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ILLINOIS POLLUTION CONTROL BOARD

December 13, 2004

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STATE OF ILLINOIS  
Pollution Control Board

IN THE MATTER OF:	)	
	)	
SETBACK ZONE FOR CITY OF	)	R05-9
MARQUETTE HEIGHTS COMMUNITY	)	(Rulemaking – Public Water Supply)
WATER SUPPLY, NEW 35 ILL. ADM.	)	
CODE 618	)	

**NOTICE OF HEARINGS**

DATES, TIMES, AND PLACES:

FIRST HEARING: TUESDAY, MARCH 1, 2005, at 10:00 A.M.

Pekin City Hall  
Council Chambers – 2d Floor  
111 South Capitol Street  
Pekin, Illinois

SECOND HEARING: TUESDAY, APRIL 5, 2005, at 10:00 A.M.

James R. Thompson Center  
Room 2-025  
100 West Randolph Street  
Chicago, Illinois

PURPOSE OF HEARINGS: Merit and Economic

ATTENDING BOARD MEMBERS: Andrea S. Moore

HEARING OFFICER: Richard R. McGill, Jr.

**HEARING OFFICER ORDER**

On November 5, 2004, the Board received a rulemaking proposal from the Illinois Environmental Protection Agency (Agency) to establish 1,000-foot setback zone protection for the community water supply (CWS) wells of the City of Marquette Heights, in Tazewell County. The proposal is the first of its kind under Section 14.3(d) of the Environmental Protection Act (415 ILCS 5/14.3(d) (2002)), which allows for the establishment of “maximum setback zones” to prevent contamination of particularly vulnerable groundwater sources used by CWS.

In compliance with the Americans with Disabilities Act and other applicable federal and State laws, the hearing will be accessible to individuals with disabilities. Persons requiring auxiliary aids and services should contact Dorothy Gunn, Clerk of the Board, at 100 West Randolph St., Suite 11-500, Chicago, Illinois 60601, at telephone number 312/814-6931, fax number 312/814-3669, or TDD number 312/814-6032, five days prior to the hearing.

The proposed public water supply rules would create a new Part 618 of Title 35 of the Illinois Administrative Code. As proposed by the Agency, the new Part 618 would have two subparts. In Subpart A of Part 618, the Agency proposes general provisions for "maximum setback zones," including definitions. In Subpart B of Part 618, the Agency proposes rules specific to the Marquette Heights CWS wells, including an appendix which, according to the Agency, delineates the irregularly-shaped boundaries of the proposed 1,000-foot maximum setback zone. Proposed Subpart B includes provisions that the Agency states are designed (1) to prohibit "new potential primary sources" of groundwater contamination from locating within the expanded setback, and (2) to make the Board's "technical standards" of 35 Ill. Adm. Code 615 and 616 applicable to certain new and existing activities located wholly or partially within the expanded setback. On December 2, 2004, the Board accepted the Agency's proposal for hearing.

Two hearings are presently scheduled for R05-9: March 1, 2005, in Pekin; and April 5, 2005, in Chicago. Hearing times and locations are set forth above. The purpose of these hearings is to allow the Board to receive testimony from the Agency and other interested participants on the merits and economic impact of the rulemaking proposal. At hearing, all persons who testify will be sworn and subject to questioning.

For the March 1, 2005 hearing in Pekin, any person who wishes to testify must prefile his or her testimony and any related exhibits with the Clerk of the Board no later than February 4, 2005, and simultaneously serve the hearing officer and all persons on the Service List. Witnesses who prefile must be prepared to provide an oral summary of his or her prefiled testimony at the first hearing. Others may testify at the first hearing as time permits, at the discretion of the hearing officer. A prefiling deadline for the second hearing may be established later.

The Agency's rulemaking proposal, including its statement of reasons and proposed rule language, may be obtained on the Board's Web Site through the Clerk's Office On-Line (COOL) at [www.ipcb.state.il.us](http://www.ipcb.state.il.us). Prefiled testimony, public comments, hearing transcripts, and opinions and orders in R05-9 also will be available on-line through COOL.

The Notice List for this rulemaking is the list of persons who wish to receive only the Board's opinions and orders and hearing officer orders. The Service List is the list of persons who wish to actively participate in this proceeding and receive not only opinions and orders, but also other filings such as prefiled testimony and public comments.

Persons must provide copies of documents they file with the Clerk of the Board to all persons on the Service List and to the hearing officer. The Service List is available on COOL or by contacting Sandy Wiley at (312) 814-3623 or [wileys@ipcb.state.il.us](mailto:wileys@ipcb.state.il.us) or the hearing officer. *Before filing any document with the Clerk, please confirm that you have the most recent version*

*of the Service List.*

IT IS SO ORDERED.



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Richard R. McGill, Jr.  
Hearing Officer  
Illinois Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
(312) 814-6983 or [mcgillr@ipcb.state.il.us](mailto:mcgillr@ipcb.state.il.us)

