

RECEIVED
CLERK'S OFFICE

JUN - 1 2010

STATE OF ILLINOIS
Pollution Control Board

ORIGINAL

ILLINOIS POLLUTION CONTROL BOARD
June 1, 2010

VILLAGE OF MORTON,)
)
Petitioner,)
)
v.) PCB 10-83
) (Community Well Setback Exception)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
)
Respondent.)

HEARING OFFICER ORDER

On June 1, 2010, the Board requested that petitioner provide written responses to the following questions, as well as written testimony, by June 24, 2010.

QUESTIONS

1. **35 IAC 106.302(b) and 106.304(c)**
These sections provide that the petitioner must notify and provide a copy of the petition to the owners of each potable water supply for which the setback requirements would be affected by the proposed exception and provide proof of service.

The Petition on page 6 states,

“The only affected potable water well supply owner within 1000 feet of the proposed de-icing agent storage facility is the Village of Morton. Notice shall be delivered to:

Village of Morton
Attn: Robert Wraight, Director of Public Works
120 N. Main Street
Morton, Illinois 61550”

Although the petitioner and affected water supply owner are the same, would you please provide the Board with proof of service on Robert Wraight, Village of Morton’s Director of Public Works, incompliance with 106.302(b) and 106.304(c)?

In the Agency’s Response, the Agency states, “The Petitioner did not include an affidavit stating that the Village of Morton Public Water Supply is the only owner of a potable water supply well that is within 1,000 feet of the proposed Potential Source.” Ag. Resp. at 2. The Agency requests that the Petition “[p]rovide an affidavit stating that the

Petitioner has notified the Village of Morton Public Water Supply of the proposed new potential secondary source.” Ag. Resp. at 9. Would you please also provide an affidavit stating that the Village is the only owner and that the Petitioner has notified the Village?

2. Morton provides a Location Map as Exhibit A. Please state how many feet the proposed de-icing agent storage facility will be from each of the three wells: Wells 7, 9, and 10.
3. The 200-foot minimum setback zone radius for Well 9 appears to be outside the proposed footprint of the salt storage barn and concrete pad. Would you please elaborate on why has Morton included Well 9 in its discussion along with Wells 7 and 10? The Agency’s response states, “. . .no exception from the setback zone of Well 9 is required.” Ag. Resp. at 2.
4. **Section 14.2(c) of the Act [415 ILCS 5/14.2(c)]**
Section 14.2(c) of the Act provides, “A petition [for an exception from the setback requirements] shall set forth such facts as may be required to support an exception, including a general description of the potential impacts of such potential source or potential route upon groundwaters **and** the affected water well...” [415 ILCS 5/14.2(c), emphasis added.]

Morton’s petition states, “The Illinois Environmental Protection Agency has determined that Morton Wells #3, #4, #5, #6, #7, #8, #9, and #10 are not susceptible to inorganic chemical compounds or synthetic organic compound contamination.” Pet. at 5, referring to IEPA Source Water Assessment. Although the Agency determined the community water wells are not susceptible, please provide a general description of the potential impacts of the proposed de-icing agent storage facility on groundwater as required by Section 14.2(c) of the Act.

5. **Section 14.2(d) of the Act [415 ILCS 5/14.2(d)]**
Section 14.2(d) of the Act provides, “. . .no new potential route or potential primary source or potential secondary source may be placed within 400 feet of any existing or permitted community water supply well deriving water from an unconfined shallow or fractured or highly permeable bedrock formation or from an unconsolidated and unconfined sand and gravel formation.” Please indicate if there are any wells located within 400 feet of the proposed de-icing agent storage facility that have these characteristics?
6. **Section 14.3 of the Act [415 ILCS 5/14.3]**
Section 14.3 of the Act provides for establishment of a *maximum* setback zone for a community water supply well. Is the proposed source located within a maximum setback zone of any community water supply well pursuant to Section 14.3 of the Act?
7. **35 IAC 616 Subpart B: Groundwater Monitoring Requirements**
The Petition states, “The Village realizes that compliance with 35 IAC 616 and 620 will be required.” Pet. at 5. Please clarify whether the Village intends to comply with the

requirements of 35 IAC 616 and 620 as a part of its request for a community water well setback exception.

8. **35 IAC 616.204 Groundwater Monitoring System**

The Petition states, “The Village shall construct three (3) monitoring wells in compliance with Section 620.505 at the approximate locations shown in Exhibit D.” Pet. at 5. Please indicate at what depth the monitoring wells will be installed and if the wells will represent the quality of the background water and the compliance point. (*See* 616.204(a)). Please indicate if the monitoring wells will meet the requirements of 616.204(c).

9. **35 IAC 616.205 Groundwater Monitoring Program**

35 IAC 616.205 requires the owner or operator to develop a groundwater monitoring program consisting at a minimum of procedures and techniques for sample collection, sample preservation and shipment, analytical procedures, and chain of custody control as well as determination of groundwater head elevation, flow rate and direction.

Morton’s petition states, “The Village shall annually collect samples for analysis and submit the results to the IEPA. Monitoring and analytical requirements shall be in accordance with Section 620.510 and shall include analysis for TDS and chlorides.” Pet. at 5. However, Morton’s petition does not provide for all the aspects of a 616.205 Groundwater Monitoring Program. In addition, Morton’s petition does not provide for the sampling and analysis for pH, specific conductance, total organic carbon and total organic halogen as required by 35 IAC 616.208(e). The Agency requests Morton “[p]rovide a monitoring program and schedule to monitor contaminants of concern, TDS, chlorides, pH, and groundwater elevations...” Ag. Resp. at 8. Would you please provide a groundwater monitoring program that meets the requirements of 35 Ill. Adm. Code 616.205 and 616.208?

10. **35 IAC 616.206 Reporting**

The petition states, “The Village shall annually collect samples for analysis and submit the results to the IEPA.” Pet. at 5. Please indicate if Morton will submit results of all monitoring within 60 days after completion of sampling as required by 616.206.

11. **35 IAC 616.207 Determining Background Values and Maximum Allowable Results (“MARs”)**

This section requires the owner or operator to determine the background values and maximum allowable results (MARs). Sampling is to begin no later than the beginning of operation of the facility with sampling at least every two months for at least one year according to the program provided in 616.207. Analysis is to be for pH, specific conductance, total organic carbon, total organic halogen, and for any other parameter that meets the criteria of 616.207(a)(1)(A)-(B). Would you please provide a written program consistent with 616.207?

12. **35 IAC 616.209 Preventive Notification and Preventive Response**

Please indicate whether Morton will provide preventative notification and confirmation

sampling as well as reporting of detections, exceedences, extent of contamination, measures being taken, and all other provisions as required by 616.209.

13. **35 IAC 616.210 Corrective Action Program**

In the Groundwater Monitoring Program, please indicate if Morton will notify the Agency of the need to undertake a corrective action program when submitting the monitoring results. (See 35 IAC 616.210(a)).

14. **35 IAC 616 Subpart L: De-Icing Agent Storage and Handling Units**

The petition states, "The Village realizes that compliance with 35 IAC 616 and 620 will be required...Construction and operation of the de-icing storage facility shall meet the requirements of 35 IAC 616 Subpart L." Pet. at 5. Please indicate if Morton will also comply with the other requirements of Subpart L, including the closure requirements at 616.725 and groundwater monitoring at 616.723.

Written responses are due by 4:30 p.m. on June 24, 2010, and may be filed electronically, or by fax, if needed.

IT IS SO ORDERED.



Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217/524-8509
webbc@ipcb.state.il.us

CERTIFICATE OF SERVICE

It is hereby certified that true copies of the foregoing order were mailed, first class, on June 1, 2010, to each of the persons on the attached service list.

It is hereby certified that a true copy of the foregoing order was hand delivered to the following on June 1, 2010:

John T. Therriault
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph St., Ste. 11-500
Chicago, Illinois 60601



Carol Webb
Hearing Officer
Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
217/524-8509
webbc@ipcb.state.il.us

PCB 2010-083
Thomas E. Davies
Thomas E. Davies, P.C.
1600 S. 4th Avenue
Suite 137
Morton, IL 61350

PCB 2010-083
Divisions of Legal Counsel
IEPA
1021 North Grand Avenue
East
P.O. Box 19276
Springfield, IL 62794-9276