

ILLINOIS POLLUTION CONTROL BOARD
July 14, 2011

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STATE OF ILLINOIS
Pollution Control Board

IN THE MATTER OF:)
)
SETBACK ZONE FOR FAYETTE WATER) R11-25
COMPANY COMMUNITY WATER) (Rulemaking - Public Water Supply)
SUPPLY: AMENDMENTS TO 35 ILL.)
ADM. CODE 618)

ORIGINAL

HEARING OFFICER ORDER

In the order providing notice of hearing in this docket, the hearing officer set deadlines for pre-filed testimony and pre-filed questions and indicated that “[t]he Board’s staff may also submit questions based on the Agency’s pre-filed testimony in the form of a hearing officer order.”

To expedite the hearing previously scheduled to take place at 9:00 AM on July 27, 2011, in Vandalia, the hearing officer directs the Agency to prepare to address at the hearing the questions enclosed with this order as Attachment A.

IT IS SO ORDERED.



Timothy J. Fox, Hearing Officer
Illinois Pollution Control Board
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**R11-25: Setback Zone for Fayette Water Company Community Water Supply:
Amendments to 35 Ill. Adm. Code 618**

ATTACHMENT A TO HEARING OFFICER ORDER

July 14, 2011

Board Staff Questions for IEPA

Statement of Reasons

- 1) On page 7, the Agency states that a petroleum pipeline runs through the well field. On page 10, the Agency states that, “[w]hile neither the minimum nor maximum setback zone prohibit or regulate pipelines, a maximum setback zone will afford the Fayette Water Company wells an additional measure of protection if a release occurs.”
 - a) Please clarify whether the pipeline runs above ground or underground in the vicinity of the FWC’s well field. If underground, does the pipeline runs through the “principal sand and gravel aquifer” used by the Fayette Water Company (FWC) wells?
 - b) Please comment on whether the pipe line poses a significant threat of contamination to the principal aquifer serving the FWC’s wells.
 - c) Please clarify whether the petroleum pipeline is within the existing setback zones of the FWC wells. Since the pipeline is neither prohibited nor regulated by setback zone regulations, please elaborate on how the establishment of a maximum setback affords additional protection to the FWC wells.
 - d) Page 7 of the Statement of Reasons indicates that “[a] new pipeline has also been proposed that would follow the same right-of-way.” Please comment more specifically on the status of that proposal.
 - e) Please comment on any specific federal or state regulations other than the Board’s setback regulations that govern pipeline safety in terms of groundwater protection.
 - f) Can you identify and provide a mailing address for the owner of the pipeline? Have you discussed this proposal with them? Can you provide to the Board a map identifying the location of the pipeline with respect to FWC’s well field?
- 2) On page 7, the Agency states that FWC determined the Lateral Area of Influence (LAI) of its well and requested the Agency to review and confirm the technical adequacy of the FWC’s determination. Please submit FWC’s determination of LAI along with the Agency’s confirmation into the record.

Testimony of Richard Cobb

- 1) On page 4, you state that the well record from the FWC well field confirms that the bedrock is composed of Pennsylvanian aged deposit. Please provide the well logs for the six FWC public water supply wells covered by the proposed maximum setback regulation.
- 2) On page 7, you state that the principal sand and gravel aquifer used by FWC has an intrinsically high vulnerability to groundwater contamination. Since the prohibition under Section 14.3(e) of the Act does not address potential secondary sources or potential routes, please comment on the merits of expanding the proposed prohibition at Section 618.115 to include new potential secondary source or potential route. *See* 415 ILCS 5/14.3(e) (2010).
- 3) Section 14.3(f) of the Act provides that the boundaries of a maximum setback zone adopted by ordinance may extend to a distance of 2,500 feet from the well head under certain conditions. Are any of the FWC wells withdrawing groundwater from alluvial deposits and located within 1000 feet of public waters such that the maximum setback zone could potentially be established at 2,500 feet from the wellhead? *See* 415 ILCS 5/14.3(f) (2010).
- 4) On page 7, you note that the average daily pumpage from the FWC wells is 494,830 gal. However, the Statement of Reasons on page 5 states that “the average daily pumpage form the groundwater source” is 864,000 gallons per day. Please clarify.

Proposed Amendment: Section 618.110

- 1) In the Statement of Reasons at page 11, the Agency states that this new section 618.110 “provides that the groundwater rules of Section 14.4 of the Act and corresponding Board regulations will apply to any activities, facilities, and units within the maximum setback zones established by this Part or the Act.”
 - a) Please clarify whether the “activities, facilities or units” referred to in this section are the same as those regulated under 35 Ill. Adm. Code 615 and 616.
 - b) If so, please comment on whether the proposed language should include a cross reference to Parts 615 and 616 to define the universe of the entities subject to applicable regulations.