

ILLINOIS POLLUTION CONTROL BOARD
March 30, 1978

VILLAGE OF HANOVER PARK,)
)
 Petitioner,)
)
 v.) PCB 77-348
)
 ENVIRONMENTAL PROTECTION)
 AGENCY,)
)
 Respondent.)

OPINION AND ORDER OF THE BOARD (by Mr. Dumelle):

Petitioner has requested a Variance from the 1.0 mg/l drinking water standard for barium contained in Rule 304(b) (4) of Chapter 6: Public Water Supplies. Although Petitioner is operating four finished wells with three more under construction, only one well No.4 is the subject of this Petition.

Five samples from this well since September 4, 1975 have shown barium levels in excess of 1.0 mg/l. Only two samples of these have been taken since June, 1977 when the well was lowered to a new operating level. Although both samples exceed the barium standard, the parties contend and the Board agrees that there is not enough recent data on which to base a long term compliance plan. At this point, this Petition could be dismissed for failure to establish a need for relief, but the Board has been impressed by Petitioner's commitment to identify and solve this problem. Barium removal facilities, if needed, would be operative by December 31, 1979, according to the Petitioner.

Petitioner has requested time to collect additional data and then either achieve compliance by commingling waters from other wells or installing barium removal equipment. The Board would rather allow well No.4 to operate while this compliance plan is undertaken than to jeopardize public health and fire safety by leaving the future use of well No.4 in a precarious position. The Board agrees with the Agency that no bond need be posted by Petitioner since the extent of any construction costs cannot be determined at this time.

It should be noted that the Board lacks authority to grant relief from the Federal drinking water standard which is also 1.0 mg/l and became effective on June 24, 1977.

Denial of a Variance in this instance would impose an arbitrary and unreasonable hardship on Petitioner.

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

ORDER

It is the Order of the Pollution Control Board that Petitioner be granted a Variance from the drinking water standard for barium in Rule 304(b)(4) of Chapter 6: Public Water Supplies subject to the following conditions:

1. Petitioner shall immediately initiate a program of data collection and analysis to determine the extent of the barium content in well No. 4.
2. If Petitioner determines that the barium content of well No. 4 does not exceed 1.0 mg/l, it shall notify the Agency of its findings by no later than June 30, 1978 and this Variance shall terminate on that date.
3. If Petitioner determines that compliance with the barium standard can be met by means of commingling waters, it shall report that finding to the Agency, apply for and obtain the necessary permits, and proceed to achieve compliance as a part of its overall construction program by July 31, 1979, at which time this Variance shall terminate.
4. If Petitioner determines that construction of barium removal equipment is necessary to meet the standard, it shall report that finding to the Agency, apply for and obtain the necessary permits, and proceed to achieve compliance with the standard by December 31, 1979, at which time this variance shall terminate.
5. Within 45 days after the date of this Order, Petitioner shall execute a Certificate of Acceptance and Agreement to be bound by all terms and conditions of this Variance and shall forward it to the Illinois Environmental Protection Agency, Division of Public Water Supplies, 2200 Churchill Road, Springfield, Illinois 62706. This 45 day period shall be held in abeyance during any period this matter is being appealed. The form of the Certificate shall be as follows:

CERTIFICATION

I, (we), _____, having read and fully understanding the Order of the Pollution Control Board in PCB 77-348 hereby accept said Order and agree to be bound by all terms and conditions therein.

Signature

Title

Date

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 30th day of March, 1978 by a vote of 5-0.

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