

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VILLAGE OF CARLOCK,)	
)	
Petitioner)	
)	
v.)	PCB 2015-110
)	(Water Well Setback Exception)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

NOTICE OF FILING

PLEASE TAKE NOTICE that I have filed today with the Illinois Pollution Control Board Illinois EPA's ILLINOIS EPA'S RESPONSE TO PETITIONER'S REPLY, a copy of which is herewith served upon you.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: /s/Joanne M. Olson
Joanne M. Olson
Assistant Counsel
Division of Legal Counsel

Date: February 6, 2015

Joanne M. Olson #6293500
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ILLINOIS EPA'S RESPONSE TO PETITIONER'S REPLY

NOW COMES the Illinois Environmental Protection Agency (“Illinois EPA” or “Agency”), by and through its counsel, and hereby submits its Response to Petitioner's Reply.

I. INTRODUCTION

On December 12, 2014, the Village of Carlock ("Petitioner") filed a Petition for Setback Exception ("Petition") with the Illinois Pollution Control Board ("Board"), requesting an exception to the minimum setback zone for two community wells owned and operated by the Village of Carlock. On December 31, 2014, the Agency filed a response recommending the Board deny the petition because the Petitioner failed to provide adequate proof that compliance with the setback zone would pose an arbitrary and unreasonable hardship and that the location of the septic systems would not constitute a significant hazard to the community water supply wells. Specifically, the Illinois EPA requested that the Petitioner submit the following additional information for the record, after which time the Agency would reevaluate its recommendation:

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 a new well and associated infrastructure; and

3. An explanation of whether wastewater with concentrated arsenic will be discharged into the proposed septic system.

On February 2, 2015, the Petitioner responded to the Agency's request by submitting into the record the requested cost estimates and an explanation that the wastewater does not contain arsenic.

II. RECOMMENDATION

In light of the additional information submitted by the Petitioner, the Agency has reconsidered its previous recommendation. The Agency now recommends the Board grant the petition because the Petitioner has provided adequate proof as required by Section 14.2(c) of the Environmental Protection Act, 415 ILCS 5/14.2(c) and Section 106.310 of the Board's regulations, 35 Ill. Adm. Code 106.310.

WHEREFORE, the Illinois EPA respectfully submits this recommendation.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

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CERTIFICATE OF SERVICE

Joanne M. Olson, Assistant Counsel for the Illinois EPA, herein certifies that she has served a copy of the foregoing NOTICE OF FILING; and ILLINOIS EPA'S RESPONSE TO PETITIONER'S REPLY upon

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

Patrick B. McGarth
113 S. Main St.
P.O. Box 139
Makinaw IL 61755

by mailing, unless otherwise noted on the Service List, a true copy thereof in an envelope duly addressed bearing proper first class postage and deposited in the United States mail at Springfield, Illinois on February 6, 2015.

/s/Joanne M. Olson
Joanne M. Olson