## ILLINOIS POLLUTION CONTROL BOARD December 3, 1981

VILLAGE (	OF RIO,		)	
		Petitioner,	)	
	٧.		) PCB	81-146
ILLINOIS	ENVIRONMENTAL	PROTECTION AGENCY,	)	
		Respondent.	)	

OPINION AND ORDER OF THE BOARD (by J. Anderson):

This matter comes before the Board on the Village of Rio's (Village) September 12, 1981 petition for variance from the 2.0 mg/l fluoride concentration limit of Rule 304(B)(4) of Chapter 6: Public Water Supplies. The Village had previously been granted a fluoride variance in PCB 78-218 (October 19, 1978), which record is incorporated into this one. On September 28, 1981 the Illinois Environmental Protection Agency (Agency) filed its Recommendation in support of grant of variance. Hearing was waived and none has been held.

In 1979, the Village of Rio, located in northwestern Knox County, completed construction of a second 675 feet deep well to serve the water needs of its population of approximately 300 persons. While the Village does not so state, the Board assumes that the fluoride content of the new well ranges from 2.0 to 2.4 mg/l as does that of the older well tapping the same aquifer (PCB 78-218 at 2).

The Village reasserts that the bone char adsorption process remains the most feasible compliance option, at a cost of approximately \$160,000 in total installation costs. The typical water user's monthly charge for water has risen from \$8 in 1978 to \$14, due to debt repayment for 1979 water system improvements. It is estimated that an additional \$35 per month would be added to this if fluoride removal is required.

Finally, the Village contends, and the Agency does not dispute, that no adverse effect upon the health of its residents can be anticipated from consumption of fluoride at these levels.

The Board again finds that the Village has demonstrated that immediate compliance would impose an arbitrary and unreasonable hardship on its water users. The Agency acknowledges that this petition falls in line with recent cases in which the Board has

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granted 5 year variances to small municipalities, but believes variance can be recommended only through January 1, 1984, the current deadline for exemptions under Section 1416 of the Safe Drinking Water Act, 42 U.S.C. 300(g)-5. For the reasons stated in previous opinions, consistent with §1415 of the SDWA which has no deadline, the Board grants variance for a five year period, subject to the conditions outlined in the attached Order. (See City of Minonk, PCB 80-136, October 2, 1980, and cases cited therein at p. 3.)

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

## ORDER

- 1. Petitioner, the Village of Rio, is granted a five year variance from the 2.0 mg/l maximum fluoride concentration standard of Rule 304(B)(4) of Chapter 6: Public Water Supplies, subject to the following conditions:
  - a. Beginning on or about June 1, 1982, and at six month intervals thereafter, the Petitioner shall communicate with the Agency in order to ascertain whether fluoride removal techniques specifically applicable to small systems have been developed and identified. As expeditiously after such identification as is practicable, Petitioner shall submit to the Agency a program (with increments of progress) for bringing its system into compliance with fluoride standards.
  - b. Petitioner shall take all reasonable measures with its existing equipment to minimize the level of fluoride in its water supply and shall not allow the fluoride concentration to exceed 4.0 mg/l.
  - c. Pursuant to Rule 313(D)(1) of Chapter 6, on or before Jaunary 30, 1982 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 the 2.0 mg/l maximum fluoride standard. The notice shall state the average content of fluoride in samples taken since the last notice period during which samples were taken.
- 2. Within forty-five days of the date of this Order, Petitioner shall execute and forward to the Illinois Environmental Protection Agency, PWS Enforcement Programs, 2200 Churchill Road, Springfield, Illinois 62706, a Certificate of Acceptance and Agreement to be bound to all terms and conditions of this variance. This forty-five day period shall be held in abeyance for any period this matter is being appealed. The form of the certificate shall be as follows:

## CERTIFICATION

I, (We),, naving read
the Order of the Illinois Pollution Control Board in PCB 81-146,
dated , understand and accept the
dated, understand and accept the said Order, realizing that such acceptance renders all terms and
conditions thereto binding and enforceable.
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Petitioner
By: Authorized Agent
Title
Date
TH TO CO OPDEDED
IT IS SO ORDERED.
I, Christan L. Moffett, Clerk of the Illinois Pollution
Control Board, hereby certify that Athe above Opinion and Order was
Control Board, hereby certify that the above Opinion and Order was adopted on the 2 day of, 1981 by a
vote of S-O.

Christan L. Moffett/Clerk
Illinois Pollution Control Board