

ILLINOIS POLLUTION CONTROL BOARD
March 30, 1978

VILLAGE OF ALGONQUIN,)
)
 Petitioner,)
)
 v.) PCB 78-3
)
 ENVIRONMENTAL PROTECTION)
 AGENCY,)
)
 Respondent.)

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

Petitioner has requested a Variance from the drinking water standard for barium. Petitioner claims it would suffer hardship if it was required to comply with the 1.0 mg/l standard because it has no available alternative water supply to replace wells 2 and 4 which exceed the standard. As additional reasons Petitioner states that installation of barium removal equipment would be economically unreasonable and would cause more harm than it would correct. The Agency recommends that a Variance be granted so that more data can be collected on the levels of barium in Petitioner's water supply and on the health hazards associated with ingestion of barium. Both parties feel that Petitioner should not be required to install facilities which may be rendered unnecessary by a future upward re-evaluation of the barium standard.

The Board was faced with a similar request in City of Crystal Lake v. EPA, PCB 77-332 (February 18, 1978). In that case the Board noted that the Drinking Water Standards were adopted on November 22, 1974 after an extensive review of health effects and economic and technical feasibility. Petitioner filed this request for relief two days after the date it was supposed to have met the barium standard. No compliance program is proposed. Instead the parties cite reports and studies which may result in a change in the Federal Standard which is also 1.0 mg/l and became effective on June 24, 1977. It should be noted that the Board lacks the authority to grant relief from the Federal standard. The health study cited is not yet complete and is not a part of the record of this case. No one knows its findings.

There is very little data in this record to establish the actual levels of barium in Petitioner's System. A cooperative program of data collection between Petitioner and the Agency may disclose that no Variance is necessary.

The actual cost that would be incurred by Petitioner in achieving compliance is somewhat in doubt. Petitioner states that centralized water softening equipment would not be feasible, would cost over \$1 million and would double the present water rate. The Agency does not agree with the conclusion that such a system would not be feasible or that installation would impose any overly burdensome cost on Petitioner. There is also a dispute between the parties as to whether or not a referendum would be necessary to raise the funding. The Board would have to be advised of extremely high, well documented costs before it could grant a Variance which did not provide for compliance with an existing effective standard. Petitioner has failed to meet its burden in this regard.

Therefore, since no compliance program is proposed, hardship is not clearly established, and unanswered questions concerning public health and actual barium levels are at stake, the Board must deny the Variance.

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's request for a Variance from the drinking water standard for barium be denied.

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, 19 78 by a vote of 5-0.


Christan L. Moffett, Clerk
Illinois Pollution Control Board