

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

MARINE BANK SPRINGFIELD TRUST #53-0051)

Petitioner,

v.

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Respondent.

PCB No. 24-81  
(UST Permit Appeal)

**NOTICE OF FILING AND PROOF OF SERVICE**

TO: Carol Webb, Hearing Officer	Richard Kim
Illinois Pollution Control Board	Illinois Environmental Protection Agency
1021 N. Grand Avenue East	2520 W Iles Ave,
P.O. Box 19274	P.O. Box 19276
Springfield, IL 62794-9274	Springfield, IL 62794-9276
(carol.webb@illinois.gov)	(richard.kim@illinois.gov)

PLEASE TAKE NOTICE that I have today electronically filed with the Office of the Clerk of the Illinois Pollution Control Board, Petitioner's Motion to Supplement Administrative Record Directed to Hearing Officer, copies of which are herewith served upon the above persons.

The undersigned hereby certifies that a true and correct copy of this Notice of Filing, together with a copy of the documents described above, were today served upon the Hearing Officer and Division of Legal Counsel by electronic-mail, this 11<sup>th</sup> day of February, 2025. The number of pages of this filing, other than exhibits, is 12.

Respectfully submitted,

MARINE BANK SPRINGFIELD TRUST #53-0051,  
Petitioner,

BY: LAW OFFICE OF PATRICK D. SHAW

BY: /s/ Patrick D. Shaw

Patrick D. Shaw  
LAW OFFICE OF PATRICK D. SHAW  
80 Bellerive Road  
Springfield, IL 62704  
217-299-8484  
[pdshaw1law@gmail.com](mailto:pdshaw1law@gmail.com)

BEFORE THE POLLUTION CONTROL BOARD  
OF THE STATE OF ILLINOIS

MARINE BANK SPRINGFIELD TRUST #53-0051)

Petitioner,

**V.**

ILLINOIS ENVIRONMENTAL  
PROTECTION AGENCY,

Respondent.

PCB No. 24-81  
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**MOTION TO SUPPLEMENT ADMINISTRATIVE RECORD**  
**DIRECTED TO HEARING OFFICER**

NOW COMES Petitioner, MARINE BANK SPRINGFIELD TRUST #53-0051, by its undersigned attorney, pursuant to Section 101.500 of the Board's Procedural Rules (35 Ill. Adm. Code § 101.500), to supplement the Administrative Record as follows:

1. On July 24, 2024, the Illinois Environmental Protection Agency (hereinafter “the IEPA”) filed the Administrative Record herein.
2. This appeal arises from an IEPA decision on May 28, 2024, which inter alia deducted the costs for obtaining a groundwater ordinance from the budget. (A.R.432, A.R.436)
3. In preparing a motion for summary judgment, Petitioner’s attorney discovered that correspondence between the IEPA and Petitioner’s consultant from May 21<sup>st</sup> to May 23<sup>rd</sup> of 2024 which related to the groundwater ordinance issue was not in the administrative record.
4. Attached hereto are those e-mails including a draft of the groundwater ordinance and map that were attached to one of those e-mails. These documents are numbered S.R.001 to S.R.009.
5. Counsel for the IEPA has no objection to admission of these documents.

WHEREFORE, Petitioner, MARINE BANK SPRINGFIELD TRUST #53-0051, hereby requests that the Hearing Officer enter an order granting this Motion to Supplement the Administrative Record or for such other and further relief as she deems meet and just.

Respectfully submitted,

MARINE BANK SPRINGFIELD TRUST #53-0051,  
Petitioner,

BY: LAW OFFICE OF PATRICK D. SHAW

BY: /s/ Patrick D. Shaw

Patrick D. Shaw  
LAW OFFICE OF PATRICK D. SHAW  
80 Bellerive Road  
Springfield, IL 62704  
217-299-8484  
pdshaw1law@gmail.com

**From:** Mickey Davis <mickey@cwmcompany.com>  
**Sent:** Tuesday, May 21, 2024 10:15 AM  
**To:** Rothering, Scott <Scott.Rothering@Illinois.gov>  
**Subject:** [External] Marine Bank Trust #53-0051, Incident # 20030135/ CAP

Scott,

Attached is an electronic copy of the CAP report as requested. Also attached is a draft version of the ordinance document and the ordinance map.

Mickey Davis

Project Manager

CW3M Company, Inc.

701 South Grand Avenue West  
Springfield, IL 62704  
(217) 522-8001

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S.R.001

**From:** Rothering, Scott <Scott.Rothering@illinois.gov>

**Sent:** Wednesday, May 22, 2024 11:01:46 AM

**To:** Mickey Davis <mickey@cwmcompany.com>; Carol Rowe <carol\_rowe@sbcglobal.net>; matts cwmcompany.com <matts@cwmcompany.com>

**Subject:** RE: Marine Bank Trust #53-0051, Incident # 20030135/ CAP

Electronic Filing: Received, Clerk's Office 02/11/2025

Thank you for providing the draft ordinance. However, I have been told it is not the only thing we need. I apologize for requesting only the ordinance, as this is how I have been doing it for some time. Maybe I just haven't been doing it correctly. Anyway, we need an indication from the Village of Cantrall that they are aware of the use of a groundwater ordinance and are in support of using one and proof that the off-site property owners are willing to accept an ELUC being placed on their properties.

I can approve the plan for using these but not the costs for obtaining them in the budget.

Since I am on vacation next week and we need this information, perhaps a waiver of the 120-day deadline for review of 60 days would be useful for this review? Or I can approve the plan and cut the costs for the ELUC and ordinance out of the budget.

Please let me know as soon as you can which direction you would prefer to go, call me with any questions. Thank you.

Scott R. Rothering

Illinois Environmental Protection Agency

scott.rothering@illinois.gov

217-785-1858

S.R.002

**From:** matts cwmcompany.com <matts@cwmcompany.com>  
**Sent:** Wednesday, May 22, 2024 1:03 PM  
**To:** Mickey Davis <mickey@cwmcompany.com>; Rothering, Scott <Scott.Rothering@Illinois.gov>  
**Subject:** [External] Re: Marine Bank Trust #53-0051, Incident # 20030135/ CAP

Scott,

Can you clarify why we would need to notify the Village of Cantrall of the usage of the ordinance? The ordinance is through the township of Fancy Creek, which has jurisdiction over the entire area needed for the proposed ordinance. The proposed ordinance does not encroach the actual corporate village limits of Cantrall (although the properties covered under the ordinance do have Cantrall addresses, which is where the confusion might come from). It would make sense to

notify the properties affected, but I guess I'm not sure why we would need to notify the village since it doesn't touch its corporate limits.

We only have proposed one ELUC, and it is for the large farm property directly adjacent north and east of the subject site. They have already signed an ELUC, so the willingness to accept doesn't apply there as far as it seems.

Let me know if you have any questions or concerns.

Thanks,

Matt Saladino, P.E.

Senior Professional Engineer

CW<sup>3</sup>M Company, Inc.

701 W. South Grand Avenue, Springfield, Illinois

(217) 522-8001

**From:** Rothering, Scott <Scott.Rothering@Illinois.gov>  
**Sent:** Wednesday, May 22, 2024 1:03 PM  
**To:** matts cwmcompany.com <matts@cwmcompany.com>  
**Subject:** RE: Marine Bank Trust #53-0051, Incident # 20030135/ CAP

My mistake. It should be the Township of Fancy Creek. I just wrote it down wrong.

Scott R. Rothering

Illinois Environmental Protection Agency

scott.rothering@illinois.gov

217-785-1858

S.R.003

Electronic Filing: Received, Clerk's Office 02/11/2025

**From:** matts cwmcompany.com <matts@cwmcompany.com>

**Sent:** Thursday, May 23, 2024 7:54 AM

**To:** Rothering, Scott <Scott.Rothering@Illinois.gov>; Mickey Davis <mickey@cwmcompany.com>

**Subject:** [External] Re: Marine Bank Trust #53-0051, Incident # 20030135/ CAP

Scott,

Just to make sure we're on the same page then, we are needing to submit documentation that Fancy Creek Township is amenable to adopting a groundwater ordinance?

Thanks,

Matt Saladino, P.E.

Senior Professional Engineer

CW<sup>3</sup>M Company, Inc.

701 W. South Grand Avenue, Springfield, Illinois

(217) 522-8001

**From:** Rothering, Scott <Scott.Rothering@Illinois.gov>

**Sent:** Thursday, May 23, 2024 8:47 AM

**To:** matts cwmcompany.com <matts@cwmcompany.com>

**Subject:** RE: Marine Bank Trust #53-0051, Incident # 20030135/ CAP

I'm sorry about the confusion. Yes, we need that, and we need documentation that the off site property owners where the ELUCs are proposed are willing to accept the ELUCs.

I know this report has been in the office since February. Previously I only required a draft groundwater ordinance. Now I know these are required and I will add this to me review. This could be asking too much from you on short notice. That is the reason I included information about the waiver. However, if you don't want to do that, I can approve the plan and cut the costs for the ELUC and Groundwater Ordinance in the budget and you can submit them later with the supporting documentation in a later budget.

Let me know which way you want to go, if you want to discuss this, you can call me.

Thanks.

Scott R. Rothering

Illinois Environmental Protection Agency

scott.rothering@illinois.gov

217-785-1858

S.R.004

**From:** matts cwmcompany.com <matts@cwmcompany.com>  
**Sent:** Thursday, May 23, 2024 9:22 AM  
**To:** Rothering, Scott <Scott.Rothering@illinois.gov>  
**Cc:** Mickey Davis <mickey@cwmcompany.com>  
**Subject:** [External] Re: Marine Bank Trust #53-0051, Incident # 20030135/ CAP

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Scott,

I have attached the correspondence with Fancy Creek Township. We sent them a draft groundwater ordinance on 5/21/24, which is what Mickey previously provided you the draft of. They are currently reviewing.

Additionally, I have attached the signed ELUC and correspondence with the off-site property (it is the only property requiring an ELUC).

Please let me know if you need any additional information or if you have any questions or concerns.

Thanks,

Matt Saladino, P.E.

Senior Professional Engineer

CW<sup>3</sup>M Company, Inc.

701 W. South Grand Avenue, Springfield, Illinois

(217) 522-8001

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**Sent:** Thursday, May 23, 2024 9:23 AM  
**To:** matts cwmcompany.com <matts@cwmcompany.com>  
**Subject:** RE: Marine Bank Trust #53-0051, Incident # 20030135/ CAP

Thank you.

Scott R. Rothering

Illinois Environmental Protection Agency

scott.rothering@illinois.gov

217-785-1858

S.R.005



ORDINANCE NUMBER \_\_\_\_ DRAFT \_\_\_\_

AN ORDINANCE PROHIBITING THE USE OF GROUNDWATER AS A POTABLE WATER  
SUPPLY BY THE INSTALLATION OR USE OF POTABLE WATER SUPPLY  
WELLS OR BY ANY OTHER METHOD

WHEREAS, certain properties in the Fancy Creek Township have been used over a period of time for commercial/industrial purposes; and

WHEREAS, because of said use, concentrations of certain chemical constituents in the groundwater beneath the designated parcels within the city may exceed Class I groundwater quality standards for potable resource groundwater as set forth in 35 Illinois Administrative Code 620 or Tier 1 remediation objectives as set forth in 35 Illinois Administrative Code 742; and

WHEREAS, the Fancy Creek Township desires to limit potential threats to human health from groundwater contamination while facilitating the redevelopment and productive use of properties that are the source of said chemical constituents;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF FANCY CREEK  
TOWNSHIP, ILLINOIS:

Section One. Use of groundwater as a potable water supply prohibited.

Except for such uses or methods in existence before the effective date of this ordinance, the use of, or attempted use to use as a potable water supply groundwater from within the limits of the Fancy Creek Township set forth herein, as a potable water supply, by the installation or drilling of wells or by any other method is hereby prohibited. This prohibition expressly includes the Fancy Creek Township. The ordinance pertains to the properties and rights of ways adjoining.

Starting at the northeast intersection corner of Claypool St (Barber Rd) and Illinois Route 29, moving west to the west edge of Parcel 6080-200-003, then moving north along the western edge and east along the northern edge of Parcel 6080-200-003, crossing over Illinois route 29 to the west edge of Parcel 6090-100-001. Next moving north along the western edge of Parcel 6090-100-001, then east along the northern edge of Parcel 6090-100-001, next south along the eastern edge of Parcel 6090-100-001 and moving back west along the southern edge of Parcel 6090-100-001.

Then crossing Claypool St to the western edge of Parcel 6090-301-015. Then south along the eastern edge of Parcel 6090-301-015 and then northwest along the southern edge of Parcel 6090-301-015, continuing west along the south edge of Parcel 6090-301-010 and Parcel 6090-301-001. Next moving north along the western edge of Parcel 6090-301-001, crossing Claypool St and back to the northeast corner of Claypool St and Illinois Route 29.

A map of the limits and a list of the properties potentially affected for this ordinance for Fancy Creek Township are shown in Attachment A.

Section Two. Penalties.

Any person violating the provisions of this ordinance shall be subject to a fine of not less than \$\_\_\_\_\_ or more than \$\_\_\_\_\_ for each violation.

Section Three. Definitions.

"Person" is any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision, or any other legal entity, or their legal representatives, agents or assigns.

"Potable water" is any water used for human or domestic consumption, including, but not limited to, water used for drinking, bathing, swimming, washing dishes, or preparing foods.

Section Four. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed insofar as they are in conflict with this ordinance.

Section Five. Severability.

If any provision of this ordinance or its application to any person or under any circumstances is adjudged invalid, such adjudication shall not affect the validity of the ordinance as a whole or of any portion not adjudged invalid.

Section Six. Effective date.

This ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

ADOPTED: \_\_\_\_\_  
(Date)

APPROVED: \_\_\_\_\_  
(Date)

\_\_\_\_\_

\_\_\_\_\_

Township Clerk

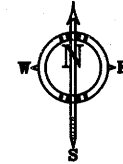
Township Official

Officially published this \_\_\_\_ day of \_\_\_\_ 2024 \_\_.

AYES \_\_\_\_\_

NAYS \_\_\_\_\_

ABSENT \_\_\_\_\_



# ONE SINGULAR PARCEL

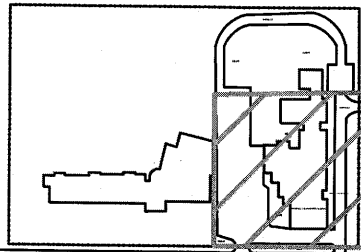
PIN: 06-09-0-100-001

FARMLAND

FARMLAND

FARMLAND

FARMLAND



**CWM COMPANY, INC.**  
701 W. SOUTH GRAND  
SPRINGFIELD, IL. 62704  
(217) 522-8001

**MARINE BANK TRUST**  
#530051  
CANTRALL, ILLINOIS  
INCIDENT #03-0135  
SANGAMON COUNTY

**PROPOSED  
GROUNDWATER  
ORDINANCE MAP**

**DATE: 2/1/24**  
**REVISED DATE:**  
**SCALE 1"=500'**  
**DRAWING: 0009**

**DRAWN BY: MWD**  
**REVISED BY:**  
**REVIEWED BY: CLR**  
**GWord.DWG**