

ILLINOIS POLLUTION CONTROL BOARD
April 27, 1989

CITY OF OTTAWA,)
)
 Petitioner,)
)
 v.) PCB 88-180
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

ORDER OF THE BOARD (by M. Nardulli):

This matter comes before the Board upon a petition for modification filed by the petitioner, City of Ottawa, ("Ottawa") on April 10, 1989. Ottawa's petition seeks modification of the Board's March 9, 1989 Opinion and Order granting Ottawa a variance until March 5, 1991 from 35 Ill. Adm. Code 602.105(a), "Standards for Issuance" and from 35 Ill. Adm. Code 602.106(b), "Restricted Status", as they relate to the combined radium-226 and radium-228 ("combined radium") standard of 35 Ill. Adm. Code 604.301(a).

The Illinois Environmental Protection Agency ("Agency") filed its response to the petition for modification on April 14, 1989. On April 21, 1989, the Agency filed a clarification to its response to petition for modification.

Ottawa requests that the Board revise paragraph E of its March 9, 1989 Order to allow Ottawa to complete improvements to its public water supply system in a two-step program, with step one including construction of a new deep water well (proposed Well 12) and step two involving investigative and remedial work on Wells 8 and 10. Ottawa also states in its petition for modification that "completion of the proposed Well 12 and rehabilitation of Well 8 will enable the petitioner to meet the radium standards by March 5, 1990." (Pet. Modif. at 3).

In the Agency's response to Ottawa's petition, it stated that it had no objection to Ottawa's requested revision. In its clarification the Agency further stated that regardless of Ottawa's two-step program, construction of Well 12 and remedial work on Well 8 shall be completed by March 5, 1990 and that the Agency does not agree with Ottawa's concept of "pessimistic dates" contained in its petition for modification. (Agency clarif. at 1).

The Board will grant Ottawa's petition for modification and

issue an Order to allow Ottawa to proceed in a two-step program in accordance with the dates outlined in the Agency's clarification. This modification does not change the length of Ottawa's variance, but allows Ottawa to proceed in two steps within the time limits of the original variance. In the interests of having the Board's Order as modified today set forth in a single document, the Board rescinds its prior Order of March 9, 1989 in its entirety. The following constitutes the Board's Order in this case.

ORDER

1. Petitioner, the City of Ottawa, is hereby granted a variance from 35 Ill. Adm. Code 602.105(a) Standards of Issuance and from 35 Ill. Adm. Code 602.106(b) Restricted Status but only as they relate to the combined radium-226 and radium-228 standard of 35 Ill. Adm. Code 604.301(a), subject to the following conditions:

- (A) This variance expires on March 5, 1991 or when analysis pursuant to 35 Ill. Adm. Code 605.104(a) shows compliance with the combined radium standard, whichever occurs first.
- (B) In consultation with the Agency, Ottawa 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, Ottawa shall sample its water from its distribution system at locations approved by the Agency. Ottawa shall composite the quarterly samples for 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 Water Supplies, 2200 Churchill Road, IEPA, Springfield, Illinois 6294-9276, within 30 days of receipt of each analysis. At the option of Ottawa, the quarterly samples may be analyzed when collected. The running average of the most recent four quarterly sample results shall be

reported to the above address within 30 days of receipt of the most recent quarterly sample.

- (C) By May 5, 1989, unless there has been a written extension by the Agency, Ottawa shall apply to IEPA, DPWS, Permit Section, for all permits necessary to construct the new deep water well as described in Petitioner's Amendment to Petition for Variance.
- (D) By November 5, 1989, Ottawa shall apply to IEPA, DPWS, Permit Section for all permits necessary for construction of all other installations, changes or additions to Ottawa's public water supply needed for achieving compliance with the maximum allowable concentration for the combined radium standard.
- (E) Within 3 months after each construction permit is issued by IEPA, DPWS, Ottawa shall advertise for bids, to be submitted within 60 days, from contractors to do the necessary work described in the construction permit. Ottawa shall accept appropriate bids within a reasonable time. Ottawa shall notify IEPA, DPWS, within 30 days, of each of the following actions: 1) advertisements for bids, 2) names of successful bidders, and 3) whether Ottawa accepted the bids.
- (F) Construction allowed on said construction permits for the new deep water well shall begin within a reasonable time of bids being accepted, but in any case, construction of the new deep water well shall begin by July 5, 1989 and shall be completed no later than March 5, 1990.
- (G) Construction allowed on said construction permits for well 8 shall begin within a reasonable time of bids being accepted, but in any case construction of all other installations, changes or additions

necessary to achieve compliance with the maximum allowable concentration for combined radium shall begin no later than January 5, 1990 and shall be completed by March 5, 1990.

- (H) 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, Ottawa shall send to each user of its public water supply a written notice to the effect that Ottawa has been granted a variance from 35 Ill. Adm. Code 602.105(a) Standards of Issuance and 35 Ill. Adm. Code 602.106(b) Restricted Status.
- (I) Pursuant to 35 Ill. Adm. Code 606.201, in its first set of water bills or by June 5, 1989, whichever occurs first, and every three months thereafter, Ottawa will send to each user of its public water supply a written notice to the effect that Ottawa is not in compliance with the combined radium standard. The notice shall state the average content of radium in samples taken since the last notice period during which samples are taken.
- (J) Until full compliance is reached, Ottawa shall take all reasonable measures with its existing equipment to minimize the level of contaminant in question in its finished drinking water, including primary reliance on Well No. 11 so as to minimize radium levels in the water.
- (K) Ottawa shall provide written progress reports to IEPA, DPWS, FOS by May 5, 1989 and every two months thereafter concerning steps taken to comply with the requirements of this Order. Progress reports shall quote each of said paragraphs and immediately below each paragraph state what steps have been taken to comply with each paragraph.

2. Within 45 days of the date of this Order, Ottawa shall execute and forward to Bobella Glatz, Enforcement Programs, Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62794-9276, a Certificate of Acceptance and Agreement to be bound to all terms and conditions of this variance. This forty-five (45) day period shall be held in abeyance for any period this matter is being appealed. If the petitioner fails to execute and forward the agreement within a forty-five (45) day period, the variance shall be void. The form of certification shall be as follows:

CERTIFICATION

I, We, _____, hereby accept and agree to be bound by all terms and conditions of the Order of the Pollution Control Board in PCB 88-180, April 27, 1989.

Petitioner

Authorized Agent

Title

Date

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1987 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.

IT IS SO ORDERED.

J.D. Dumelle and B. Forcade dissented.

I, Dorothy M Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 27th day of April, 1989, by a vote of 5-2.

Dorothy M. Gunn
Dorothy M. Gunn, Clerk,
Illinois Pollution Control Board