

ILLINOIS POLLUTION CONTROL BOARD
July 9, 1981

VILLAGE OF WAUCONDA,)
)
) Petitioner,)
)
) v.) PCB 81-12
)
 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

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

This matter comes before the Board on the petition for variance of the Village of Wauconda (Village), filed January 28, 1981 and amended April 20, 1981. The Village seeks variance from the 1.0 mg/l maximum barium concentration limitation of Rule 304 (B)(4) of Chapter 6: Public Water Supplies. The Board had previously denied the Village variance from this standard in Village of Wauconda v. IEPA, PCB 79-185 (October 18, 1979), which record was incorporated into this action by the Board Order of February 5, 1981. The Illinois Environmental Protection Agency (Agency) filed its Recommendation that this variance request also be denied on May 15, 1981. Hearing was waived and none has been held.

The Village of Wauconda, in Lake County, has four wells with which it could supply water to approximately 6000 people. It is currently supplying its users with water only from shallow Wells 1, 2, and 3, which are located in the southwest section of the Village in near proximity to a 100,000 gallon elevated tank. These wells are in compliance with the Board's barium standards.* However, the waters of these wells contain iron in excess of 0.3 mg/l, and have very high hardness of about 370 mg/l. This has been the cause of complaints to the Village about "rusty water, tastes, and odors" since 1979 when these three wells began to be used as primary water sources.

From 1973 to 1979, deep Well #4 with its barium content of 3.6 mg/l was the Village's primary water source. This well's water contains 0.0 mg/l of iron (sic), and 220 mg/l of hardness, and is accordingly preferred to that of the other wells for domestic use. Well #4 is connected to a 500,000 gallon elevated tank in the northeast portion of the Village.

*The Board notes a considerable discrepancy in the barium levels recited for these wells in PCB 79-185 (0.2, 0.3, and 0.8 mg/l), and in the instant petition (0.06, 0.06, 0.07 mg/l).

As the Board found in PCB 79-185, Wells 1, 2, and 3 are adequate to handle the Village's ordinary water needs, but not to handle emergency needs such as firefighting. The Village reasserts here that without use of its fourth well with its large storage tank, that it cannot maintain proper water storage capacity for fire protection.

The petition in PCB 79-185 was dismissed as inappropriate, since it anticipated and sought variance for "an emergency condition before the fact". The instant petition differs from the earlier one in that it alleges that water users have complained about the quality of the shallow wells' water, and that it notes that the deadline date for exemptions under the Safe Drinking Water Act have been extended. Also, an engineering report supplied with the amended petition notes that the existing design of the pumping controls for maintaining storage capacity in the two tanks results in a hydraulic head loss in the mains between the tanks during peak demand unless Well #4 is also in use, leading to an inability to maintain proper water storage capacity for fire protection. While the Board obviously is concerned about the Village maintaining sufficient supply capacity to serve its needs, the Board has insufficient information as to why the system cannot be adjusted so that Well #4 can be used either for auxiliary backup or in such other manner that the system can continue to comply with the barium standard, short of use for fire protection during peak loads.

The Agency recommends denial of variance for failure to prove arbitrary and unreasonable hardship, characterizing the petition as involving only a question of "a matter of taste" preference for non-complying water over complying water. The Agency also notes that the water from Wells 1, 2, and 3 is still well within the Board's standards for minerological quality.

While the Board is not unheeding of the unpleasant qualities of the shallow wells' waters, it cannot find that this inconvenience is of sufficient magnitude as to amount to an arbitrary or unreasonable hardship. The Board declines to grant variance to allow the Village to move from a state of compliance to one of non-compliance. Variance is accordingly denied.

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

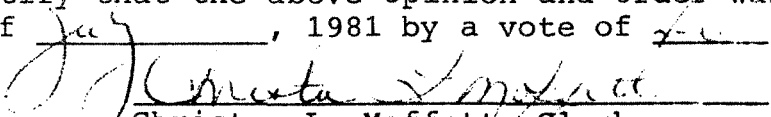
ORDER

Petitioner, the Village of Wauconda, is hereby denied variance from Rule 304(B)(4) of Chapter 6: Public Water Supplies.

IT IS SO ORDERED.

Mr. Anderson abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 9th day of July, 1981 by a vote of 4-1.


Christan L. Moffett, Clerk
Illinois Pollution Control Board