

ILLINOIS POLLUTION CONTROL BOARD
January 8, 1987

VILLAGE OF HANOVER PARK,)
)
 Petitioner,)
)
 v.) PCB 86-142
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

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

This matter comes before the Board on a September 12, 1986 variance petition and a November 7, 1986 amended petition filed by the Village of Hanover Park (Hanover Park). The Petitioner requests a variance from 35 Ill. Code 602.105(a), Standards for Issuance, and from 35 Ill. Adm. Code 602.106(b), Restricted Status, but only to the extent those rules involve combined radium. Hanover Park was previously granted a variance from the combined radium standard itself 35 Ill. Adm. Code 604.301(a). The variance is sought for the period September 25, 1986 up to and including June 1, 1987 or until completion of the monitoring requirements of 35 Ill. Adm. Code 605.105(a), whichever is shorter. The Illinois Environmental Protection (Agency) filed its recommendation that variance be granted on December 22, 1986, with a motion to file instanter which is hereby granted. Hanover Park waived hearing and none has been held.

The Village of Hanover Park is located in Cook and DuPage Counties, Illinois. The Village owns and operates its water distribution system which consists of four deep wells, two shallow wells, pumps and other distribution facilities. The system provides potable water to approximately 8,592 residential and 120 industrial and commercial utility customers.

Section 604.301(a) provides for a maximum allowable concentration for combined radium-226 and radium-226 activity in community water supplies of 5 picoCuries/liter (pCi/l). An analysis of Hanover Park's water performed by USEPA indicated a combined radium content of 6.8 pCi/l. Thus, the Village was subsequently placed on the Agency's Restricted Status list for public water supplies.

Since the time of its initial variance petition in PCB 85-22, the Village has obtained a conforming water supply as a member of a regional public water supply agency known as the

Northwest Suburban Municipal Joint Action Water Agency (JAWA). JAWA was created by seven contiguous municipalities for the purpose of securing Lake Michigan water for its members. Hanover Park began receiving lake water on March 11, 1986 and has instituted a blending program with existing well water. The Village receives approximately 50% of its water needs from the JAWA system. The Village will increase the percentage of lake water used until May 1, 1988 when lake water will be used exclusively.

Since the initiation of the blending program, the Village has monitored the water supply in conformance with 35 Ill. Adm. Code 605.105(a) which requires "the analyses of four samples obtained at quarterly intervals." Id. The first test was taken on April 4, 1986, the second test on July 29, 1986 and the third test on September 16, 1986. These tests demonstrated that with one exception the distribution system was now in compliance as a result of the current blending procedure. The failing sampling point was determined to be closest to Well No. 2, which on the basis of raw water tests done in 1985, had the highest radium levels. Consequently, the Village shut down Well No. 2 on or before September 11, 1986 except for a weekly three hour maintenance procedure.

Thus, Hanover Park currently has test results of September 16, 1986 demonstrating compliance for one quarter but will be replaced on Restricted Status while completing the testing requirements unless a variance is granted. The variance is sought to allow for the continued operation of the Petitioner's water supply and distribution system, the expansion or extension of the system as necessary, and the removal of this facility from the Agency's Restricted Status List while the Village completes the monitoring requirements of Section 605.105(a) which requires at least one year. Hanover Park states that denial of the variance will force it to obtain 100% of its water requirements from JAWA resulting in an added cost of \$24,000 per month. There is no risk to the environment or risk to the public health caused by grant of the variance since Hanover Park is ostensibly in compliance with the drinking water regulations.

The Agency believes that the Board may grant the recommended relief consistent with the Safe Drinking Water Act since the variance is from the effect of Restricted Status to allow water main extensions and is not a variance from the national primary drinking water regulations. The Board finds that denial of variance would result in an arbitrary or unreasonable hardship with no benefit to the users since the system is apparently in compliance. Accordingly, the Board will grant the requested relief, subject to conditions. The Board will extend the variance date to July 1, 1987 to ensure adequate time to demonstrate compliance.

ORDER

The Village of Hanover Park is hereby granted a variance from 35 Ill. Adm. Code 602.105(a), Standards of Issuance, and 602.106(b), Restricted Status, but only as they relate to combined radium, subject to the following conditions:

- (1) That this variance expires on July 1, 1987 or until completion of the monitoring requirements required in 35 Ill. Adm. Code 605.105(a) showing compliance, whichever is sooner.
- (2) In consultation with the Agency, Petitioner shall continue its sampling program to determine as accurately as possible the level of radioactivity in its wells and finished water. Until this variance expires, Petitioner shall collect quarterly samples of its water from its distribution system, shall composite and shall analyze them annually by a laboratory certified by the State of Illinois for radiological analysis so as to determine the concentration of the contaminant in question. The results of the analyses shall be reported to the Water Quality Unit, Division of Public Water Supplies, 2200 Churchill Road, IEPA, Springfield, Illinois 62706, with 30 days of receipt of each analysis. At the option of Petitioner, the quarterly samples may be analyzed when collected. The running average of the most recent four quarterly sample results shall be reported to the above address within 30 days of receipt of the most recent quarterly sample.
- (3) Petitioner shall continue accepting delivery of Lake Michigan water at a quantity to assure that the combined radium 226 and 228 in its distribution system shall not exceed 5.0 pCi/l.
- (4) Petitioner shall not use its Well No. 2 except for a weekly three hour maintenance procedure or for firefighting or similar emergencies.
- (5) Compliance shall be achieved with the maximum allowable concentration in question no later than June 1, 1987.
- (6) Pursuant to 35 Ill. Adm. Code 606.201, in its first set of water bills or within three months after the date of this Variance Order, whichever occurs first, 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 35 Ill. Adm. Code 602.105(a), Standards of Issuance, and 35 Ill. Adm. Code 602.106(b), Restricted Status, as it relates to the MAC standard in question.

- (7) Pursuant to 35 Ill. Adm. Code 606.201, in its first set of water bills or within three months after the date of this Order, whichever occurs first, and every three months thereafter. Petitioner will send to each user of its public water supply a written notice to the effect that Petitioner is not in compliance with the standard in question if the previous quarterly sample so indicates. The notice shall state the average content of the contaminant in question in samples taken since the last notice period during which samples were taken.
- (8) That Petitioner shall take all reasonable measures with its existing equipment to minimize the level of contaminant in question in its finished water.
- (9) That within forty-five days of the date of this Order, Petitioner shall execute and forward to Wayne L. Wiemerslage, 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 Certification shall be as follows:

CERTIFICATION

I, (We), _____, hereby accept and agree to be bound by all terms and conditions of the Pollution Control Board in PCB 86-142 January 8, 1987.

Petitioner

BY _____
Authorized Agent

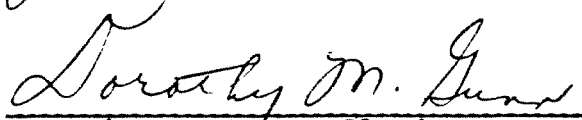
Title

Date

IT IS SO ORDERED.

Board Member B. Forcade concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 8th day of January, 1987, by a vote of 6-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board