

BEFORE THE POLLUTION CONTROL BOARD
OF THE STATE OF ILLINOIS

VILLAGE OF CARLOCK,)	
)	
Petitioner)	
)	
v.)	PCB No. 2015-110
)	(Water well Setback Exception)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent)	

NOTICE OF FILING

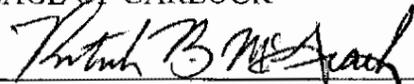
TO: Illinois Environmental Protection Agency
Division of Legal Counsel #21
PO Box 19276
Springfield, IL 62794-9276

PLEASE TAKE NOTICE that I have filed with the Office of the Clerk of the Pollution Control Board Petitioner's Reply to Illinois EPA's Response, a copy of which is herewith served upon you.

Dated: February 2, 2015

Respectfully Submitted,

VILLAGE OF CARLOCK

By: 
Patrick B. McGrath

McGrath Law Office, P.C.
Attorney for Village of Carlock
113 S. Main St., P.O. Box 139
Mackinaw, Illinois 61755
(309) 359-3461

BEFORE THE POLLUTION CONTROL BOARD
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Respondent)	

PETITIONER'S REPLY TO ILLINOIS EPA'S RESPONSE

NOW COMES Petitioner, Village of Carlock, by and through its attorney Patrick B. McGrath of McGrath Law Office, P.C., and hereby submits its Reply to the Response to the Petition for Setback Exception filed by the Illinois EPA.

The Illinois EPA filed its Response on or about December 31, 2014 to the Petition for Setback Exception filed by the Village of Carlock. The Agency recommended denial of the Petition for a failure to provide adequate proof that compliance with the setback zone would pose an arbitrary and unreasonable hardship, and that the location of the septic system would not constitute a significant hazard to the community water supply well. The Agency requested Petitioner submit the following for the record:

1. Cost estimates for additional property outside the setback zones of Well #1 and Well #2, or the availability of such property;
2. Cost estimates of new well and associated infrastructure; and
3. An explanation of whether wastewater with concentrated arsenic will be discharged into the proposed system.

Cost estimates for additional property outside the setback zones of Well #1 and Well #2 are attached hereto and incorporated herein by reference as Exhibit A. Included with Exhibit A is

the Village engineer's preliminary opinion of the project costs to purchase property and relocate the septic system. The property the Village has identified as being required if it were to be denied a setback exemption is located at 304 South Perry Street. The market value of the property as used in the engineer's preliminary opinion is based upon the property's assessed fair market value. The property is not presently listed for sale. The Village of Carlock, however, possesses the legal authority to take the property through an appropriate eminent domain proceeding. The legal fees included on the engineer's preliminary opinion of probable project costs would be required to acquire the property via eminent domain. Acquisition of the property represents part of the overall cost to relocate the septic system outside of the setback zone. In addition to acquiring the property, the house and garage would have to be demolished. The existing septic system constructed pursuant to a permit issued and then rescinded by the McLean County Health Department would have to be removed, and relocated outside the setback zone. As Exhibit A indicates, the estimated project cost would be \$136,000.00. This is an additional project cost beyond that which the Village of Carlock has spent installing new infrastructure to comply with arsenic concentration standards. Relocating the system outside of the setback zone would also require the Village to displace residents and would lead to the removal from the tax rolls of real estate generating tax revenues for the Village of Carlock and other taxing districts.

Cost estimates for a new well and associated infrastructure are attached hereto and incorporated herein by reference as Exhibit B. The cost estimates contained in Exhibit B assume the new well would be identical in size and scale to the Village's existing well #3. Existing wells #1 and #2 are located within the setback zone. The project costs set forth on Exhibit B include the cost to abandon those existing wells. The engineer's preliminary opinion is based upon estimates provided by Albrecht Well Drilling. The Village engineers assessed the information obtained from Albrecht Well Drilling and believe that information to be reasonable

based on its experience with projects of a similar size and nature. The estimated project cost to construct a new well is \$260,000.00. This is an additional cost beyond that which the Village has already spent to comply with arsenic concentration standards.

The Illinois EPA requested an explanation of whether wastewater with concentrated arsenic would be discharged into the proposed septic system. Water with concentrated arsenic will not be discharged into the proposed system. Water with concentrated arsenic (backwash water), as required by the EPA, is discharged through the Village's red water filter into an existing storm sewer and discharged in accordance with the Village's NPDES permit. The proposed septic system will serve the restroom facilities in the Village's maintenance building, the restroom facilities in the water plant and the floor drains in the water plant. The floor drains do not serve as a drainage source for wastewater with concentrated arsenic.

In accordance with its Response to the Petition for Setback Exception, the Village of Carlock respectfully requests reconsideration by the Illinois Environmental Protection Agency of its recommendation made on or about December 31, 2014.

Respectfully Submitted,



Patrick B. McGrath

McGrath Law Office, P.C.
Attorney for Village of Carlock
113 S. Main St., P.O. Box 139
Mackinaw, Illinois 61755
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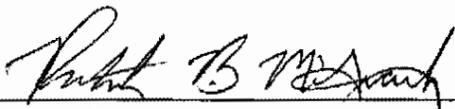
CERTIFICATE OF SERVICE

I, Patrick B. McGrath, certify that I have served the attached Petition for Setback Exception by first-class mail, upon the following persons:

Illinois Environmental Protection Agency
Division of Legal Counsel #21
PO Box 19276
Springfield, IL 62794-9276

Illinois Pollution Control Board
Clerk's Office
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, IL 60601

Village of Carlock
James M. Larimore
304 South Perry
Carlock, IL 61725



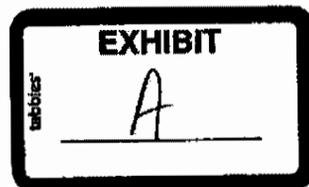
Patrick B. McGrath

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VILLAGE OF CARLOCK, ILLINOIS

**PRELIMINARY OPINION OF PROBABLE PROJECT COSTS
TO PURCHASE PROPERTY AND RELOCATE SEPTIC SYSTEM**

	DESCRIPTION	ESTIMATED COST
1	MARKET VALUE OF 304 SOUTH PERRY STREET PIN 06-32-333-002	\$99,000
2	DEMOLITION OF HOUSE AND GARAGE	\$8,000
3	REMOVE EXISTING SEPTIC SYSTEM AND CONSTRUCT NEW SEPTIC SYSTEM OUTSIDE 200 FEET SETBACK ZONE	\$12,000
	SUBTOTAL CONSTRUCTION COSTS	\$119,000
	CONTINGENCY (10%)	\$12,000
	TOTAL ESTIMATED CONSTRUCTION COSTS	\$131,000
	LEGAL FEES	\$5,000
	TOTAL ESTIMATED PROJECT COSTS	\$136,000





Information for Parcel 06-32-333-002, Tax Year 2013 Payable 2014

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Property Information

Tax Year 2013	Tax Code 2804
Township WHITE OAK	Neighborhood
Property Class 0040-Improved Lots	Land Use
Tax Status Taxable	Lot Size
Net Taxable Value 27,020	Tax Rate 8.048520
Total Tax \$2,174.72	Site Address 304 S PERRY CARLOCK, IL 61725
Owner Name and Address SHILL, BRYAN PO BOX 271 CARLOCK, IL	Mailing Name and Address SHILL, BRYAN PO BOX 271 CARLOCK, IL
Legal Description VILLAGE OF CARLOCK (EX LOT 1 &2) BLK 5	

Market Land Valuation

Property Class	Description	Type	Sq. Ft.	Calc. Acres	Deed Acres	Value
Residential	Residential	-	0	0.69	0.00	5,679

Single Family 1 STORY Structure (1 of 1)

Property Class	Description	Style	Quality	Living Area (sq. ft.)	Year Built	Age
Residential	Single Family 1 STORY	One Story	Grade C	1,220	1898	115

Exterior Walls (Quantity)

Wood Siding

Plumbing Detail (Quantity)

Bathroom (3) 1.00 Sink/Lavatory (1) 2.00

Plumbing Total (Quantity)

Total Fixtures 5.00

Attic (Square Ft.)

Unfinished 0.00

Base Cost (Square Ft.)

Frame Construction () 1220.00

Occupancy (Quantity)

Dwelling

Heating/Cooling (Square Ft.)

Central Air () 0.00

Detached Garage (Square Ft.)

Frame Construction (Grade C) 1656.00

Assessments

Level	Homesite	Dwelling	Farm Land	Farm Building	Mineral	Total
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Assessments						
DOR Equalized	6,722	26,298	0	0	0	33,020
Department of Revenue	6,722	26,298	0	0	0	33,020
Board of Review Equalized	6,722	26,298	0	0	0	33,020
Board of Review	6,722	26,298	0	0	0	33,020
S of A Equalized	6,722	26,298	0	0	0	33,020
Supervisor of Assessments	6,722	26,298	0	0	0	33,020
Township Assessor	6,722	26,298	0	0	0	33,020
Prior Year Equalized	6,722	26,298	0	0	0	33,020

Payments								
Installment	Date Due	Tax Billed*	Penalty Billed	Cost Billed	Drainage Billed	Total Billed	Amount Paid	Total Unpaid
First	06/02/2014	\$1,087.36	\$0.00	\$0.00	\$0.00	\$1,087.36	\$1,087.36	\$0.00
Second	09/02/2014	\$1,087.36	\$0.00	\$0.00	\$0.00	\$1,087.36	\$1,087.36	\$0.00
Total		\$2,174.72	\$0.00	\$0.00	\$0.00	\$2,174.72	\$2,174.72	\$0.00

* Please use \$2,174.72 for income tax purposes.

Payment Detail					
Installment	Receipt Number	Date Paid	Paid By	Amount	
First	2013014141	05/22/2014	CORELOGIC	\$1,087.36	
Second	2013057392	08/25/2014	CORELOGIC	\$1,087.36	
Total				\$2,174.72	

Tax Sales				
Year	Type	Date Sold	Date Paid	
2009	Tax Sale	11/05/2010	07/26/2011	
2005	Tax Sale	11/03/2006	05/04/2007	

* Contact the County Clerk for more information

Exemptions						
Exemption Type	Requested Date	Granted Date	Renewal Date	Prorate Date	Requested Amount	Granted Amount
Owner Occupied	02/26/2005	02/26/2005	01/10/2013		6,000	6,000

No Farm Land Information

Parcel Genealogy

Parent Parcels

Child Of	Action	Tax Year	Change Effective Year	Completed?
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Child Parcels

Parent Of	Action	Tax Year	Change Effective Year	Completed?
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Legal Descriptions

Legal Description	Section/Township/Range	Document
VILLAGE OF CARLOCK (EX LOT 1 &2) BLK 5	28	

Related Names

Name	Relationship	Status	Document
SHILL, BRYAN	Parcel Owner	Current	2003 - 61507
OCWEN LOAN SERVICING	Mortgage Company	Current	

Sales History

Year	Document #	Sale Type	Sale Date Notes	Price
2003	200361507	Arms Length Sale	12/01/2003 DEED TYPE: WARRANTY - SALE TYPE: ARMS LENGTH	\$95,000

Site Addresses

House Number	House Number Suffix	Street Name	Zip Code	Location
304		S PERRY		
City	State			

Williamson Excavating, LLC

14964 Halsey Road
 Heyworth, IL 61745

Invoice

Date	Invoice #
8/6/2014	4836

Bill To
G.A. Rich & Sons, Inc. 204 S. Perry St. P. O. Box 50 Deer Creek, IL 61733

P.O. No.	Due Date	Job Name
Bret Verrdo	8/6/2014	Carlock

Quantity	Description	Rate	Amount	
270	4" Plastic tile	0.49	132.30	
2	4" plastic end plug	2.29	4.58	
1	12" Plastic tee	39.15	39.15	
5	12" Tile	6.59	32.95	
4	4" Internal coupler	2.08	8.32	
70	4" seepnge field pipe	0.99	69.30	
5	4" DS pvc 90 elbow	4.60	23.00	
4	4" DS pvc Tee	5.20	20.80	\$20.80
1	4" sch40 double cleanout tee	19.20	19.20	\$19.20
1	4" sch40 ell 11.25	19.95	19.95	
2	5" Internal coupler	3.25	6.50	
1	5" Plastic Y	9.75	9.75	
1	6x5x4 Flow Line Reducer	6.80	6.80	
	bead seal tar strips	20.00	20.00	
61	Labor	98.90	6,032.90	
19	Mini excavator	148.50	2,821.50	\$297
7	Skidloader	133.50	934.50	\$534
3	Tandem Truck	107.50	322.50	
2	Utility crossing	175.00	350.00	
2	Move in equipment charge	200.00	400.00	
	Permit Fees	328.00	328.00	\$328
			Total Deduct.	\$1,199
		Total	\$11,602.00	

Phone #
(309) 275-3003

Williamson Excavating, LLC

14964 Halsey Road
 Heyworth, IL 61745

Invoice

Date	Invoice #
8/13/2014	4851

Bill To
G.A. Rich & Sons, Inc. 204 S. Perry St. P. O. Box 50 Deer Creek, IL 61733

P.O. No.	Due Date	Job Name
	8/13/2014	Carlock

Quantity	Description	Rate	Amount
1	soil borings for septic system	300.00	300.00
Total			\$300.00

Phone #
(309) 275-3003

VILLAGE OF CARLOCK, ILLINOIS

PRELIMINARY OPINION OF PROBABLE PROJECT COSTS
FOR NEW WELL NEAR EXISTING WELL NO. 3

	DESCRIPTION	ESTIMATED COST
1	CONSTRUCTION OF NEW 150 GPM WELL	\$150,000
2	PIPING AND VALVES	\$10,000
3	ELECTRICAL	\$15,000
4	INSTUMENTATION & CONTROLS	\$5,000
5	SITE WORK	\$2,000
6	ABANDONMENT OF EXISTING WELLS 1 AND 2	\$18,000
	SUBTOTAL CONSTRUCTION COSTS	\$200,000
	CONTINGENCY (10%)	\$20,000
	TOTAL ESTIMATED CONSTRUCTION COSTS	\$220,000
	DESIGN ENGINEERING	\$20,000
	CONSTRUCTION ENGINEERING	\$20,000
	TOTAL ESTIMATED PROJECT COSTS	\$260,000



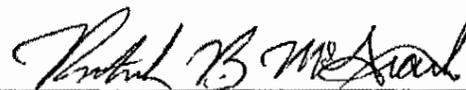
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