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STATE OF ILLINOIS
Pollution Control Board

ILLINOIS POLLUTION CONTROL BOARD
July 21, 2010

VILLAGE OF MORTON,)
)
Petitioner,)
)
v.) PCB 10-83
) (Community Well Setback Exception)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

ORIGINAL

HEARING OFFICER ORDER

On July 21, 2010, the Board requested that petitioner provide written responses to the following questions:

QUESTIONS

In the Hearing Officer order dated June 1, 2010, the Village of Morton was asked the following question regarding maximum setback zone:

6. Section 14.3 of the Act 1415 ILCS 5/14.31 Section 14.3 of the Act provides for establishment of a maximum setback zone for a community water supply well. Is the proposed source located within a maximum setback zone of any community water supply well pursuant to Section 14.3 of the Act?

The village of Morton (Morton), in its response dated June 18, 2010, provided a one-word answer, "Yes", without providing any details regarding which of the affected wells have a maximum setback zone of 1000 feet established in accordance with Section 14.3 of the Act. See Morton's response at 2. At hearing, the Board's Hearing Officer again asked for clarification regarding the issue of maximum setback zone. Specifically, the petitioner was asked whether a maximum setback zone had been established for wells number three, four, five, six, eight, and nine. Further, if maximum setback zone was established, the petitioner was asked if the proposed source would be located within the maximum setback zone. See Transcript at 11-12. The petitioner's witness, Mr. Wraight, again answered in the affirmative stating that the maximum setback zone was established for all the six wells and all the six wells are within 1,000 feet of the proposed source.

While Section 14.1 of the Act establishes the minimum setback zone (200 or 400 feet) for community water supply wells, Section 14.3 sets forth the requirements for the establishment of a maximum setback zone. These requirements include: the determination of the lateral area of influence of the well by the owner; confirmation of such determination by the Agency; and finally, the adoption of the maximum setback zone in an ordinance by the municipality. It is not

clear from Morton's responses as to whether maximum setback zones for wells number three, four, five, six, eight, and nine were established in accordance with Section 14.3. In light of this, the Village is directed to provide further clarification regarding the issue of maximum setback zone.

1. Please clarify whether Morton established maximum setback zone (up to 1000 or 2500 feet) for wells number three, four, five, six, eight, and nine in accordance with the provisions of Section 14.3 of the Act.
2. If so, please provide supporting documentation, including any determinations of lateral area of influence, Agency confirmation, or Village ordinance. (Please review Section 14.3 of the Act.)
3. Further if maximum setback zones have been established for wells number three, four, five, six, eight, and nine in accordance with Section 14.3 of the Act and the proposed source is within the maximum setback zones, the petitioner must amend its petition to seek exception from the maximum setback zones of the affected wells.

Written responses are due by 4:30 p.m. on August 6, 2010, and may be filed electronically, or by fax, if needed.

IT IS SO ORDERED.



Carol Webb
Hearing Officer
Illinois Pollution Control Board
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CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on July 21, 2010, 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 July 21, 2010:

John T. Therriault
Illinois Pollution Control Board
James R. Thompson Center
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