

APR 06 2005

ILLINOIS POLLUTION CONTROL BOARD

April 6, 2005

STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
SETBACK ZONE FOR CITY OF) R05-9
MARQUETTE HEIGHTS COMMUNITY) (Rulemaking – Public Water Supply)
WATER SUPPLY, NEW 35 ILL. ADM.)
CODE 618)

HEARING OFFICER ORDER

As set forth below, this order establishes a pre-first-notice deadline for filing public comments with the Board. By way of background, on November 5, 2004, the Board received a rulemaking proposal from the Illinois Environmental Protection Agency (Agency) to establish 1,000-foot setback zone protection for the community water supply (CWS) wells of the City of Marquette Heights, in Tazewell County. The Agency's proposal is the first of its kind under Section 14.3(d) of the Environmental Protection Act (415 ILCS 5/14.3(d) (2002)), which allows for the establishment of "maximum setback zones" to prevent contamination of particularly vulnerable groundwater sources used by CWS. The proposed public water supply rules would create a new Part 618 of Title 35 of the Illinois Administrative Code.

The Board held a hearing on this rulemaking proposal in Pekin on March 1, 2005, and a second hearing in Chicago on April 5, 2005. No further hearings are presently scheduled. The transcript of the first hearing may be found on the Board's Web Site through the Clerk's Office On-Line (COOL) at www.ipcb.state.il.us. Many other documents in this rulemaking record are also available on COOL, including the Agency's rulemaking proposal and its *errata* sheet number one, proposing changes to the rule language originally proposed. The transcript of the second hearing should be available on COOL during the week of April 18, 2005. The entire record of this rulemaking is available in Chicago at the Clerk's Office (312-814-3629).

May 20, 2005, is the pre-first-notice deadline for filing written public comments with the Clerk's Office. Public comments must be filed at the following address:

Pollution Control Board
Dorothy Gunn, Clerk
JRTC
100 W. Randolph Street, Suite 11-500
Chicago, IL 60601

There will be other opportunities to file public comments in this rulemaking—for example, public comments may be filed with the Board up to at least 45 days after any first-notice publication of the rulemaking proposal appears in the *Illinois Register*. However, filing a public comment by the pre-first-notice deadline of May 20, 2005, *ensures* that the public comment will be considered by the Board before the Board proceeds to any first-notice decision.

Please note that as part of the Board's voluntary electronic filing pilot project, public comments may be filed through COOL. Any questions about electronic filing through COOL should be directed to the Clerk's Office at (312) 814-3629.

All filings with the Clerk of the Board must be served on the hearing officer and on those persons on the Service List. Before filing any document with the Clerk, please check with Sandy Wiley at (312) 814-3623 or wileys@ipcb.state.il.us or the hearing officer or the Clerk's Office to ensure that you have the most recent version of the R05-9 Service List.

IT IS SO ORDERED.



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Hearing Officer
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