

ILLINOIS POLLUTION CONTROL BOARD

October 6, 2005

SANGAMON VALLEY FARM	)	
SUPPLY,	)	
	)	
Petitioner,	)	
	)	
v.	)	PCB 06-43
	)	(Water Well Setback Exception)
ILLINOIS ENVIRONMENTAL	)	
PROTECTION AGENCY and	)	
VILLAGE OF SAYBROOK, ILLINOIS,	)	
	)	
Respondents.	)	

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

On September 19, 2005, petitioner Sangamon Valley Farm Supply (SVFS) filed a petition for a water well setback exception to enable it to lawfully use “direct push” technology for “enhanced natural attenuation” as the method of remediating hydrocarbon contamination located within the 200-foot setback requirement of a municipal water well. Pet. at 1-2. Until early 1996, SVFS operated the site, located at the corner of Main and Lincoln Streets in the Village of Saybrook, McLean County, as a gasoline service station. Pet. at 3.

The petition identifies the owner of the only affected water well as the Village of Saybrook, and states that the affected well is a community water supply well. Pet. at 3. The petition also states “SVFS requests a hearing on this petition as soon as the Board can reasonably schedule it.” Pet. at 12.

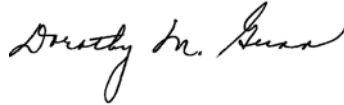
Pursuant to Section 14.2(c) of the Environmental Protection Act (Act), As a “new potential source or route” of contamination, SVFS must file a petition with the Board and the Agency seeking an exception to the minimum setback requirements applicable to a community water supply. 415 ILCS 5/14.2(c) (2004). SVFS’ petition meets the content requirements of 35 Ill. Adm. Code 106.304 and Section 14.2 of the Act. 415 ILCS 5/14.2 (2004). The Board accepts this petition for hearing.

SVFS has the burden of proof. 415 ILCS 5/40(a)(1) (2004); *see also* 35 Ill. Adm. Code 106.310. The respondents, the Illinois Environmental Protection Agency and the Village of Saybrook, may file responses on or before October 27, 2005, the 21st business day after the petition’s filing. SVFS may file a reply within 14 days. 35 Ill. Adm. Code 106.306. 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:

[T]hat 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) (2004).

The Board grants the parties' request for expedited hearing. The assigned hearing officer must contact the parties promptly to set the matter for hearing in accordance with the requirements of the Act and the Board's procedural rules. The Board directs that this matter proceed to hearing as expeditiously as is practicable. For its part, the Board will render its decision as soon thereafter as it reasonably can, consistent with the Board's workload and budgetary constraints.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on October 6, 2005, by a vote of 4-0.

A handwritten signature in black ink, appearing to read "Dorothy M. Gunn", written in a cursive style.

Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board