

ILLINOIS POLLUTION CONTROL BOARD
October 10, 1972

CITY OF MOUNT OLIVE)
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 v.) PCB 72-333
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 ENVIRONMENTAL PROTECTION AGENCY)
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OPINION OF THE BOARD (by Mr. Dumelle)

The City of Mount Olive (population 2,289) filed a letter dated August 7, 1972 with the Board requesting a variance to use copper sulfate in treating their water supply in order to control algae. On August 15 the Board entered a preliminary order enumerating four items of needed information and requesting that they be provided by September 8 otherwise the petition would be subject to dismissal.

The petitioner has never supplied the requested information even today -- a month later -- and we would be justified in dismissing the petition. The Agency, however, has filed on September 20 an excellent and detailed recommendation giving most of the information we sought and we could utilize this material in consideration of this variance by not being insistent upon procedural purity.

The Agency's recommendation (p. 2) states "Petitioner has during the past twelve years treated each reservoir two or three times during the warm weather months; first in early April and last in late July." Thus it would appear that the petition is moot and we dismiss it as such.

We would note, however, that the petitioner in August asked for relief and that this date does not correspond to the Agency's July cutoff. It is now October in any case and ample time remains until next April to re-examine the situation.

It seems evident from the number of incomplete petitions being filed by water supply operators that inadequate attention has been given by the Agency to informing them of the factual material that must be supplied for a variance as well as the burden of proof which they bear. The Act and the Board's Procedural Rules spell out these requirements as well as numerous Board decisions.

The Agency recommendation appears to contain an error in giving the depth of the "Old City Reservoir" as 143 feet. Few places in Illinois would have this great a depth because of our flat topography. In addition, the water capacity and acreage listed indicate that the correct depth is probably 14.3 feet.

While the paper by Mr. G. E. Margrave of the Agency is helpful it does not explore all of the alternatives listed in the Board's opinions of August 8, 1972 (PCB 72-168, 203, and 225) and August 15, 1972 (PCB 72-277, 289). We urge that these other possibilities be investigated prior to January 1973 when new variance applications for the Spring and Summer algae season will be forthcoming. Again, the assistance of the research facilities of the Institute for Environmental Quality is suggested.

The petition is dismissed as moot.

It is so ordered.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion was adopted on the 10th day of October, 1972 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board