

ILLINOIS POLLUTION CONTROL BOARD
October 18, 1979

VILLAGE OF WAUCONDA,)
)
) Petitioner,)
)
) v.) PCB 79-185
)
) ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

OPINION AND ORDER OF THE BOARD (by Mr. Dumelle):

Petitioner has requested a variance from the drinking water standard for barium in Rule 304 B 4 of Chapter 6: Public Water Supplies. The Agency has recommended that the Petition be dismissed or, in the alternative, be granted subject to conditions. No hearing was held.

Petitioner operates four water supply wells. Three of these wells pump from raw water sources which comply with the barium standard of 1.0 mg/l. These three wells have a total capacity of 1.368 million gallons per day (MGD) and are adequate to handle Petitioner's needs except for cases of mechanical or electrical failure or during fires. The fourth well, which has a barium content of 3.6 mg/l, is disconnected from Petitioner's distribution system. Petitioner has requested relief for those emergency periods when the fourth well may be needed.

In City of Breese v. EPA, PCB 77-200, 27 PCB 207, August 4, 1977, the Board addressed a similar situation and stated as follows:

"The Board in the past has refused to accept petitions which, as here, anticipate an emergency condition before the fact, and request relief in case the emergency occurs. The Variance Section of the Environmental Protection Act does not envision such relief . . . The Board therefore will dismiss the Breese petition as inappropriate and note that an emergency situation would be a matter of evidence in any enforcement action that might be brought before the Board subsequent to the use of emergency equipment."

The Board hereby reaffirms its position on contingent or emergency variances. In this case Petitioner has not shown any circumstances which would distinguish its request from Breese's. Consequently this Petition shall be dismissed.

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

ORDER

Petitioner's request for a variance from the drinking water standard for barium in Rule 304 B 4 is hereby dismissed.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 28th day of October, 1979 by a vote of 4-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board