

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

PART 618
MAXIMUM SETBACK ZONES

SUBPART A: GENERAL

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SUBPART B: MARQUETTE HEIGHTS' MAXIMUM SETBACK ZONE

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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. 10448, effective May 23, 2006.

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

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

expands laterally beyond the currently permitted boundary or, if the secondary source is not permitted, the boundary in existence as of July 1, 1988, other than an expansion for handling of livestock waste or for treating domestic wastewaters; or

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 5/3.355]; but

excludes an agrichemical facility that *modifies on-site storage capacity such that the volume of the pesticide storage does not exceed 125% of the available capacity in existence on April 1, 1990, or the volume of fertilizer storage does not exceed 150% of the available capacity in existence on April 1, 1990; provided that a written endorsement for an agrichemical facility permit is in effect under Section 39.4 of the Act and the maximum feasible setback is maintained. This on-site storage capacity includes mini-bulk pesticides, package agrichemical storage areas, liquid or dry fertilizers, and liquid or dry pesticides* [415 ILCS 5/14.2(g)(4)].

“Potential Primary Source” means *any unit at a facility or site not currently subject to a removal or remedial action which:*

is utilized for the treatment, storage, or disposal of any hazardous or special waste not generated at the site; or

is utilized for the disposal of municipal waste not generated at the site, other than landscape waste and construction and demolition debris; or

is utilized for the landfilling, land treating, surface impounding or piling of any hazardous or special waste that is generated on the site or at other sites owned, controlled or operated by the same person; or

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 [415 ILCS 5/3.345].

“Potential route” means *abandoned and improperly plugged wells of all kinds, drainage wells, all injection wells, including closed loop heat pump wells, and any excavation for the discovery, development or production of stone, sand or gravel* [415 ILCS 5/3.350].

“Potential secondary source” means *any unit at a facility or a site not currently subject to a removal or remedial action, other than a potential primary source, which:*

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 agricultural 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

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

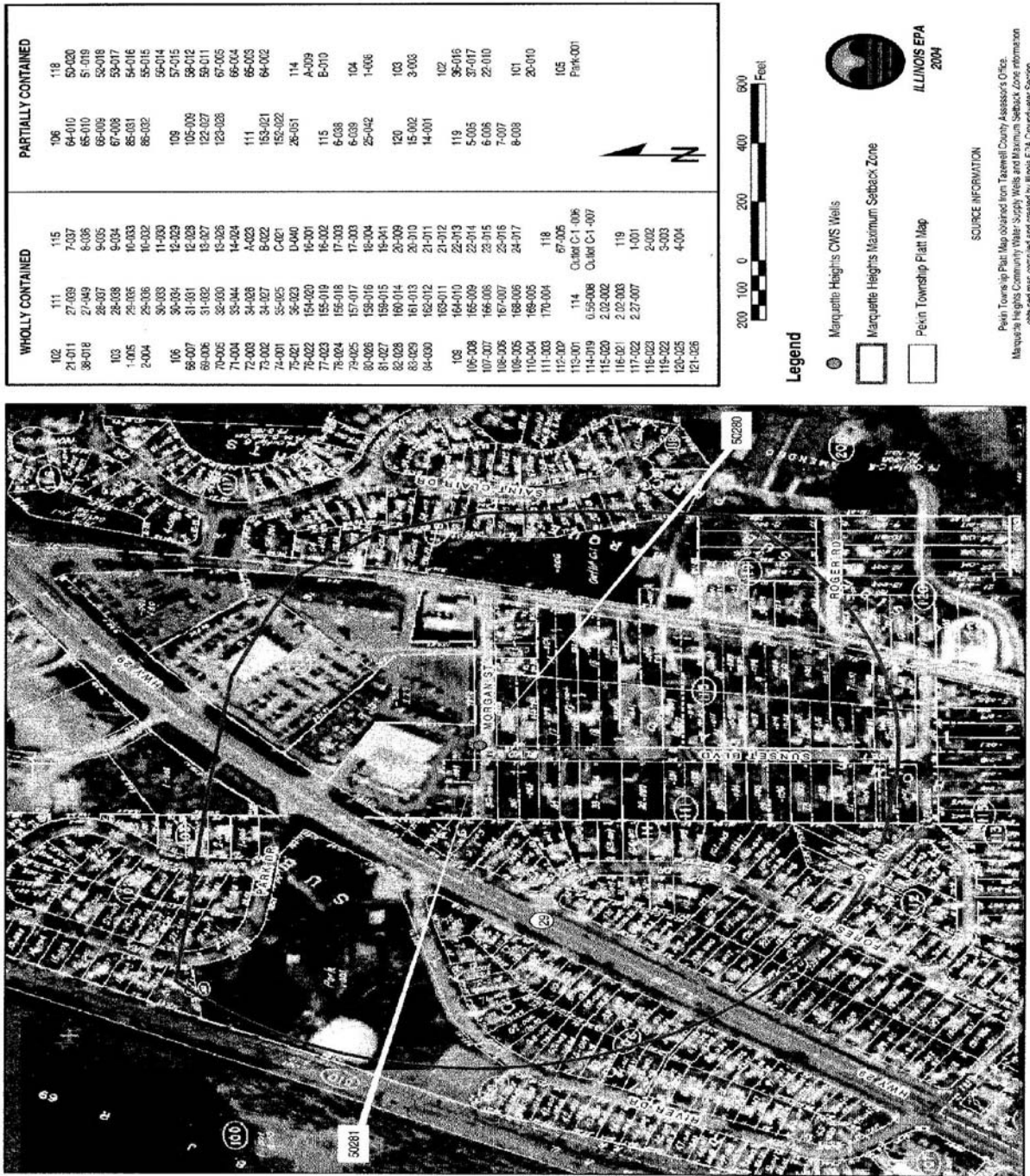
- 2) That are existing or new activities regulated under 35 Ill. Adm. Code 615 or 616, excluding agrichemical facilities that affirmatively opt out of 35 Ill. Adm. Code 615 or 616, which are regulated instead under 8 Ill. Adm. Code 257 or 77 Ill. Adm. Code 830.

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.

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	111	106	118
21-011	27-039	64-010	50-020
38-018	27-049	51-010	51-010
	28-067	68-008	52-018
103	28-008	67-008	53-017
1-005	28-106	85-031	54-016
2-004	28-106	86-032	55-015
	30-033	59-014	59-014
106	30-034	57-015	57-015
58-007	31-031	105-009	59-012
89-006	31-032	122-027	59-011
	32-000	67-005	67-005
70-005	33-044	66-004	66-004
71-004	34-028	65-003	65-003
72-003	34-027	64-002	64-002
73-002	35-025		
74-001	35-025	114	114
75-021	36-063	A-009	A-009
76-022	134-029	E-010	E-010
77-023	135-019		
78-024	135-018	104	104
79-025	137-017	25-042	25-042
80-026	138-016		
81-027	139-015	120	120
82-028	140-014	15-002	15-002
83-029	141-013	3-003	3-003
84-030	142-012	14-001	14-001
	143-011		
108	164-010	119	119
109-008	165-009	39-016	39-016
107-007	166-008	30-017	30-017
106-006	167-007	5-005	5-005
105-005	168-006	6-008	6-008
110-004	169-005	7-007	7-007
111-003	170-004	8-008	8-008
112-009	170-004		
113-001	114	118	118
114-019	0-59-008	67-005	67-005
115-020	2-02-002	108	108
116-021	2-02-003	119	119
117-022	2-27-007	1-001	1-001
118-023		2-002	2-002
119-024		5-003	5-003
120-025		4-004	4-004
121-026			

Legend

- Marquette Heights CMS Wells
- Marquette Heights Maximum Setback Zone
- Pevin Township Plat Map

ILLINOIS EPA
2004

SCALE: 0 200 400 600 Feet

SOURCE INFORMATION
Pevin Township Plat Map obtained from Tazewell County Assessors Office.
Marquette Heights Community Water Supply Wells and Maximum Setback Zone information obtained map compiled and created by Illinois EPA Groundwater Section