

ILLINOIS POLLUTION CONTROL BOARD  
July 31, 1986

VILLAGE OF LEMONT, )  
 )  
 Petitioner, )  
 )  
 v. ) PCB 86-54  
 )  
 ILLINOIS ENVIRONMENTAL )  
 PROTECTION AGENCY, )  
 )  
 Respondent. )

CONCURRING OPINION (by J. Anderson):

I do not feel that the Board's action denying variance was an unreasonable response to Lemont's unacceptable failure to vigorously respond to the conditions of the Board's prior variance order.

However, I am concerned that this outright denial might drive Lemont, in its effort to accommodate its new developments, to invest in a permanent compliance option that involves treatment of its raw water which creates a radioactive sludge. Even assuming that Lemont can find a place to dispose of this sludge, any such compliance option may result in attainment of compliance more quickly, but would be far less environmentally acceptable, than Lemont's utilization of its Lake Michigan water allocation, which would eliminate any problem associated with radium removal.

This record indicates that Lake Michigan water should be affordable if Lemont can a) collect the sizeable tap-on fees projected from its proposed hospital/senior citizen/commercial/residential developments, which fees would allow it to finance the operations, b) increase its borrowing power, as a result of these projects, tripling of its assessed valuation and c) reduce the per customer construction costs, presently estimated at \$7,650 per customer.

I believe, the Board might have brought Lemont into compliance more effectively, and potentially more quickly, if it had granted a short-term variance with conditions placing Lemont on a "fast track" program. I would have preferred that the Board grant variance for nine months, but with automatic termination in five months if at that time no variance petition had been filed by Lemont which included the selection of a specific option, and a firm compliance plan with increments of progress and compliance timetables. Additionally, if Lake Michigan water was the chosen

option, I would have wished the petition to contain a copy of a formal agreement between Lemont and the entity providing delivery of the water, as well as a statement any interim measures that could be taken to either achieve compliance or reduce the radium levels, particularly by blending. On the other hand, if blending were the chosen option, I would have required the petition to state the specific additional well water sources referred to in the record.

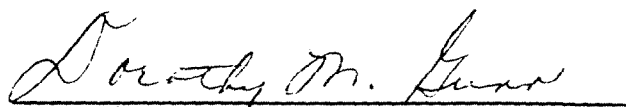
As Lemont has already hired a consultant to get "hard" figures on costs of getting Lake Michigan water, I believe five months would have been sufficient time for Lemont to make a decision about how best to achieve compliance and to get any necessary agreements from Orland Park or whatever other hook-on source is preferred and available.

In any event, I reiterate my hope that Lemont will consider any compliance option other than use of Lake Michigan water only as an interim measure.

For these reasons, I concur.

  
Joan G. Anderson

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above Concurring Opinion was submitted on the 6<sup>th</sup> day of August, 1986.

  
Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board