

ILLINOIS POLLUTION CONTROL BOARD
September 13, 1989

CITY OF DECATUR,)
)
) Petitioner,)
)
) v.) PCB 89-146
)
) ILLINOIS ENVIRONMENTAL)
) PROTECTION AGENCY,)
)
) Respondent.)

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

This matter comes before the Board upon a recommendation filed by the Illinois Environmental Protection Agency ("Agency") on September 13, 1989 recommending that the Board grant a 45-day provisional variance to the City of Decatur. Decatur requests this variance from 35 Ill. Adm. Code 302.203 and 302.208 for iron and color to allow an evaluation study to be conducted of well waters into a tributary of Friends Creek. Friends Creek is tributary to the Sangamon River which is tributary to Lake Decatur. Lake Decatur is the water source for the City of Decatur. The purpose of this evaluation program is to provide an alternative source of water to Lake Decatur.

Decatur owns and operate a public water supply serving Decatur and nearby areas. During the summer of 1988, Decatur "experienced the lowest inflow to the water supply lake in the history of the facility. Only drastic and very costly emergency action with temporary measures, plus mandatory water restrictions on the public and industrial users of water, made it possible for the community to continue at normal employment through the drought period." (Agency Rec. at 1). Decatur seeks this provisional variance "to allow the continued emergency activity toward development of the alternative source of emergency supply." (Id.)

Decatur has reviewed the alternative sources of supplemental water and has adopted the use of groundwater. Decatur proposes to drill two test wells into the Teays aquifer and evaluate the results from these wells. Decatur has conducted preliminary tests of the iron content of the well water and has determined that the iron concentration will be approximately 2.0 mg/l. As an exact concentration is currently not known at this time, Decatur requests a variance from the 1.0 mg/l concentration of Section 302.208 up to 3.0 mg/l iron. The Agency states that it agrees that this additional limit may be necessary during this evaluation program. (Agency Rec. at 2).

Decatur states that the test work will be completed within 45 days from the onset of the test work. Decatur also states that "it is likely that the maximum time will be 28 days." The Agency states that it recommends Decatur be allowed 45 days in case the full 45 days is necessary to obtain all study data. Bids for construction work for the test wells were to be opened on August 31, 1989. Decatur has reviewed available alternatives to achieve compliance in lieu of a provisional variance. Decatur estimates that treatment at its North Treatment Plant would cost \$1,550,000; a containment lagoon would cost \$166,000 and onsite treatment by aeration would cost \$65,800. Decatur states, and the Agency states that it agrees that these costs are high in comparison to the benefits obtained during the provisional variance period.

Decatur claims that the adverse effects of this provisional variance will be minimal. The Agency states that it agrees with this statement, due to the short duration as well as the requested limitations. The Agency also states that there are no federal regulations which would preclude the granting of this variance.

The Board having received notification from the Agency that compliance on a short term basis with the effluent limitations imposed by 35 Ill. Adm. Code 302.203 and 302.208 would impose an arbitrary or unreasonable hardship upon Decatur, and the Board concurring in that notification, will grant Decatur's provisional variance, subject to the conditions suggested by the Agency.

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

ORDER

The City of Decatur is hereby granted provisional variance from 35 Ill. Adm. Code 302.203 as it pertains to color and 302.208 as it pertains to iron, subject to the following conditions:

- a. Variance shall begin when the evaluation period from the wells begin and continue for a period of 45 days or until the evaluation is completed, whichever occurs first.
- b. During the the term of this variance, the instream iron concentration shall be limited to 3 mg/l iron.
- c. The results of all iron sampling done during the term of this variance shall be submitted to the Agency.
- d. Decatur shall notify Pat Lindsey of the Agency via telephone at 217/782-9720 when the evaluation period from the wells begin and when the evaluation program ends.

Written confirmation of each notification shall be submitted within 5 days to:

Illinois Environmental Protection Agency
Division of Water Pollution Control
2200 Churchill Road, P. O. Box 19276
Springfield, Illinois 62794-9276
Attn: Compliance Assurance Section

- e. Within 10 days of this Order, Decatur shall execute a Certificate of Acceptance and Agreement which shall be sent to Mark T. Books at the address indicated above.

This variance shall be void if Petitioner fails to execute and forward the certificate within the ten day period. The ten day period shall be held in abeyance during any period that this matter is being appealed. The form of said Certification shall be as follows:

CERTIFICATION

I, (We), the City of Decatur, having read the Order of the Illinois Pollution Control Board, in PCB 89-146, dated September 13, 1989, understand and accept the said Order, realizing that such acceptance renders all terms and conditions thereto binding and enforceable.

Petitioner

By: Authorized Agent

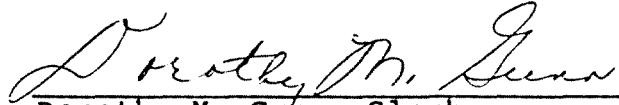
Title

Date

Section 41 of the Environmental Protection Act, Ill. Rev. Stat. 1987 ch. 111¹/₂ par. 1041, provides for appeal of final Orders of the Board within 35 days. The Rules of the Supreme Court of Illinois establish filing requirements.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Opinion and Order was adopted on the 15th day of September, 1989, by a vote of 6-0.



Dorothy M. Gunn, Clerk,
Illinois Pollution Control Board