

ILLINOIS POLLUTION CONTROL BOARD

August 15, 1996

CITY OF PROSPECT HEIGHTS)
(Rob Roy Water System),)
)
Petitioner,)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

PCB 96-195
(Variance - Public Water Supply)

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

This matter comes before the Board upon an amended petition for variance filed on May 17, 1996 by the City of Prospect Heights for its Rob Roy Water System. Prospect Heights seeks extension of variance from the Board's regulations for restricted status with respect to radium. The Illinois Environmental Protection Agency (Agency) filed its statutory recommendation on July 18, 1996. Prospect Heights has not filed a response to the Agency's recommendation.

The Agency recommends denial of the variance on the grounds that the Rob Roy System is not now on restricted status for exceeding the radium standard or for exceeding the standard for any other contaminant. (Agency Rec. at 5.) The Agency further observes that Rob Roy's two most recent radium analyses, each of which consisted of a composite of four consecutive quarterly samples, show combined radium of 3.9 pCi/L and 2.9 pCi/L; both results show compliance with the 5.0 pCi/l combined radium standard.

The Board agrees with the Agency that in the absence of being on restricted status, there is no need for the Rob Roy System to be granted variance from being on restricted status. The Board does not grant variance where there is no need for variance. Accordingly, the City of Prospect Height's request for extension of variance is hereby denied.

Section 41 of the Environmental Protection Act (415 ILCS 5/41 (1994)) provides for the appeal of final Board orders within 35 days of the date of service of this order. The Rules of the Supreme Court of Illinois establish filing requirements. (See also 35 Ill. Adm. Code 101.246 "Motions for Reconsideration".)

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the _____ day of _____, 1996 by a vote of _____.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board