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**BEFORE THE POLLUTION BOARD
OF THE STATE OF ILLINOIS**

MAR 25 2005

STATE OF ILLINOIS
Pollution Control Board

PAUL JOHNSON, INC.,)

Petitioner,)

vs.)

PCB NO. 05-109)

ILLINOIS ENVIRONMENTAL PROTECTION)
AGENCY and VILLAGE OF WATERMAN,)
ILLINOIS,)

Respondents.)

To: Charles W. Gunnarson
IEPA
1021 N. Grand Ave., East
P.O. Box 19276
Springfield, IL 62794-9276

Richard M. Saines
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130 E. Randolph Dr.
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Lynn Dunaway
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NOTICE OF FILING

Please take notice that I filed today with the office of Clerk of the Pollution Control Board a **Post Hearing Brief** on behalf of the Village of Waterman, Illinois, a copy of which is herewith served upon you.

Respectfully Submitted,

VILLAGE OF WATERMAN,

By: 

Kevin E. Buick, Village Attorney

CLIFFE, FOSTER, CORNELLE, BUICK & BUICK
331 WEST STATE STREET
SYCAMORE, ILLINOIS 60178
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STATE OF ILLINOIS
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**BEFORE THE POLLUTION BOARD
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PAUL JOHNSON, INC.,)
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 Petitioner,)
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 vs.) PCB NO. 05-109
)
 ILLINOIS ENVIRONMENTAL PROTECTION)
 AGENCY and VILLAGE OF WATERMAN,)
 ILLINOIS,)
)
 Respondents.)

POST HEARING BRIEF OF VILLAGE OF WATERMAN

On March 8, 2005, at the public hearing for this matter, Petitioner Paul Johnson, Inc. presented testimony and exhibits in support of its Petition for a Water Well Setback Exception. Petitioner is seeking to use "direct push" technology for in-situ remediation of hydrocarbon contamination of the shallow aquifer at the site of its former truck leasing and fueling operation in Waterman, Illinois.

At the public hearing, Petitioner produced the testimony of Stephen Swenson of Clayton Group Services, who testified regarding the Petitioner's desire to inject Oxygen Release Compound ("ORC") in the form of slurry and nutrients around the perimeter of the hydrocarbon plume which lies underneath the surface of the Petitioner's property. This area lies within 150 feet from one of the Village of Waterman's municipal potable water wells, specifically, Well #2. Because the bioremediation activity sought by Petitioner impacts an area within 200 feet of the Village of Waterman's active municipal potable water well, this setback exception hearing was necessary in accordance with the standards of 35 Ill. Adm. Code 106.300 et seq. and 415 ILCS 5/14.2 (c).

The testimony of Mr. Swenson at the public hearing indicated that the injection wells proposed by Petitioner would extend down 10 to 14 feet below the surface, and would have the effect of forming a mound of ground water, creating a hydraulic barrier, to prevent entry of the ORC into the municipal well area. Mr. Swenson testified that the remediation process will create solids that would not tend to migrate into the areas which would create an impact upon the municipal water well. The Illinois Environmental Protection Agency is generally supportive of the process sought to be pursued by the Petition, and the Village of Waterman defers to the expertise and knowledge of the IEPA in this regard. The Village

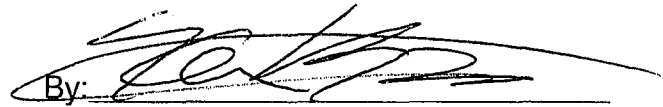
joins in the request of the IEPA that the Board order PJI to continue groundwater remediation efforts for a minimum of two consecutive quarters with no exceedence of Class I Potable Resource Groundwater standards prior to considering bioremediation to be complete.

The primary concern of the Village of Waterman relates to monitoring of any impact that the bioremediation could possibly have on Well #2. The testimony offered by Mr. Swenson on behalf of the Petitioner at the hearing indicated that Petitioner presently has no plans to participate in the monitoring of the Village's Well #2 in order to detect potential impact from the injection of the relevant components, because the Village would already be monitoring the Well through routine sampling. While the Village does administer certain standard tests (e.g. for "BTACs"), the Village is not ordinarily conducting any additional tests that may be necessary or appropriate as a result of the injection of the ORC slurry and nutrients in the vicinity. If the Board should make a determination that additional tests are a prudent measure to ensure no migration of the ORC into the Village water supply has occurred, the Village's request would be that any additional cost as a result of these tests be borne by Petitioner rather than the Village.

The Village of Waterman would therefore request, as the Board deliberates on Petitioner's request for exception, that the cost of any additional testing that is necessary or appropriate to preserve the public safety in this vein be considered by the Board and allocated to the Petitioner as a condition of setback exception, if the Board deems this appropriate. Additionally, should the "unthinkable" occur, with migration of ORC or the hydrocarbon plume itself into the water supply due to these bioremediation efforts with regard to the Petitioner's property, that the costs of amelioration of the situation be chargeable to Petitioner as well.

Respectfully Submitted,

VILLAGE OF WATERMAN,

By: 

Kevin E. Buick, Village Attorney

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Pollution Control Board

PROOF OF SERVICE

STATE OF ILLINOIS)
) SS
COUNTY OF DEKALB)

I, the undersigned, being first duly sworn, on oath depose and say that I served the within Notice of Filing and **Post Hearing Brief** by first class mail upon the following:


Charles W. Gunnarson
IEPA
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by placing a true and correct copy of said Notice of Filing and **Post Hearing Brief** in an envelope, addressed as is shown above.

Then I sealed said envelope and placed sufficient U.S. postage thereon; that I deposited said envelope so sealed and stamped in the U.S. mail at Sycamore, Illinois, at or about the hour of 5:00 p.m. on the 21st day of March, of 2005.



Subscribed and sworn to before me this 21 day of March, 2005.


NOTARY PUBLIC

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