

ILLINOIS POLLUTION CONTROL BOARD
November 29, 1990

VILLAGE OF ROUND LAKE BEACH,)
)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)
)
and)
)
ELIZABETH BOWDEN, BARBARA ELLENWOOD,)
MICHAEL KARASINSKI, JEAN KENNEDY,)
CHRISTINE MEEK, STEWART SLAVIK,)
CITIZENS FOR A BETTER ENVIRONMENT, AND)
THE LAKE COUNTY DEFENDERS,)
)
Intervenors.)

PCB 86-59
(Variance)

ORDER OF THE BOARD (by R.C. Flemal):

On November 2, 1990¹ the Village of Round Lake Beach ("Village") filed a motion for clarification ("Motion"). The Village requests that the Board clarify its Order of September 11, 1986 (72 PCB 275 et seq.) by holding that such Order "constitutes a compliance order mandating the acquisition, construction or improvement of water treatment facilities to accommodate Lake Michigan water as described in Ill. Rev. Stat. 1989, ch. 24, Sections 8-4-1(13) and 8-5-1" (Motion, p. 3). The Village's expressed purpose is to allow it to "proceed promptly with a bond issue to finance such facilities" (Id.).

The Illinois Environmental Protection Agency filed a response on November 15, 1990. No other responses have been received by the Board.

The Village's motion is denied. Even if, arguably, the Board's Order of September 11, 1986 constituted a compliance order for the particulars identified by the Village, that Order

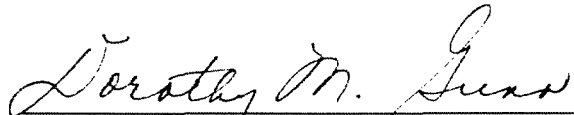
¹ A version of the motion absent a Certificate of Service was filed on October 26, 1990.

expired by its own terms on or before September 11, 1989². Accordingly, there is no order which the Board could certify as constituting an active compliance order.

Moreover, the Village requests particularly that the Board hold that the September 11, 1986 Order "constitutes a compliance order mandating the acquisition, construction or improvement of water treatment facilities to accommodate Lake Michigan water" (Motion, p. 3; emphasis added). The Board finds nothing in September 11, 1986 Order which may be construed as requiring facilities to "accommodate Lake Michigan water". Rather, the Order requires only facilities for the blending of well waters, commensurate with the Village's own expressed intention to achieve compliance with the radium standard via a blending program (see Opinion at p. 4-6, 72 PCB 287-9).

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 27th day of November, 1990, by a vote of 7-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

² "Variance shall be effective this date and shall expire on September 11, 1989, or when analysis pursuant to 35 Ill. Adm. Code 605.105(a) shows compliance with the combined radium 226 and 228 standard, whichever occurs first" (Condition #1 to the grant of variance in PCB 86-59, September 11, 1986, 72 PCB 287).