

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

RECEIVED
CLERK'S OFFICE
JUL 28 2010
STATE OF ILLINOIS
Pollution Control Board

VILLAGE OF MORTON)
)
 Petitioner,)
)
 v.) PCB No. 10-83
) (Community Well Setback Exception)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY)
)
 Respondent.)

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 14.3 of the Illinois Environmental Protection Act ("Act"), hereby files its response to the Hearing Officer Order filed on July 21, 2010, and states as follows:

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 according with the provisions of Section 14.3 of the Act.**

The established setback zone of 1000 feet applies to all wells used by the Village of Morton.

Wells three and four are not applicable to this application.

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.)**

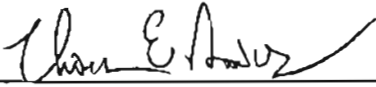
Attached is the supporting documentation of the Village of Morton, regarding the determinations of lateral area of influence. This consists of the letter from the Environmental Protection Agency dated May 30, 1996, and Ordinance No. 96-6 passed by the Village of Morton on June 17, 1996.

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 petitioner to seek exception from the maximum setback zones of the affected wells.**

The Village of Morton hereby amends, *instanter*, its petition previous filed in this matter to seek exception from the maximum setback zones for wells, five, six, seven, eight, nine and ten. (Note: wells three and four do not apply).

Dated July 26, 2010.

VILLAGE OF MORTON

By: 

Thomas E. Davies,
Corporation Counsel

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



State of Illinois

ENVIRONMENTAL PROTECTION AGENCY

Mary A. Gade, Director

2200 Churchill Road, Springfield, IL 62794-9276

217/785-4787

May 30, 1996

The Honorable Robert Hertenstein
Mayor-Village Hall
120 N. Main
Morton, IL 62618

Re: **Maximum Setback Zoning Ordinance for the Morton Public Water Supply Wells**

PWS Facility No. 1790500

Agency Well No(s). 50228, 50229, 50230, 50231, 50232, 50233, 50234 & 50235

Dear Mayor Hertenstein:

The Agency received the correspondence on May 13, 1996, from Lon Stalter, the Village of Morton Water Treatment Superintendent, concerning Agency re-confirmation of technical adequacy for the lateral area of influence determination. Initial review of Agency file information about the Morton community water supply, indicated that confirmation of technical adequacy of the lateral area of influence (LAI) application was granted by the Agency on November 5, 1992. Consequently, the time elapsed between the confirmation and adoption of the ordinance extended beyond allowable 2-year limit pursuant to Section 14.3(c) of the Environmental Protection Act (Act).

The Agency has re-reviewed the existing LAI application and recent pumping data for the Morton Public Water Supply and re-confirms the technical adequacy of the lateral area of influence determination for the wells referenced above. The confirmation allows Morton to proceed through with the re-adoption of a maximum setback zone ordinance, allowing additional protection to the well(s). Agency review of the existing draft ordinance determined the following.

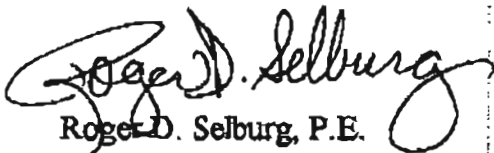
1. The Illinois Revised Statutes (1991) should be updated with the Illinois Compiled Statutes (1994) (see attached draft ordinance).
2. The draft ordinance sections are labeled using letters, however, the language in some sections refers to the sections by number. The section numbers referenced in the submitted draft ordinance should be changed to be consistent using either letters or numbers to reflect the correct section (see attached draft ordinance).

After adoption of the revised ordinance, Morton is required to provide the Agency with a signed copy of the ordinance pursuant to Section 14.3(c) of the Act. Please send a copy of the adopted ordinance, or notification that the maximum setback zone ordinance has not been adopted, to William E. Buscher, Division of Public Water Supplies at the address noted above.

Additional Agency review of the final adopted ordinance is necessary to help assure enforceability. The Act allows a municipality or county served by a community water supply to pass the maximum setback zone ordinance, but only if it is consistent with the powers enacted by the Act.

Thank you for your continued cooperation and interest in this phase of the Illinois Groundwater Protection Program. If we can be of any further assistance, please advise Carl Kamp or me at 217/785-4787.

Sincerely,



Roger D. Selburg, P.E.
Division Manager
Division of Public Water Supplies

RDS:CEK:plc

cc: Lonn Stalter

ORDINANCE NO. 96-6

AN ORDINANCE AMENDING TITLE 8, CHAPTER 4
OF THE MORTON MUNICIPAL CODE
RE WATERWORKS AND WATER DISTRIBUTION SYSTEM

WHEREAS, the Morton Municipal Code was adopted on March 2, 1970, and duly published in book form; and

WHEREAS, Title 8, Chapter 4 of the Morton Municipal Code contains provisions regarding the waterworks and water distribution system; and

WHEREAS, the President and Board of Trustees deem it necessary and appropriate to revise said Title 8, Chapter 4.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF MORTON, Tazewell County, Illinois, that Title 8, Chapter 4 of the Morton Municipal Code is hereby amended by deleting the existing Title 8, Chapter 4, and substituting therefor a new Title 8, Chapter 4 as attached as Exhibit A and made a part hereof.

BE IT FURTHER ORDAINED that this ordinance shall be in full force and effect upon its passage and approval, and it shall be published in pamphlet form.

BE IT FURTHER ORDAINED that the rate adjustments shall be effective August 1
_____, 1996.

PASSED AND APPROVED at a regular meeting of the President and Board of Trustees of the Village of Morton this 17th day of June, 1996; and upon roll call the vote was as follows:

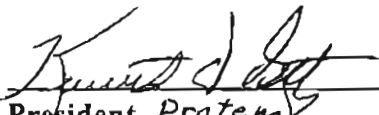
AYES: Roth, Getz, Shrader, Schwarzentraub, Hutchison

NAYS: - 0 -

ABSENT: Bigger

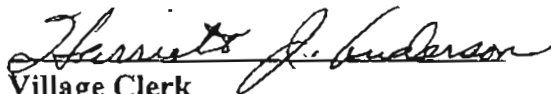
ABSTAINING: - 0 -

APPROVED this 17th day of June, 1996.



President Pro Tem

ATTEST:


Village Clerk

village\8-4.ord

EXHIBIT A

WATERWORKS AND WATER DISTRIBUTION SYSTEM

8-4-1: WATER TREATMENT DEPARTMENT:

8-4-1.1: **ESTABLISHMENT OF WATER TREATMENT DEPARTMENT:** There is herewith established a Water Treatment Department of the Village of Morton, Illinois, to be supervised by the Superintendent of Public Works (SPW), and which Department shall see to the operation of the water treatment system of the Village of Morton, under the terms and provisions of this Ordinance or such other ordinances or amendments hereto, as may from time to time be enacted by the President and Board of Trustees of this Village.

8-4-1.2: **SUPERINTENDENT OF WATER TREATMENT DEPARTMENT; OFFICE CREATED:** There is hereby created the office of Superintendent of the Water Treatment Department. The Superintendent shall at all times act under the direct control of the SPW, and shall be the head of the Water Treatment Department, and shall have charge of all property and equipment pertaining thereto, and supervision over all employees therein.

8-4-1.3: **SUPERINTENDENT'S POWERS AND DUTIES:** It shall be the duty of the Superintendent of the Water Treatment Department:

- (A) To conduct tests thereon;
- (B) To keep records of actions taken and examinations, inspections, and tests made;
- (C) To make a monthly report of his acts and doings to the SPW;
- (D) To advise the public, when requested, in the matter of regulations relating to the water system; and
- (E) To enforce all provisions of this Chapter, under the supervision of the SPW.

8-4-2: WATER DISTRIBUTION DEPARTMENT:

8-4-2.1: **ESTABLISHMENT OF WATER DISTRIBUTION DEPARTMENT:** There is herewith established a Water Distribution Department of the Village of Morton, Illinois, to be supervised by the SPW, and which Department shall see to the operation of the water distribution system of the Village of Morton, under the terms and provisions of this Ordinance or such other ordinances or amendments hereto, as may from time to time be enacted by the President and Board of Trustees of this Village.

8-4-2.2: **SUPERINTENDENT OF WATER DISTRIBUTION DEPARTMENT; OFFICE CREATED:** There is hereby created the office of Superintendent of the Water Distribution Department. The Superintendent shall at all times act under the direct control of the SPW, and shall be the head of the Water Distribution Department, and shall have charge of all property and equipment pertaining thereto, and supervision over all employees therein.

8-4-2.3: **SUPERINTENDENT'S POWERS AND DUTIES:** It shall be the duty of the Superintendent of the Water Distribution Department:

- (A) To conduct tests thereon;
- (B) To keep records of actions taken and examinations, inspections, and tests made;
- (C) To make a monthly report of his acts and doings to the SPW;
- (D) To advise the public, when requested, in the matter of regulations relating to the water system; and
- (E) To enforce all provisions of this Chapter, under the supervision of the SPW.

8-4-3: **MONETARY PENALTY FOR VIOLATION OF CHAPTER:**

Any person firm, corporation, or customer who violates, neglects, or refuses to comply with, or who resists or opposes the enforcement of any provision of this Chapter shall be subject to a fine of not less than fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00), and such person shall be deemed guilty of a separate offense for each and every day during which said violation, neglect, or refusal to comply with the provisions of this Chapter shall continue.

8-4-4: **ANNEXATION FEES:**

- (A) Fees for the right to connect to the Village's water system shall be in the amount as set from time to time by the Village Board of Trustees, and shall be stated on a charge per acre basis, unless otherwise specified. Such fees are payable at the time that the land is annexed, unless otherwise specified, and are based on gross acreage, as determined by the SPW. The terms of any separate agreement between a land owner and the Village shall take precedence over this Section, with respect to the time fees are due and the amount of said fees. Said fees are payable before any connections may be made to the water system.
- (B) A charge for the right to connect to a water main of ten dollars (\$10.00) per front foot of any land shall be due and payable before any connection is made. This charge shall apply to all water mains now in existence or those which may from time to time be constructed in the future, except for the water main along W. Birchwood St. (also known as Illinois Rt. 98), west of Interstate 155 (I-155), for which the charges set forth in subsection (C) of this Section shall apply. This Section shall not apply to any other water main where the cost of same has been paid for by a subdivider or owner, and the Village has otherwise agreed to no further reimbursement.
- (C) A charge of two hundred ninety dollars (\$290.00) per acre shall be made for the water service to the land situated one-quarter (1/4) of a mile on either side of W. Birchwood St. (Illinois Rt. 98), and the minimum charge for any one tract of land shall be equal to the charge for a five (5) acre tract, or one thousand four hundred fifty dollars (\$1450.00).

The above-established charge for connection to the W. Birchwood St. water main for land on both sides of W. Birchwood St. (Illinois Rt. 98) applies only to such land west of I-155.

A charge of one hundred forty five dollars (\$145.00) per acre shall be made for the water service to land beyond the one-quarter (1/4) of a mile distance on either side of W. Birchwood St. (Illinois Rt. 98), and the minimum charge for any one tract of such land shall be equal to the charge for a five (5) acre tract, or seven hundred twenty five dollars (\$725.00). The above-established charge for connection to the W. Birchwood St. water main for land on both sides of W. Birchwood St. (Illinois Rt. 98) applies only to such land west of I-155.

Said charge shall be paid in full before a connection to said water main, either directly or indirectly, and any such connection made without the full payment having first been made shall result in the disconnection of such connection, in addition to other penalties as provided in this Chapter.

- (D) No building permits shall be issued until any and all charges associated with water service or annexation have been paid in full.
- (E) The Village Clerk shall cause records to be maintained showing at all times which lands are paid and which lands are not paid.

8-4-5: CONNECTING TO THE VILLAGE WATER SYSTEM:

Any and all persons desiring water from the Village water system shall apply for service at the office of the SPW. The applicant shall also make arrangements to purchase from the Village an approved water meter at a price as is from time to time established by the SPW. All annexation and tap-in fees must be paid before service will be allowed. Any and all connections into the Village's water distribution system shall be made by Village personnel, unless otherwise approved by the SPW. The property owner shall be responsible for time and material charges for the work done by the Village or for the inspection fee for approved contractor connection to an existing service lateral.

8-4-6: MATERIALS, COST, TITLE, AND RESPONSIBILITY:

In all services hereafter installed, only approved copper pipe or approved polyethylene pipe (or a substitute approved in writing by the SPW) and approved brass or copper fittings shall be used from the main to the meter. The entire cost of installing the connection between the main and the meter, including labor, materials, excavating, and refilling trenches shall be borne by the applicant. All work done and materials used shall meet the reasonable specifications of the SPW. The title of all material used from the main, up to and including the curb stop, shall, immediately upon installation and approval, vest in and become the property of the Village. The Village will maintain, repair, replace, and mark locations for excavation up to and including the curb stop. The service line, beginning with the outlet connection to the curb stop, remains the responsibility of the property owner. The curb stop is the first valve on the service line off of the main. The curb stop is Village property and is not to be tampered with by any property owner, plumber, or other non-Village personnel.

8-4-7: INSPECTION AND APPROVAL:

All service line installations/repairs shall be made under the supervision of the SPW and must be approved by him before the water service can be turned on.

8-4-8: VILLAGE NOT LIABLE FOR AN INTERRUPTION OF SERVICE OR SUPPLY:

- (A) The Village shall have the right to shut off the supply of water whenever it is necessary to make repairs or improvements, enforce rules, or for any operating reason. When possible, a reasonable notice of the circumstances will be given to the customers, but in an emergency, the water may be shut off without notice. Such necessary repair work will be made by the Village as rapidly as may be practical. The Village shall not be held responsible or liable because of any shut off or discontinuance of service for any direct or resultant damages to any person, company, or customer.
- (B) The Village expressly stipulates with all customers and other persons who may be affected by the discontinuance of service that it will neither insure nor be responsible or liable in any manner for any loss or damages, direct or indirect, by any reason of any fire, or any other cause, and all water service furnished shall also be conditional upon acts of God, inevitable accidents, fire, strikes, riots, or any other cause.

8-4-9: WATER RATE SCHEDULE:

There are hereby established rates and charges for the use and for the services supplied by the waterworks system of the Village of Morton, based upon the meter reading of the amount of water consumed on a monthly basis, as follows:

- (A) General service for all types of users except multi-family and mobile home park users, as specified in subsection (B) following:
 - 1. Customer service charge \$6.07
 - 2. First 3000 cu. ft. .0161 per cu. ft.
 - 3. All consumption over 3000 cu. ft. .0112 per cu. ft.
- (B) General service for multi-family units and mobile home parks, wherever more than one living unit is metered through one meter:
 - 1. Customer service charge \$6.07
 - 2. All consumption .0161 per cu. ft.
- (C) The customer charge shall be issued to all users within thirty (30) days of the purchase of a water meter by the user, and a bill shall be issued each month thereafter, based on the rates herein, unless water service is discontinued pursuant to the request of the users, property owner, or Village.

8-4-10: METERS:

- (A) All water supplied shall be metered to the consumer. As soon as the permanent building water piping is in place, an approved water meter purchased from the Village must be

properly installed for each connection at such places that all water used will be registered, provided that immediately upon installation and approval, the title to said meter shall vest in and become the property of, and be under the control and supervision of the Village. No "jumpers" of any type are permitted at any time. The presence of a "jumper" in place of a meter is a violation of this Chapter, and shall be subject to the penalties provided in this Chapter. In addition, service to the subject property shall be terminated, and the owner shall be responsible for the cost of estimated water consumed. All water meters shall be kept in good working order and will be repaired by the Village at its expense, except for repairs due to neglect or abuse by the user (which includes allowing the meter to be damaged by freezing).

- (B) All meters shall be connected to an electric remote meter reading device (r-o-m). Water bills are issued monthly, based on the reading on the r-o-m. The Village will, from time to time, compare the two readings. In the event there is any discrepancy between the r-o-m and the meter located on the inside of the premises, then the inside meter shall be considered accurate, except in cases of fraud or obvious malfunction.
- (C) The water meter and the r-o-m shall be accessible to Village personnel at any reasonable time for reading, inspection, and maintenance. Upon notification by the Village, any and all obstructions, including trees or bushes, must be removed by the consumer to allow adequate access to the meter. Fences, decks, and other structures may not be located so as to hinder access to the r-o-m. If the obstruction is not removed within five (5) days of notification, the Village may terminate service or, in the case of trees or bushes, the Village may remove the obstruction.
- (D) New or relocated r-o-m's shall be positioned as close as practical to the gas meter and shall be a minimum of 32" above the ground. All locations must be approved by the Village.

8-4-11: DEPOSIT FOR WATER SERVICE BY TENANTS:

Before water service is provided to any tenant who occupies rental property and who has requested water service, said tenant shall deposit the sum of fifty dollars (\$50.00), which shall be held by the Village until the service is permanently discontinued as to such tenant. Said deposit shall then be applied first to any unpaid water service charge, and any balance remaining, without interest, remitted to the party paying the same.

8-4-12: LIABILITY OF OWNER, OCCUPANT, OWNER OF BENEFICIAL INTEREST, AND USER:

The owner of the premises, the occupant thereof, the user thereof, or the owner of any beneficial interest of any trust holding title to land or improvements served hereunder shall be jointly and severally liable for the payment of the water service on such premises, and the water service is furnished to the premises by the Village, only upon the condition that the owner of the aforementioned premises, the occupant thereof, the owner of any beneficial interest thereof of any trust holding title to land or improvements thereon, and the user of water services are jointly and severally liable therefor to the Village.

8-4-13: **SERVICE DISCONNECTION; NONPAYMENT OF BILLS:**

- (A) Bills for water service shall be rendered monthly on the first day of the month, at a rate of ninety-five percent (95%) of the actual amount of water service rendered, and said amount shall be due within ten (10) days after the date thereof. In the event said amount is not paid within ten (10) days, then five percent (5%) of the actual amount of water service rendered shall be added to the next month's bill, and shall be due and payable within the next month's bill (ten [10] days after the date thereof).
- (B) For purposes of determining the foregoing dates and the applicability of the discount, the tenth day of the month shall be the date so stated on the bill. Furthermore, to qualify for said discount, the Village must receive payment at its utility office or in the utility drop box on or before five o'clock (5:00) P.M. on the said tenth day. Payments which are returned due to insufficient funds shall not qualify for said discount.
- (C) If the bill of any user shall remain unpaid until the tenth day of the month next following the due date of the bill, the Business Manager shall notify the customer in writing, by first class mail, that said water service is to be terminated. Said notice shall also specifically inform the user of the following:
1. The user may contact the Business Manager to request a hearing on the matter; and
 2. Said request must be made within three (3) days of receipt of said termination notice; and
 3. If said request is made, a hearing will be held within ten (10) days of receipt of said notice; and
 4. Service will be discontinued within ten (10) days if no request for a hearing is made.
 5. The Business Manager shall advise anyone making a request for such hearing of the time, place, and date of hearing, at the time said request is made.
- (D) If the findings reached at the aforesaid hearing are adverse to the user, said decision shall be reduced to writing, with a copy thereof to be forwarded to said user by first class mail. Said decision should also contain the date on which service to the user in question will be discontinued.
- (E) In the event water service has been discontinued due to nonpayment of bills, then such water service shall not be reconnected until all outstanding bills for water service to the property have been paid in full, together with a reconnection charge of thirty five dollars (\$35.00).

- (F) The person serving as Business Manager shall serve as hearing officer for any hearings which may be held under this Section. In the event said person is unable to serve as hearing officer, then the person serving as Billing Clerk shall serve as alternate hearing officer for any such hearings.

8-4-13.1: DELINQUENT BILLS; LIENS; NOTICE TO OWNER:

- (A) In the event said rates or charges for water service are not paid by the tenth day of the month next following the due date of the bill for such service, such charges shall be deemed and are hereby declared to be delinquent, and thereafter such delinquencies shall constitute liens upon the real estate for which such services are supplied. The Village Clerk is hereby authorized and directed to file sworn statements showing such delinquencies in the office of the Recorder of Deeds of Tazewell County, Illinois, and the filing of such statements shall be deemed notice for payment of such charges for such services.
- (B) No such lien shall be defeated to the proper amount thereof because of an error or overcharge on the part of the Village, nor shall any lien be defeated upon proof that such water service was used or contracted for by a tenant of the premises or occupant thereof other than the owner.
- (C) If the user of the water service whose bill is unpaid is not the owner of the premises and the Village Clerk has written notice of this fact, notice shall be mailed to the owner of the premises or to the owner of any beneficial interest of any trust holding title to the premises, if an address be known to the Clerk, whenever such bill remains unpaid until the tenth day of the month next following the due date of the bill. Said notice shall be by first class mail.
- (D) The failure of the Clerk to record such lien claim or to mail or deliver such notice, or the failure of the owner of such premises to receive such notice, shall not affect the right to foreclose the lien for unpaid water bills, as provided herein.

8-4-13.2: ENFORCEMENT: If payment of any amount due for water service, additional charges, or benefits when the same becomes due shall not be made as provided in this Chapter, the Village may file or cause to be filed a complaint in the Circuit Court of Tazewell County for the foreclosure thereof in the same manner as a foreclosure of a real estate mortgage.

8-4-14: FIRE SPRINKLER SYSTEMS:

- (A) All existing and future fire sprinkler systems, directly or indirectly connected to the Village of Morton's water system, must comply with the regulations of the Illinois EPA and the Illinois State Plumbing Code, with respect to backflow prevention.
- (B) No hazardous chemicals (antifreeze, potassium permanganate, formaldehyde, etc.) are allowed in systems directly or indirectly connected to the Village water system.
- (C) All future systems must be approved by the SPW before issuing a building permit (for new construction) or before installing such a system (existing structures).

- (D) All systems using a pump must be equipped with a low-pressure cut-off switch set at 20 psi at the Village main. The owner of the premises must maintain said cut-off switch, test it, and certify to its accuracy at least once a year. Said certification must be made, in writing, by a qualified party acceptable to the SPW.

8-4-15: CROSS CONNECTIONS:

- (A) If, in accordance with the Illinois State Plumbing Code or EPA regulations, or in the judgement of the SPW, an approved backflow prevention device is necessary for the safety of the public water supply system, the SPW shall give notice to the water customer to install such an approved device immediately. The water customer shall, at his own expense, install such an approved device at a location and in a manner in accordance with the Illinois State Plumbing Code and all applicable local regulations, and shall have inspections and tests made of such approved devices as required by the Illinois State Plumbing Code and local regulations.
- (B) No person, firm, or corporation shall establish or permit to be established or maintain or permit to be maintained any connection whereby a private, auxiliary, or emergency water supply other than the regular public water supply of the Village of Morton enters the supply or distribution system of said Municipality, unless such private, auxiliary, or emergency water supply and the method of connection and use of such supply shall have been approved by the SPW and the Illinois EPA.
- (C) It shall be the duty of the SPW to cause surveys and investigations to be made of commercial, industrial, and other properties served by the public water supply to determine whether actual or potential hazards to the public water supply may exist. Such surveys and investigations shall be made a matter of public record and shall be repeated as the SPW shall deem necessary. Records of such surveys shall be maintained and available for a review for a period of at least five (5) years.
- (D) The Village of Morton or its agents shall have the right to enter at any reasonable time any property served by a connection to the public water supply or distribution system of the Village of Morton for the purpose of verifying the presence or absence of cross connections, for the purpose of verifying information submitted by the customer regarding cross connection control inspection, and for the purpose of inspecting and observing any appurtenances and/or metering devices connected with the Village water system. On demand, the owner, lessees, or occupants of any property so served shall furnish to the SPW any information which he may request regarding the piping system or water use on such property. The refusal of such information, when demanded, shall, within the discretion of the SPW, be deemed evidence of the presence of improper connections as provided in this Section.
- (E) The SPW has on file regulations governing the installation and maintenance of cross-connection control devices which must be adhered to.

(F) The SPW of the Village of Morton is hereby authorized and directed to discontinue, after reasonable notice to the occupant thereof, the water service to any property wherein any connection in violation of the provisions of this Section is known to exist, and to take such other precautionary measures as he may deem necessary to eliminate any danger of contamination of the public water supply distribution mains. Water service to such property shall not be restored until such conditions have been eliminated or corrected in compliance with the provisions of this Section, and until a reconnection fee equal to the actual time and material charges to reconnect is paid to the Village of Morton. Immediate disconnection with verbal notice can be effected when the SPW is convinced that imminent danger of harmful contamination of the public water supply system exists. Such action shall be followed by written notification of the cause of disconnection.

(G) The consumer responsible for backsiphoned material or contamination through backflow, if contamination of the potable water supply system occurs through an illegal cross connection or an improperly installed, maintained, or repaired device, or a device which has been bypassed, shall bear the cost of clean-up of the potable water supply system.

8-4-16: WATER LEAKAGE:

In the event there exists a water leak on the owner's piping between the water meter and the curb stop, it shall be the responsibility of the owner of the property on which said leak is located to repair said leak within ten (10) days after receiving written notice from the Village by first class mail, advising the property owner of the leak. If said leak is not repaired within the ten (10) day period, the Village shall discontinue water service to the property without further notice. The Village may estimate the amount of water lost and bill the property owner for same.

8-4-17: ILLEGAL USE OF WATER:

In the event the usage of unmetered water is detected, water service to the property shall be terminated immediately, without notice, and the owner of the property on which the violation exists shall be subject to the penalties provided in this Chapter, in addition to the cost of water consumed.

8-4-18: RESALE:

No water shall be resold or distributed by the recipient thereof from the Village supply to any premises other than that for which application has been made and the water installed, except in the case of emergency.

8-4-19: TAMPERING:

It shall be unlawful for any person not authorized by the Village to tamper with, alter, operate, or injure any part of the Village waterworks or supply system, or any meter, remote meter reading device, valve, curb stop, or fire hydrant of said system.

8-4-20: PROHIBITION OF WATERING OF LAWNS AND GARDENS, WASHING OF AUTOMOBILES, AND FILLING OF SWIMMING POOLS:

(A) The President of the Board of Trustees, the SPW, or the Superintendents of Water Treatment or Distribution are hereby empowered and authorized to prohibit the use of water

from the Morton water system for the watering of lawns and gardens, the washing of automobiles, and the filling of swimming pools during periods of water shortage or low water pressure in the water system.

- (B) Any party who so uses such water during the period of such prohibition shall be in violation of this Section, and upon conviction thereof, shall be subject to the penalties provided in this Chapter. Any party who persists in the continued use of such water during the period of such prohibition shall be subject to immediate termination of water service by order of any of the officials named in Section 8-4-20(A).

8-4-21: SERVICE DISCONTINUED AND RENEWAL THEREOF:

The Village reserves the right to discontinue water service to any premises where the owner or tenant of such premises is guilty of a violation of any of the provisions of this Chapter or where a dangerous condition is found to exist. When such service is discontinued and the water is shut off, whether by the Village or at the request of the property owner, the water shall not again be turned on or supplied to such premises until all delinquent charges due the Village have been paid and there is no existing default or violation of any of the provisions of the several sections of this Chapter or the dangerous condition has been eliminated. A written application shall be filed with the proper Village officials for the renewal of such water service, which application shall be accompanied by a fee of thirty five dollars (\$35.00) to pay for the shutting off and turning on of the water supply. No customer, plumber, or any other person shall be permitted to use the curb stop of the service connection for shutting off water while making extensions, additions, or repairs to the pipe or equipment on the premises. Such shut off or discontinuance or interruption of service shall be made only by the Village or its properly authorized employees. There is no charge to shut off or turn on a service if scheduled and performed during normal working hours. At all other times, the thirty five dollar (\$35.00) fee is applicable.

Discontinuance of service by the Village for violation shall not be made except on written notice of at least three (3) days, mailed to such customer at his address, as shown upon the records of the Village, or personally delivered to him or a member of his household, advising the customer what particular rule has been violated for which service will be discontinued if the violation is permitted to continue; provided, however, that where the fraudulent use of water is detected, where the Village regulating or measuring equipment has been tampered with, where cross connection regulations have been violated, or where a dangerous condition is found to exist on the customer's premises, service may be shut off without notice in advance.

8-4-22: MINIMUM/MAXIMUM SETBACK ZONE PROVISIONS FOR GROUNDWATER PROTECTION:

- (A) Pursuant to the authority conferred by 65 ILCS 5/11-125-4 (1994) and 415 ILCS 5/14.2 and 5/14.3 (1994); and in the interest of securing the public health, safety, and welfare; to preserve the quality and quantity of the municipality's 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, the provisions of this ordinance shall apply to all properties located

within the minimum setback zone established under Section 14.2 of the Environmental Protection Act ("Act" - 415 ILCS 5/14.2 [1994]) and this ordinance, and the maximum setback zone established under Section 14.3 of the Act (415 ILCS 5/14.3 [1994]) and this ordinance.

(B) Except as stated in this ordinance, and unless a different meaning of a word or term is clear from the context, the definition of words or terms in this ordinance shall be the same as those used in the Act and the Illinois Groundwater Protection Act (415 ILCS 55/1 [1994]):

1. "Act" means the Environmental Protection Act (415 ILCS 5/1, et.seq. [1994]).
2. "Agency" means the Illinois Environmental Protection Agency.
3. "Board" means the Illinois Pollution Control Board.
4. "Maximum Setback Zone" means the area around a community water supply well established under Section 14.3 of the Act and this ordinance, a map of which is kept on file in the office of the Superintendent of Water Treatment.
5. "Minimum Setback Zone" means the area around a community water supply well established under Section 14.2 of the Act and this ordinance, a map of which is kept on file in the office of the Superintendent of Water Treatment.

(C) Prohibitions:

1. Except as provided in Sections 8-4-22-D and 8-4-22-E, no person shall place a new potential primary source, new potential secondary source, or new potential route within the minimum setback zone.
2. Except as provided otherwise in Section 8-4-22-D, no person shall place a new potential primary source within the maximum setback zone.

(D) Waivers, Exceptions, and Certifications of Minimal Hazard:

1. If, pursuant to Section 14.2(b) of the Act, the owner of a new potential primary source, new potential secondary source, or new potential route is granted a waiver by the Agency, such owner shall be deemed to have a waiver to the same extent from Section 8-4-22-C-1 of this ordinance.
2. If, pursuant to Section 14.2(c) of the Act, the owner of a new potential primary source (other than landfilling or land treating), new potential secondary source, or new potential route is granted an exception by the Board, such owner shall be deemed to have an exception to the same extent from Section 8-4-22-C-1 of this ordinance.
3. If, pursuant to Section 14.2(c) of the Act, the owner of a new potential primary source (other than landfilling or land treating) is granted an exception by the Board, such owner shall be deemed to have an exception to the same extent from Section 8-4-22-C-2 of this ordinance.

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

RECEIVED
CLERK'S OFFICE
JUL 28 2010
STATE OF ILLINOIS
Pollution Control Board

VILLAGE OF MORTON)	
)	
Petitioner,)	
)	
v.)	
)	PCB No. 10-83
ILLINOIS ENVIRONMENTAL)	(Community Well Setback Exception)
PROTECTION AGENCY)	
)	
Respondent.)	
)	

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 dated July 21, 2010**, 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 July 26, 2010.



THOMAS E. DAVIES
Corporation Counsel