

ILLINOIS POLLUTION CONTROL BOARD  
September 7, 2010

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STATE OF ILLINOIS  
Pollution Control Board

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

ORIGINAL

**HEARING OFFICER ORDER**

On July 28, 2010, the Village of Morton (Morton) amended, *instanter*, its petition for a community well setback exception for additional wells not included in its original petition. While the original petition addressed Wells #7, #9 and #10, the amended petition (Am. Pet.) seeks to add Wells #5, #6, and #8 to the exception request. In support of the amended petition, Morton filed a letter from the Illinois Environmental Protection Agency (Agency) dated May 30, 1996 and Morton's Ordinance No. 96-6 establishing a maximum setback zone for all of Morton's community wells.<sup>1</sup> Am. Pet. at 1.

The Board accepted Morton's amended petition on August 5, 2010, noting that the Agency may file a response on or before August 26, 2010. As of today, the Board has not received a response from the Agency.

The Agency filed its recommendation (Rec.) to the original petition on May 17, 2010 addressing Wells #7, #9, and #10. In the Agency's recommendation for the original petition, the Agency stated,

The Petitioner has provided the geologic logs for the community wells near the proposed storage facility. Based on a review of the logs provided, the geologic material between the land surface and the aquifer utilized by the community wells is composed predominately of clay....As stated in the Petition, the Illinois EPA determined in its 2002 Source Water Assessment, that the Morton community wells are not vulnerable to inorganic contaminants...Based [on] the information discussed above, the Illinois EPA does not believe that this potential source will constitute a significant hazard to the Morton community water supply. Rec. at 8.

In its amended petition, Morton did not include the geologic logs for the additional community wells #5, #6, and #8 or the Agency's Source Water Assessment. To date, the Agency has not specifically commented on whether it believes the potential source will

<sup>1</sup> Morton notes that Wells #3 and #4 are not applicable to this petition. Am. Pet. at 1.

constitute a significant hazard to the additional community water supply wells in Morton's amended petition.

Morton is directed to file the geologic logs for the additional community wells #5, #6, and #8 along with pertinent portions or a fact sheet from the 2002 Source Water Assessment of Morton's community wells. Morton must provide the additional information before September 17, 2010.

The Agency is encouraged to respond to Morton's additional information no later than September 24, 2010. If the Agency does not plan to respond, it should notify the hearing officer as soon as possible.

IT IS SO ORDERED.



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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 September 7, 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 September 7, 2010:

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