

ILLINOIS POLLUTION CONTROL BOARD
November 10, 1976

LAKE IN THE HILLS WATER COMPANY,)
)
 Petitioner,)
)
 v.) PCB 76-212
)
ENVIRONMENTAL PROTECTION AGENCY,)
)
 Respondent.)

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

This matter comes before the Board on a variance petition filed on August 12, 1976 by the Lake in the Hills Water Company seeking modification of an Order of the Board entered on October 10, 1972. That Board Order was entered as a result of an enforcement action brought by the Agency alleging that the Company was distributing water with high iron content and under insufficient pressure. (PCB 72-197, 5 PCB 631.)

The compliance program incorporated into that Order consisted of two phases which were identical with the requirements of an Order previously entered by the Illinois Commerce Commission on February 9, 1972. Phase I included drilling a new deep well with low iron content and improvements to the distribution system; Phase II included drilling an additional low iron content deep well and constructing an elevated storage tank. These improvements were intended to increase the volume of water available, to provide water of a lower iron content, and to increase the pressure on the system.

The Company has completed Phase I of the compliance program but is requesting a modification which eliminates the specific requirements of Phase II of the compliance program by allowing the substitution of an alternative means of compliance. The Company does not believe that the second deep well is presently required and also proposes to install an auxiliary power source rather than the elevated storage tank.

The Agency noted in their Recommendation, which was filed on October 15, 1976, that the Company's alternate plans appear to be adequate (Rec. 4). As a result of Phase I, the system is yielding sufficient water to serve the existing population. The proposed standby power source along with the 150,000 gallons of ground storage located at the supply provide an acceptable substitute for the elevated storage required by the Board Order

(Rec. 3). The Agency therefore recommends that relief be granted subject to certain maintenance and reporting requirements. The Agency also recommends that the Company install five recording pressure gauges at representative points throughout the system. The Company, by a Reply filed on November 1, 1976, agrees to accept these conditions as part of any Board Order. Although the Agency further recommends that the Board retain jurisdiction of this matter so that a review of the supply's operation can be made at the end of two years, the Board declines to include this condition. In view of the fact that the Agency finds the Company's plans to be adequate, the Board finds no reason to retain jurisdiction. If, in the future, the supply proves to be inadequate for any reason, and the Company fails to take appropriate corrective action, the Agency can bring an enforcement action.

In view of the foregoing, the Board is disposed to grant the relief requested. Phase II was intended to be only a part of a program to eliminate deficiencies in the Company's water supply. Since the parties agree that these alternate programs will accomplish the same results as originally envisioned by Phase II, there is no reason to deny the Company the requested relief. Nothing herein shall be construed, however, to relieve Petitioner Lake in the Hills Water Company from compliance with any provision of any Order of the Illinois Commerce Commission affecting Petitioner which has been or may be entered by the Illinois Commerce Commission or from compliance with any rule or regulation of the Commission.

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

ORDER

IT IS THE ORDER OF THE BOARD that Petitioner, Lake in the Hills Water Company, be granted a variance from our Order entered on October 10, 1972 in PCB 72-197 to allow Petitioner to forego the installation of the second deep well and to allow the installation of an auxiliary power system in lieu of the elevated storage required by Paragraph 3 of our October 10, 1972 Order, subject to the following conditions:

1. The Company shall maintain records of complaints of pressure or red water problems from consumers along with the normal operating records, and submit these records to the Agency on a monthly basis until January 1979.
2. The Company shall conform to the manufacturer's maintenance schedules for its well pumps and submit records of this maintenance with its monthly operational reports until January 1979.

3. The Company shall obtain five recording pressure gauges approved by the Agency to be placed at representative points throughout the system to be determined in consultation with the Agency. The Company of the supply will notify the Agency in its monthly reports of any incidences of pressure dropping below 20 pounds per square inch. In the event of such incidents, the Company will take the necessary precautionary steps as provided for in the Board's rules and regulations.

4. Within 30 days of the date of adoption of this Order, Petitioner, Lake in the Hills Water Company, shall complete and submit to the Environmental Protection Agency, Division of Public Water Supply, 2200 Churchill Road, Springfield, Illinois, 62706, the following certification:

CERTIFICATION

I, (We), _____ having read the Order of the Illinois Pollution Control Board in PCB 76-212, understand and accept said Order, realizing that such acceptance renders all terms and conditions thereof binding and enforceable.

SIGNED

TITLE

DATE

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 10th day of November, 1976 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board