

ILLINOIS POLLUTION CONTROL BOARD
October 14, 1976

LAKELAND PARK WATER COMPANY,)	
)	
Petitioner,)	
)	
v.)	PCB 76-206
)	
ENVIRONMENTAL PROTECTION AGENCY,)	
)	
Respondent.)	

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

On July 22, 1976, Petitioner Lakeland Park Water Company (Lakeland Park) filed a "Motion for Modification of Final Order" under the caption PCB 74-85 and PCB 74-194. The Board construed the "Motion" as a variance petition and assigned it the above-captioned number. The Environmental Protection Agency (Agency) filed its recommendation on October 5, 1976. The Board received two citizen objections to the grant of this variance; Mr. La Verne Hromec filed an objection on September 27, 1976, and Mrs. Audis Bowling filed an objection on September 20, 1976. No hearing has been held in this matter.

Lakeland Park seeks variance from certain provisions in the previous Board Order of October 30, 1975 in PCB 74-85 and PCB 74-194 consolidated (19 PCB 123). The pertinent terms of that Order required Lakeland Park to undertake one of three proposed improvements to the system to abate red water problems should the Agency determine that initial measures taken by Lakeland Park were unsuccessful. One of the initial measures to be taken by Lakeland Park was the feeding of polyphosphate as an iron sequestering agent. The Agency determined that Lakeland Park's initial abatement efforts had been unsuccessful and informed Lakeland Park of its determination on January 13, 1976. According to the terms of the Board Order, Lakeland Park was to make its choice among the three alternative methods of compliance within thirty (30) days after being notified by the Agency that such

choice was necessary.

In order to avail itself of the possible benefits of a proposed study of the effects of polyphosphate on iron in Lakeland Park's distribution system, Lakeland Park now seeks an extension of time from the requirement of making a choice among the three abatement procedures. The proposed study is to be conducted by Dr. John O'Conner of the University of Missouri. The particular aims of Dr. O'Conner's study are set forth in the variance petition.

Based upon its past experience, the Agency is pessimistic about the success of polyphosphate sequestration on the Lakeland Park system. However, the Agency welcomes further research into the effects of polyphosphate in a distribution system. In particular, the Agency indicates that it favors the study proposed by Lakeland Park, both because of the high regard in which it holds Dr. O'Conner and because Lakeland Park's system provides a very good field test situation. Lakeland Park alleges, and the Agency agrees, that the determination of new treatment methods which would make polyphosphate sequestration effective at Lakeland Park would represent significant cost advantages to the company and ultimately to its customers.

The objections filed by Mr. Hromec and Mrs. Bowlin, as well as a poll of the system's customers conducted by the Agency, indicate that the water distributed by Lakeland Park remains unacceptable to a significant portion of its customers. However, the proposed study of polyphosphate sequestration is of great potential value not only to the customers of Lakeland Park's system but to the people of the State of Illinois as a whole. As indicated by the Agency, further research is needed into the effects of polyphosphate in a distribution system, and this proposed study provides the citizens of the State with the opportunity for the benefits of such research. The Board, therefore, finds that the benefits to the public from the grant of this variance outweigh the burdens such that denial of the variance would impose an arbitrary and unreasonable hardship.

The Board, however, recognizes that Lakeland Park's customers have been subjected to unacceptable water and that the study may prove unsuccessful and may simply result in further delay. We, therefore, will require Lakeland Park to submit to the Agency within 90 days of the date of this Order plans and specifications for one of the three abatement methods listed in the Board's October 30, 1975 Order. If, after reviewing the results of Dr. O'Conner's study, the Agency approves of the use of polyphosphate as a treatment technique, Lakeland Park may submit to the Agency plans and specifications for such a project as a substitute for one of the original three abatement alternatives. Implementation of the program finally approved by the

Agency shall be completed by July 31, 1977.

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

ORDER

Lakeland Park Water Company is granted variance from the compliance schedule set forth in PCB 74-85 and PCB 74-194 consolidated, subject to the following conditions:

1. Lakeland Park shall select one of the three means of upgrading its system listed in the Board's Order in PCB 74-85 and PCB 74-194 consolidated and shall submit plans and specifications for the project selected to the Agency for review and approval within 90 days of the date of this Order;

2. If use or access to land not controlled by Lakeland Park Water Company is necessary for the completion of the project undertaken, within the same 90-day period Lakeland Park shall provide evidence to the Agency that such use or access will be available to the company;

3. If Dr. O'Conner's study shows to the Agency's satisfaction that the use of polyphosphate at Lakeland Park's supply can be an effective treatment technique, Lakeland Park may submit plans and specifications for such a project to the Agency for review and approval as an alternative to the three methods outlined in the Board's previous Order;

4. Lakeland Park Water Supply shall fully implement the abatement method chosen and approved of by the Agency by July 31, 1977;

5. Within 14 days after the date of the Board Order herein, Lakeland Park shall execute and forward to the Illinois Environmental Protection Agency, Manager, Variance Section, Division of Public Water Supplies, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706 and to the Pollution Control Board a Certification of

Acceptance and agreement to be bound to all terms and conditions of the variance. The form of said certification shall be as follows:

CERTIFICATION

I (We), _____ having read and fully understanding the Order of the Illinois Pollution Control Board in PCB 76-206 hereby accept said Order and agree to be bound by all of the terms and conditions thereof.

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 14th day of October, 1976 by a vote of 5-0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board