

ILLINOIS POLLUTION CONTROL BOARD  
November 6, 2003

McLEAN COUNTY SCHOOL DISTRICT )  
NO 5, )  
 )  
Petitioner, )  
 ) PCB 04-64  
v. ) (Water Well Setback Exception)  
 )  
ILLINOIS ENVIRONMENTAL )  
PROTECTION AGENCY, and THE TOWN )  
OF NORMAL, ILLINOIS, )  
 )  
Respondents. )

ORDER OF THE BOARD (by N.J. Melas):

On October 17, 2003, petitioner McLean County School District No. 5 (School District No. 5) filed a petition for a water well setback exception relating to installing injection wells as part of a High Priority Corrective Action Plan (HPCAP) on property located at 900 Kern Street, Normal, McLean County (site). Pet. at 1.

The petition asserts that School District No. 5 removed an underground storage tank (UST) from the site on June 24, 1997. Pet. at 1. School District No. 5 alleges a release of petroleum from the UST was discovered. School District No. 5 asserts that its consultant submitted an HPCAP to the Environmental Protection Agency (Agency), and the Agency approved the HPCAP with two conditions. Pet. at 2. First, the Agency requires that School District No. 5's HPCAP comply with the requirements applicable under Underground Injection Control Program for Class V Wells. *Id.* Second, the Agency requires School District No. 5 to obtain Board approval to place the injection wells within the setback zone of two water wells, which is the subject of this petition. *Id.*

The owner of the two affected water wells is the Town of Normal, and the affected wells are community water wells. Pet. at 1. Pursuant to Section 14.2(c) of the Environmental Protection Act (Act), School District No. 5 may file a petition with the Board and the Agency seeking an exception to the setback requirements applicable to a community water supply. 415 ILCS 5/14.2(c) (2002). School District No. 5's petition meets the content requirements of 35 Ill. Adm. Code 106.304 and Section 14.2 of the Act. 415 ILCS 5/14.2 (2002). The Board accepts this petition for hearing.

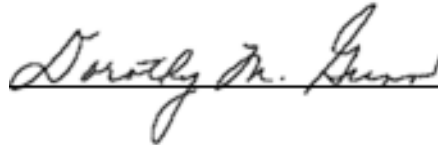
School District No. 5 has the burden of proof. 415 ILCS 5/40(a)(1) (2002); *see also* 35 Ill. Adm. Code 106.310. The Board will hold at least one hearing in an exception proceeding and the hearing officer will schedule the hearing. 35 Ill. Adm. Code 106.308. The Board will grant an exception where the petitioner has presented adequate proof:

“that compliance with the setback requirements of this Section would pose an arbitrary and unreasonable hardship upon the petitioner, that the petitioner will utilize the best available technology controls economically achievable to minimize the likelihood of contamination of the potable water supply well, that the maximum feasible alternative setback will be utilized, and that the location of such potential source or potential route will not constitute a significant hazard to the potable water supply well.” 415 ILCS 5/14.2(c) (2002).

The Board directs that this matter proceed to hearing as expeditiously as practicable. The assigned hearing officer must set the matter for hearing in accordance with the requirements of the Act and the Board’s procedural rules.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on November 6, 2003, by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board