

ILLINOIS POLLUTION CONTROL BOARD

April 16, 1987

CITY OF YORKVILLE,)
)
Petitioner,)
)
v.) PCB 86-24
) PCB 87-33
ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY,)
)
Respondent.)

ORDER OF THE BOARD (by J. Marlin):

This matter comes before the Board on a Petition for Extension of Prior Variance, PCB 87-33, which was contrued by the Board in its Order of March 19, 1987 as a Motion for Modification of the variance granted on May 9, 1986 in PCB 86-24. The Order of March 19 gave the City of Yorkville (Yorkville) and the Illinois Environmental Protection Agency (Agency) until March 30 to object to the Board's construction of the petition as a motion. Neither party filed any objection. Consequently, the Clerk has re-docketed the petition accordingly. The Board notes that on April 6, 1987 it received a comment from a member of the public expressing concern about granting a radium variance to Yorkville. In the March 19 Order, the Board also allowed the Agency to file a response to the Motion for Modification by April 13, 1987. The Agency has not filed any such response.

Yorkville is seeking a six-month extension for various deadlines contained in the compliance schedule of the May 9, 1986 Order. Specifically, Yorkville requests an additional six months in which to present a detailed plan for compliance and subsequently apply for necessary permits needed to implement a compliance alternative. Yorkville is not requesting an extension for the compliance date of May 9, 1989.

The reason behind the extension request is that Yorkville is considering, as a compliance alternative, a new filtering system which is manufactured by Iso-Clear. The Iso-Clear system is currently being tested, and the results of these tests will not be known for at least six months. Yorkville does not wish to install an Iso-Clear system until detailed scientific data is available which demonstrates the success of the system.

The Board notes that the Iso-Clear system is a technology which shows some promise in the field of radium removal. An additional six months would allow Yorkville to more accurately evaluate the Iso-Clear system as a control alternative. It is important to emphasize that Yorkville is not requesting an extension of the length of the previously granted variance.

Rather, it is merely seeking to alter the scheduling of certain steps in achieving compliance.

Due to the above factors, the Board hereby grants Yorkville's motion and modifies the Order of May 9, 1986 in PCB 86-24 as follows:

The City of Yorkville is hereby granted a variance from 35 Ill. Adm. Code 602.105(a) and 602.106(b) as they relate to the combined radium standard of Section 604.301(a), subject to the following conditions:

1. This variance begins on May 9, 1986 and expires on May 9, 1989.
2. In consultation with the Agency, the City shall continue testing for radium 226 and 228 to determine as accurately as possible the level of radioactivity in its wells and finished water.
3. One month after the grant of variance, evidence that the City has secured professional assistance in investigating compliance options shall be submitted to the Agency's Division of Public Water Supplies, FOS, 2200 Churchill Road, Springfield, Illinois 62706.
4. Twelve months after the grant of variance, the City shall complete investigating compliance methods, including those treatment techniques described in the Manual of Treatment Techniques for Meeting the Interim Primary Drinking Water Regulations, USEPA, May 1977, EPA-600/8-77-005, and shall prepare a detailed Compliance Report demonstrating how and when compliance will be achieved, but no later than May 9, 1989.
5. This Compliance Report shall be submitted to the Agency's Division of Public Water Supplies fifteen months after the grant of variance.
6. Three months after the date the Compliance Report is due in the Agency's office or after a written extension of time by the Agency, provided that this additional extension is no longer than three months, the City shall apply to the Agency's Division of Public Water Supplies, Permit Section, for all permits necessary for construction of installations, changes or additions to the City's public water supply needed for achieving compliance with 35 Ill. Adm. Code 604.301(a).
7. Construction shall begin at a time which will bring the City into compliance by May 9, 1989.
8. 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, the City shall send each user of its public water supply a written notice stating that the City

- a) has been granted a variance from 35 Ill. Adm. Code 602.105(a) (Standards of Issuance) and Section 602.106(b) (Restricted Status) as they relate to Section 604.301(a), and
 - b) is not in compliance with the public water supply radiological standard of 5 picoCuries per liter for combined radium 226 and 228. The City shall also state in the notice the average content of radium 226 and 228 in samples taken since the last notice period.
9. The City shall take all reasonable measures with its existing equipment to minimize the level of radium 226 and 228 in its finished water.
10. Within forty-five (45) days of the date of this Order, the City shall execute a Certification of Acceptance and Agreement to be bound by all terms and conditions of the exception granted. This Certification shall be submitted to the Agency at 2200 Churchill Road, Springfield, Illinois 62706. The form of said Certification shall be as follows:

Certification

I, (We) _____, hereby accept and agree to be bound by all terms and conditions of the Orders of the Pollution Control Board in PCB 86-24, dated May 6, 1986 and as modified April 16, 1987.

Petitioner

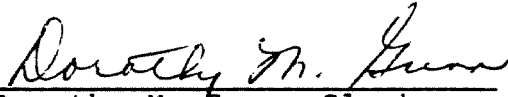
Authorized Agent

Secondly, the Board hereby directs the Clerk to close the docket in PCB 87-33.

IT IS SO ORDERED.

J.D. Dumelle concurred.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Order was adopted on the 16th day of April, 1987, by a vote of 6-0.


Dorothy M. Gunn, Clerk
Illinois Pollution Control Board