
Environmental Register

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J. Philip Novak, Chairman

Board Members:

G. Tanner Girard, Thomas E. Johnson,
Nicholas J. Melas, Andrea S. Moore

Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601
(312) 814-3620
(312) 814-6032 TDD

Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
(217) 524-8500

Web Site: <http://www.ipcb.state.il.us>

Letter from the Chairman

Governor Blagojevich recently authorized the Illinois National Guard to assist with hurricane recovery in Louisiana. This effort will include as many as 300 soldiers and 50 military vehicles. An emergency medical team of ten persons will also be part of this team.

The Pollution Control Board is no stranger to the environmental challenges presented by natural disasters. During the summer of 1993, Illinois experienced very heavy rainfall and many record flood levels. There was extensive property damage in the Mississippi River counties, many of which were designated federal and State disaster areas. The Board twice exercised its rulemaking authority to help affected communities recover from that damage.

In rulemaking docket R 93-15, the Board addressed disposal of the various combustible wastes generated by the flooding. Emergency Amendments to the Open-Burning Rules, 35 Ill. Adm. Code 237.121 (Aug. 20, 1993). Although flooding generated large quantities of landscape and agricultural waste, much of it could not be burned without a permit issued by the Environmental Protection Agency. To expedite disposal of that waste, the Board adopted an emergency rule effective for 150 days that allowed open burning in affected counties under specified conditions. In its opinion adopting the emergency rule, the Board recognized that accumulated waste, especially as it decomposed, could pose risks to surface water and groundwater. The Board also noted that accumulated waste could impede reconstruction efforts, risking the public's health and safety.

In rulemaking docket R 93-25, the Board addressed disposal of the dead animals that resulted from the flooding. Emergency Amendments to the Landfill Rules for On-Site Burial of Dead Animals in Flood-Disaster Counties (Sept. 23, 1993). Under Board regulations, on-site burial of those dead animals may have been considered conducting a waste disposal operation without a permit. To expedite disposal, the Board adopted an emergency rule effective for 150 days that exempted from the landfill regulations persons who buried dead animals on the property where they are found. The Board limited this exemption to counties that had been declared disaster areas and placed conditions on the burial.

I'm sure we're all grateful that Illinois is not now facing any difficulties like the 1993 flooding. If the state does face another natural disaster of that magnitude, I know that the Board will once again do its part.

Hurricane Katrina has inflicted great damage, which in early September is still being assessed and repaired. If you have the means to do so, I hope you will contribute to the hurricane relief effort. Various service organizations such as the Red Cross, charities, religious groups, and other entities are accepting donations, and you should be able to find contact information in a local newspaper or by searching on-line.

Sincerely,



J. Philip Novak
Chairman



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Federal Update

United States Environmental Protection Agency Adopts Amendments Under the Resource Conservation and Recovery Act Designating Mercury Containing Equipment as Universal Waste

On August 5, 2005 (70 Fed. Reg. 45507), the United States Environmental Protection Agency (USEPA) adopted amendments to the Hazardous Waste Management System regulations to designate mercury containing equipment as universal waste.

The final rule added mercury-containing equipment to the federal list of universal wastes regulated under the Resource Conservation and Recovery Act hazardous waste regulations. Handlers of universal wastes are subject to less stringent standards for storing, transporting, and collecting these wastes. USEPA has concluded that regulating spent mercury-containing equipment as a universal waste will lead to better management of this equipment and will facilitate compliance with hazardous waste requirements.

This final rule is effective on August 5, 2005.

For further information contact Kathy Blanton, Office of Solid Waste (5304W), U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue NW., Washington, DC 20460, telephone number: (703) 605-0761; fax number: (703) 308-0514; email: blanton.katherine@epa.gov

In response to a mandate of the General Assembly, the Board has already adopted similar amendments to its universal waste regulations. *See In the Matter of: Mercury Wastes Under PA 93-0964: Amendments to Standards for Universal Waste Management (35 Ill. Adm. Code Parts 703, 720, 721, 724, 725, 728, and 733), R05-8 (April 7, 2005).* The Board's rules now designate mercury switches, mercury relays, and scientific instruments and instructional equipment containing mercury added during their manufacture as universal waste. The Board's amendments, effective on April 13, 2005, were designed to ensure that the Board's universal waste regulations were consistent with the then still-pending USEPA rules. The Board will include any additional necessary amendments to Board rules resulting from this federal action in a future RCRA identical in substance rulemaking pursuant to Section 7.2 and 22.4 of the Environmental Protection Act (415 ILCS 5/7.2 and 22.4 (2004)).

United States Environmental Protection Agency Proposes Amendments to Clean Water Act Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Iron and Steel Manufacturing Point Source Category

On August 10, 2005 (70 Fed. Reg. 46459), the United States Environmental Protection Agency (USEPA) proposed amendments to certain provisions of the regulations establishing effluent limitations guidelines, pretreatment standards and new source performance standards for the Iron and Steel Manufacturing Point Source Category.

Prior to 2002, regulations applicable to the Iron and Steel Manufacturing Point Source Category had authorized the establishment of limitations applicable to the total mass of a pollutant discharged from more than one outfall. The effect of such a "water bubble" was to allow a greater or lesser quantity of a particular pollutant to be discharged

from any single outfall so long as the total quantity discharged from the combined outfalls did not exceed the allowed total mass limitation.

On October 17, 2002, USEPA promulgated amendments to the iron and steel regulations (67 FR 64216) and revised the water bubble to prohibit establishment of alternative oil and grease effluent limitations. Based on consideration of new information and analysis, USEPA proposed to reinstate the provision authorizing alternative oil and grease (O&G) limitations with one exception. The proposed amendments would prohibit sintering process O&G trades unless one condition is met. In determining alternative O&G mass limitations for combined outfalls that include outfalls with sintering process wastewater, the allocation for sintering process wastewater must be at least as stringent as otherwise required by federal regulations.

This restriction addresses the USEPA's concern about the possibility of net increases in discharges of furans and dioxins. Sinter lines may receive wastes from all over the facility, from other facilities owned by the same company, and, in some cases, from other companies. Therefore, the sintering process O&G constituents are unpredictable and may contain solvents, a likely source material for furan and dioxin formation.

Comments must be received by September 9, 2005. Comments postmarked after this date may not be considered. Submit comments, data and information for this proposed rule identified by Docket ID No. OW-2002-0027, by one of the following methods:

- 1) Federal eRulemaking Portal: www.regulations.gov. Follow the on-line instructions for submitting comments.
- 2) USEPA Web site: www.epa.gov/edocket. EDOCKET, USEPA's electronic public docket and comment system is USEPA's preferred method for receiving comments. Follow the on-line instructions for submitting comments.
- 3) E-mail: OW-Docket@epa.gov
- 4) Mail: Water Docket, Environmental Protection Agency, Mailcode: 4101T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Attention Docket ID No. OW-2002-0027. Please include a total of three copies.

For further information contact Elwood H. Forsht, Engineering and Analysis Division, Office of Water, Mail code 4303T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone number: 202-566-1025; fax number 202-566-1053; and e-mail address: forsht.elwood@epa.gov.

The Board will include any necessary amendments to Board rules resulting from this federal action in a future wastewater pretreatment identical in substance rulemaking pursuant to Section 7.2 13, and 13.3, of the Environmental Protection Act (415 ILCS 5/7.2 13, and 13.3 (2004)).

Board Actions

Board Adopts First Notice Opinion and Order in Amendments to the Procedural Rules - "Pollution Control Facility" Definition Under P.A. 93-0998, P.A. 94-0094, and P.A. 94-0249 (35 Ill. Adm. Code 101.202) (R06-09)

On August 4, 2005, the Board adopted a first notice opinion and order in Amendments to the Procedural Rules to Accommodate P.A. 93-0998, P.A. 94-0094, and P.A. 94-0249 (35 Ill. Adm. Code 101.202) (R06-09). The Board is proposing amendments to Section 101.202 of its procedural rules to reflect recent statutory changes to the definition of "pollution control facility" in the Environmental Protection Act (Act)(415 ILCS 5 (2004)). The proposed amendments are scheduled for publication in the August 26, 2005 issue of the *Illinois Register*. So, the Board will accept public comments filed on or before October 10, 2005.

Public Act 93-0998 (P.A. 93-0998, eff. Aug. 23, 2004) added a fourteenth exception to the definition of "pollution control facility" that excludes the portion of a site or facility that accepts, separates, and processes uncontaminated

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broken concrete, provided that the materials are not stored for more than one year at the site and that they are recycled back to useable form.

Public Act 94-0094 (P.A. 94-0094, eff. July 1, 2005) also amended the Act's definition of "pollution control facility." Specifically, P.A. 94-0094 amended the existing exemption from that definition for "the portion of a site or facility accepting exclusively general construction or demolition debris, located in a county with a population over 700,000, and operated and located in accordance with Section 22.38 of this Act." 415 ILCS 5/3.330(a)(13) (2004). P.A. 94-0094 limits that exemption to counties that had reached the population threshold of 700,000 "as of January 1, 2000."

Public Act 94-0249 (P.A. 94-0249, eff. July 19, 2005) added a fifteenth exception to the definition of "pollution control facility" to include:

the portion of a site or facility located in a county with a population over 3,000,000 that has obtained local siting approval under Section 39.2 of this Act for a municipal waste incinerator on or before July 1, 2005 and that is used for a non-hazardous waste transfer station.

The Board is incorporating these statutory changes by adding the new exceptions to the definition of "pollution control facility" in Section 101.202. No other changes are proposed in this rulemaking. Because this proposal amends only a definition contained in the Board's procedural rules, the Board does not now intend to hold a hearing on this matter. See 415 ILCS 5/26 (2004).

Copies of the Board's opinion and order in R06-09 may be obtained by calling Dorothy Gunn at 312-814-3620, or by downloading copies from the Board's Web site at www.ipcb.state.il.us.

For additional information contact Tim Fox at 312-814-6085; e-mail address foxt@ipcb.state.il.us.

August 4, 2005 Springfield, Illinois

Rulemakings

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| R06-9 | <u>In the Matter of: Amendments to the Procedural Rules – "Pollution Control Facility" Definition Under P.A. 93-0998, P.A. 94-0094, and P.A. 94-0249 (35 Ill. Adm. Code 101.202)</u> – The Board adopted for first notice its own proposal to amend its procedural rules. The proposed rules will reflect three recent amendments to the definition of "pollution control facility" in the Environmental Protection Act (Act) (415 ILCS 5/1 <i>et seq.</i> (2004)). The Board will accept written public comments but does not expect to hold a public hearing. | 5-0
R, Proc.
Rules |
|-------|---|--------------------------|

Adjusted Standards

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| AS 05-4 | <u>In the Matter of: Petition of SCA Tissue North America, L.L.C. for an Adjusted Standard from 35 Ill. Adm. Code 218.301 and 218.302(c)</u> – The Board granted this Cook County petitioner an adjusted standard, with conditions, from the Board rules concerning the emission of volatile organic materials, for its facility that recycles magazines into tissue and toweling products. | 5-0
Land |
|---------|---|-------------|

Administrative Citations

- | | | |
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| AC 04-80 | <u>IEPA v. Joseph Luparell and Troy Curley</u> – The Board granted complainant's | 5-0 |
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motion for voluntary dismissal of this administrative citation.

AC 05-78	<u>County of Kankakee v. Municipal Trust & Savings Bank Trust #1605</u> – The Board granted complainant’s motion to remove Municipal Trust & Savings Bank as respondent and to add James R. Vining as sole respondent. The Board found that this Kankakee County respondent violated Sections 21(p)(1), (p)(3) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2004)), and ordered respondent to pay a civil penalty of \$4,500.	5-0
AC 05-79	<u>IEPA v. Richard Lee Tedrow and Penny E. Tedrow</u> – The Board found that these Pike County respondents violated Sections 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2004)), and ordered respondents to pay a civil penalty of \$1,500.	5-0
AC 06-1	<u>County of Vermilion, Illinois v. Phil Rouse</u> – The Board accepted for hearing this petition for review of an administrative citation against this Vermilion County respondent.	5-0

Motions and Other Matters

PCB 97-11	<u>People of the State of Illinois v. White & Brewer Trucking</u> – The Board granted complainant’s motion for voluntarily dismissal of this enforcement action involving a Montgomery County facility.	5-0 L, W-E
PCB 01-115	<u>People of the State of Illinois v. Valley Petroleum, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air and water enforcement action involving a DuPage County facility, the Board ordered publication of the required newspaper notice.	5-0 A, W-E
PCB 02-11 PCB 02-32 (Cons.)	<u>Doris Glave v. Brent Harris, Patty Harris, and Winds Chant Kennel, Inc.; Village of Grayslake v. Winds Chant Kennel, Inc.</u> – The Board granted the parties’ joint motion to stay the proceeding until May 3, 2006.	5-0 Citizens N-E
PCB 02-105	<u>Board of Trustees of Southern Illinois University Governing Southern Illinois University, Edwardsville v. IEPA</u> – The Board granted petitioner’s motion for summary judgment in part and denied the motion in part. Simultaneously, the Board granted the respondent’s motion for summary judgment in part and denied it in part. The Board ordered respondent to strike Special Condition 2.B and remove any reference to Section 302.211(e) from petitioner’s National Pollutant Discharge Elimination System permit no. IL 0075211. The Board affirmed the issuance of permit no. IL 0075211 with respect to the remaining contested conditions, Special Condition 2.A and 3.	5-0 P-A, NPDES

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PCB 04-84	<u>People of the State of Illinois v. Paramount Developers, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a DuPage County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 05-149	<u>People of the State of Illinois v. Truserv Corporation d/b/a True Value Manufacturing Company</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E
PCB 05-183	<u>Webb & Sons, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Coles County facility.	5-0 UST Appeal
PCB 05-187	<u>Southeastern Community Unit School District No. 337 v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Hancock County facility.	5-0 UST Appeal
PCB 05-188	<u>Road Ranger v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Macon County facility.	5-0 UST Appeal
PCB 05-189	<u>Wayne & Dennis Swanson v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Kane County facility.	5-0 UST Appeal
PCB 05-190	<u>Stoller International, Inc. v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Livingston County facility.	5-0 UST Appeal
PCB 05-207	<u>People of the State of Illinois v. Precision Twist Drill Company</u> – The Board granted John J. McAleese, III motion for leave to appear <i>pro hac vice</i> on behalf of respondent.	5-0 A-E
PCB 05-221	<u>People of the State of Illinois v. Ron Freeman individually and d/b/a Harbor Lites-Pistakee Fishing Club</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this public water supply enforcement action involving a Lake County facility, the Board ordered publication of the required newspaper notice.	5-0 PWS-E
PCB 06-9	<u>The Estate of Gerald Hess v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Madison County facility.	5-0 UST Appeal

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PCB 06-10	<u>Kane Illinois Properties v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Lake County facility.	5-0 UST Appeal 90-Day Ext.
PCB 06-12	<u>David Billington Farm-Cisne (Property Identification Number 03-24-025-001)</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of David Billington Farm located in Wayne County are “pollution control facilities” for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).	5-0 T-C
PCB 06-13	<u>St. Francis Pet Crematory & Kennels, Inc. v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Winnebago County facility.	5-0 P-A, Land
PCB 06-14	<u>Q&E Properties, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Sangamon County facility.	5-0 UST Appeal
PCB 06-15	<u>People of the State of Illinois v. Illinois-American Water Company</u> – The Board accepted for hearing this public water supply enforcement action involving a site located in Will County.	5-0 PWS-E

August 18, 2005
Chicago, Illinois

Administrative Citations

AC 04-6	<u>IEPA v. Mary Lou and H. Frank Record</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Fulton County facility, the Board found that respondents had violated Section 21(p)(1) and (p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3) (2004)) and ordered respondents to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondents’ petition for review and the alleged violation of 415 ILCS 5/21(p) (7) (2004).	4-0
AC 04-39	<u>County of Jackson v. Edward Tow</u> – The Board granted complainant's motion to withdraw and dismiss this administrative citation action involving a Jackson County facility.	4-0
AC 04-63 AC 04-64	<u>County of Jackson v. Egon Kamarasy</u> – The Board entered a final opinion and order requiring respondent to pay hearing costs of the Board in the amount of \$378.60 and a civil penalty of \$7,5000. This order follows the Board's interim	4-0

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(cons.)	order of June 16, 2005, which found that this respondent had violated 21(p)(1), (p)(3) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2004)) at his Jackson County facilities.	
AC 05-76	<u>County of Jackson v. Gary Clover</u> – The Board granted complainant's motion to withdraw and dismiss this administrative citation action involving a Jackson County facility.	4-0
AC 05-77	<u>IEPA v. Hunter Garrard</u> – The Board found that this Crawford County respondent violated Section 21(p)(1) and (p)(3) of the Act (415 ILCS 5/21(p)(1), (p)(3) (2004)), and ordered respondent to pay a civil penalty of \$3,000.	4-0
AC 05-80	<u>County of Kankakee v. South Holland Trust #10897 & John & Ella Hall</u> – The Board accepted for hearing John Hall's petition for review of an administrative citation against these Kankakee County respondents. The Board found that South Holland Trust & Savings, which did not file a petition for review, violated Section 21(p)(1) and (p)(3) of the Act (415 ILCS 5/21(p)(1), (p)(3) (2004)), but withholds issuing its final order on South Holland Trust & Savings until the Board makes its final decision regarding the Halls.	4-0

Decisions

PCB 05-148	<u>People of the State of Illinois v. Concrete Specialties Company</u> – In this air enforcement action concerning a Cook County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2004)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$32,500, and to cease and desist from further violations.	4-0 A-E
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Motions and Other Matters

PCB 03-192	<u>Owens Oil Company v. IEPA</u> – The Board granted petitioner's motion for voluntary dismissal of these consolidated underground storage tank appeals involving a Greene County facility.	4-0
PCB 03-194		UST Appeal
PCB 03-195		
PCB 03-196		
PCB 03-197		
PCB 03-203		
(cons.)		
PCB 03-193	<u>Jim's Shell & Marine v. IEPA</u> – The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Macoupin County facility.	4-0 UST Appeal
PCB 04-181	<u>Keller Oil Company/Edgewood v. IEPA</u> – The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving an Effingham County facility.	4-0 UST Appeal

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PCB 04-209	<u>DiMucci Development Corporation v. IEPA</u> – The Board granted Jeep & Blazer, LLC’s motion to withdraw as legal counsel for petitioner.	4-0 UST Appeal
PCB 04-215	<u>Commonwealth Edison Company v. IEPA</u> - The Board denied Sierra Club’s motion to intervene in this trade secret appeal. In accordance with the Board’s procedural rules (35 Ill. Adm. Code 101.110, 101.628), however, Sierra Club may participate by making oral or written statements at hearing and by filing <i>amicus curiae</i> briefs or public comments.	4-0 T-S Appeal
PCB 04-216	<u>Midwest Generation EME, L.L.C. v. IEPA</u> – The Board denied Sierra Club’s motion to intervene in this trade secret appeal. In accordance with the Board’s procedural rules (35 Ill. Adm. Code 101.110, 101.628), however, Sierra Club may participate by making oral or written statements at hearing and by filing <i>amicus curiae</i> briefs or public comments.	4-0 T-S Appeal
PCB 05-108	<u>William Breuer v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Washington County facility.	4-0 UST Appeal
PCB 05-157	<u>Grand Pier Center L.L.C. American International Specialty Lines Insurance Co. as subrogee of Grand Pier Center L.L.C, v. River East L.L.C., Chicago Dock and Canal Trust, Chicago Dock and Canal Company, and Kerr-McGee Chemical L.L.C.</u> – The Board granted J.T. Smith II and Thomas E. Hogan motion for leave to appear <i>pro hac vice</i> on behalf of respondent. The Board reserved ruling on all other pending issues.	4-0 Citizens L-E
PCB 05-194	<u>Rosingol Marathon v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Wabash County facility.	4-0 UST Appeal
PCB 05-195	<u>Beckman Service v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Marion County facility.	4-0 UST Appeal
PCB 06-7	<u>Lawrence Keith Padgett and Charlotte Ann Padgett v. Attorney’s Title Guaranty Fund, Inc.</u> – The Board found that the alleged violations were neither duplicative nor frivolous and accepted for hearing this matter involving a Champaign County site.	4-0 Citizens N-E
PCB 06-16	<u>People of the State of Illinois v. OGOCO, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in Effingham County.	4-0 W-E

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PCB 06-17	<u>Morgan Southern Company v. IEPA.</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.	4-0 UST Appeal 90-Day Ext.
PCB 06-18	<u>Gold Start FS, Inc. (Lyndon Facility) (Property ID No. 15-15-302-006) v. IEPA.</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that certain agrichemical containment facilities of Gold Start FS, Inc. located in Whiteside County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)). No action was taken on the recommendation to deny certification for the portion of the building over the endloader fertilizer transfer area at the site.	4-0 T-C
PCB 06-19	<u>Pitchco, Inc. (Newton Facility) (Property ID No. 35-02-29-300-006) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Pitchco, Inc. located in Jasper County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	4-0 T-C
PCB 06-20	<u>Pitchco, Inc. (Montrose Facility) (Property ID No. 35-02-18-300-005) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Pitchco, Inc. located in Jasper County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	4-0 T-C
PCB 06-21	<u>Gold Star FS, Inc. (Erie Facility) (Property ID No. 20-05-152-005) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that certain agrichemical containment facilities of Gold Start FS, Inc. located in Whiteside County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)). No action was taken on the recommendation to deny certification for the portion of the building over the endloader fertilizer transfer area at the site.	4-0 T-C
PCB 06-22	<u>Walters' Ag Service, Inc. - Farmington (Property ID No. 05-04-03-400-009) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Walters' Ag Service, Inc. located in Fulton County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	4-0 T-C
PCB 06-23	<u>Okawville Farmers Elevator Co. (Property ID No. 12-06-20-478-013) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that certain agrichemical containment facilities of Okawville Farmers Elevator Co. located in Washington	4-0 T-C

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County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)). No action was taken on the recommendation to deny certification for the portion of the building over the endloader fertilizer transfer area at the site.

PCB 06-24	<u>Evergreen Lane Farm, Inc. - Freeport (Property ID No. 12-08-28-100-004) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Evergreen Lane Farm, Inc. located in Stephenson County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	4-0 T-C
PCB 06-25	<u>William Breuer v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Washington County facility.	4-0 UST Appeal

New Cases

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06-009 The Estate of Gerald Hess v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Madison County facility.

06-010 Kane Illinois Properties v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Lake County facility.

06-011 Silbrico Corporation v. IEPA – No action taken.

06-012 David Billington Farm-Cisne (Property Identification Number 03-24-025-001) – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of David Billington Farm located in Wayne County are “pollution control facilities” for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

06-013 St. Francis Pet Crematory & Kennels, Inc. v. IEPA – The Board accepted for hearing this permit appeal involving a Winnebago County facility.

06-014 Q&E Properties, Inc. v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Sangamon County facility.

06-015 People of the State of Illinois v. Illinois-American Water Company – The Board accepted for hearing this public water supply enforcement action involving a site located in Will County.

AC 06-002 County of LaSalle v. Harriet Baugher and John Baugher – The Board accepted an administrative citation against these LaSalle County respondents.

AC 06-003 IEPA v. Alva McDowell d/b/a McDowell Auction Service – The Board accepted an administrative citation against this Bond County respondent.

R06-008 In the Matter of: Proposed Site-Specific Perlite Waste Disposal Regulation Applicable to Silbrico Corporation (35 Ill. Adm. Code Part 810) – No action taken.

R06-009 In the Matter of: Amendments to the Procedural Rules – “Pollution Control Facility” Definition Under P.A. 93-0998, P.A. 94-0094, and P.A. 94-0249 (35 Ill. Adm. Code 101.202) – The Board adopted for first notice its own proposal to amend its procedural rules. The proposed rules will reflect three recent amendments to the definition of “pollution control facility” in the Environmental Protection Act (Act) (415 ILCS 5/1 *et seq.* (2004)). The Board will accept written public comments but does not expect to hold a public hearing.

August 18, 2005 Board Meeting

06-016 People of the State of Illinois v. OGOCO, Inc. – The Board accepted for hearing this water enforcement action involving a site located in Effingham County.

06-017 Morgan Southern Company v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.

06-018 Gold Start FS, Inc. (Lyndon Facility) (Property ID No. 15-15-302-006) v. IEPA. – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that certain agrichemical containment facilities of Gold Start FS, Inc. located in Whiteside County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)). No action was taken on the recommendation to deny certification for the portion of the building over the endloader fertilizer transfer area at the site.

06-019 Pitchco, Inc. (Newton Facility) (Property ID No. 35-02-29-300-006) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Pitchco, Inc. located in Jasper County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).

06-020 Pitchco, Inc. (Montrose Facility) (Property ID No. 35-02-18-300-005) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Pitchco, Inc. located in Jasper County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).

06-021 Gold Star FS, Inc. (Erie Facility) (Property ID No. 20-05-152-005) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that certain agrichemical containment facilities of Gold Start FS, Inc. located in Whiteside County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)). No action was taken on the recommendation to deny certification for the portion of the building over the endloader fertilizer transfer area at the site.

06-022 Walters' Ag Service, Inc. - Farmington (Property ID No. 05-04-03-400-009) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Walters' Ag Service, Inc. located in Fulton County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).

06-023 Okawville Farmers Elevator Co. (Property ID No. 12-06-20-478-013) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that certain agrichemical containment facilities of Okawville Farmers Elevator Co. located in Washington County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)). No action was taken on the recommendation to deny certification for the portion of the building over the endloader fertilizer transfer area at the site.

06-024 Evergreen Lane Farm, Inc. - Freeport (Property ID No. 12-08-28-100-004) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Evergreen Lane Farm, Inc. located in Stephenson County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).

06-025 William Breuer v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Washington County facility.

AC 06-004 County of Perry v. Charles Tilley – The Board accepted an administrative citation against this Perry County respondent.

AC 06-005 County of Perry v. Debbie Melvin – The Board accepted an administrative citation against this Perry County respondent.

Calendar

<p>9/1/05 11:00 AM</p>	<p><u>Illinois Pollution Control Board Meeting</u></p>		<p>Videoconference Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago And 1021 N. Grand Avenue East Oliver Holmes Conference Room 2012 N Springfield</p>
<p>9/1/05 1:30 PM</p>	<p>R03-09</p>	<p>In the Matter of: Proposed New and Updated Rules for Measurement and Numerical Sound Emissions Standards Amendments to 35 Ill. Adm. Code 901 and 910</p>	<p>Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, (North Entrance) Springfield</p>
<p>9/15/05 11:00 AM</p>	<p><u>Illinois Pollution Control Board Meeting</u></p>		<p>James R. Thompson Center Hearing Room 09-040 100 W. Randolph Street Chicago</p>
<p>10/5/05 12:00 PM</p>	<p>AC 05-02</p>	<p>IEPA v. Lester Smith</p>	<p>City Hall Council Chambers 106 W. Fifth Street Metropolis</p>
<p>10/6/05 11:00 AM</p>	<p><u>Illinois Pollution Control Board Meeting</u></p>		<p>Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East Springfield</p>
<p>10/20/05 11:00 AM</p>	<p><u>Illinois Pollution Control Board Meeting</u></p>		<p>James R. Thompson Center Hearing Room 09-040 100 W. Randolph Street Chicago</p>

Class III Groundwater Listing Notice

Pautler Nature Preserve III Special Resource Groundwater Final Listing Notice

The Illinois Environmental Protection Agency (Illinois EPA) requests a final listing of Pautler (Cave) Nature Preserve, which is a dedicated nature preserve (DNP), and the area that contributes groundwater to the DNP, as Class III: Special Resource Groundwater. The DNP is located in northwestern Monroe County, Illinois, approximately two and one-half miles west of the City of Waterloo. The DNP is comprised of 3.18 acres located in Section 33 of the Waterloo Quadrangle, Township 2 South, Range 10 West of the Third Principal Meridian. The recharge area of Pautler Nature Preserve includes 2.86 square miles of karst landscape. The total DNP and the groundwater contribution area is an irregularly shaped 6.3 square mile (4,031.98 acre) tract of land. The recharge area is located predominantly to the south and west of the DNP.

Under the authority of 35 Ill. Adm. Code 620.230, Class III: Special Resource Groundwater can be established for: groundwater that is demonstrably unique (e.g. irreplaceable sources of groundwater) and suitable for application of a water quality standard more stringent than the otherwise applicable water quality standard specified; groundwater that is vital for a particularly sensitive ecological system; or groundwater contributing to a DNP that has been listed by the Illinois EPA. The Illinois EPA is required to review a written request to list a DNP, and upon confirmation

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of the technical adequacy, publish the proposed listing of the DNP in the Environmental Register for a 45-day public comment period. Within 60 days after the close of the comment period, the Illinois EPA is required to publish a final listing in the Environmental Register.

The Groundwater Section of the Bureau of Water, at the Illinois EPA has completed the review required according to the criteria specified in Subsection 620.230(b)(1), and finds the petition to be technically adequate.

Stemler Cave Nature Preserve III Special Resource Groundwater Final Listing Notice

The Illinois Environmental Protection Agency (Illinois EPA) requests a final listing of Stemler Cave Nature Preserve, which is a dedicated nature preserve (DNP), and the area that contributes groundwater to the DNP, as Class III: Special Resource Groundwater. The DNP is located in western St. Clair County, Illinois, approximately three and one-half miles west of the City of Millstadt. The DNP is comprised of .88 acres in Section 12 of the Waterloo Quadrangle, Township 1 South, Range 10 West of the Third Principal Meridian. The total recharge area of Stemler Cave Nature Preserve includes 3.93 square miles of karst landscape. The DNP and the groundwater contribution area is an irregularly shaped 7.16 square mile (4,582.38 acre) tract of land. The recharge area is located predominantly to the south of the DNP.

Under the authority of 35 Ill. Adm. Code 620.230, Class III: Special Resource Groundwater can be established for: groundwater that is demonstrably unique (e.g. irreplaceable sources of groundwater) and suitable for application of a water quality standard more stringent than the otherwise applicable water quality standard specified; groundwater that is vital for a particularly sensitive ecological system; or groundwater contributing to a DNP that has been listed by the Illinois EPA. The Illinois EPA is required to review a written request to list a DNP, and upon confirmation of the technical adequacy, publish the proposed listing of the DNP in the Environmental Register for a 45-day public comment period. Within 60 days after the close of the comment period, the Illinois EPA is required to publish a final listing in the Environmental Register.

The Groundwater Section of the Bureau of Water, at the Illinois EPA has completed the review required according to the criteria specified in Subsection 620.230(b)(1), and finds the petition to be technically adequate.

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

DIVISION OF WATER POLLUTION CONTROL

RESTRICTED STATUS LIST

In order to comply with 35 Illinois Administrative Code Section 306.401, Illinois Pollution Control Board Regulations, the Illinois EPA has prepared the following list of facilities which are on Restricted Status. Restricted Status is defined as the Agency determination that a sewer or lift station has reached hydraulic capacity or that a sewage treatment plant has reached design capacity, such that additional sewer connection permits may no longer be issued without causing a violation of the Act or Regulations. Please note that the list is continually being revised to reflect the current situation. Therefore, if you have any questions on the capability of a treatment facility or transport system, please contact this Agency for a final determination. This listing reflects the status as of June 31, 2005.

Facility names followed by an asterisk (*) indicates that construction is underway to ultimately alleviate problems, which resulted in imposition of Restricted Status. Facilities followed by a double asterisk (**) are additions to the list.

FACILITY NAME	RESPONSIBLE AUTHORITY	COUNTY	REMAINING CAPACITY
Alhambra STP	Village of Alhambra	Madison	0
Bonnie Brae Forest Manor SD STP	Bonnie Brae Forest Manor SD	Will	0
Bourbonnais (Belle Aire Subd.)	Village of Bourbonnais	Kankakee	0
Camelot Utilities	Camelot Utilities	Will	0
Wastewater Collection System			
Camp Point (a portion mh 60-68)	Village of Camp Point	Adams	0
Clearview S.D.	Clearview S.D.	McLean	0
East Alton	City of East Alton	Madison	0
Farmington	City of Farmington	Fulton	0
Hurst & Blairville Collection SYSTEM	City of Hurst	Williamson	0
Lockport Heights SD STP	City of Lockport	Will	0
Port Byron STP	Village of Port Byron	Rock Island	0
Rosewood Heights S.D.- Ninth Street LS	Rosewood Heights S.D.	Madison	0
Saint Elmo	City of Saint Elmo	Fayette	0
South Palos Twp. SD	South Palos Twp.	South Palos Twp.	0
Sundale Utilities – Washington Estates STP	Sundale Utilities Corporation	Tazewell	0
Taylorville-Shawnee Ave. PUMP STATION	City of Taylorville	Christian	0
Utilities Unlimited	Utilities Unlimited	Will	0
Washington (Rolling Meadows)	City of Washington	Tazewell	0

Deletions from previous quarterly report: Maple Lawn Homes STP

Additions from previous quarterly report: None

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ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

DIVISION OF WATER POLLUTION CONTROL

CRITICAL REVIEW LIST

In order to comply with 35 Illinois Administrative Code Section 306.401, Illinois Pollution Control Board Regulations, the Illinois Environmental Protection Agency has prepared the following list of facilities which are on Critical Review. Critical Review as defined as the Agency determination that a sewer or lift station is approaching hydraulic capacity or that a sewage treatment plant is approaching design capacity such that additional sewer connection permit applications will require close scrutiny to determine whether issuance would result in a violation of the Act or Regulations. Please note that these lists are continually being revised to reflect the current situation. Therefore, if you have any questions on the capability of a treatment facility or transport system, please contact the Agency for a final determination. This listing reflects the status as of June 31, 2005.

Facility names followed by a double asterisk (**) are additions to the list.

FACILITY NAME	RESPONSIBLE AUTHORITY	<u>COUNTY</u>	<u>REMAINING CAPACITY</u>	PE ADDED SINCE LAST LIST
Algonquin	Village of Algonquin	Kane	1,024	576
Antioch STP	Village of Antioch	Lake	612	0
Beardstown SD	City of Beardstown	Cass	1,731	
Benton-Southeast STP	City of Benton	Franklin	60	0
Bethalto (L.S. #1)	Village of Bethalto	Madison	87	0
Carrier Mills	Village of Carrier Mills	Saline	836	0
Carrollton	City of Carrollton	Greene	140	0
Citizens Utilities Co. of Ill.- River Grange	Citizens Utilities Co. of Ill.	Will	10	0
Charleston	City of Charleston	Coles	5,800	0
Dakota	Village of Dakota	Stephenson	90	0
Downers Grove S.D.	Downers Grove S.D.	DuPage	2,655	391
East Dundee STP	Village of E. Dundee	Kane	550	0
Elkville	Village of Elkville	Jackson	6	0
Ferson Creek Utilities Co.	Utilities, Inc.	Will	70	0
LCPWD-Diamond- Sylvan STP	County of Lake Public Works Department	Lake	0	0
Lake Barrington Home Owners Assn. STP	Lake Barrington Home Owners Assn.	Lake	80	0
Lockport	City of Lockport	Will County	0	1,477
Moline (North Slope)	City of Moline	Rock Island	1,151	0
Morris STP	City of Morris	Grundy	0	159
New Lenox STP 1**	Village of New Lenox	Will	751	579
Paris STP	City of Paris	Edgar	0	
Rock Island (Main)	City of Rock Island	Rock Island	4,199	259
Streator	City of Streator	LaSalle/ Livingston	705	35
Wauconda – Remaining Collection System & Lakeview Villa LS	Village of Wauconda	Lake	***	
Wauconda WWTP	Village of Wauconda	Lake		18

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Deletions from previous quarterly report: None

Additions from previous quarterly report: None

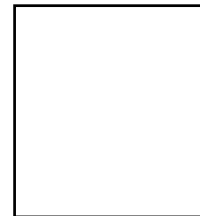
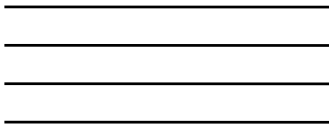
***Contact IEPA – Permit Section

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The Illinois Pollution Control Board is an independent five-member board that adopts environmental control standards, rules on enforcement actions, and other environmental disputes for the State of Illinois.

The *Environmental Register* is published monthly by the Board, and contains updates on rulemakings, descriptions of final decisions, the Board's hearing calendar, and other environmental law information.

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Illinois Pollution Control Board
Environmental Register Coordinator
1021 N. Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274