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R05-9

MEMORANDUM

RECEIVED
CLERK'S OFFICE

DEC - 5 2005

STATE OF ILLINOIS
Pollution Control Board

TO: Agency Rules Coordinators
FROM: JCAR
DATE: 12/1/05
RE: Mark-up of Agency 1st Notice Submissions

For some time, JCAR has been sending you a hand marked-up copy of 01 (1st Notice) rule text indicating any changes made prior to Register publication, in addition to the clean copy of the 01. Instead of that hand-marked copy, we will now be enclosing a colored copy produced by the text comparison program that we use. This document will be created by comparing the final copy published in the Register to the text you submitted to the SOS on disk.

The comparison document may be a little difficult to follow at first. Generally, when the submitted text and the final text are the same, the text will be black. Differences will be indicated in color. However, colored text does not always mean JCAR published text that differed from your draft. For example, spacing differences may result in highlighting. The method you use to indicate changes on your disk (i.e., track changes, manual striking and underlining, striking before underlining as opposed to underlining before striking) may be considered by the program to be differences. When JCAR applies track changes, it is careful to do so in a manner that results in tight punctuation and good word space after track changes have been run. If your agency disk was not as particular, the program will detect these as differences. It will not pick up on differences in bolding or the use of italics. It is completely befuddled by table format, but usually detects text differences in tables. There are also some quirks as to how some disks are read by the program; i.e., quote marks will sometimes read as "A" and "@" and apostrophes as equal signs. You will soon be able to quickly discern which highlighted portions are relevant.

The area in which we have found this program to be very reliable is that, if the text is black, you can be assured the 2 texts are identical. The program points out too many irrelevant differences, but does not seem to overlook differences.

If you have any trouble following the attached comparison document, your JCAR Staff contact can probably advise. These documents have been used in our office for the past 3 years. We believe that use of the comparison document will provide a cleaner version for your use and will obviously save some JCAR Staff time.

m:051201

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES

CHAPTER I: POLLUTION CONTROL BOARD

PART 618
MAXIMUM SETBACK ZONES

SUBPART A: GENERAL

Section
618.100 Purpose and Applicability
~~6-18-105~~ 618.105 Definitions

SUBPART B: MARQUETTE HEIGHTS' MAXIMUM SETBACK ZONE

Section
618.200 Purpose and Applicability
~~6-18-205~~ 618.205 1,000 Foot Maximum Setback Zone Prohibition
Appendix ~~618~~. APPENDIX A: Boundaries of Marquette Heights' Maximum Setback Zone

AUTHORITY: Implementing Section 14.3 and authorized by Section 27 of the Illinois Environmental Protection Act [415 ILCS 5/14.3 and 27].

SOURCE: Adopted in R05-9 at 30 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 618.100 Purpose and Applicability

This Part is established in the interest of securing the public health, safety, and welfare; to preserve the quality and quantity of groundwater resources in order to assure a safe and adequate water supply for present and future generations; and to preserve groundwater resources currently in use and those aquifers having a potential for future use as a public water supply. Pursuant to the authority of Section 14.3(d) of the Illinois Environmental Protection Act (Act) [415 ILCS 5/14.3(d)], the provisions of this Part apply to all properties located wholly or partially within a maximum setback zone established under Section 14.3(d) of the Act and this ~~regulation~~ Part.

Section 618.105 Definitions

Unless a different meaning of a word or term is clear from the context, the definitions of words or terms in this Part are the same as those used in the Act, the Illinois Groundwater Protection Act [415 ILCS 55/4], or 35 Ill. Adm. Code 671.

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

"Facility" means the buildings and all real property contiguous thereto, and the equipment at a single location used for the conduct of business [430 ILCS 45/3].

"New Potential Primary Source" means:

a potential primary source which is not in existence or for which construction has not commenced at its location as of January 1, 1988; or

a potential primary source which expands laterally beyond the currently permitted boundary or, if the primary source is not permitted, the boundary in existence as of January 1, 1988; or

a potential primary source which is part of a facility that undergoes major reconstruction. Such reconstruction shall be deemed to have taken place where the fixed capital cost of the new components constructed within a 2-year period exceed 50% of the fixed capital cost of a comparable entirely new facility [415 ILCS 5/3.345].

"New Potential Route" means:

a potential route which is not in existence or for which construction has not commenced at its location as of January 1, 1988; or

a potential route which expands laterally beyond the currently permitted boundary or, if the potential route is not permitted, the boundary in existence as of January 1, 1988 [415 ILCS 5/3.350].

"New Potential Secondary Source" means:

a potential secondary source which is not in existence or for which construction has not commenced at its location as of July 1, 1988; or

a potential secondary source which expands laterally beyond the currently permitted boundary or, if the secondary source is not permitted, the boundary in existence as of July 1, 1988, other than an expansion for handling of livestock waste or for treating domestic wastewaters; or

a potential secondary source which is part of a facility that undergoes major reconstruction. Such reconstruction shall be deemed to have taken place where the fixed capital cost of the new components constructed within a 2-year period exceed 50% of the fixed capital cost of a comparable entirely new facility [415 ILCS 5/3.355]; and

A new potential secondary source excludes an agrichemical facility that modifies on-site storage capacity such that the volume of the pesticide storage does not exceed 125% of the available capacity in existence on April 1, 1990, or the volume of fertilizer storage does not exceed 150% of the available capacity in existence on April 1, 1990; provided that a written endorsement for an agrichemical facility permit is in effect under Section 39.4 of the Act and the maximum feasible setback is maintained. This on-site storage capacity includes mini-bulk pesticides, package agrichemical storage areas, liquid or dry fertilizers, and liquid or dry pesticides [415 ILCS 5/14.2(g)(4)].

"Potential Primary Source" means any unit at a facility or site not currently subject to a removal or remedial action which:

is utilized for the treatment, storage, or disposal of any hazardous or special waste not generated at the site; or

is utilized for the disposal of municipal waste not generated at the site, other than landscape waste and construction and demolition debris; or

is utilized for the landfilling, land treating, surface impounding or piling of any hazardous or special waste that is generated on the site or at other sites owned, controlled or operated by the same person; or

stores or accumulates at any time more than 75,000 pounds above ground, or more than 7,500 pounds below ground, of any hazardous substances [415 ILCS 5/3.345].

"Potential route" means abandoned and improperly plugged wells of all kinds, drainage wells, all injection wells, including closed loop heat pump wells, and any excavation for the discovery, development or production of stone, sand or gravel [415 ILCS 5/3.350].

"Potential secondary source" means any unit at a facility or a site not currently subject to a removal or remedial action, other than a potential primary source, which:

is utilized for the landfilling, land treating, or surface impounding of waste that is generated on the site or at other sites owned, controlled or operated by the same person, other than livestock and landscape waste, and construction and demolition debris; or

stores or accumulates at any time more than 25,000 but not more than 75,000 pounds above ground, or more than 2,500 but not more than 7,500 pounds below ground, of any hazardous substances; or

stores or accumulates at any time more than 25,000 gallons above ground, or more than 500 gallons below ground, of petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance; or

stores or accumulates pesticides, fertilizers, or road oils for purposes of commercial application or for distribution to retail sales outlets; or

stores or accumulates at any time more than 50,000 pounds of any de-icing agent; or

is utilized for handling livestock waste or for treating domestic wastewaters other than private sewage disposal systems as defined in the Private Sewage Disposal Licensing Act [415 ILCS 5/3.355].

"Setback zone" means a geographic area, designated pursuant to the Act, containing a potable water supply well or a potential source or potential route, having a continuous boundary, and within which certain prohibitions or regulations are applicable in order to protect groundwaters [415 ILCS 5/3.450].

"Site" means any location, place, tract of land, and facilities, including but not limited to buildings, and improvements used for purposes subject to regulation or control by the Act or regulations thereunder [415 ILCS 5/3.460].

"Unit" means any device, mechanism, equipment, or area (exclusive of land utilized only for agricultural production). This term includes secondary containment structures and their contents at agricultural facilities [415 ILCS 5/3.515].

"Unit boundary" means a line at the land's surface circumscribing the area on which, above which, or below which waste, pesticides, fertilizers, road oils or

de-icing agents will be placed during the active life of the facility. The space taken up by any liner, dike or other barrier designed to contain waste, pesticides, fertilizer, road oils, or de-icing agents falls within the unit boundary.

SUBPART B: MARQUETTE HEIGHTS' MAXIMUM SETBACK ZONE

Section 618.200 Purpose and Applicability

a) This Subpart prescribes maximum setback zone prohibitions and the applicable technology control regulations that apply under 35 Ill. Adm. Code 615 and 616 in the interest of securing the public health, safety, and welfare; to preserve the quality and quantity of groundwater resources in order to assure a safe and adequate water supply for present and future generations; and to preserve groundwater resources currently in use and those aquifers having a potential for future use as a public water supply.

b) The provisions of this Subpart apply to all properties located wholly or partially within the maximum setback zone boundaries of Marquette Heights delineated in Section 618.Appendix A of this Part:

1) That are new potential primary sources of groundwater contamination pursuant to Section 14.3(d) of the Act; or

2) That are existing or new activities regulated under 35 Ill. Adm. Code 615 or 616, excluding agrichemical facilities that affirmatively opt out of 35 Ill. Adm. Code 615 or 616, which are regulated instead under 8 Ill. Adm. Code 257 or 77 Ill. Adm. Code 830.

Section 618.205 1,000 Foot Maximum Setback Zone Prohibition

New potential primary sources of groundwater contamination are prohibited from locating wholly or partially within the Marquette Heights' maximum setback zone boundaries delineated in Section 618.Appendix A of this Part.

Section 618.~~Appendix~~APPENDIX A: Boundaries of Marquette Heights' Maximum Setback Zone

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~~ILLINOIS REGISTER~~

~~POLLUTION CONTROL BOARD~~

~~NOTICE OF PROPOSED RULE~~

Document comparison done by DeltaView on Thursday, December 01, 2005 9:39:57 AM

Input:	
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Total changes	17

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: Maximum Setback Zones
- 2) Code Citation: 35 Ill. Adm. Code 618
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
618.100	New Section
618.105	New Section
618.200	New Section
618.205	New Section
618.APPENDIX A	New Section
- 4) Statutory Authority: Implementing Section 14.3 and authorized by Section 27 of the Illinois Environmental Protection Act [415 ILCS 5/14.3 and 27].
- 5) A Complete Description of the Subjects and Issues Involved: A more complete description of this proposal may be found in the Board's opinion and order of November 17, 2005, in Board docket R05-09. The Board is proposing a new Part to establish an expanded setback zone of up to 1,000 feet to provide additional protection for the community water supply (CWS) wells of the City of Marquette Heights, in Tazewell County.

This proposal is the first of its kind under Section 14.3 of the Environmental Protection Act (Act) (415 ILCS 5/14.3 (2004)), which allows for the establishment of "maximum setback zones" to prevent contamination of particularly vulnerable groundwater sources used by CWS. A setback zone restricts land use near the CWS well, providing a buffer between the well and potential sources or routes of contamination.

The City of Marquette Heights adopted a resolution on March 22, 2004, requesting that the Illinois Environmental Protection Agency (Agency) propose a rule to the Board that would increase the setback zone around the Marquette Heights CWS wells. Marquette Heights has two CWS wells, both of which are located outside of the city limits of Marquette Heights in North Pekin, Tazewell County. The wells have an estimated average daily pumpage from the groundwater source of 240,000 gallons per day, supplying approximately 3,200 persons directly. Marquette Heights' water system has approximately 1,064 service connections within the corporate limits and another 56 service connections in an area of anticipated future expansion east of the City. Based on various assessments, including groundwater flow and recharge area modeling, the Agency concluded that the current minimum setback zones did not adequately protect the Marquette Heights CWS wells, and that the groundwater source is "highly vulnerable."

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

The Board found that expanding the zone of wellhead protection is justified, as Section 14.3(d) of the Act requires.

In proposed Subpart A of Part 618, there are general provisions for maximum setback zones, including definitions. Subpart A's provisions will apply to all maximum setback zones established in Illinois through Board rulemaking. Proposed Subpart B of Part 618 contains rules specific to the Marquette Heights CWS wells. Section 618.Appendix A is a map that delineates the irregularly-shaped boundaries of the proposed maximum setback zone relative to local land use plats. The distance from each wellhead to the proposed setback boundaries varies from approximately 600 to 1,000 feet. The appendix also lists identification numbers of parcels that are located wholly or partially within the proposed maximum setback.

The proposed Subpart B rules also provide that: (1) certain activities within the setback are banned; and (2) other activities within the setback are subject to management and control standards. "New potential primary sources" of groundwater contamination are prohibited from locating within the Marquette Heights expanded setback. Examples of potential primary sources can include a unit at a facility (1) used to treat, store, or dispose of any hazardous or special waste not generated at the site, (2) used to dispose of municipal waste not generated at the site, other than landscape waste and construction and demolition debris, (3) used to landfill, land treat, surface impound or pile any hazardous or special waste that is generated on the site or at other sites owned, controlled or operated by the same person, or (4) that stores or accumulates at any time more than 75,000 pounds above ground, or more than 7,500 pounds below ground, of any hazardous substances.

Subpart B also specifies that the Board's Part 615 or Part 616 management and control standards (35 Ill. Adm. Code 615 and 616) apply to those new or existing activities that are regulated by Part 615 or Part 616 and located wholly or partially within the expanded Marquette Heights setback. These activities may include on-site landfills, on-site land treatment units, on-site surface impoundments, on-site waste piles, underground storage tanks, pesticide storage and handling units, fertilizer storage and handling units, road oil storage and handling units, and de-icing agent storage and handling units. The proposed rules make clear, however, that agricultural facilities that affirmatively opt out of Part 615 or Part 616 are regulated instead under other rules. Part 615 (Existing Activities in a Setback Zone or Regulated Recharge Area) and Part 616 (New Activities in a Setback Zone or Regulated Recharge Area) contain groundwater monitoring, design, inspection, operating, closure, and post-closure requirements that apply within setback zones, and so

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

will apply automatically in the Marquette Heights maximum setback zone on the effective date of this new Part.

6) Published studies or reports, and sources of underlying data, used to compose this rulemaking:

- Anderson, M.P. and Woessner, W.W., 1992, Applied Groundwater Modeling Simulation of Flow and Advective Transport: Academic Press, 354 p.
- Bear, Jacob, 1972, Dynamics of Fluids in Porous Media, New York Dover Publications, Inc., 727 p.
- Berg, R.C. and Kempton J.P., 1987, Stack-unit mapping of geologic materials to a depth of 15 meters: Illinois State Geological Survey Circular 542, 23 p.
- Bhagwat S.B. and R.C. Berg, 1991, Environmental Benefits Versus the Costs of Geologic Mapping, Illinois State Geological Survey Circular 159, 40 p.
- Burch, S.L. and Kelly, D.J., 1993, Peoria-Pekin Regional Groundwater Quality Assessment: Illinois State Water Survey Research Report 124.
- Cobb, R.P., Wehrmann, H.A., and R.C. Berg, January 1995, Guidance Document for Conducting Groundwater Protection Needs Assessments, Illinois EPA, 100 p.
- Domenico, P.A. and Schwartz, F.W., 1998, Physical and Chemical Hydrogeology: New York, NY, John Wiley and Sons Inc., 506 p.
- Esling, S.P., 2000, Graphic Groundwater Version 3.20.
- Fetter, C.W., 1994, Applied Hydrogeology: New York, NY, Macmillan College Publishing Company, Inc., 691 p.
- Freshwater Foundation, 1989, Economic Implications of Groundwater Contamination to Companies and Cities, 80 p.
- Hansel, A.K. and Johnson, W.H., 1996, Wedron and Mason Groups: Lithostratigraphic reclassification of deposits of the Wisconsin Episode, Lake Michigan Lobe area: Illinois State Geological Survey Bulletin 104, 116 p.
- Horberg, L. 1950, Groundwater in the Peoria Region, Part 1 – Geology: Illinois State Geological Survey Bulletin 75.
- Illinois Environmental Protection Agency, 1992, The Illinois Wellhead Protection Program Pursuant to Section 1428 of the Federal Safe Drinking Water Act: Illinois Environmental Protection Agency, 44 p.
- Leighton, M.M., Ekblaw, G.E., and Horberg, L., 1948, Physiographic divisions of Illinois: Illinois State Geological Survey Report of Investigation 129, 19 p.
- Lineback, J., 1979, Quaternary deposits of Illinois (map): Illinois State Geological Survey, scale 1:500,000.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

- Marino, M.A. and Schicht, R.J., 1969, Groundwater Levels and Pumpage in the Peoria-Pekin Area, Illinois, 1890-1966: Illinois State Geological Survey Report of Investigation 61.
- McDonald, M.G. and Harbaugh, A.W., 1988, A modular three-dimensional finite-difference groundwater flow model: U.S. Geological Survey Open File Report 83-875.
- McDonald, M.G., Harbaugh, A.W., Orr, B.R., and Ackerman, D.J., 1991, A method for converting no-flow cells to variable-head cells for the U.S. Geological Survey modular finite-difference ground-water flow model: U.S. Geological Survey Open File Report 91-536.
- Morris, D.A. and Johnson, A.I., 1967, Summary of hydrologic and physical properties of rock and soil materials as analyzed by the Hydrologic Laboratory of the U.S. Geological Survey 1948-60: U.S. Geological Survey Water Supply Paper 1839-D, 42 p.
- Pollock, D.W., 1989, Documentation of Computer Programs to Compute and Display Pathlines Using Results From the U.S. Geological Survey Modular Three Dimensional Finite-Difference Groundwater Flow Model: U.S. Geological Survey Open File Report 89-381, 188 p.
- Schicht, R.J., 1965, Groundwater Development in East St. Louis Area, Illinois: Illinois State Water Survey Report of Investigations 51.
- Sloto, R.A. and Crouse, M. Y., 1996 HYSEP: A computer program for streamflow hydrograph separation and analysis: U.S. Geological Survey Water Resources Investigations Report 96-4040, 46 p.
- Thornthwaite, C. W., 1964, Average climatic water balance data of the continents; Part 7 United States: Publications in Climatology, v. 17-3.
- United States Environmental Protection Agency (U.S. EPA), June 1987, Guidelines for the Delineation of Wellhead Protection Areas, 64 p.
- U.S. EPA, May 1988, Model Assessment for Delineating Wellhead Protection Areas (WHPAs), 211 p.
- U.S. EPA, March 1996, Benefits and Costs of Prevention: Case Studies of Community Wellhead Protection Volume 1, EPA 813-B-95-005, 62 p.
- Visocky, A.P. and Sanderson, E. W., 1996, Evaluation of Ground-water Resource Near Test Holes 5-93 and 9-93 and Sustained Yield of Sankoty Well Field at Peoria, Illinois: Illinois State Water Survey Contract Report 603.
- Willman, H.B. and Frye, J.C., 1970, Pleistocene stratigraphy of Illinois: Illinois State Geological Survey Bulletin 94, 204 p.
- Willman, H.B., et al., 1967, Geologic map of Illinois (map): Illinois State Geological Survey, scale 1:500,000.

POLLUTION CONTROL BOARD

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- Willman, H.B., et al., 1975, Handbook of Illinois Stratigraphy: Illinois State Geological Survey Bulletin 95, 261 p.
- 7) Will this rulemaking replace emergency rules currently in effect? No
 - 8) Does this rulemaking contain an automatic repeal date? No
 - 9) Does this rulemaking contain incorporations by reference? No
 - 10) Are there any other proposed rulemakings pending on this Part? No
 - 11) Statement of Statewide Policy Objectives: The proposed amendments do not create or expand a State mandate as defined in Section 3 of the State Mandates Act [30 ILCS 805].
 - 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R05-09 and be addressed to:

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

Address all questions to Richard McGill, at 312-814-6983 or email at mcgillr@ipcb.state.il.us.

Request copies of the Board's opinion and order at 312-814-3620, or download a copy from the Board's Website at <http://www.ipcb.state.il.us>.

- 13) Initial Regulatory Flexibility Analysis:
 - A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking would impact small businesses, small municipalities, and not-for-profit corporations only if they wished to engage in activities that are either prohibited or subject to additional requirements within the Marquette Heights maximum setback zone boundaries, as delineated in Section 618. Appendix A of proposed Part 618. Specifically, small businesses, small

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED RULES

municipalities, and not-for-profit corporations would be impacted only if they wish to place a "new potential primary source" of groundwater contamination wholly or partially within the Marquette Heights maximum setback zone boundary, which is prohibited under the proposed rules. They would also be impacted if they own or operate properties located wholly or partially within the maximum setback zone boundaries that constitute "existing activities" or "new activities" regulated under the management and control standards of 35 Ill. Adm. Code 615 or 616, which excludes agrichemical facilities that affirmatively opt out of Part 615 or 616.

- B) Reporting, bookkeeping or other procedures required for compliance: Proposed Part 618 does not contain specific reporting, bookkeeping or reporting procedures. However, certain activities located wholly or partially within the maximum setback zone will be subject to the management and control standards of Part 615 (Existing Activities in a Setback Zone or Regulated Recharge Area) or Part 616 (New Activities in a Setback Zone or Regulated Recharge Area). Parts 615 and 616 contain groundwater monitoring, design, inspection, operating, closure, and post-closure requirements that apply within setback zones.
- C) Types of professional skills necessary for compliance: Compliance with the proposed rules may require the services of an attorney, certified public accountant, chemist, and registered professional engineer.

14) Regulatory Agenda on which this rulemaking was summarized: July 2005

The full text of the Proposed Rulemaking begins on the next page:

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES

CHAPTER I: POLLUTION CONTROL BOARD

PART 618
MAXIMUM SETBACK ZONES

SUBPART A: GENERAL

Section	
618.100	Purpose and Applicability
618.105	Definitions

SUBPART B: MARQUETTE HEIGHTS' MAXIMUM SETBACK ZONE

Section	
618.200	Purpose and Applicability
618.205	1,000 Foot Maximum Setback Zone Prohibition
618.APPENDIX A:	Boundaries of Marquette Heights' Maximum Setback Zone

AUTHORITY: Implementing Section 14.3 and authorized by Section 27 of the Illinois Environmental Protection Act [415 ILCS 5/14.3 and 27].

SOURCE: Adopted in R05-9 at 30 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 618.100 Purpose and Applicability

This Part is established in the interest of securing the public health, safety, and welfare; to preserve the quality and quantity of groundwater resources in order to assure a safe and adequate water supply for present and future generations; and to preserve groundwater resources currently in use and those aquifers having a potential for future use as a public water supply. Pursuant to the authority of Section 14.3(d) of the Illinois Environmental Protection Act (Act) [415 ILCS 5/14.3(d)], the provisions of this Part apply to all properties located wholly or partially within a maximum setback zone established under Section 14.3(d) of the Act and this Part.

Section 618.105 Definitions

Unless a different meaning of a word or term is clear from the context, the definitions of words or terms in this Part are the same as those used in the Act, the Illinois Groundwater Protection Act [415 ILCS 55], or 35 Ill. Adm. Code 671.

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"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

"Facility" means *the buildings and all real property contiguous thereto, and the equipment at a single location used for the conduct of business* [430 ILCS 45/3].

"New Potential Primary Source" means:

a potential primary source which is not in existence or for which construction has not commenced at its location as of January 1, 1988; or

a potential primary source which expands laterally beyond the currently permitted boundary or, if the primary source is not permitted, the boundary in existence as of January 1, 1988; or

a potential primary source which is part of a facility that undergoes major reconstruction. Such reconstruction shall be deemed to have taken place where the fixed capital cost of the new components constructed within a 2-year period exceed 50% of the fixed capital cost of a comparable entirely new facility [415 ILCS 5/3.345].

"New Potential Route" means:

a potential route which is not in existence or for which construction has not commenced at its location as of January 1, 1988; or

a potential route which expands laterally beyond the currently permitted boundary or, if the potential route is not permitted, the boundary in existence as of January 1, 1988 [415 ILCS 5/3.350].

"New Potential Secondary Source" means:

a potential secondary source which is not in existence or for which construction has not commenced at its location as of July 1, 1988; or

a potential secondary source which expands laterally beyond the currently permitted boundary or, if the secondary source is not permitted, the boundary in existence as of July 1, 1988, other than an expansion for handling of livestock waste or for treating domestic wastewaters; or

86 *a potential secondary source which is part of a facility that undergoes*
87 *major reconstruction. Such reconstruction shall be deemed to have taken*
88 *place where the fixed capital cost of the new components constructed*
89 *within a 2-year period exceed 50% of the fixed capital cost of a*
90 *comparable entirely new facility [415 ILCS 5/3.355]; and*
91

92 *A new potential secondary source excludes an agrichemical facility that*
93 *modifies on-site storage capacity such that the volume of the pesticide*
94 *storage does not exceed 125% of the available capacity in existence on*
95 *April 1, 1990, or the volume of fertilizer storage does not exceed 150% of*
96 *the available capacity in existence on April 1, 1990; provided that a*
97 *written endorsement for an agrichemical facility permit is in effect under*
98 *Section 39.4 of the Act and the maximum feasible setback is maintained.*
99 *This on-site storage capacity includes mini-bulk pesticides, package*
100 *agrichemical storage areas, liquid or dry fertilizers, and liquid or dry*
101 *pesticides [415 ILCS 5/14.2(g)(4)].*
102

103 *"Potential Primary Source" means any unit at a facility or site not currently*
104 *subject to a removal or remedial action which:*
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106 *is utilized for the treatment, storage, or disposal of any hazardous or*
107 *special waste not generated at the site; or*
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109 *is utilized for the disposal of municipal waste not generated at the site,*
110 *other than landscape waste and construction and demolition debris; or*
111

112 *is utilized for the landfilling, land treating, surface impounding or piling*
113 *of any hazardous or special waste that is generated on the site or at other*
114 *sites owned, controlled or operated by the same person; or*
115

116 *stores or accumulates at any time more than 75,000 pounds above ground,*
117 *or more than 7,500 pounds below ground, of any hazardous substances*
118 *[415 ILCS 5/3.345].*
119

120 *"Potential route" means abandoned and improperly plugged wells of all kinds,*
121 *drainage wells, all injection wells, including closed loop heat pump wells, and*
122 *any excavation for the discovery, development or production of stone, sand or*
123 *gravel [415 ILCS 5/3.350].*
124

125 *"Potential secondary source" means any unit at a facility or a site not currently*
126 *subject to a removal or remedial action, other than a potential primary source,*
127 *which:*
128

129 *is utilized for the landfilling, land treating, or surface impounding of*
 130 *waste that is generated on the site or at other sites owned, controlled or*
 131 *operated by the same person, other than livestock and landscape waste,*
 132 *and construction and demolition debris; or*

133
 134 *stores or accumulates at any time more than 25,000 but not more than*
 135 *75,000 pounds above ground, or more than 2,500 but not more than 7,500*
 136 *pounds below ground, of any hazardous substances; or*

137
 138 *stores or accumulates at any time more than 25,000 gallons above*
 139 *ground, or more than 500 gallons below ground, of petroleum, including*
 140 *crude oil or any fraction thereof which is not otherwise specifically listed*
 141 *or designated as a hazardous substance; or*

142
 143 *stores or accumulates pesticides, fertilizers, or road oils for purposes of*
 144 *commercial application or for distribution to retail sales outlets; or*

145
 146 *stores or accumulates at any time more than 50,000 pounds of any de-*
 147 *icing agent; or*

148
 149 *is utilized for handling livestock waste or for treating domestic*
 150 *wastewaters other than private sewage disposal systems as defined in the*
 151 *Private Sewage Disposal Licensing Act [415 ILCS 5/3.355].*

152
 153 *"Setback zone" means a geographic area, designated pursuant to the Act,*
 154 *containing a potable water supply well or a potential source or potential route,*
 155 *having a continuous boundary, and within which certain prohibitions or*
 156 *regulations are applicable in order to protect groundwaters [415 ILCS 5/3.450].*

157
 158 *"Site" means any location, place, tract of land, and facilities, including but not*
 159 *limited to buildings, and improvements used for purposes subject to regulation or*
 160 *control by the Act or regulations thereunder [415 ILCS 5/3.460].*

161
 162 *"Unit" means any device, mechanism, equipment, or area (exclusive of land*
 163 *utilized only for agricultural production). This term includes secondary*
 164 *containment structures and their contents at agrichemical facilities [415 ILCS*
 165 *5/3.515].*

166
 167 *"Unit boundary" means a line at the land's surface circumscribing the area on*
 168 *which, above which, or below which waste, pesticides, fertilizers, road oils or de-*
 169 *icing agents will be placed during the active life of the facility. The space taken*
 170 *up by any liner, dike or other barrier designed to contain waste, pesticides,*
 171 *fertilizer, road oils, or de-icing agents falls within the unit boundary.*

172
173 SUBPART B: MARQUETTE HEIGHTS' MAXIMUM SETBACK ZONE
174

175 **Section 618.200 Purpose and Applicability**
176

- 177 a) This Subpart prescribes maximum setback zone prohibitions and the applicable
178 technology control regulations that apply under 35 Ill. Adm. Code 615 and 616 in
179 the interest of securing the public health, safety, and welfare; to preserve the
180 quality and quantity of groundwater resources in order to assure a safe and
181 adequate water supply for present and future generations; and to preserve
182 groundwater resources currently in use and those aquifers having a potential for
183 future use as a public water supply.
184
- 185 b) The provisions of this Subpart apply to all properties located wholly or partially
186 within the maximum setback zone boundaries of Marquette Heights delineated in
187 Section 618.Appendix A of this Part:
188
- 189 1) That are new potential primary sources of groundwater contamination
190 pursuant to Section 14.3(d) of the Act; or
191
- 192 2) That are existing or new activities regulated under 35 Ill. Adm. Code 615
193 or 616, excluding agrichemical facilities that affirmatively opt out of 35
194 Ill. Adm. Code 615 or 616, which are regulated instead under 8 Ill. Adm.
195 Code 257 or 77 Ill. Adm. Code 830.
196

197 **Section 618.205 1,000 Foot Maximum Setback Zone Prohibition**
198

199 New potential primary sources of groundwater contamination are prohibited from locating
200 wholly or partially within the Marquette Heights' maximum setback zone boundaries delineated
201 in Section 618.Appendix A of this Part.

202
203

Section 618.APPENDIX A: Boundaries of Marquette Heights' Maximum Setback Zone

WHOLLY CONTAINED		PARTIALLY CONTAINED	
102	111	106	118
21-011	27-089	64-010	50-020
38-018	27-049	65-010	51-019
	26-337	66-008	52-018
	24-038	67-008	53-017
103	24-036	68-001	54-016
1-035	24-036	68-002	55-016
2-034	24-036	69-014	56-014
	94-033	70-015	57-015
105	94-034	106-003	58-012
68-007	31-031	122-127	59-011
69-006	31-032	123-128	60-004
70-002	32-030	129-126	61-005
71-004	33-044	111	62-003
72-002	34-038	153-021	64-002
73-002	34-027	154-022	
74-001	35-025	155-022	
75-021	35-023	26-031	114
76-022	35-023	A-039	A-039
77-023	35-018	B-010	B-010
78-024	35-018	6-038	6-038
79-025	35-017	6-039	6-039
80-026	35-016	25-042	25-042
81-027	35-015	120	120
82-028	35-015	15-002	15-002
83-029	35-014	3-008	3-008
84-030	35-012	14-001	14-001
	103	102	102
	105-008	119	98-016
	107-007	5-005	5-005
	108-006	3-017	3-017
	109-005	6-008	6-008
	110-004	7-007	7-007
	111-003	8-009	8-009
	112-002	20-010	20-010
	113-001	105	105
	114	Park-001	Park-001
	0-50-008		
	2-02-002		
	2-02-003		
	2-27-007		
	2-02		
	3-003		
	4-004		
	67-006		
	68-007		
	69-008		
	70-009		
	71-010		
	72-011		
	73-012		
	74-013		
	75-014		
	76-015		
	77-016		
	78-017		
	79-018		
	80-019		
	81-020		
	82-021		
	83-022		
	84-023		
	85-024		
	86-025		
	87-026		
	88-027		
	89-028		
	90-029		
	91-030		
	92-031		
	93-032		
	94-033		
	95-034		
	96-035		
	97-036		
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	100-039		
	101-040		
	102-041		
	103-042		
	104-043		
	105-044		
	106-045		
	107-046		
	108-047		
	109-048		
	110-049		
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	113-052		
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	115-054		
	116-055		
	117-056		
	118-057		
	119-058		
	120-059		
	121-060		

Legend

- Marquette Heights CWS Wells
- Marquette Heights Maximum Setback Zone
- Pekin Township Plat Map

ILLINOIS EPA
2004

SOURCE INFORMATION
Pekin Town's Plat Map obtained from Tazewell County Assessor's Office.
Marquette Heights Community Water Supply Well and Maximum Setback Zone information obtained, compiled and created by Inroh EPA, Coordination Section

Section 618. Appendix A: Boundary of Marquette Heights' Maximum Setback Zone



204