

ILLINOIS POLLUTION CONTROL BOARD
May 14, 1981

CITY OF WEST CHICAGO,)
)
) Petitioner,)
)
) v.) PCB 80-227
)
) ILLINOIS ENVIRONMENTAL PROTECTION AGENCY,)
)
) Respondent.)

JOEL G. FINA, HAROLD J. SPELMAN AND ASSOCIATES, APPEARED ON BEHALF OF PETITIONER.

DAVID RIESER AND MARILI McFAWN APPEARED ON BEHALF OF RESPONDENT.

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

This matter comes before the Board on the petition for variance of the City of West Chicago (City), filed December 15, 1980 and amended December 24, 1980. The City seeks variance from the 5 pCi/l radium and the 15 pCi/l gross alpha particle activity limitations of Rule 304(C)(1) of Chapter 6: Public Water Supply. On January 22, 1981, the Illinois Environmental Protection Agency (Agency) filed its Recommendation in support of grant of variance. A brief hearing was held on March 30, 1981, at which one member of the public was present.

The City of West Chicago, located in DuPage County, distributes drinking water to approximately 12,000 residents and 90 non-residents. Their water needs are currently served by the water from three deep wells, one or all of which are in violation of the gross alpha standard: a December, 1980 Agency analysis of the water from the City's distribution system showed gross alpha particle activity of 21.8 ± 6.47 pCi/l. Tests for radium 226 and 228 had not been performed (Pet. 6-7).

While the single gross alpha test is sufficient to indicate violation of the standard for variance purposes, variance from the radium standard cannot be granted when no tests have been performed. Variance from the radium standard is therefore denied as unwarranted at this time.

The City has applied for and received a Lake Michigan water allocation, but the allocation is not available until 1985 (Rec. 2-3). Prior to receipt of the allocation, the City had determined that development of an additional water source to blend with its current water source was the most cost effective compliance option.

As of the filing date of the petition, the City had already expended \$45,000 in the process of drilling two new shallow wells. The total cost of the project is expected to be \$350,000, and the pumps are expected to be operational by July, 1982.

The City seeks variance to allow it to continue to distribute water from its deep wells pending completion of the shallow wells. The City states that during the life of the variance that it would modify its operating procedure, to restrict the running time of the wells with the higher radioactivity levels (Pet. 4).

The City did not put on additional evidence at hearing. The Agency presented testimony of one employee-witness, Mrs. Dorothy Bennett. Mrs. Bennett testified that in her expert opinion the risk to the health of the City's water users from consuming water from the deep wells until the shallow wells were completed "should be minimal at these [gross alpha] levels" (R. 15).

The Board finds that denial of variance from the gross alpha standard would impose an arbitrary or unreasonable hardship, in view of the City's past efforts and expenditures towards compliance, the short term of the variance requested, and the minimal risk to health. Variance, subject to the conditions outlined in the attached Order, is granted until September 1, 1982. The term has been extended three months beyond the term requested to allow a slight cushion for start-up problems and delay in putting the two new wells on-line.

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

ORDER

1. Petitioner, the City of West Chicago, is granted a variance from the 15 pCi/l gross alpha particle activity limitation of Rule 304(C)(1)(b) of Chapter 6: Public Water Supplies, until September 1, 1982, subject to the following conditions:

- A. Petitioner shall, in consultation with the Agency, continue its sampling program to determine as accurately as possible the level of radioactivity in its wells and finished water. Testing for radium 226 and 228 shall be commenced.
- B. Petitioner shall expeditiously continue development of two new shallow wells as an additional source to blend with its current well source.
- C. The Petitioner shall modify its operating procedures so as to minimize the level of radioactivity in the water delivered to its users.
- D. Pursuant to Rule 313(D)(1) of Chapter 6, 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 has been granted a variance from the radiological quality standards by the Pollution Control Board. The notice shall state the average content of gross alpha particle activity and radium, including available results from samples taken since the last notice period.

2. Variance from the radium standard of Rule 304(C)(1)(a) is denied as unnecessary at this time.

3. 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 80-227, 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.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order were adopted on the 14th day of May, 1981 by a vote of 5:0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board