

83. This opinion will concentrate on reviewing the petitioner's proposed compliance plan.

In the petition for extension, Coal City committed to the following compliance plan:

- (A) Upon completion of the design of the treatment plant, the petitioner will apply to IEPA, DPWS, Permit Section for all necessary permits for construction of installations, changes or additions to the petitioner's public water supply needed for achieving compliance with the maximum allowable concentration.
- (B) Within one month after each construction permit is issued by IEPA, DPWS, petitioner shall advertise for bids for contractors to do the necessary work described in the construction permit and shall accept appropriate bids within a reasonable time.
- (C) Construction allowed on said construction permits shall begin within a reasonable time of bids being accepted, but in any case, construction of all installations, changes or additions necessary to achieve compliance with the maximum allowable concentration in question shall begin as soon as practical in accordance with the compliance schedule date of March 13, 1990.
- (D) Compliance shall be achieved with the maximum allowable concentration in question no later than July 10, 1991.
- (E) Pursuant to 35 Ill. Adm. Code 606.201, in its first set of water bills or within three months after the date of this variance order, whichever occurs first, and every three months thereafter, petitioner will send to each user of its public water supply a written notice to the effect that petitioner has been granted by the Pollution Control Board a variance from 35 Ill. Adm. Code 602.105(a) Standards of Issuance and 35

Ill. Adm. Code 602.106(b) Restricted Status, as it relates to the gross alpha standard.

- (F) Pursuant to 35 Ill. Adm. Code 606.201, in its first set of water bills or within three months after the date of this Order, whichever occurs first, and every three months thereafter, petitioner will send to each user of its public water supply a written notice to the effect that petitioner is not in compliance with the combined radium 226 and radium 228 levels (35 Ill. Adm. Code 604.301(a)) and gross alpha particle activity standard (35 Ill. Adm. Code 604.301(b)). The notice shall state the average content of gross alpha particle activity in samples taken since the last notice period during which samples were taken.

- (G) That petitioner shall take all reasonable measures with its existing equipment to minimize the level of gross alpha particle activity in its finished water.

In its variance recommendation, the Agency voices no objection to the petitioner's compliance plan. The Agency does note that Coal City has committed to a treatment method employing ion-exchange water softening. While the Agency agrees that this method is effective in removing radium, it points out that the ion-exchange softener increases the sodium content of the water significantly and the waste from the softening process may be difficult to dispose of legally. The Agency has discussed these disadvantages with the petitioner and the petitioner still maintains it is the best compliance method for its supply. The Agency has no objection to the use of this method if the treatment system is properly designed and maintained and wastes are disposed of safely. Consequently, the Agency recommends the petitioner be granted an extension of variance subject to the conditions adopted in the Order.

The Board notes the lack of specific dates of compliance for the various intermediate steps in the petitioner's compliance plan. The lack of specificity may be due to a delayed completion of the final design and the requirement of filing for an extension before the original variance expires. A commitment to intermediate compliance dates is desirable in monitoring the petitioner's progress towards completion. To accommodate the monitoring of progress, some intermediate compliance dates have

been established in the conditions in the Order. The Board is confident that the petitioner can come into compliance by the requested compliance date. As a result, an extension of the variance will be granted until May 1, 1992.

This Opinion represents the Board's finding of facts and conclusion of law in this matter.

ORDER

The Village of Coal City (Coal City) is hereby granted an extension of variance from 35 Ill. Adm. Code 602.105(a) Standards of Issuance, and 602.106(b), Restricted Status, but only as those Sections relate to the limitations for combined radium and gross alpha particle activity set forth in Section 604.301, until May 1, 1992, subject to the following conditions:

- (A) This variance expires on May 1, 1992 or when analysis pursuant to 35 Ill. Adm. Code 605.104(a) shows compliance with the standards for the contaminants in question, whichever occurs first.

- (B) In consultation with the Agency, petitioner shall continue its sampling program to determine as accurately as possible the level of radioactivity in its wells and finished water. Until this variance expires, petitioner shall collect quarterly samples of its water from its distribution system at locations approved by the Agency. The petitioner shall composite the quarterly samples from each location separately and shall analyze them annually by a laboratory certified by the State of Illinois for radiological analysis so as to determine the concentration of the contaminant in question. The results of the analyses shall be reported to the Compliance Assurance Section, Division of Public Waer Supplies, 2200 Churchill Road, IEPA, Springfield, Illinois 62794-9276, within 30 days of receipt of each analysis. At the option of petitioner, the quarterly samples may be analyzed when collected. The running average of the most recent four quarterly sample result shall be reported to the above address within 30 days of receipt of the most recent quarterly sample.

- (C) The petitioner shall properly seal all abandoned public water supply wells by July 15, 1989.
- (D) Petitioner shall submit plans and specifications for project design of a ion-exchange water softening system or other treatment system capable of bringing the drinking water supply into compliance with 35 Ill. Adm. Code 604.301(a) and 604.301(b) and a construction permit application to the Agency's Permit Section by November 1, 1989.
- (E) By February 13, 1990, petitioner shall have advertised for bids from contractors to do the necessary work described in the construction permit. Petitioner shall accept appropriate bids by March 13, 1990. Petitioner shall notify IEPA, DPWS, within 30 days, of each of the following actions: 1) advertisements for bids, 2) whether petitioner accepted the bids and 3) names of successful bidders
- (F) Construction of all installations, changes or additions necessary to achieve compliance with the maximum allowable concentrations in question shall begin no later than April 1, 1990.
- (G) Construction of all installations, changes or additions necessary to achieve compliance with maximum allowable concentrations in question shall be completed no later than May 1, 1991.
- (H) Beginning on May 1, 1991, petitioner shall sample quarterly in accordance with paragraph (B) above. Compliance shall be proved no later than May 1, 1992.
- (I) Pursuant to 35 Ill. Adm. Code 606.201, in its first set of water bills or within three months after the date of this Variance Order, whichever occurs first,

and every three months thereafter, petitioner will send to each user of its public water supply a written notice to the effect that petitioner has been granted by the Pollution Control Board a variance from 35 Ill. Adm. Code 602.105(a) Standards of Issuance and 35 Ill. Adm. Code 602.106(b) Restricted Status, as it relates to the MAC standard in question.

- (J) Pursuant to 35 Ill. Adm. Code 606.201, in its first set of water bills or within three months after the date of this Order, whichever occurs first, and every three months thereafter, petitioner will send to each user of its public water supply a written notice to the effect that petitioner is not in compliance with the standard in question. The notice shall state the average content of the contaminant in question in samples taken since the last notice period during which samples were taken.
- (K) Until full compliance is reached, petitioner shall take all reasonable measures with its existing equipment to minimize the level of contaminant in question in its finished drinking water.
- (L) The petitioner shall provide written progress reports to IEPA, DPWS, FOS every six months concerning steps taken to comply with paragraphs (C), (D), (E), (F) and (G). Progress reports shall quote each of said paragraphs and immediately below each paragraph state what steps have been taken to comply with each paragraph.
- (M) That within forty-five days of the date of this Order, Coal City shall execute and send to Bobella Glatz, Enforcement Programs, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62794-9276, a Certificate of Acceptance by which Coal City agrees to be bound to all terms and conditions of the granted variance. This

variance will be void if Coal City fails to execute and forward a Certificate within the forty-five (45) day period. The 45-day period shall be held in abeyance for a period during which this matter is appealed. The form of this Certificate shall be as follows:

CERTIFICATE OF ACCEPTANCE

I, (We) _____, hereby accept and agree to bound by all terms and conditions of the Order of the Pollution Control Board in PCB 89-55, adopted _____

Petitioner

Authorized Agent

Title

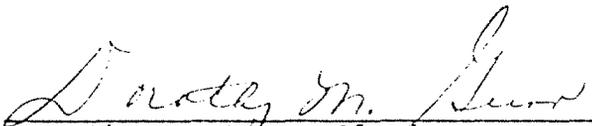
Date

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1985, ch. 111 1/2, par. 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

B. Forcade dissented.

IT IS SO ORDERED.

I, Dorothy M Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 8th day of June, 1989, by a vote of 5-1.



Dorothy M. Gunn, Clerk,
Illinois Pollution Control Board