

ILLINOIS POLLUTION CONTROL BOARD
August 5, 2010

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

ORDER OF THE BOARD (by G.L. Blankenship):

On April 14, 2010, petitioner Village of Morton (Village) filed a petition for a community well setback exception to enable the Village to construct a “de-icing agent storage facility” on a site located near the “Village water treatment plant and associated water wells.” Petition at 1. The site is located between the Public Works Garage at 450 Detroit Avenue and the Water Treatment Plant at 500 Detroit Avenue in the Morton, Tazewell County. On May 6, 2010, the Board accepted the petition for hearing and granted the parties’ request for an expedited hearing.


The original petition sought an exception from the minimum setback zones of wells seven, nine and ten. On July 28, 2010, the Village sought to amend its petition *instanter* to seek exception from the maximum setback zones for wells five, six, seven, eight, nine and ten. Village of Morton’s Response to Hearing Officer Order, page 2 (July 28, 2010). The Village’s request to amend its petition, read in conjunction with the original petition, meets the content requirements of 35 Ill. Adm. Code 106.304 and Section 14.2 of the Act. 415 ILCS 5/14.2 (2008). The Board therefore accepts the amended petition.

The Village has the burden of proof. 415 ILCS 5/40(a)(1) (2008); *see also* 35 Ill. Adm. Code 106.310. The respondent, the Illinois Environmental Protection Agency, may file a response to the amended petition on or before August 26, 2010, the 21st day after the date of this order. The Village may file a reply within 14 days after service of any response. 35 Ill. Adm. Code 106.306. The Board will grant an exception where the petitioner has presented adequate proof:

[T]hat compliance with the setback requirements of this Section would pose an arbitrary and unreasonable hardship upon the petitioner, that the petitioner will utilize the best available technology controls economically achievable to minimize the likelihood of contamination of the potable water supply well, that the maximum feasible alternative setback will be utilized, and that the location of such potential source or potential route will not constitute a significant hazard to the potable water supply well. 415 ILCS 5/14.2(c) (2008).

The Board's procedural rules state that at least one hearing will be held in an exception proceeding. 35 Ill. Adm. Code 106.308. A hearing was previously held on July 8, 2010, in Morton. No members of the public were present. The Board will not schedule a second hearing in this matter unless one is requested.

I, John Therriault, Assistant Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 5, 2010, by a vote of 5-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal flourish at the end.

John Therriault, Assistant Clerk
Illinois Pollution Control Board