

ILLINOIS POLLUTION CONTROL BOARD
August 14, 1975

CITIZENS FOR A BETTER ENVIRONMENT,)
an Illinois Not-For-Profit Corporation,)
)
Complainant,)
)
)
v.) PCB 74-367
)
)
CITIZENS UTILITIES COMPANY OF ILLINOIS,)
an Illinois Corporation,)
)
Respondent.)

Mr. Dennis Adamczyk and Mr. Sherwood L. Levin appeared on behalf of Complainant,

Mr. Daniel Kucera appeared on behalf of Respondent.

OPINION AND ORDER OF THE BOARD (by Mr. Dumelle):

Complainant filed a formal complaint on October 10, 1974 alleging that Respondent had violated Section 18 of the Environmental Protection Act and certain of the Water Pollution Regulations by distributing water with excessive iron content. The complaint was amended on November 14, 1974 and further amended on February 27, 1975. Three days of hearing were held.

Following the presentation of Complainant's case in chief (with the exception of one adverse witness) the parties entered into a settlement. The terms of the proposed settlement were presented at a public hearing on June 5, 1975. The parties agreed to the settlement to avoid the necessity of undertaking protracted litigation, and because it represented what they felt to be the most cost effective means of solving the iron problem. The proposed settlement would seem to have merit in abating the substantial discoloration due to excessive iron content in the water supplied by Respondent.

The parties have asked the Board to approve the settlement stipulation based on evidence presented by Complainant during the three days of hearings. The parties have agreed that approval by the Board of the settlement would be determinative and res judicata of the matters raised in the complaint.

The parties submitted a settlement and stipulation at the

third day of hearing held on June 5, 1975. Under the settlement, Respondent agreed to contract with an environmental engineering firm to evaluate the use of sodium silicate to control the visual problem of "red water" associated with high iron content from Respondent's wells. The parties agreed to accept the terms and conditions of the stipulation if the engineering report was favorable.

On June 25, 1975 the engineering report was submitted to Respondent. The report recommends that Respondent use the wells with the lowest iron level, always operate the wells to avoid high iron levels associated with well startup, and never allow untreated water to enter the system. The report recommends the addition of sodium silicate to achieve a concentration of 23 ppm (parts per million), periodic mechanical flushing of the system, and a possible reduction of residual chlorine concentration to assure levels below 1.0 ppm.

While the parties have not formally stated that they find the engineering analysis of the use of sodium silicate to be favorable, we construe the submittal of the report as such an approval. Based upon the nature of the problem as presented during three days of hearings and the engineering report, we find that the proposed use of sodium silicate to be a promising solution to the iron problem present in the Village of Bolingbrook's water supply. We therefore accept the proposed stipulation and terminate the case. We note that the proposed use of sodium silicate would be the first such use in Illinois (R.436).

The above consist of the finding of fact and conclusions of law.

ORDER

The settlement stipulation submitted to the Board on June 6, 1975 is accepted. Respondent is directed to carry out the terms of the settlement as stipulated.

The enforcement case is dismissed with prejudice.

IT IS SO ORDERED.

I, Christan L. Moffett, Clerk of the Illinois Pollution Control Board, hereby certify the above Opinion and Order were adopted on the 14th day of August, 1975 by a vote of 5 to 0.



Christan L. Moffett, Clerk
Illinois Pollution Control Board