

ILLINOIS POLLUTION CONTROL BOARD  
March 5, 1981

VILLAGE OF HANOVER PARK, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 80-221  
 )  
 ILLINOIS ENVIRONMENTAL PROTECTION )  
 AGENCY, )  
 )  
 Respondent. )

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

This matter comes before the Board on the petition of the Village of Hanover Park (Village), filed December 5, 1980 as amended December 23, 1980, for variance from the 1.0 mg/l barium concentration limit of Rule 304(B)(4) of Chapter 6: Public Water Supplies. The Board has previously granted variance from this standard in two proceedings, the records of which have been incorporated into this action in Village of Hanover Park v. IEPA, PCB 77-348, 29 PCB 439, March 30, 1978; and PCB 79-199, 37 PCB 135, January 10, 1980. On January 22, 1981, the Agency filed its Recommendation in support of grant of variance, with conditions. Hearing was waived and none has been held.

As noted in the Board's latest Opinion, two of petitioner's six wells (4 deep, 2 shallow) contain barium in excess of the barium standard, (Wells #2 and 4). While water from Wells #2 and 4 is mixed with water from the rest of Petitioner's system, the Petitioner feels that compliance cannot be achieved by commingling (blending) without installing additional transmission lines and limiting use of well #4, which is needed to serve ongoing demand (37 PCB 135, 136). The Village's updated estimated treatment costs, which to the Agency appear "higher than usual ...but within the range of possibility," are a) for an ion exchange system, \$1,262,000 capital cost, \$40,800 annual operation and maintenance (O & M), b) for a lime softening system, \$3,800,700 capital cost, \$79,200 annual O & M, and c) for a chemical precipitation system, \$3,435,100 capital cost and \$155,900 annual O & M.

As a result of the studies and reports commissioned by the Village as part of its past compliance efforts, the Village entered into an enforceable agreement to join the Northwest Suburban Water System (Venture). Venture is a regional public water supply, currently including 8 municipalities and a utility company, created to develop "a legally, technically, professionally and financially sound program to construct a water transmission pipeline system"

to transport treated Lake Michigan water to its members. As of July 25, 1980, Venture had completed two-thirds of its preliminary planning program, and was entering into the final phase of preparation of preliminary engineering and financial plans. Based on the projected schedule, a Venture pipeline could be in operation in 1985. Although the Village does not estimate total costs to it of the Venture project, as of December, 1980 it had spent \$23,000 as part of its commitment to the project (affidavit of Village Manager Dawson).

The Agency supports grant of variance until January 1, 1986, the deadline for exemptions under the Safe Drinking Water Act (SDWA), 42 U.S.C. §1416, as recently extended by P.L. 96-502, for water supplies that have binding commitments to become part of a regional water supply. Although noting that it has never been established under federal law exactly what constitutes a "binding commitment" or a "regional water supply", the Agency believes that the Village's entry into the Venture arrangement satisfies the policy and intent of the SDWA.

The Board finds that the Village's entry into the Venture agreement satisfies the SDWA requirement. In light of the high cost to the Village of treatment of its current water supply, the lack of demonstrated threats to health from consumption of barium at the levels in the Village's water, and finally the Village's demonstrated commitment to the Venture regional water project, the Board finds that denial of variance would impose an arbitrary or unreasonable hardship. The requested variance from Rule 304 of Chapter 6 is hereby granted until January 1, 1986, subject to the conditions outlined in the attached Order.

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

#### ORDER

1) Petitioner, the Village of Hanover Park, is hereby granted variance from the 1.0 mg/l barium standard of Rule 304(B)(4) of Chapter 6: Public Water Supplies until January 1, 1986, subject to the following conditions:

A) Petitioner shall continue to perform its obligations as outlined in the Northwest Suburban Water System (Venture) Agreement, as it may be from time to time amended, and shall replace its current water supply with Venture-supplied water as expeditiously as is practicable.

B) Petitioner shall take all reasonable measures with its existing equipment to minimize the level of barium in its finished water.

C) Pursuant to Rule 313(D)(1) of Chapter 6, on or before June 30, 1981 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 1.0 mg/l maximum barium standard. The notice shall state the average content of barium 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 David L. Rieser, Technical Advisor, 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 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), \_\_\_\_\_, having read the Order of the Illinois Pollution Control Board in PCB 80-221, dated \_\_\_\_\_, understand and accept the said conditions thereto binding and enforceable.

\_\_\_\_\_  
Petitioner


\_\_\_\_\_  
By: Authorized Agent

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 5<sup>th</sup> day of March, 1981 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board