

ILLINOIS POLLUTION CONTROL BOARD  
April 29, 1982

VILLAGE OF ORLAND PARK, )  
 )  
 ) Petitioner, )  
 )  
 ) v. ) PCB 82-10  
 )  
 ) ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, )  
 )  
 ) Respondent. )

OPINION AND ORDER OF THE BOARD (by J. Anderson):

This matter comes before the Board on the February 3, 1982 petition for variance filed by the Village of Orland Park. The Village seeks extension through December 31, 1983 of the variance granted in PCB 81-35 (May 28, 1981) from the 15 pCi/l gross alpha particle activity limitation and the 5 pCi/l combined radium limitation of Rule 304(C)(1)(a-b) of Chapter 6: Public Water Supply. The Illinois Environmental Protection Agency (Agency) filed its Recommendation in support of variance on April 13, 1982. (The Board's consideration of this filing, the belatedness of which was the subject of no motion, should not be construed as acquiescence to future unexplained filing delays which jeopardize the Board's ability to render timely decisions.) Hearing was waived and none has been held.

As explained in detail in PCB 81-35, the Village of Orland Park, Cook County, operates its public water supply system serving approximately 22,697 area residents in two separate parts. One three well system delivers softened water; the other, whose two deep wells are the subject of this variance, delivers unsoftened water. 1981 Agency analyses of the waters of these deep wells, #9 and #11, showed respective gross alpha particle activity levels in pCi/l of  $25.3 \pm 7.15$  and  $18.4 \pm 7.21$ . In compliance with one of the earlier variance conditions, a further test result for radium 226 levels was submitted, although a radium 228 count was not performed as required. In pCi/l, the respective radium 226 levels for Wells #9 and #11 were  $12.4 \pm .6$  and  $9.7 \pm .5$ , based on a single analysis of one sample from each well.

The Board had also required that the Village explore the technical and economic feasibility of achieving compliance through blending. The Village reports that while blending is technically feasible, this option would require expenditures for equipment of \$1,894,800. This compares quite unfavorably with the estimated \$280,000 total equipment cost of another option, the installation of sodium zeolite treatment facilities for each well.

The Village reasserts that its favored compliance option is utilization of the Lake Michigan water allocation which becomes available for its potential use January 1, 1984. The Village reports that a referendum was submitted to its voters on March 16, 1982 concerning issuance of \$12,000,000 in general obligation bonds which would in part finance delivery of this water. (Neither the Village nor the Agency have advised the Board as to the results of this referendum.) However, in the event of the referendum's failure, the Village states that it would immediately proceed to pursue the softening option.

The Agency recommends grant of variance with conditions until January 1, 1984 based on its agreement with the Village's allegations, and its belief that continued variance will pose no immediate threat to the health of the Village's water users.

Based on the Village's substantial compliance with the previous variance, its attempts to finance utilization of its Lake Michigan water allocation, and the Board's belief that this continued variance would pose little risk to health, the Board finds that denial of variance would impose an arbitrary or unreasonable hardship. The requested variance until January 1, 1984 is granted with conditions, one of which is that the Village shall file a compliance program on or before January 1, 1983.

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

#### ORDER

Petitioner, the Village of Orland Park, is granted a variance from the gross alpha particle activity and radium limitations of Rule 304(C)(1)(a) and (b) of Chapter 6: Public Water Supplies, until January 1, 1984, subject to the following conditions:

1. Petitioner shall, in consultation with the Agency, continue its sampling program to determine as accurately as possible the level of radioactivity in its wells and finished water. Testing for radium 226 shall be continued, and testing for radium 228 shall be commenced.

2. As expeditiously as is practicable, but no later than January 1, 1983, Petitioner shall submit to the Agency a program (with increments of progress) for bringing its system into compliance either by installation of a treatment system or by replacement of its current water supply with Lake Michigan water.

3. Pursuant to Rule 313(D)(1) of Chapter 6, 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 has been granted a variance from the radiological quality standards by the Pollution Control Board. The notice shall state the average content of gross alpha particle activity and radium, including available results from samples taken since the last notice period.

4. Within forty-five days of the date of this Order, Petitioner shall execute and forward to the Illinois Environmental Protection Agency, PWS Enforcement Programs, 2200 Churchill Road, Springfield, Illinois 62706, a Certificate of Acceptance and Agreement to be bound to all terms and conditions of this variance. This forty-five day period shall be held in abeyance for any period this matter is being appealed. The form of the certificate shall be as follows:

CERTIFICATE

I, (We), \_\_\_\_\_, having read the Order of the Illinois Pollution Control Board in PCB 82-10 dated \_\_\_\_\_, understand and accept the said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

\_\_\_\_\_  
Petitioner

\_\_\_\_\_  
By: Authorized Agent

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 29<sup>th</sup> day of April, 1982 by a vote of 5-0.

  
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Christan L. Moffett, Clerk  
Illinois Pollution Control Board