

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

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SEP 27 2010

STATE OF ILLINOIS
Pollution Control Board

VILLAGE OF MORTON)
)
 Petitioner,)
)
 v.)
)
 ILLINOIS ENVIRONMENTAL)
 PROTECTION AGENCY)
)
 Respondent.)

PCB No. 10-083

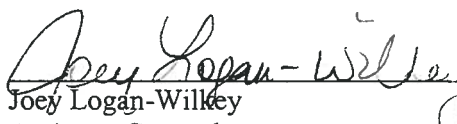
NOTICE OF FILING

To: Mr. Thomas Davies
1600 S. 4th Avenue
Suite 137
Morton, IL 61350
(309)266-6211

Carol Webb
Hearing Officer
Illinois PCB
1021 North Grand Ave. East
P.O. Box 19274
Springfield, IL 62794-9274

PLEASE TAKE NOTICE that I have today filed with the Office of the Clerk of the Pollution Control Board the **ILLINOIS EPA RESPONSE TO THE VILLAGE OF MORTON'S RESPONSE TO HEARING OFFICER ORDER** on behalf of the Illinois Environmental Protection Agency in this matter, copies of which are herewith served upon you.

Respectfully submitted,


Joey Logan-Wilkey
Assistant Counsel

September 24, 2010

Joey Logan-Wilkey
Assistant Counsel
Division of Legal Counsel
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 1976
Springfield, Illinois 62794-9276
(217) 782-5544

THIS FILING IS SUBMITTED ON RECYCLED PAPER

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

VILLAGE OF MORTON,)
Petitioner)
)
)
v.)
)
ILLINOIS ENVIRONMENTAL)
PROTECTION AGENCY,)
Respondent.)

PCB No. 2010-083
(Petition for Water Well
Setback Exception)

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**ILLINOIS EPA RESPONSE TO THE VILLAGE OF MORTON'S
RESPONSE TO HEARING OFFICER ORDER**

NOW COMES the Respondent, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY ("Illinois EPA"), by Joey Logan-Wilkey, one of its attorneys, and respectfully submits its RESPONSE TO THE VILLAGE OF MORTON'S RESPONSE TO HEARING OFFICER ORDER, ("Response"). This Response is in reply to the Response filed with the Illinois Pollution Control Board ("Board") on July 28, 2010, by Petitioner VILLAGE OF MORTON, ("Morton").

1. Morton filed its RESPONSE TO THE HEARING OFFICER ORDER on July 28, 2010, amending its petition for water well setback exception to include the Village's Wells #5, #6, and #8.
2. The salt pile proposed in Morton's petition is a "new potential secondary source" to groundwater, pursuant to Section 3.355 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/3.355 (2008).

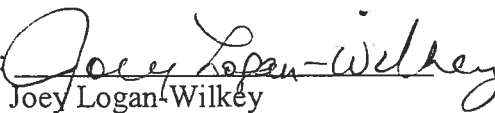
3. Section 14.3 of the Act, 415 ILCS 5/14.3 (2008), does not prohibit potential secondary sources within the maximum setback zone of public water supply wells.

4. The Agency respectfully recommends that a water well setback exception not be required for Morton's Well #5, #6, and #8.

5. The Agency recommends that a water well setback exception be granted for Morton's Well #7, #9, and #10.

Respectfully submitted,

ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY

By: 
Joey Logan-Wilkey
Assistant Counsel
Division of Legal Counsel

Dated: September 24, 2010
ILLINOIS ENVIRONMENTAL
PROTECTION AGENCY
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276
217/782-5544

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CERTIFICATE OF SERVICE

I, Joey Logan-Wilkey, certify that I have served the original and nine copies of the attached **Illinois EPA Response to Village of Morton's Reponse to Hearing Officer Order**, by first class mail, upon:

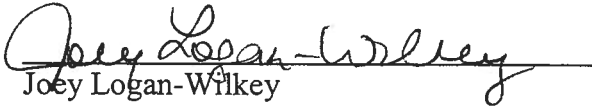
John Theirrault, Assistant Clerk
Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, IL 60601

And one copy each to:

Mr. Thomas Davies
1600 S. 4th Avenue
Suite 137
Morton, IL 61350
(309)266-6211

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

via first class United States mail from Springfield, Illinois, on the 24th day of September 2010, with postage fully prepaid.


Joey Logan-Wilkey
Assistant Counsel
Division of Legal Counsel

THIS FILING IS SUBMITTED ON RECYCLED PAPER