

In its response, the Agency states that Lemont's motion fails to answer several questions about the delay in construction, and that in light of these unanswered questions, it cannot venture an opinion as to whether compliance will be achieved within the shortest practicable time. However, because Lemont appears to be making progress in constructing the treatment facility, the Agency states that it has no objection to a grant of the motion to modify.

The Board agrees with the Agency that Lemont's motion does leave several questions unanswered, and that there is some question as to whether construction of the treatment facility has proceeded as quickly as practical. Nevertheless, Lemont does seem to now be on track in achieving compliance. Therefore, the motion to modify the Board's March 19, 1987 Order is granted.

ORDER

The Village of Lemont is hereby granted a variance from the provisions of 35 Ill. Adm. Code 602.105(a) (Standards of Issuance), and 602.106(b) (Restricted Status), but only as they relate to combined radium and gross alpha particle activity, subject to the following conditions:

1. This variance expires on September 19, 1988;
2. Petitioner shall continue its efforts to obtain Lake Michigan water through the Joint Action Water Agency.
3. In consultation with the Agency, Petitioner shall continue its sampling program to determine as accurately as possible the level of radioactivity in its well and finished water. Until this variance expires, Petitioner shall collect quarterly samples of its water from its distribution system, shall composite 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 Water Quality Unit, Division of Public Water Supplies, 2200 Churchill Road, IEPA, Springfield, Illinois 62706, 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.
4. Compliance shall be achieved with the maximum allowable concentration in question no later than September 19, 1988.

5. Within three months of the grant of the variance, the Petitioner shall prepare a detailed compliance report showing how compliance shall be achieved within the shortest practicable time, but no later than September 19, 1988.
6. This Compliance Report shall be submitted within three months of the grant of this variance to IEPA, DPWS.
7. Within four months of grant of the variance Petitioner shall apply 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 standards in question.
8. 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 accept appropriate bids within a reasonable time. Petitioner shall notify IEPA, DPWS, within 30 days of each action, of: 1) advertisements for bids, 2) names of successful bidders, and 3) whether Petitioner accepted the bids.
9. 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 concentrations in question shall be completed no later than September 19, 1988.
10. 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.
11. 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 the last notice period during which samples were taken.

12. The Petitioner shall take all reasonable measures with its existing equipment to minimize the level of contaminant in question in its finished water.
13. The Petitioner shall provide written progress reports to IEPA, DPWS, for every six months concerning steps taken to comply with paragraphs 2, 8, 9 and 12. Progress reports shall quote each of said paragraphs and immediately below each paragraph state what steps have been taken to comply with each paragraph.
14. That within 45 days of the date of this Order, Petitioner shall execute and forward to Scott O. Phillips, Enforcement Programs, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706, a Certificate of Acceptance and Agreement to be bound to all terms and conditions of this variance. This variance will be void if Petitioner fails to execute and forward the certificate within the 45 day period. This 45 day period shall be held in abeyance for any period this matter is appealed.

CERTIFICATION

I, (We), _____, having read the Order of the Illinois Pollution Control Board in PCB 86-207, dated February 25, 1988, understand and accept the said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

Petitioner

By: Authorized Agent


Title

Date

IT IS SO ORDERED.

J. D. Dumelle and B. Forcade dissented.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 25th day of February, 1988, by a vote of 5-2.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board