

ILLINOIS POLLUTION CONTROL BOARD
July 21, 2005

PAUL JOHNSON INC.,)
)
 Petitioner,)
)
 v.) PCB 05-109
) (Water Well Setback Exception)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY and CITY OF)
 WATERMAN, ILLINOIS,)
)
 Respondents.)

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

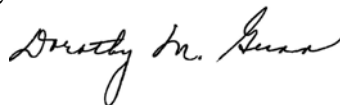
On July 6, 2005, petitioner Paul Johnson Inc. (PJI) filed a certificate of acceptance of the terms of the Board order granting PJI's requested water well setback exception accompanied by a motion to file *instanter*. For the reasons set forth below, the Board grants the motion and accepts PJI's signed certificate of acceptance.

On May 19, 2005, the Board granted PJI's petition for an exception from Section 14.2 of the Environmental Protection Act (Act) (415 ILCS 5/1 et seq. (2004)) and the Board's water well setback regulations to enable it to lawfully use "direct push" technology for in-situ remediation of hydrocarbon contamination. Because the Board's final opinion and order granted the exception subject to certain conditions, the Board required PJI to sign and return a certificate of acceptance of the terms of the exception. The certificate stated that if PJI chooses to accept the exception subject to the conditions contained in the Board's May 19, 2005 opinion and order, PJI must, within 45 days, file with the Board and serve on the Agency a certificate of acceptance and agreement to be bound by all the terms and conditions of the granted exception.

July 6, 2005 is more than 45 days after the Board's May 19, 2005 final opinion and order. To date the Board has received no objection to PJI's motion. Accordingly, the Board grants PJI's motion to file *instanter* and accepts the signed certificate of acceptance.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on July 21, 2005, by a vote of 5-0.



Dorothy M. Gunn, Clerk
Illinois Pollution Control Board