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JUN 05 2006

POLLUTION CONTROL BOARD

James R. Thompson Center 100 W. Randolph St., Ste 11-500
Dorothy Gunn
CHICAGO, IL 60601

STATE OF ILLINOIS
Pollution Control Board

Dear Dorothy Gunn

Your rules Listed below met our codification standards and have been published in Volume 30, Issue 23 of the Illinois Register, dated 06/09/2006.

ADOPTED RULES

Maximum Setback Zones
35 Ill. Adm. Code 618
Point Of Contact:Erin Conley

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If you have any questions, you may contact the Administrative Code Division at (217) 782 - 7017.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULE

A more complete description of this rulemaking may be found in the Board's opinion and order of May 4, 2006, in Board docket R05-09. The Board is adopting a new Part that establishes an expanded setback zone of up to 1,000 feet to provide additional protection for the community water supply (CWS) wells of the City of Marquette Heights, in Tazewell County.

This rule is the first of its kind under Section 14.3 of the Environmental Protection Act (Act) (415 ILCS 5/14.3 (2004)), which allows for the establishment of "maximum setback zones" to prevent contamination of particularly vulnerable groundwater sources used by CWS. A setback zone restricts land use near the CWS well, providing a buffer between the well and potential sources or routes of contamination.

In Subpart A of Part 618, there are general provisions for maximum setback zones, including definitions. Subpart A's provisions apply to all maximum setback zones established in Illinois through Board rulemaking. Subpart B of Part 618 contains rules specific to the Marquette Heights CWS wells, including ones providing that: (1) certain activities within the setback are banned; and (2) other activities within the setback are subject to management and control standards. "New potential primary sources" of groundwater contamination are prohibited from locating wholly or partially within the Marquette Heights expanded setback. Examples of potential primary sources can include a unit at a facility (1) used to treat, store, or dispose of any hazardous or special waste not generated at the site, (2) used to dispose of municipal waste not generated at the site, other than landscape waste and construction and demolition debris, (3) used to landfill, land treat, surface impound or pile any hazardous or special waste that is generated on the site or at other sites owned, controlled or operated by the same person, or (4) that stores or accumulates at any time more than 75,000 pounds above ground, or more than 7,500 pounds below ground, of any hazardous substances.

Section 618.Appendix A is a map that delineates the irregularly-shaped boundaries of the maximum setback zone relative to local land use plats. The distance from each wellhead to the setback boundaries varies from approximately 600 to 1,000 feet. The appendix also lists identification numbers of parcels that are located wholly or partially within the maximum setback.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Richard McGill
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6983

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Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address listed in #8 above or by calling 312/814-3620. Please refer to the docket number R05-09 in your request. Board opinions and orders are also available from the Board's Web site (www.ipcb.state.il.us)

The full text of the adopted rule begins on the next page:

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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULE

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARD

PART 618
MAXIMUM SETBACK ZONES

SUBPART A: GENERAL

Section	
618.100	Purpose and Applicability
618.105	Definitions

SUBPART B: MARQUETTE HEIGHTS' MAXIMUM SETBACK ZONE

Section	
618.200	Purpose and Applicability
618.205	1,000 Foot Maximum Setback Zone Prohibition

618.APPENDIX A Boundaries of Marquette Heights' Maximum Setback Zone

AUTHORITY: Implementing Section 14.3 and authorized by Section 27 of the Illinois Environmental Protection Act [415 ILCS 5/14.3 and 27].

SOURCE: Adopted in R05-9 at 30 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 618.100 Purpose and Applicability

This Part is established in the interest of securing the public health, safety, and welfare; to preserve the quality and quantity of groundwater resources in order to assure a safe and adequate water supply for present and future generations; and to preserve groundwater resources currently in use and those aquifers having a potential for future use as a public water supply. Pursuant to the authority of Section 14.3(d) of the Illinois Environmental Protection Act (Act) [415 ILCS 5/14.3(d)], the provisions of this Part apply to all properties located wholly or partially within a maximum setback zone established under Section 14.3(d) of the Act and this Part.

Section 618.105 Definitions

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Unless a different meaning of a word or term is clear from the context, the definitions of words or terms in this Part are the same as those used in the Act, the Illinois Groundwater Protection Act [415 ILCS 55], or 35 Ill. Adm. Code 671.

“Agency” means the Illinois Environmental Protection Agency.

“Board” means the Illinois Pollution Control Board.

“Facility” means *the buildings and all real property contiguous thereto, and the equipment at a single location used for the conduct of business* [430 ILCS 45/3].

“New Potential Primary Source” means:

a potential primary source which is not in existence or for which construction has not commenced at its location as of January 1, 1988; or

a potential primary source which expands laterally beyond the currently permitted boundary or, if the primary source is not permitted, the boundary in existence as of January 1, 1988; or

a potential primary source which is part of a facility that undergoes major reconstruction. Such reconstruction shall be deemed to have taken place where the fixed capital cost of the new components constructed within a 2-year period exceed 50% of the fixed capital cost of a comparable entirely new facility [415 ILCS 5/3.345].

“New Potential Route” means:

a potential route which is not in existence or for which construction has not commenced at its location as of January 1, 1988; or

a potential route which expands laterally beyond the currently permitted boundary or, if the potential route is not permitted, the boundary in existence as of January 1, 1988 [415 ILCS 5/3.350].

“New Potential Secondary Source”

means *a potential secondary source which:*

is not in existence or for which construction has not commenced at its location as of July 1, 1988; or

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULE

is utilized for the landfilling, land treating, or surface impounding of waste that is generated on the site or at other sites owned, controlled or operated by the same person, other than livestock and landscape waste, and construction and demolition debris; or

stores or accumulates at any time more than 25,000 but not more than 75,000 pounds above ground, or more than 2,500 but not more than 7,500 pounds below ground, of any hazardous substances; or

stores or accumulates at any time more than 25,000 gallons above ground, or more than 500 gallons below ground, of petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance; or

stores or accumulates pesticides, fertilizers, or road oils for purposes of commercial application or for distribution to retail sales outlets; or

stores or accumulates at any time more than 50,000 pounds of any de-icing agent; or

is utilized for handling livestock waste or for treating domestic wastewaters other than private sewage disposal systems as defined in the Private Sewage Disposal Licensing Act [415 ILCS 5/3.355].

“Setback zone” means a geographic area, designated pursuant to the Act, containing a potable water supply well or a potential source or potential route, having a continuous boundary, and within which certain prohibitions or regulations are applicable in order to protect groundwaters [415 ILCS 5/3.450].

“Site” means any location, place, tract of land, and facilities, including but not limited to buildings, and improvements used for purposes subject to regulation or control by the Act or regulations thereunder [415 ILCS 5/3.460].

“Unit” means any device, mechanism, equipment, or area (exclusive of land utilized only for agricultural production). This term includes secondary containment structures and their contents at agrichemical facilities. [415 ILCS 5/3.515]

“Unit boundary” means a line at the land’s surface circumscribing the area on which, above which, or below which waste, pesticides, fertilizers, road oils or de-icing agents will be placed during the active life of the facility. The space taken up by any liner, dike or other barrier designed to contain waste, pesticides, fertilizer, road oils, or de-icing agents falls within the unit boundary.

SUBPART B: MARQUETTE HEIGHTS’ MAXIMUM SETBACK ZONE

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Section 618.200 Purpose and Applicability

- a) This Subpart prescribes maximum setback zone prohibitions and the applicable technology control regulations that apply under 35 Ill. Adm. Code 615 and 616 in the interest of securing the public health, safety, and welfare; to preserve the quality and quantity of groundwater resources in order to assure a safe and adequate water supply for present and future generations; and to preserve groundwater resources currently in use and those aquifers having a potential for future use as a public water supply.
- b) The provisions of this Subpart apply to all properties located wholly or partially within the maximum setback zone boundaries of Marquette Heights, as delineated in Appendix A of this Part:
 - 1) That are new potential primary sources of groundwater contamination pursuant to Section 14.3(d) of the Act; or
 - 2) That are existing or new activities regulated under 35 Ill. Adm. Code 615 or 616, excluding agrichemical facilities that affirmatively opt out of 35 Ill. Adm. Code 615 or 616, which are regulated instead under 8 Ill. Adm. Code 257 or 77 Ill. Adm. Code 830.

Section 618.205 1,000 Foot Maximum Setback Zone Prohibition

New potential primary sources of groundwater contamination are prohibited from locating wholly or partially within the Marquette Heights' maximum setback zone boundaries delineated in Appendix A of this Part.

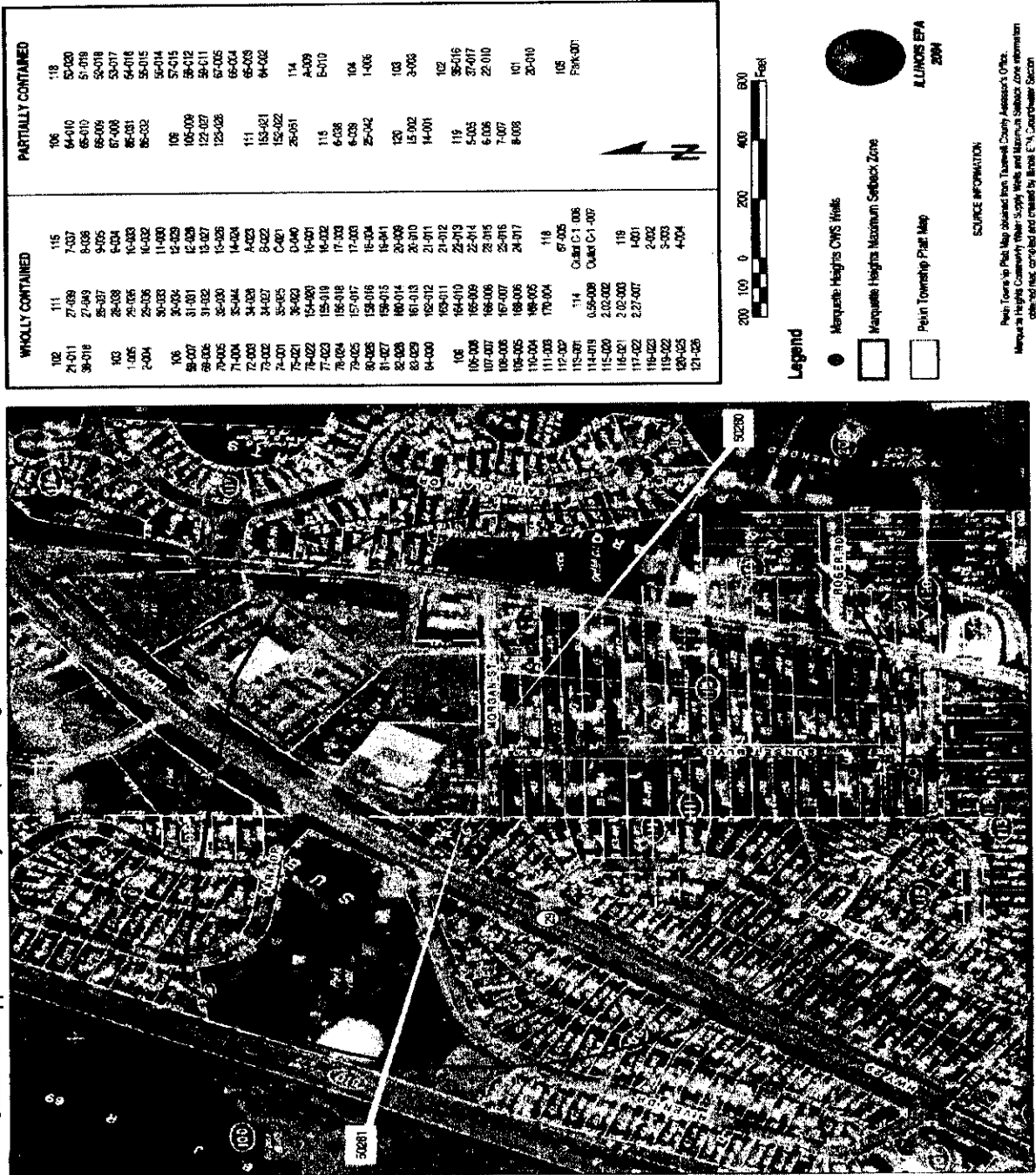
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Section 618.APPENDIX A: Boundaries of Marquette Heights' Maximum Setback Zone

Section 618. Appendix A: Boundary of Marquette Heights' Maximum Setback Zone



WHOLLY CONTAINED	PARTIALLY CONTAINED
102	106
21-011	64-010
38-018	7-037
	5-078
103	68-010
1-005	68-006
2-004	58-018
	53-017
106	64-016
88-207	58-015
89-002	56-014
79-002	108
71-004	57-015
72-003	58-012
73-002	59-011
74-001	62-005
75-021	66-004
76-024	68-003
77-023	64-002
78-024	114
79-002	A-009
80-002	E-010
81-027	104
82-008	1-006
83-029	120
84-000	103
	3-003
108	102
105-008	58-015
107-007	57-017
108-008	6-006
109-005	7-007
110-004	8-008
111-003	101
112-002	28-010
113-007	108
114-019	Plain 007
115-009	
116-021	
117-022	
118-023	
119-022	
120-025	
121-026	
115	
27-039	
21-049	
28-037	
28-038	
29-026	
29-028	
29-033	
30-034	
31-031	
31-032	
32-030	
32-034	
34-028	
34-027	
35-025	
36-023	
36-024	
38-023	
38-027	
39-025	
40-040	
15-002	
14-001	
119	
5-003	
6-006	
7-007	
8-008	
118	
67-005	
114	
056-008	
040-01-007	
210-002	
210-000	
227-007	
1201	
2-002	
3-003	
4-004	

Legend

- Marquette Heights CWS Inlets
- Marquette Heights Maximum Setback Zone
- Plain Township Plat Map

SCALE
200 100 0 200 400 600 Feet

SOURCE INFORMATION
Plain Township Plat Map obtained from Tazewell County Assessor's Office.
Marquette Heights Community Water Supply Well and Maximum Setback Zone information obtained from, compiled and created by Bruce E. N. "Creech" Secora