

ILLINOIS POLLUTION CONTROL BOARD  
August 20, 1987

VILLAGE OF ROSELLE, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 87-39  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

INTERIM ORDER OF THE BOARD (by J. Anderson):

The Agency filed its Recommendation to grant variance with conditions, on July 22, which late filing was accepted by the Board by Order of August 6. The Village has filed no Response to this Recommendation. The Board's decision in this matter is due on September 8, said date being calculated, pursuant to the 120 day statutory requirement, from the date of filing of the May 11 amended petition. The regular Board meeting scheduled before that date is September 4.

In its Recommendation to grant variance with conditions, the Agency notes various allegations in the petition which are either unclear or lacking support. The deficiencies are noted in:

- Paragraphs 21,22,23 - Sample Results and Effects of Blending
- Paragraph 24 - Documentation regarding Lake Michigan water source
- Paragraphs 28 & 36 - Hardship and persons to be served by new water lines

The Board agrees that additional information would be helpful concerning the latter two issues.

More troublesome is the issue raised in Paragraphs 21-23. The existing record does not adequately address the threshold issue in a variance case: whether there is in fact non-compliance requiring variance relief. It is clear from the Village's sampling results that Well No. 5, with a combined radium content of  $6.1 \pm 0.8$  pCi/l, itself does not comply with the 5.0 pCi/l standard. The analysis of the distribution system samples which the Village had taken from locations at the Waterbury, St. Walter, Medinah Middle and Spring Hill Schools in 1985 and 1987 indicate combined radium levels, respectively of <2.5 pCi/l; and <1.7 pCi/l. The relationship of these figures to the Agency's

5.5 pCi/l distribution sample analysis is unclear; this record does not state the location of the Agency's sampling point.

More specifically, is the Village asserting that, because of its blending program, waters drawn from any point in its distribution system would be in compliance with the radium standard? If so, the Village would appear to need variance relief only until such time as the Agency's sampling confirms these results, a year at most. On the other hand, is the Village asserting that the Agency has correctly opined that distribution samples taken from areas near Well No. 5 would show a violation of the combined radium standard?

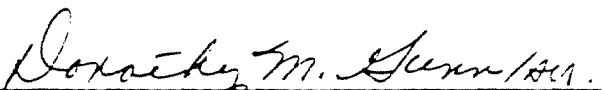
The Village is given leave to file a late response to the Agency's Recommendation which addresses the concerns outlined in this Order. On or before August 31, the Village is directed to file either a response, or a notice that no response will be filed. If no response is filed, the Board will decide the matter on September 4. If a response containing new factual information is filed, the Board's decision timeclock will be reset as of the date of filing; however, the Board would decide this matter as expeditiously after the filing of the response as is practicable. Finally, a motion for extension of the time in which to file a response will be granted only if accompanied by an appropriate waiver of the September decision deadline, as the Board wishes to avoid issuance of a variance by default.

On or before August 31, the Agency is given leave to file a supplement to its Recommendation which addresses the discrepancy in the radium readings. No extension of this filing date can be considered by the Board absent a waiver of the decision deadline by the Village.

Finally, given the tight timeframes involved here, the Clerk's office is directed to make service of this Order via first class, as well as certified mail.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Interim Order was adopted on the 20<sup>th</sup> day of August, 1987, by a vote of 6-0.

  
\_\_\_\_\_  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board