

ILLINOIS POLLUTION CONTROL BOARD
August 20, 1981

VILLAGE OF HENDERSON,)
)
) Petitioner,)
)
) v.) PCB 81-84
)
 ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

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

This matter comes before the Board on the variance petition of the Village of Henderson (Village) filed May 11, 1981 and amended June 11, 1981. By its Recommendation of June 4, 1981, the Illinois Environmental Protection Agency (Agency) suggests that the Village's request for variance from the 2.0 mg/l maximum fluoride standard of Rule 304(B)(4) of Chapter 6: Public Water Supplies be granted, subject to conditions. Hearing was waived and none has been held.

The Village of Henderson, population 300, is located in western Knox County and supplies its 130 water users from a single 705 foot deep well. The fluoride content of this water, both raw and finished, is 2.2 to 2.3 mg/l.

The Village's consulting engineers, Kenneth E. Schrader & Assoc., Ltd., have advised the Village that no complying, alternate source of surface water is available. The Village states that it has investigated fluoride removal by means of activated alumina and bone char adsorption, reverse osmosis, and electro dialysis. Installation of a fluoride removal system of the adsorption type was estimated to involve a total capital expenditure of \$141,000, and annual operation and maintenance expenditures of \$26,000.

The Village asserts that immediate compliance would impose an arbitrary or unreasonable hardship on its water users. Water users, who currently pay an estimated \$7 per month, would be forced to pay an additional \$26 to cover the additional cost. The Village believes that if it is forced to impose these costs, that "further development in the Village will be hampered, and property values will decrease". As its final point, the Village argues that continued use of its water will have only "aesthetic or beneficial" health effects.

The Agency concurs with the facts and assertions presented by the Village, and "considers this to be a small water supply deserving of the same consideration as the City of Minonk", PCB

80-136, October 2, 1980. However, it is recommended that variance be granted only until January 1, 1984, the deadline date for exemptions under §1416 of the Safe Drinking Water Act (SDWA).

The Board finds that the Village has proven that requiring immediate compliance of its very small system will impose an arbitrary or unreasonable hardship, and agrees with the Agency that its petition should be granted as was that of the City of Minonk. Accordingly, a full five year variance is granted pursuant to §1415 of the SDWA which has no deadline date. This variance is subject to the conditions outlined 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 Henderson, is granted a variance from the 2.0 mg/l maximum fluoride concentration limit of Rule 304(B) of Chapter 6: Public Water Supply for five years from the date of this Order, subject to the following conditions:

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

b. 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 fluoride standards.

c. Petitioner shall take all reasonable measures with its existing equipment to minimize the level of fluoride in its water supply and shall not allow the fluoride concentration to exceed an average of 4.0 mg/l.

d. Pursuant to Rule 313(D)(1) of Chapter 6, on or before October 1, 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 a variance from the 2.0 mg/l maximum fluoride standard by the Pollution Control Board. The notice shall state the average content of fluoride 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 the Illinois Environmental Protection Agency, PWS 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 81-84, 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.

Mr. Goodman abstained.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 20th day of August, 1981 by a vote of 4-0.

Christan L. Moffett
Christan L. Moffett, Clerk
Illinois Pollution Control Board