ILLINOIS POLLUTION CONTROL BOARD April 26, 1979

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

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

On March 30, 1978 the Board denied Petitioner a variance from the standard for barium in Rule 304 B 4 of Chapter 6: Public Water Supplies. On May 11, 1978 the Board granted Petitioner's motion to reconsider the prior denial of a variance and agreed to reevaluate the prior decision. The Agency has recommended that a variance be granted subject to conditions. A hearing was held on February 28, 1979 in the Algonquin City Hall.

On October 2, 1978 the USEPA issued a draft guidance concerning the issuance of variances and exemptions under the Safe Drinking Water Act. The guidance document stated that exemptions could be granted for barium up to 4 mg/l providing no adverse health effects attributable to the drinking water are discernible. A full discussion of the USEPA document is contained in City of Crystal Lake v. EPA, PCB 77-332 (March 29, 1979). The exemption period presently applicable can run until January 1, 1981.

Petitioner indicated at the hearing that a new well has been developed, designated Well #5, from a shallow Initial pumping records indicate a capacity of 400 gallons per minute which provides approximately 75% of Petitioner's average daily demand. Mineral analysis of the well water indicates that barium is within acceptable limits (0.06 mg/1). Thus Well #5 in combination with Well #1 appears to be able to provide Petitioner with an adequate supply of barium free water. Supplementation of the wells may require exploration for and development of additional barium free sources. Also, it is possible that Well #5 may require additional treatment should the water develop unacceptable mineral quality. The Agency is aware that a new well should be placed in service for some time before both its long term capacity and mineral content can be fully evaluated.

The Agency supports a variance in this instance. Petitioner has indicated that the existing wells will supply the village with water in which the barium content does not exceed 4 mg/l. Although USEPA may consider changing the Federal barium standard or the date for compliance, the Agency does not believe that Petitioner should rely on this contingency. Consequently, the Agency recommends and the Board will require that Petitioner devise a compliance plan within 6 months to meet the present standard.

This Opinion constitutes the Board's finding 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 maximum concentration limit for barium in Rule 304 B 4 of Chapter 6: Public Water Supplies dating from January 3, 1978 until January 1, 1981 subject to the following conditions:

- 1) Petitioner shall maintain a level of 4.0 mg/l barium or less in its finished water.
- 2) Petitioner shall place Well #5 in service in accordance with the Agency's permitting requirements and use it to the fullest extent, consistent with good engineering practices.
- 3) Within six months of the date of this Order,
 Petitioner shall develop a program which will
 result in compliance with the present barium
 standard (1.0 mg/l) and shall submit the program
 to the Agency for approval. If the program, as
 approved, provides for the installation of new
 equipment or the development of additional raw
 water sources, Petitioner shall obtain the necessary
 Agency permits and submit quarterly progress
 reports to the Agency.
- 3) Within 45 days of the date of this Order, Petitioner shall execute a Certification of Acceptance and Agreement to be bound to the terms and conditions of this variance. This 45 day period shall be held in abeyance if this matter is appealed. The Certification shall be forwarded to the Illinois Environmental Protection Agency, Division of Public Water Supplies, 2200 Churchill Road, Springfield, Illinois 62706 and shall read as follows:

CERTIFICATION

I (We),	, having
	the Order in PCB 77-332, hereby
accept that Order and agree to	be bound by all of its terms
and conditions.	
	GIGNED
	SIGNED
	TITLE
	DATE
I, Christan L. Moffett, Control Board, hereby certify were adopted on the 2612 1979 by a vote of 4-0	Clerk of the Illinois Pollution the above Opinion and Order day of April Christan L. Moffett Clerk Illinois Pollution Control Board