

ILLINOIS POLLUTION CONTROL BOARD

February 19, 1998

TRI STAR MARKETING, INC.,)	
)	
Petitioner,)	
)	
v.)	PCB 97-199
)	(Water Well Setback Exception)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

INTERIM ORDER OF THE BOARD (by R.C. Flemal):

This matter comes before the Board upon a petition filed by the Tri Star Marketing, Inc. (Tri Star). Tri Star requests an exception from the water-well setback requirements found at Section 14.2 of the Environmental Protection Act (Act) (415 ILCS 5/1 et seq. (1996)).

Tri Star desires to place petroleum underground storage tanks (USTs) within the vicinity of two existing community water supply wells. This action is prohibited under Section 14.2 of the Act if the USTs would be within the setback zone of the water supply wells. The Board is authorized to grant an exception such as Tri Star seeks.

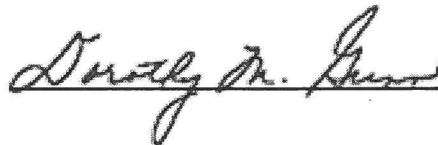
Upon review of the record, it is not apparent to the Board that the exception Tri Star requests is needed. In particular, the Board cannot find evidence that the USTs are proposed to be placed within the minimum setback zone of the water supply wells. Given that the USTs are proposed to be sited at 250 and 310 feet from the wells (e.g., Amended Petition at 2; Agency Response Brief at 2), the USTs would clearly be beyond the 200-foot minimum setback zone established at 415 ILCS 5/14.2(a).

In addition, there is nothing that the Board has been able to identify in the record that indicates that a larger setback zone applies to the wells at issue. Notably, it is not apparent that the 400-foot minimum setback zone of 415 ILCS 5/14.2(d) could apply. The 400-foot setback applies to wells that derive their water from unconfined strata. The substantial depth at which the two community wells are finished, 1400 and 700 feet respectively (Tr. at 68), and the casing of the wells through their top 200 feet (Tr. at 68) would appear to preclude their deriving water from unconfined strata. The presence of elevated radium in both wells further implies that they are wells tapping the deep aquifers of the northern Illinois region.

In light of these circumstances, the Board directs that the parties address the issue of the applicable setback distance by filing no later than March 6, 1998.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above interim order was adopted on the 19th day of February 1998, by a vote of 6-0.

A handwritten signature in cursive script, reading "Dorothy M. Gunn", written over a horizontal line.

Dorothy M. Gunn, Clerk
Illinois Pollution Control Board