

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

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JUN 18 2010

STATE OF ILLINOIS
Pollution Control Board

VILLAGE OF MORTON)
)
 Petitioner,)
)
 v.)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY)
)
 Respondent.)

PCB No. 10-83
(Community Well Setback Exception)

VILLAGE OF MORTON'S RESPONSE TO HEARING OFFICER ORDER

NOW COMES the Petitioner, the Village of Morton, by and through its attorney, Thomas E. Davies, and pursuant to Section 14.2(c) of the Illinois Environmental Protection Act ("Act") and Part 106 of the Board's Procedural Rules (35 Ill. Adm. Code § 106.300, *et seq.*), and for a response to the Hearing Officer Order, states as follows:

1. **35 IAC 106.302(b) and 106.304(c)**

An Affidavit of Service has previously been filed showing that the Morton Public Water Department was duly notified on April 12, 2010. A copy of that Affidavit is attached.

Another Affidavit is attached with respect to the fact the Village of Morton Public Water Supply is the only owner of a potable water supply within 1000 feet of the proposed potential source.

2. The distance from the closest point of the facility to each well is as set forth below.

Well 7 90 feet

Well 9 240 feet

Well 10 120 feet

3. The Village inadvertently included the reference to the Well 9.

4. **Section 14.2(c) of the Act [415 ILCS 5/14.2(c)]**

Because of the soil type, construction precautions and monitoring protocol, it is believed there would be no contamination.

Even if there was, the Village's eight wells can supply 8MGD. Only Wells 7 and 10 are within 200 feet. Wells 5, 6, 8 and 9 are within 1000, and Wells 3 and 4 are remote.

Even assuming that production was lost from Wells 7 and 10, that would only be a loss of 2MGD and it would leave of capacity of 6MGD. The average daily use for the Village of Morton is 2.4MGD.

5. **Section 14.2(d) of the Act [415 ILCS 5/14.2(d)]**

There are no wells located within 400 feet of the proposed storage facility that have the characteristics described.

6. **Section 14.3 of the Act [415 ILCS 5/14.3]**

Yes.

7. **35 IAC 616 Subpart B: Groundwater Monitoring Requirements.**

The Village intends to comply with the groundwater monitoring requirements.

8. **35 IAC 616.204 Groundwater Monitoring System.**

The monitoring wells will meet the requirements of 616.204(c). They will be installed at a depth of 30 feet.

9. **35 IAC 616.205 Groundwater Monitoring Program**

The facility is adjacent to the Village's Water Treatment Plant. Monitoring and samples will be done by EPA Licensed Water Treatment Operators. Sampling and analysis for pH, specific conductance, total organic carbon and total organic halogen will be done. See also Statement of Monitoring Program previously filed, a copy of which is attached to this response.

10. **35 IAC 616.206 Reporting**

The Village of Morton will submit results of all monitoring within sixty (60) days.

11. **35 IAC 616.207 Determining Background Values and Maximum Allowable Results ("MARs")**

See Statement of Monitoring Program previously filed in this matter.

12. **35 IAC 616.209 Preventive Notification and Preventive Response**

The Village of Morton will comply with all provisions as required by 616.209.

13. **35 IAC 616.210 Corrective Action Program**

The Village of Morton will comply with all provisions as required by 616.210(a).

14. **35 IAC 616 Subpart L: De-Icing Agent Storage and Handling Units**

The Village of Morton will comply with all requirements of Subpart L including closure requirements at 616.725 and groundwater monitoring at 616.723.

VILLAGE OF MORTON

By: Robert C. Wraight
Superintendent of Public Works

Thomas E. Davies
THOMAS E. DAVIES, P.C.
Corporation Counsel
1600 S. 4th Ave., Suite 137
Morton, IL 61550
(309) 266-6211

AFFIDAVIT

State of Illinois)
) ss:
County of Tazewell)

The undersigned, Robert C. Wraight, hereby affirms that he has read the foregoing document and the responses contained therein are true and correct.

Robert C. Wraight
Robert C. Wraight

Subscribed and affirmed before me on

June 15, 2010.

Marti Millington
Notary Public



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VILLAGE OF MORTON)
)
 Petitioner,)
)
 v.) PCB No. 10-083
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY,)
)
 Respondent.)

STATEMENT OF MONITORING PROGRAM

Now comes, ROBERT C. WRAIGHT, and states as follows:

1. That I am Superintendent of Public Works of the Village of Morton.
2. I am familiar with all matters in this cause and I hereby state as follows:
 - A. Monitoring will be in accordance with 35 IL Administrative Code 616 Subpart B. The first year will include establishment of the background (6 times a year, i.e. every other month). Subsequent years will include annual sampling each April.
 - B. Attached is my Affidavit of Service.

Dated: May 27th, 2010.


ROBERT C. WRAIGHT

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VILLAGE OF MORTON)	
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Petitioner,)	
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v.)	PCB No. 10-083
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ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
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Respondent.)	

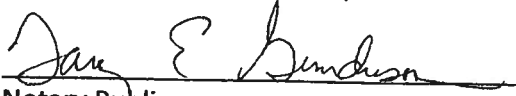
AFFIDAVIT OF SERVICE

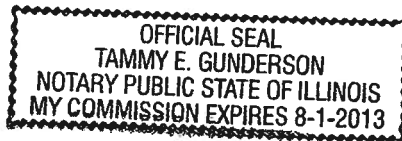
Now comes, ROBERT C. WRAIGHT, and states as follows:

1. That I am Superintendent of Public Works of the Village of Morton.
2. That the Village of Morton has caused to be filed a Petition for Water Well Setback Exception.
3. That the Village of Morton Public Water Department was duly notified of this Petition on April 12 2010.


 ROBERT C. WRAIGHT

SUBSCRIBED AND SWORN TO before me
this 24th day of May, 2010.


 Notary Public.



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 PROTECTION AGENCY) (Community Well Setback Exception)
)
 Respondent.)
)
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AFFIDAVIT OF SOLE POTABLE WATER SUPPLY


Now comes, ROBERT C. WRAIGHT, and states as follows:

1. That I am Superintendent of Public Works of the Village of Morton.
2. That the Village of Morton Public Water Supply is the only owner of a potable water supply well that is within 1000 feet of the proposed potential source.

Dated: June 15, 2010.


ROBERT C. WRAIGHT

Subscribed and affirmed before me
on June 15, 2010.





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PCB No. 10-83

(Community Well Setback Exception)

CERTIFICATE OF SERVICE

I, Thomas E. Davies, Corporation Counsel for the Village of Morton, certify that I have served the original and nine copies of the attached **Response to Hearing Officer Order**, upon the following:

Illinois Pollution Control Board
Clerks Office
Attn: John Therriault, Asst Clerk
James R. Thompson Center
100 W. Randolph Street
Suite 11 - 500
Chicago, Illinois 60601

With copies to:

Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Ave., East
P.O. Box 19276
Springfield, IL 62794-9276

Village of Morton
Attn: Robert Wraight, Director of Public Works
120 N. Main Street
Morton, Illinois 61550

via first class United States Mail, with postage fully prepaid, at Morton Illinois on June 16,
2010.



THOMAS E. DAVIES
Corporation Counsel