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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

FEB 07 2005

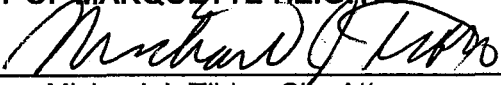
STATE OF ILLINOIS  
Pollution Control Board

IN THE MATTER OF:	)	
	)	
MAXIMUM SETBACK ZONES	)	R05-9
(35 Ill. Adm. Code 618)	)	(Rulemaking Public Water Supplies)

APPEARANCE

The undersigned hereby enters his entry of appearance on behalf of the City of Marquette Heights.

CITY OF MARQUETTE HEIGHTS

By:   
 Michael J. Tibbs, City Attorney  
 Miller, Hall & Triggs  
 416 Main Street, Suite 1125  
 Peoria, Illinois 61602  
 (309) 671-9600

Date: February 4, 2005

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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IN THE MATTER OF: )

MAXIMUM SETBACK ZONES )  
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R05-9  
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STATE OF ILLINOIS  
Pollution Control Board

NOTICE OF FILING

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Illinois Pollution Control Board  
James R. Thompson Center  
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**PLEASE TAKE NOTICE** that I have today filed with the Office of the Clerk of the Illinois Pollution Control Board the written testimony of David Redfield, Mayor of the City of Marquette Heights, a copy of which is herewith served upon you.

**CITY OF MARQUETTE HEIGHTS**

By:   
Michael J. Tibbs, City Attorney  
Miller, Hall & Triggs  
416 Main Street, Suite 1125  
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Pollution Control Board

IN THE MATTER OF: )

MAXIMUM SETBACK ZONES )  
(35 Ill. Adm. Code 618) )

R05-9  
(Rulemaking Public Water Supplies)

MOTION FOR ACCEPTANCE

The City of Marquette Heights, pursuant to 35 Ill. Adm. Code 102.242, moves the Illinois Pollution Control Board to accept the attached written testimony of David Redfield, Mayor of the City of Marquette Heights, for the above-referenced matter.

Respectfully submitted,

**CITY OF MARQUETTE HEIGHTS**

By



Michael J. Tibbs, City Attorney  
Miller, Hall & Triggs  
416 Main Street, Suite 1125  
Peoria, Illinois 61602  
(309) 671-9600

Date: February 4, 2005

**ORIGINAL**  
**TESTIMONY OF DAVID REDFIELD, MAYOR OF**  
**THE CITY OF MARQUETTE HEIGHTS**

**RECEIVED**  
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STATE OF ILLINOIS  
Pollution Control Board

**Introduction**

My name is David Redfield. I have been Mayor of the City of Marquette Heights since May of 2001. Prior to my term as Mayor, I served as an alderman on the Marquette Heights City Council from 1997 to 2001. I have lived in the City of Marquette Heights (hereinafter "Marquette Heights" or the "City") since 1967.

I am testifying on behalf of the City in support of a proposal by the Illinois Environmental Protection Agency ("IEPA") to enlarge the setback zone which surrounds Marquette Heights Water Wells #4 and #5 (collectively "Wells #4 and #5). Enlargement of this setback zone would increase the level of protection available to Wells #4 and #5. Based on the evidence introduced in this proceeding by the IEPA through witness Richard Cobb, P.G. and based on some additional information which I will provide in this testimony, the City strongly supports the enlargement of the setback zone which surrounds Wells #4 and #5 as proposed by the IEPA.

**Overview of the City's Plans for the Future**

Marquette Heights lies near the intersection of Interstate Route 474 and Illinois Route 29. With the exception of a small area of approximately 13 acres which lies just west of Route 29, the City sits primarily on a bluff which overlooks the valley occupied by the Illinois River and in areas of higher elevation lying east of the bluff area.

The Village of North Pekin lies to the south and west of Marquette Heights. The City is also bounded on the north by the Village of Creve Coeur and by a large tract of

land owned by the Pekin Park District. Dirksen Park, another large property owned by the Pekin Park District lies to the south of the City. The only territory available for further expansion of Marquette Heights lies to the east of the City. This territory (the "Undeveloped Territory") consists largely of farm fields, pasture land and wooded areas interspersed with some single family dwellings.

The City of Pekin working in cooperation with other units of local government including Marquette Heights and also with state and federal authorities is promoting a new five lane roadway referred to as "Veteran's Drive." As currently contemplated, Veteran's Drive will run through the Undeveloped Territory in a north/south direction at a distance of approximately one quarter mile east of the present corporate limits of the City and end with a new intersection which connects Veteran's Drive to Interstate 474. Construction of the first phase of Veteran's Drive has already been completed. The end point of this first phase lies several miles southeast of Marquette Heights. However, engineers for the project are actively planning for the remaining two phases while elected officials seek funding for construction. Although no date for completion of Veteran's Drive has been established, construction of this roadway would almost inevitably result in the construction of new homes and business within the Undeveloped Territory.

In 1981, the City entered into an intergovernmental agreement with the Village of Creve Coeur under the terms of which the City has the irrevocable right to utilize 30% of the capacity of a new wastewater treatment plant (the "Wastewater Treatment Plant") operated by the Village of Creve Coeur. That portion of the capacity of the Wastewater Treatment Plant reserved for use by Marquette Heights appears to be adequate to serve any new residential or commercial facilities likely to be constructed within the Undeveloped Territory. No other nearby unit of government has the capacity to provide

cost effective treatment of wastewater generated by new construction within the Undeveloped Territory.

In order to promote orderly, efficient and proper utilization of the Undeveloped Territory, the City in 2001 adopted its first comprehensive plan. A map showing the land uses recommended in and around the City, including the Undeveloped Territory is attached hereto labeled as "Exhibit A."

### **The City's Water System**

The City's water system serves approximately 1,064 service connections within the corporate limits and 56 service connections which lie within the Undeveloped Territory to the east of Marquette Heights. The City supplies raw water to its system only through Wells #4 and #5 which are, of course, the subject of this proceeding. While the Marquette Heights water system is interconnected with North Pekin's water system in order that each community may on an emergency basis serve the other, the City has no source of raw water other than Wells #4 and #5.

The City operates an ion exchange water treatment plant located approximately 1,000 feet south and east of Wells #4 and #5. An elevated storage tank with a capacity of 100,000 gallons ("Tower One") has served the City since approximately 1948. Tower One provides marginally adequate storage capacity with no backup to allow for maintenance or repair of the tower. Furthermore, Tower One does not provide adequate pressure to all parts of the City, particularly in the eastern portion of the City.

In order to address the shortcomings of Tower One and in order to insure adequate storage capacity and pressure to eventually serve the Undeveloped Territory, the City has undertaken the construction of a second elevated storage tank ("Tower Two") with a capacity of 300,000 gallons. The City has awarded a contract for the

construction of Tower Two. The contract requires that the contractor complete the construction of Tower Two by November, 2005. Based upon construction work already completed, the City anticipates the timely completion of Tower Two.

### **Available Sources of Raw Water**

Wells #4 and #5 penetrate the sankoty aquifer. Testimony provided by Mr. Cobb of the IEPA indicates that the sankoty aquifer consists primarily of coarse to medium grained sand which rests on bedrock within the Illinois River valley. As already noted, the City predominately lies on and east of a bluff overlooking the Illinois River Valley. At this location, the corporate limits of the City do not appear to intersect with the sankoty aquifer at locations which are readily available and suitable for the placement of water wells capable of serving the needs of the City.

Anecdotal information available to officials of the City tends to support a conclusion that no locations suitable for community water supply wells lie within the corporate limits of the City. Marquette Heights Public Works Director Rick Crum has over the years repeatedly explored the feasibility of locating new wells within the City, but he has been advised by experienced well drillers that no suitable locations exist. Mr. Crum reaffirmed this determination as recently as January of 2005 through further discussions with David Dingledine, a respected local well driller, with M. Ebert & Co.

The Undeveloped Territory lying east of the City also contains large vacant areas which could potentially provide suitable well sites. However, adequate water bearing deposits do not exist in this area for all of the same reasons that adequate locations for water wells do not exist on available property within Marquette Heights.

That portion of the sankoty aquifer penetrated by Wells #4 and #5 lies within the Village of North Pekin. Accordingly, those wells lie at least partially under the regulatory

jurisdiction of North Pekin and not Marquette Heights. Even assuming (as the City does) the cooperation of North Pekin, relocating the wells in North Pekin would provide for long and expensive runs of pipe making them impractical.

The available evidence supports a conclusion that there are no sites readily available to the City which could serve as a location for wells to supplement or replace Wells #4 and #5. The limited availability of alternative sites underscores the importance of protecting the existing sites from contamination.

### **Costs of Alternative Sources of Water**

Even assuming the availability of convenient and suitable locations for replacement wells, the cost of such replacement wells would impose a substantial burden on both the City and the users of the water system.

In an effort to determine the approximate cost of replacing Wells #4 and #5, Public Works Director Rick Crum spoke to his counterpart in nearby East Peoria about the costs related to the recent construction by the City of East Peoria of a new water well and water treatment plant. In 1999, East Peoria spent approximately \$1,500,000 on this project. However, because East Peoria is a larger community than Marquette Heights, East Peoria also has several other wells and treatment plants which provide backup in the case that one or more wells or treatment plants suffer a malfunction or require maintenance. If Marquette Heights were to replicate the facilities recently constructed by East Peoria, the need on the part of Marquette Heights to provide at least one backup source of raw water would likely require Marquette Heights to expend substantially more than the amount spent by East Peoria.

In order to further gauge the cost of replicating the City's existing well and treatment facilities, Mr. Crum also spoke to Daniel Good, P.E., to obtain a rough



estimate of the cost of constructing such facilities in Marquette Heights. Mr. Crum was advised that the approximate cost of such facilities would be at least \$825,000. The rough approximation obtained by Mr. Crum assumes a conveniently available alternative location for the necessary facilities. However, as already noted, conveniently available alternative locations most likely do not exist. Without a conveniently available location, the costs associated with replacing the City's wells and treatment facilities would escalate substantially in order to accommodate the cost of longer transmission lines, appropriate pumping facilities and the acquisition of land and easements.

### **The Importance of Enlarging the Existing Setback**

It is my understanding that the Illinois Ground Water Protection Act and the Environmental Protection Act work together to limit the establishment of various sources of potential contamination within established setback zones. Consequently, the enlargement of the setback zone which protects Wells #4 and #5 would serve to reduce the proximity of new sources of contamination to Wells #4 and #5 and, therefore, decrease the risk both of contaminating those wells and of the significant financial burden which such contamination would impose on the City.

It is my further understanding that enlargement of the current setback zone for Wells #4 and #5 would promote more complete remediation at the site of the nearby BP/Amoco and Mobil Oil tank farms (the "Tank Farms"). Releases of petroleum distillates which occurred over a period of years at the Tank Farms resulted in contamination of the groundwater in the area. As a result of litigation initiated by the IEPA against the owners and operators of the Tank Farms, BP/Amoco is under a court order to complete a comprehensive corrective action program designed to remove contaminants from the groundwater in the area. The enlargement of the setback zone to

include an area which contains a plume of contamination which originated from the Tank Farms may reduce the risk that the court would authorize termination of the remediation program without first requiring removal of contaminants from the setback zone. In other words, enlarging the setback zone would move the point of compliance with applicable regulations to a location further from Wells #4 and #5.

Finally, the Village of North Pekin operates a water well located to the west of Wells #4 and #5. The North Pekin well already enjoys a 1000' setback which acts to partially protect Wells #4 and #5. I understand that North Pekin is considering the closure of its well. Closure of the North Pekin well would terminate the setback zone established to protect that well and, therefore, deprive Wells #4 and #5 of the protection provided by that setback zone.

### **Conclusion**

The City of Marquette Heights fully endorses the enlargement of the setback zone which protects Wells #4 and #5 in accordance with the proposal submitted by the IEPA. On behalf of the City, I urge the Pollution Control Board to adopt that proposal. I have no further testimony, but I will attempt to address any questions.

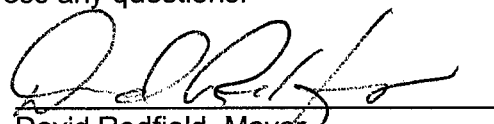
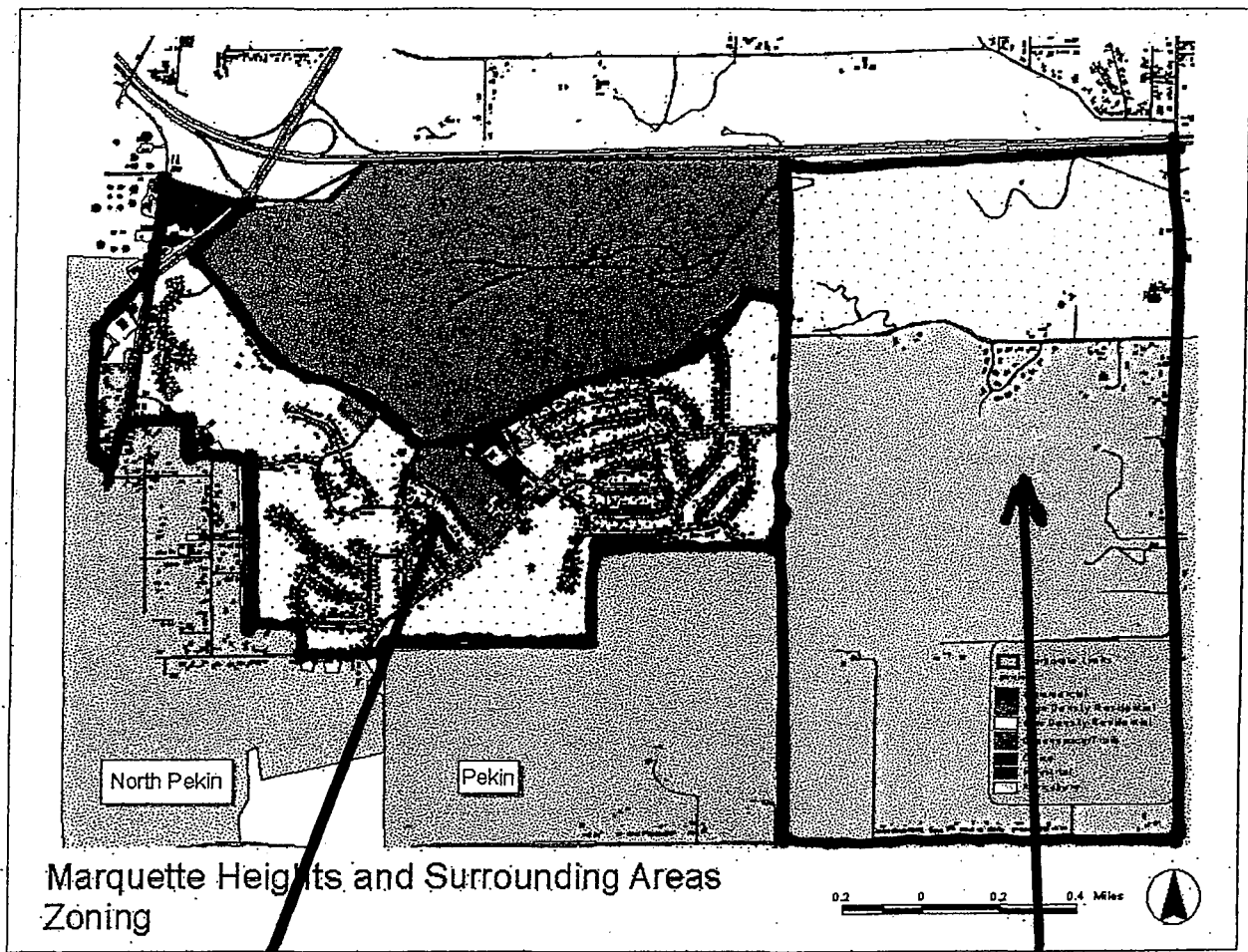
  
\_\_\_\_\_  
David Redfield, Mayor  
City of Marquette Heights

EXHIBIT A

CITY OF MARQUETTE HEIGHTS COMPREHENSIVE PLAN

Current Zoning



CITY OF MARQUETTE HEIGHTS

UNDEVELOPED TERRITORY

STATE OF ILLINOIS     )  
  )  
COUNTY OF PEORIA     )

**PROOF OF SERVICE**

I, the undersigned, on oath state that I have served the attached Written Testimony of David Redfield, Mayor of the City of Marquette Heights upon the person to whom it is directed, by placing a copy in an envelope addressed to:

Dorothy Gunn, Clerk  
Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph, Suite 11-500  
Chicago, Illinois 60601

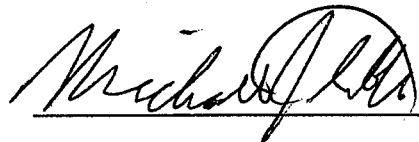
Matthew Dunn, Esq.  
Environmental Bureau Chief  
Office of the Attorney General  
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General Counsel  
Illinois Department of Natural Resources  
One Natural Resources Way  
Springfield, Illinois 62702-1271

Richard R. McGill, Jr.  
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Chicago, Illinois 60601

Kimberly A. Geving  
Assistant Counsel  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Ave. East  
PO Box 19276  
Springfield, Illinois 62794-9276

and mailing it from Peoria, Illinois on February 4, 2005 with sufficient postage affixed.



SUBSCRIBED AND SWORN TO BEFORE ME

This 4th day of February, 2005

Anna M. Stommel  
Notary Public

