

ILLINOIS POLLUTION CONTROL BOARD  
April 2, 1981

VILLAGE OF BURLINGTON, )  
 )  
 ) Petitioner, )  
 )  
 ) v. ) PCB 80-203  
 )  
 ) 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 Burlington (Village) filed November 5, 1980 and amended December 15, 1980 and January 29, 1981. The Village seeks variance from the 1.0 mg/l barium standard of Rule 304(B)(4) of Chapter 6: Public Water Supply. On February 27, 1981 the Illinois Environmental Protection Agency (Agency) recommended that variance be granted until January 1, 1984. Hearing was waived and none has been held.

The Village of Burlington, located in Kane County, delivers finished water with a barium content of 2.7 mg/l to its approximately 500 residents. The Village states that it currently has "one operation well," although it has secured a "grant/loan" to finance drilling of a new well and construction of a reservoir tank. The Village has, however, been advised that the waters of the new well may also contain excessive amounts of barium.

The Village asserts that it is in no financial position to install the necessary softening equipment (which the Agency believes would range in cost from \$500,000 to \$800,000). In addition, as the Village's residents currently rely on individual septic systems, the Village has no sewage treatment system into which to discharge the backwash from that equipment. The Village states that backwash would therefore be discharged onto open ground or directly into a small creek near the Village. (The Board would however suggest that there are other disposal options, such as discharge into a holding lagoon.) The Village believes that there are therefore no feasible compliance options open to it, assuming that its new well will, in fact, contain high-barium water.

However, the Agency states that the Village has a shallow, low-barium well, which may be insufficient to meet all of its water needs, but which could be used for blending. As the Agency

believes that consumption of water containing barium at the 2.7 mg/l level presents no threat to health, it recommends that variance be granted but conditioned on the Village's investigation of the blending possibility. The Agency supports a grant of variance only until the deadline date for exemptions under §1416 of the Safe Drinking Water Act (SDWA), 42 USC §300(g)-5. This deadline was recently extended by PL96-502 from January 1, 1981 until January 1, 1984.

In its previous Opinions concerning variance requests from small public water supply systems such as the Village's, the Board has granted full five year variances (e.g. City of Minonk, PCB 80-136, October 2, 1980, and cases cited therein at p. 3). The extension of the SDWA exemption deadline does not change the Board's previously expressed reasoning or result. The Board finds that the Village has demonstrated existence of an arbitrary or unreasonable hardship, and grants variance for a five year period, subject to the conditions 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 Burlington, is granted a variance from the 1.0 maximum barium concentration limit of Rule 304 of Chapter 6: Public Water Supply for five years, subject to the following conditions:

A. By September 1, 1981, the Petitioner shall submit to the Agency a report on the economic feasibility of blending water from Well #1 with the high barium water from Well #2 so that finished water with a barium content of 1.0 mg/l or less may be delivered.

B. Beginning on or about June 1, 1981, and at six month intervals thereafter, the Petitioner shall communicate with the Agency in order to ascertain whether barium removal techniques specifically applicable to small systems have been developed and identified.

C. As expeditiously after identification of a feasible compliance method as is practicable, but no later than January 1, 1984, Petitioner shall submit to the Agency a program (with increments of progress) for bringing its system into compliance with barium standards.

D. Petitioner shall take all reasonable measures with its existing equipment to minimize the level of barium in its water supply and shall not allow the barium concentration to exceed 2.7 mg/l.

E. Pursuant to Rule 313(D)(1) of Chapter 6, on or before April 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, Illinois Environmental Protection Agency, 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:

CERTIFICATE

I, (We), \_\_\_\_\_, having read the Order of the Illinois Pollution Control Board in PCB 80-203, dated \_\_\_\_\_, 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.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 2<sup>nd</sup> day of April, 1981 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board