ILLINOIS POLLUTION CONTROL BOARD
March 9, 1995

CITY OF ELGIN,   )
)
     Petitioner,   )
)   PCB 94-371
     v.   )   (Water Well Setback Exception)
)
ILLINOIS ENVIRONMENTAL   )
PROTECTION AGENCY,   )
)
     Respondent.   )

ORDER OF THE BOARD (by J. Yi):

     On December 2, 1994 the City of Elgin (City) filed a
petition for an exception to the water well setback requirements,
pursuant to Section 14.2(c) of the Environmental Protection Act
(Act) and the Board's procedural rules at 35 Ill. Adm. Code
106.601 et. seq. (415 ILCS 5/14.2(c) (1992).) The water well
setback requirements set forth in Section 14.2 of the Act provide
minimum set back zones from public water supply wells for the
location of each new potential source. (415 ILCS 5/14.2 (1992).)

     The City is requesting the Board to grant an exception from
the water well setback exception in order to construct new lime
residue storage lagoons at its Airlite Street Water Treatment
Plant located at 74 North Airlite Street, Elgin, Illinois. (Pet.
at 1.)[1] The City states that its current lagoons are located
approximately 20 feet from one of its water supply wells and
within the 200 feet minimum setback zone for its other three
water supply wells. The City states that the facility is
surrounded by an elementary school, hospital, residential areas
and a private property that do not permit adjacent relocation of
the lagoons. The existing lagoons were constructed in the 1960s
and must now be closed pursuant to 35 Ill. Adm Code 615.442. The
City alleges that the hydrogeological conditions surrounding the
water supply wells is such that there is minimal potential for
contamination. The City further states that it "...will solicit
the services of a professional engineering firm to oversee the
design and construction of the new lagoon and also the closure of
the existing lagoon..." and that it will use the best available
controls economically achievable to minimize contamination.
(Pet. at 3.) However, the City did not provide any specific
design, operational and maintenance plans and states that

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     [1] The City's exception petition will be referenced as "Pet.
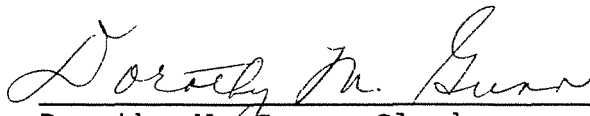at " and the Agency's motion to dismiss will referenced as "Mot.
at ".

"[s]pecific design criteria, operating requirements, and costs will be formulated after the Board's response to this petition for exception is received." (Pet. at 3.)

The Illinois Environmental Protection Agency (Agency), on December 22, 1994, filed a motion to dismiss or alternatively an order requesting clarification and more information. The Board entered an order on January 11, 1995 finding the petition deficient and directed the City to file specific information supplementing it's petition on or before March 10, 1995 and denied the Agency's motion to dismiss. The City filed the appropriate supplemental information on March 3, 1995. Therefore, the matter is accepted for hearing and will be assigned to a Hearing Officer immediately. The Board will hold a hearing pursuant to 35 Ill. Adm. Code 106.604 which has specific public notice periods that will not be altered.

Section 106.603 of the Board's procedural rules provide that within 21 days after the filing of a petition, the Agency and the water well owner, shall file a response to any petition in which it has not joined as co-petitioner. (35 Ill. Adm. Code 106.603(a).) The petitioner may then file a reply within 14 days of the filing of the responses. (35 Ill. Adm. Code. 106.603(b).) The Agency's response is due on or before March 24, 1995. The City's reply would be due on or before April 7, 1995. The assigned Hearing Officer shall schedule a hearing at the earliest time in accordance with the above dates and 35 Ill. Adm. Code 102.162.

IT IS SO ORDERED.

I, Dorothy M. Gunn, Clerk of the Illinois Pollution Control Board, hereby certify that the above order was adopted on the ____9th____ day of ____March____, 1995, by a vote of __4-0__.

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Dorothy M. Gunn, Clerk
Illinois Pollution Control Board