

ILLINOIS POLLUTION CONTROL BOARD

May 4, 2006

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

HEARING OFFICER ORDER

On May 4, 2006, petitioner participated in a telephone status conference with the hearing officer. Respondents did not appear. Petitioner has requested a hearing in August, and a date will be set at the next status conference.

The parties are directed to participate in a telephone status conference with the hearing officer at 9:00 a.m. on June 1, 2006. The status conference shall be initiated by the petitioner.

The Board has forwarded the following questions on the amended petition. Petitioner is directed to file written responses at least 14 days before hearing.

**Questions for Sangamon Valley Farm Supply
Pertaining to the Amended Petition Received March 31, 2006
and
Agency Amended Recommendation Received April 24, 2006**

(Docket PCB 06-43)

The Board requested that Sangamon Valley Farm Supply (SVFS) provide the Board with additional information not found in the original request for a water well setback exception. The request for information was set forth in a November 7, 2005 hearing officer order. SVFS filed an amended petition on March 31, 2005. The Environmental Protection Agency (Agency) filed a response to the amended petition on April 24, 2005, recommending that the Board grant the requested exception and supporting the proposed remediation technique. Although SVFS provided some of the additional information requested by the Board, a majority of the requested information remains absent from SVFS' amended petition. The Board asks that SVFS provide the following information, or explain why the information is not applicable, prior to or at hearing in this matter:

35 Ill. Adm. Code 106.310 (b)

1. The letter from the Agency dated February 27, 2003, attached to the amended petition as exhibit E, shows that modifications were made to SVFS's High Priority Corrective Action Plan. Modifications required additional soil and groundwater sampling analysis prior to implementing another round of ORC injections. "These additional samples will demonstrate whether the contamination beneath the neighboring properties had been remediated below the Tier I Remediation Objectives." Exh. M, Att. A. Has such additional sampling been done to show the status of contamination beneath the neighboring properties? Please provide them or indicate that they have not been done.
2. The amended petition indicates that the second corrective action plan amendment and budget included a second follow-up round of injections. Am. Pet. at 5-6.
 - a. How many series of ORC injections are planned after the second follow-up round of injections?
 - b. How long is the waiting period before more follow-up injections would be planned?
 - c. What criteria would SVFS use to determine if additional rounds of injections were needed, if any?
 - d. For how many consecutive quarters, with no exceedences of the groundwater standards or 35 Ill. Adm. Code 742 remediation objectives, does SVFS plan to go before discontinuing groundwater remediation efforts?
 - e. Please describe SVFS's monitoring plan to ensure adequate rounds of quarterly sampling to detect contaminant rebound which might occur several months or year after the injections?
3. The Agency Recommendation states, "The BAT [Best Available Technology] to address concerns about ORC, is groundwater monitoring." Ag. Rec. at 7.
 - a. Could you please develop a monitoring plan and schedule for the continuing remediation?
 - b. In your monitoring plan, could you include how you will demonstrate the ORC injections are having the desired effects and not creating unintentional negative impacts to the aquifer and CWS wells?
 - c. Will your monitoring program also include quarterly raw water monitoring for the CWS wells as suggested by the Agency? Ag. Rec. at 10.
 - d. In your schedule, could you show milestones such as timeframes for injections, groundwater sampling, and compliance with the groundwater standards and 35 Ill. Adm. Code 742 Remediation Objectives?
4. Once groundwater remediation efforts have achieved compliance with the groundwater standards and 35 Ill. Adm. Code 742 remediation objectives, do you foresee any problems with having the setback exception expire?

35 Ill. Adm. Code 106.310(c)

5. Page 12 of the amended petition indicates, “The closest edge of the current contaminant plume to the community water supply well is approximately 115 feet east of Well #3.” Am. Pet. at 12. The amended petition on page 4 also states, “...a portion of the current shallow groundwater contamination had migrated to within approximately 75 feet of the existing community water supply well...” Am. Pet. at 4. Please clarify how close to all three CWS wells contamination was found.

35 Ill. Adm. Code 106.310(d)

6. Will other products be injected along with the ORC?
 - a. Besides the ORC, will microbes, nutrients and water also be injected?
 - b. Would you please provide an MSDS for ORC and identify what microbes and nutrients will also be used?
7. A letter from the Agency dated 12-20-2004, attached to the amended petition as Exhibit G, requires that SVFS’s Corrective Action Plan include “documentation that injection of the chemical, or the impact of the treatment on existing soil and groundwater, will not cause an exceedence of the primary drinking water regulations at 35 Ill. Adm. Code 611 during or after remediation . . .” Exh. G, Att. A. Has such documentation been submitted yet to the Agency? Would you please provide a copy for the record here?

415 ILCS 5/14.2(c) and 415 ILCS 30/6b

8. Under the Illinois Water Well Construction Code, 415 ILCS 30/6b, if a well is contaminated, owners and operators of the contamination source or route are responsible for providing an alternative source of potable water. Please explain how SVFS will work with the Village to provide an alternative source of potable water of sufficient quality and quantity to protect public health?
9. The Agency expressed concern that the ORC might change the character of the potable groundwater before, during, and after drinking water treatment. Ag. Rec. at 9.
 - a. In order to detect potential impacts, has SVFS made any arrangements with the Village to monitor the CWS wells for components that will be injected via the Geoprobes or for changes in groundwater quality?
 - b. If not, please explain how the Village’s current monitoring would be sufficient.
 - c. If testing confirms injected materials, hydrocarbons, or byproducts of the ORC injections are detected in the CWS wells, what will the course of action be?
10. What is the population served by CWS Well #3?

415 ILCS 5/14.2(c)

11. The Am. Pet. at 13 indicates that a survey was conducted to identify all potable water supply well owners within the setback area of the proposed ORC injection wells. Please

provide a copy of the survey, indicating the radius of the survey area from the injection locations, how the survey was conducted, and if any other potable wells were identified.

415 ILCS 5/14.2(f)

12. Please discuss if the county or Village of Saybrook have ordinances that might be more stringent than the prohibitions of 415 ILCS 5/14.2.

IT IS SO ORDERED.



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CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on May 4, 2006, to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on May 4, 2006:

Dorothy M. Gunn
Illinois Pollution Control Board
James R. Thompson Center
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Chicago, Illinois 60601



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