v.) PCB 88-134
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by M. Nardulli):

On January 18, 1989, the Petitioner, Village of Plainfield filed a Motion for Clarification of the Board's December 15, 1988 Opinion and Order granting a variance in the above captioned matter. The Petitioner requests the Board to find the improvements to be constructed by the Petitioner to be water treatment facilities as described in Ill. Rev. Stat. 1987, Chapter 24, Section 8-4-1(13). In the motion, the Petitioner states that the Agency has stipulated that the Agency has no objection to the inclusion of such a clarification of the Opinion and Order and that the Agency would join in said motion.

In pertinent part Ill. Rev. Stat. 1987, Chapter 24, Section 8-4-1(13) states:

8-4-1. Submission to electors-Exceptions

8-4-1. No bonds shall be issued by the corporate authorities of any municipality until the question of authorizing such bonds has been submitted to the electors of that municipality, and approved by a majority of the electors voting upon that question...

However, without the submission of the question of issuing bonds to the electors except as required under paragraph (13), the corporate authorities of any municipality may authorize the issuance of any of the following bonds:...

(13) Bonds to finance the cost of the acquisition, construction or improvement of water or wastewater treatment facilities mandated by an enforceable compliance schedule developed in connection with the federal Clean Water Act or a compliance order issued by the United States Environmental Protection Agency or the Illinois Pollution Control Board; provides that such bonds are authorized by an ordinance adopted by a three-fifths majority of the corporate authorities of the municipality issuing the bonds which ordinance shall

specify that the construction or improvement of such facilities is necessary to alleviate an emergency condition in such municipality.

The construction and equipment which the Village of Plainfield will be obligated to perform and install under the compliance plan clearly falls under the terms of Section 8-4-1(13). Therefore, the Board will reissue the order to clarify this fact. The reissued order in the grant of variance follows.

ORDER

Petitioner, Village of Plainfield, is hereby granted extension of its variance granted on April 16, 1987 from 35 Ill. Adm. Code 602.105(a), Standard of Issuance, and from 35 Ill. Adm. Code 602.106(b), Restricted Status, to the extent those rules relate to 35 Ill. Adm. Code 604.301(a), combined radium-226 and radium-228 concentration and 35 Ill. Adm. Code 604.301(b), gross alpha particle activity, subject to the following conditions:

- (A) Compliance shall be achieved with the maximum allowable concentrations by April 15, 1992.
- (B) This variance expires on April 15, 1992 or when analysis pursuant to 35 Ill. Adm. Code 601.104(a) shows compliance with the standard for the contaminants in question, whichever occurs first.
- (C) In consultation with the Agency, Petitioner shall continue its sampling program to determine as accurately as possible the level of radioactivity in its wells and finished water. Until this variance expires, Petitioner shall sample its water from its distribution system at locations approved by the Agency. The Petitioner shall composite the quarterly samples for each location separately and shall analyze them annually by a laboratory certified by the State of Illinois for radiological analysis so as to determine the concentration of the contaminants in question. The results of the analyses shall be reported to the Compliance Assurance Section, Division of Public Water Supplies, 2200 Churchill Road, Post Office Box 19276, IEPA, Springfield, Illinois 62704-9276, within 30 days of receipt of each analysis. At the option of Petitioner, the quarterly samples may be analyzed when collected. The running average of the most recent four quarterly sample results shall be reported to the above address within 30 days of receipt of the most recent quarterly sample.

- (D) By August 15, 1990, Petitioner shall have applied to IEPA, DPWS, Permit Section, for all permits necessary for construction of installations, changes or additions to the Petitioner's public water supply needed for achieving compliance with the maximum allowable concentration for the standard in question.
- (E) Within three months after each construction permit is issued by IEPA, DPWS, the Petitioner shall advertise for bids, to be submitted within 60 days, from contractors to do the necessary work described in the construction permit. The Petitioner shall notify the Agency, DPWS, within 30 days, of each of the following actions: 1) advertisements for bids, 2) names of successful bidders, and 3) whether Petitioner accepted the bids.
- (F) Construction allowed on said construction permits shall begin within a reasonable time of bids being accepted, but in any case, construction of all installations, changes or additions necessary to achieve compliance with the maximum allowable concentration in question shall begin no later than April 15, 1991 and shall be completed on April 15, 1992.
- (G) Pursuant to 35 Ill. Adm. Code 606.201, in its first set of water bills or within three months after the date of this Variance Order, whichever occurs first, and every three months thereafter, Petitioner will send to each user of its public water supply a written notice to the effect that Petitioner has been granted by the Pollution Control Board a variance from 35 Ill. Adm. Code 602.105(a) Standards of Issuance and 35 Ill. Adm. Code 602.106(b) Restricted Status, as it relates to the MAC standard in question.
- (H) Pursuant to 35 Ill. Adm. Code 606.201, in its first set of water bills or within three months after the date of this Order, whichever occurs first, and every three months thereafter, Petitioner will send to each user of its public water supply a written notice to the effect that Petitioner is not in compliance with the standard in question. The notice shall state the average content of the contaminant in question in samples taken since the last notice period during which samples were taken.

- (I) Until full compliance is reached, Petitioner shall take all reasonable measures with its existing equipment to minimize the level of contaminant in question in its finished drinking water.

- (J) The Petitioner shall provide written progress reports to IEPA, DPWS, FOS every six months concerning steps taken to comply with paragraphs D, E, F and I. Progress reports shall quote each of said paragraphs and immediately below each paragraph state what steps have been taken to comply with each paragraph.

- (K) The Board hereby states that the acquisition, construction and improvements to be made under the compliance plan that are a condition of the grant of variance, involve costs as presented in Ill. Rev. Stat. 1987, Chapter 24, Section 8-4-1(13).

- (L) That within forty-five days of the grant of the variance, Petitioner shall execute and forward to Bobella Glats, Enforcement Programs, Illinois Environmental Protection Agency, 2200 Churchill Road, Post Office Box 19276, Springfield, Illinois 62794-9276, a Certificate of Acceptance and Agreement to be bound to all terms and conditions of the granted variance. This forty-five (45) day period shall be held in abeyance for any period during which this matter is being appealed. If the Petitioner fails to execute and forward the agreement within a forty-five (45) day period, the variance shall be void. The form of Certification shall be as follows:

CERTIFICATION

I, We, _____, hereby accept and agree to be bound by all terms and conditions of the Order of the Pollution Control Board in PCB 88-134, December 15, 1988 as amended by Board Order of January 19, 1989.

Petitioner

Authorized Agent

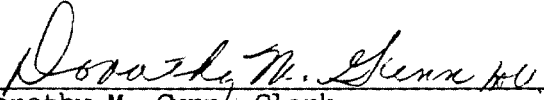
Title

DATE

IT IS SO ORDERED.

J.D. Dumelle concurred.

I, Dorothy M Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 19th day of JANUARY, 1989, by a vote of 7-0.



Dorothy M. Gunn, Clerk,
Illinois Pollution Control Board