
Environmental Register

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Letter from the Chairman

As you may know, the Illinois Pollution Control Board at its April 21, 2005 meeting considered proposals relating both to the Emissions Reduction Market System (ERMS) and bacteria water quality standards. Below, please find summaries of the Board's action on those matters.

First, the Board adopted for second notice proposed amendments to ERMS rules. ERMS is a cap and trade program involving volatile organic material (VOM) emissions in the Chicago area. The Board originally adopted the ERMS in 1997, and the United States Environmental Protection Agency (USEPA) approved the ERMS as an element of Illinois' State Implementation Plan (SIP) for ozone effective November 21, 2001.

On November 19, 2004, the Illinois Environmental Protection Agency (IEPA) filed the ERMS rulemaking proposal, which is docketed as Amendments to 35 Ill. Adm. Code 205, Emissions Reduction Market System, and 35 Ill. Adm. Code 211 (R05-11). The Board sent it to first notice on December 2, 2005, without commenting on its merits.

IEPA asserts that revisions are needed because the USEPA is revoking the 1-hour ozone national ambient air quality standard (NAAQS) effective June 15, 2005 as a part of implementing a new 8-hour ozone NAAQS. IEPA contends that revoking the 1-hour ozone NAAQS would affect applicability thresholds for major emission sources. Currently, sources subject to the Clean Air Act Permit Program (CAAPP) are those with potential to emit 25 tons of VOM. Once the 1-hour ozone NAAQS is revoked, however, the applicability threshold raises to 100 tons or more of VOM a year. The IEPA asserts that this change would result in the loss of approximately 330 tons of VOM emissions reductions for each seasonal allotment period. Two hearings have been held in this rulemaking.

Second, the Board dismissed a proposal to set Escherichia coli (E-coli) bacterial water quality standards for Lake Michigan beaches and portions of the Mississippi River. IEPA filed this rulemaking, Proposed Amendments to 35 Ill. Adm. Code 302 and 303, R05-10, on November 8, 2004. The Board accepted the rulemaking for hearing on December 16, 2004.

On March 29, 2005, the IEPA filed a motion to suspend this rulemaking. The IEPA states that, because Illinois did not adopt bacteria water quality standards that comply with the federal Clean Water Act before December 16, 2004, federal standards now apply to Illinois' coastal recreation waters. IEPA also asserts that USEPA intends to adopt a new bacteria criterion in October 2005.

In its order, the Board agreed that continuing the rulemaking procedure would not be an economical use of time or administrative resources in light of the USEPA's intent to change the criterion. The Board dismisses the rulemaking proposal and closes the docket, although IEPA can re-file a rulemaking proposal when the USEPA adopts a new bacteria criterion.

As always, copies of Board opinions, proposed rules, hearing officer orders, and hearing transcripts may be viewed on the Board's Website at www.ipcb.state.il.us or by contacting the Clerk's Office. I invite you to take a closer look at those documents and assist us in the development of sound environmental policy for the people of Illinois.

Sincerely,



J. Philip Novak
Chairman



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Federal Update

United States Environmental Protection Agency Adopts Direct Final Rules, and Proposes Identical Amendments, to the Protection of Stratospheric Ozone Program Regulations Under the Clean Air Act

On April 13, 2005 (70 Fed. Reg. 19273) the United States Environmental Protection Agency (USEPA) adopted direct final rules, and proposed identical amendments, to the Protection of Stratospheric Ozone program regulations.

USEPA stated that it promulgated the direct final rule to correct the final rule published in the *Federal Register* on March 12, 2004 (69 Fed. Reg. 11945). Specifically, USEPA amended the regulatory text for the definitions of refrigerant and technician, as well as the prohibition against venting substitute refrigerants to reflect the changes in the definitions. These changes were finalized to make certain that the regulations promulgated on March 12, 2004 cannot be construed as a restriction on the sales of substitutes that do not consist of an ozone-depleting substance, such as pure hydrofluorocarbon and perfluorocarbon substitutes.

USEPA explained that it published this rule without prior proposal because it views this as a noncontroversial amendment and anticipates no adverse comment. USEPA emphasized in its notice that it is not re-proposing the June 11, 1998, proposal (63 FR 32044) to restrict the sale of hydrofluorocarbon and perfluorocarbon substitutes, but is only taking action to correct the definitions of refrigerant and technician at 40 CFR 82.152 and amend the venting prohibition at 40 CFR 82.154(a) to make certain that the definitions and prohibition are consistent with the expressed intent of the March 12, 2004 final rule to not restrict the sales of such substitutes. USEPA discussed and responded to comments concerning the sales restrictions on substitutes for refrigerants, and its extension to substitutes for refrigerants that consist in part or whole of a class I or class II ozone-depleting substance in the March 12, 2004, final rulemaking.

This direct rule is effective on June 13, 2005, without further notice, unless USEPA receives adverse comment by May 13, 2005. If USEPA receives adverse comment, it will publish a timely withdrawal in the *Federal Register* informing the public that this rule will not take effect.

Submit comments, identified by Docket ID No. OAR-2004-0070 by one of the following methods: Federal eRulemaking portal <http://www.regulations.gov>. Follow the on-line instructions for submitting comments; Agency Web site: <http://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; Mail delivery: Submit comments to Air and Radiation Docket at EPA West, 1301 Constitution Avenue, NW., Room B108, Mail Code 6102T, Washington, DC 20460, phone: (202) 566-1742.

For further information contact Julius Banks; (202) 343-9870; Stratospheric Protection Division, Office of Atmospheric Programs, Office of Air and Radiation (6205J); 1200 Pennsylvania Avenue, NW., Washington, DC 20460. The Stratospheric Ozone Information Hotline, 800-296-1996, and the Ozone Web page, <http://www.epa.gov/ozone/title6/608>

If any amendments to the Illinois air rules become necessary, the Board would expect the Illinois Environmental Protection Agency to propose amendments using the Clean Air Act “fast-track” procedures at Section 28.5 of the Environmental Protection Act (415 ILCS 5/28.5 (2002)).

United States Environmental Protection Agency Adopts National Emission Standards for Coke Oven Batteries Under the Clean Air Act

On April 15, 2005 (70 Fed. Reg. 19991) the United States Environmental Protection Agency adopted National Emission Standards (NESHAPs) for Coke Oven Batteries.

The rules adopted by USEPA amend regulations adopted originally on October 27, 1993 (58 FR 57898). Those regulations, adopted pursuant to Section 112 of the Clean Air Act (CAA), were technology-based NESHAPs to control hazardous air pollutants emitted by coke oven batteries. In this current action, USEPA amended the standards to address residual risks under Section 112(f) and the 8-year review requirements of Section 112(d)(6).

The final rule amendments are effective on April 15, 2005. Existing sources will be required to comply with the final rule as amended on July 14, 2005.

USEPA has established a docket for this action under Docket ID No. OAR-2003-0051. All documents in the docket are listed in the EDOCKET index at <http://www.epa.gov/edocket>. Publicly available docket materials are available either electronically in EDOCKET or in hard copy form at the Air and Radiation Docket, Docket ID No. OAR-2003-0051, EPA/DC, EPA West, Room B102, 1301 Constitution Ave., NW., Washington, DC.

For further information contact Mr. Bob Schell, Emission Standards Division (C439-02), Office of Air Quality Planning and Standards, Environmental Protection Agency, Research Triangle Park, NC 27711, telephone number (919) 541-4116, e-mail address: schell.bob@epa.gov.

Pursuant to Section 9.1(b) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(b) (2002)), once adopted by the USEPA, NESHAP rules are applicable and enforceable under the Act without further action by the Board.

Rule Update

Board Revises Proposal After Hearings, and Adopts Second First-Notice Proposal in Revisions to Radium Water Quality Standards: Proposed New 35 Ill. Adm. Code 302.307 and Amendments to 35 Ill. Adm. Code 302.207 and 302.525 (R04-21)

On April 7, 2005, the Board adopted a second first-notice opinion and order in Revisions to Radium Water Quality Standards: Proposed New 35 Ill. Adm. Code 302.307 and Amendments to 35 Ill. Adm. Code 302.207 and 302.525 (R04-21). After considering testimony from five days of public hearings and the 38 comments received after the original August 6, 2004 first-notice publication, the Board found that the record demonstrated a need to maintain a general use water quality standard, protective both of human health and riparian mammals in the environment. Yet, the Board also found that compliance must also be reasonable for Northern Illinois publicly owned treatment works located in areas where naturally occurring radium is prevalent in source water.

So, on April 7, 2005 the Board proposed its own revised general use water quality standard for radium. Because of the extent of the changes to the first-notice proposal, the Board found it appropriate to publish its own April 7, 2005 proposal for a second first-notice in this docket. The Board determined that an additional 45-day public comment period was warranted to allow for comments on the changes it made to the proposal. The second first-notice proposal was published in the *Illinois Register* on April 29, 2005 at 29 Ill. Reg. 5873.

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The Board also formally withdrew the original first-notice proposal (published in the *Illinois Register* on Aug. 6, 2004 at 28 Ill. Reg. 10887). That was identical to a January 13, 2004 proposal filed by the Illinois Environmental Protection Agency (IEPA). The IEPA's proposed changes to Sections 302.207 and 302.525 would have eliminated the existing general use and Lake Michigan water quality standards for radium 226, retaining the existing radioactivity standards for gross beta particle activity and strontium 90. The proposed new Section 302.307 would have established a public and food processing water supply standard for radium 226 and 228 combined of 5 pCi/L.

The Board's April 2005 amendments to the water quality standards in the second first-notice propose a general use water quality standard of 3.75 pCi/L combined radium 226 and 228 to replace the existing radium 226 standard of 1 pCi/L. This standard, like the current one, will apply to all general use waters of the State, as well as the Lake Michigan Basin. The proposal also applies a combined radium standard of 30 pCi/L to stream segments that receive discharges from Publicly Owned Treatment Works (POTWs) receiving wastewater discharge from public drinking water supplies using groundwater with a high radium concentration. The 30 pCi/L combined radium 226 and 228 standard will apply from the point of discharge to one mile downstream of the discharge outfall.

The Board presently anticipates holding hearings on the April 2005 revised proposal only if requested to do so during the first notice public comment period.

Copies of the Board's opinion and order in R04-21 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 Amy Antonioli at 312/814-3665; email address antonioa@ipcb.state.il.us.

Board Adopts First Notice Opinion and Order in Interim Phosphorous Effluent Standard, Proposed 35 Ill. Adm. Code 304.123(g-k) (R04-26)

On April 7, 2005, the Board adopted a first notice opinion and order in Interim Phosphorous Effluent Standard, Proposed 35 Ill. Adm. Code 304.123(g-k) (R04-26). This rulemaking proposes to amend the Board's water quality standards to set an interim standard limiting discharges of phosphorous into general use waters of the State. The rulemaking was published in the *Illinois Register* on May 6, 2005 at 29 Ill. Reg. 6200.

The rulemaking was started by the May 14, 2004 proposal by the Illinois Environmental Protection Agency (IEPA) to set an interim phosphorus effluent standard. By 2007, the IEPA expects to have completed the process of developing a proposal for a state numeric nutrient water quality standard (WQS). The IEPA requested that the interim effluent standard sunset upon adoption of the nutrient WQS. The Board held public hearings on the IEPA proposal in August and October of 2004. During those hearings the Board heard testimony from a number of witnesses. In addition, the Board received 17 public comments in this proceeding.

On April 7, 2005, the Board adopted a somewhat revised version of the IEPA proposal for first-notice publication in the *Illinois Register*. The revisions clarify that a "new" discharge is a discharge from treatment works constructed after the effective date of the proposed regulations, and an "expanded" discharge is a discharge from an existing treatment works that would be greater than the flow rates permitted prior to the effective date of the proposed amendments.

The proposal would add 5 new subsections (g-k) to existing Section 304.123. The amendments propose a monthly average limit of 1 mg/L for total phosphorous for any new or expanded discharges into general use waters.

This proposed phosphorus limit would apply only to discharges from treatment works with a design average flow of 1.0 million gallons per day or more receiving primarily municipal or domestic wastewater; or any treatment works, other than those treatments that are primarily municipal or domestic wastewater, with a total phosphorus effluent load of 25 pounds per day or more. Dischargers may be exempt from the permit limits if they can demonstrate that phosphorus from their treatment works is not the limiting nutrient in the receiving water. The amendments propose allowing the IEPA to impose alternative phosphorus effluent limits where the supporting information shows that alternative limits are warranted by the aquatic environment in the receiving stream.

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The IEPA statement of reasons stated that there are currently ten to twelve permits for new or expanded discharges that are affected by “phosphorus limit uncertainty”, and that it is expected that about twenty permits will be impacted annually, in rapidly urbanizing areas such as Lake, McHenry and Northern Will Counties.

The Board will accept additional public comments for at least 45 days after the proposal is published in the *Illinois Register*. The Board does not expect to hold more hearings unless requested to do so.

Copies of the Board’s opinion and order in R04-26 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 John Knittle at 217/278-3111; email at knittlej@ipcb.state.il.us.

Board Adopts Final Opinion and Order in *Mercury Wastes Under PA 93-963: Amendments to Standards for Universal Waste Management (35 Ill. Adm. Code Parts 703, 720, 721, 724, 725, 728, and 733) (R05-8)*

On April 7, 2005, the Board adopted a final opinion and order in *Standards for Universal Waste Management (35 Ill. Adm. Code Parts 703, 720, 721, 724, 725, 728, and 733)*, R05-08. The final rules fulfill a statutory mandate, amending the Board’s standards for universal waste management by designating certain mercury-containing devices as “universal waste”. The adopted amendments were filed with the Secretary of State’s Index Department with an April 13, 2005 effective date, and were published in the *Illinois Register* at 29 Ill. Reg. 5966 through 6058 on April 29, 2005.

These amendments affect the Board’s universal waste management rules at 35 Ill. Adm. Code 703, 720, 721, 724, 725, 728, and 733. The amendments in this rulemaking implement Public Act 93-964, which became effective on August 20, 2004.

Among other things, Public Act 93-964 added a new Section 22.23 to the Environmental Protection Act. The new section required the Illinois Environmental Protection Agency (IEPA) to propose rules that formally designate as “universal waste” mercury switches, mercury relays, and scientific instruments and instructional equipment containing mercury added during their manufacture. The October 19, 2004 IEPA proposal mirrored a United States Environmental Protection Agency proposal published in the *Federal Register* at 67 Fed. Reg. 40507 (June 12, 2002) to amend the federal universal waste regulations under the Resource Conservation and Recovery Act to include mercury-containing devices as universal waste.

The General Assembly mandated the Board to adopt the rules within 180 days after the receipt of the IEPA proposal, *i.e.* on or before April 15, 2005. The Board, with its timely adoption of the amendments on April 7, 2005, has met that deadline.

Hearings were held on December 15, 2004, in Chicago and on January 6, 2005 in Springfield. The Board did not receive any public comments in this rulemaking.

Copies of the Board’s opinion and order in R05-08 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 more information contact Marie Tipsord at (312) 814-4925 or email at tipsordm@ipcb.state.il.us.

Board Adopts First-Notice Proposal in *Technical Correction to Formulas in 35 Ill. Adm. Code 214; Clean-Up Part III, Amendments to 35 Ill Adm. Code Part 211, 218, and 219 (R04-12/20)(cons.)*

On April 21, 2005, the Board adopted a first notice opinion and order in *Technical Correction to Formulas in 35 Ill. Adm. Code 214; Clean-Up Part III, Amendments to 35 Ill Adm. Code Part 211, 218, and 219 (R04-12/20)(consolidated)*. The rulemaking amends Parts 211, 214, 218, and 219 of the Board’s air regulations. First notice of this Board proposal will be published in the *Illinois Register* soon, starting a 45-day public comment period. The Board does not expect to hold more hearings unless requested to do so.

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R04-12 is a Board-initiated proposal to Adm. Code 214. The Board is proposing to correct technical errors in formulas that are in the Board's air at 35 Ill. Adm. Code 214 "Sulfur Limitations". The errors appear to have occurred when the Illinois Administrative Code was re-codified.

The R04-20 rulemaking is a January 6, 2004 rulemaking proposal made by the Illinois Environmental Protection Agency (IEPA). The IEPA designed the proposal to correct, update, and clarify rules implementing federal Clean Air Act requirements for volatile organic material emissions reductions in the Chicago and Metro-East ozone areas. This proposal addresses capture efficiency, carbon adsorbers and control device monitoring, screen printers, sealers and topcoats, lithographic printing, natural gas fired afterburners, perchloroethylene dry cleaners, and motor vehicle refinishing. The IEPA described the rule amendments as non-substantive and emissions-neutral, and intended to benefit the regulated community by reducing the burden of, and increasing the flexibility in, demonstrating compliance.

To achieve administrative economies during the hearing process, the Board consolidated the R04-20 IEPA rulemaking proposal with the R04-12 Board-initiated rulemaking proposal. The Board held two hearings in this rulemaking. The first hearing was in Chicago on March 18, 2004 and the second hearing was in Springfield on May 6, 2004. The Board also received three public comments, filed by the IEPA, the Illinois Environmental Regulatory Group (IERG) and Jefferson Smurfit Corporation (Smurfit). In their comments, IERG and Smurfit addressed portions of the amendments that they felt made substantive changes to the rules. Specifically the comments focused on the definition of "carbon adsorber" and the use of alternative Capture Efficiency (CE) protocols. IERG was concerned that the term "carbon adsorber" was misleading, and encompassed more control technologies than was intended. The comments filed regarding the alternative CE protocols expressed concern that the proposed language could shift the burden of proof in an enforcement action to the respondent, and that the rules were unclear on the applicability of the alternative CE protocols.

In response to these comments, the Board clarified the language dealing with the alternative CE protocols, the "Data Quality Objective" (DQO) and the "Lower Confidence Limit" (LCL). The Board's first-notice proposal specifies the applicability of the different protocols, DQO and LCL, for determining emission credits and in enforcement activities. Specifically, the proposal states that LCL cannot be used to determine emission reductions nor can it be used in enforcement proceedings to confirm non-compliance.

The first-notice proposal also makes changes to:

- Update the test methods for capture efficiency (CE);
- Clarify the term "carbon adsorber";
- Clarify requirements for screen printers;
- Clarify categories of sealers and topcoats;
- Clarify provisions on monitoring, applicability, equations, recordkeeping, and reporting for lithographic printing operations;
- Clarify that sources may turn off their natural gas fired afterburners outside the ozone season;
- Delete the requirements applicable to perchloroethylene dry cleaning facilities;
- Delete the requirement that auto finishing shops annually re-register with IEPA;
- Delete the coating purchasing recordkeeping requirements; and
- Correct miscellaneous grammatical and typographical errors.

Copies of the Board's opinion and order in R04-20 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 Richard McGill at 312-814-6983; e-mail address mcgillr@ipcb.state.il.us

Board Adopts Final Opinion and Order in Wastewater Pretreatment Update, USEPA Amendments (January 1, 2004 through June 30, 2004) (July 1, 2004 through December 31, 2004, February 1, 2005) R05-4/R05-15 (cons.)

On April 21, 2005, the Board adopted a final opinion and order in Wastewater Pretreatment Update, USEPA Amendments (January 1, 2004 through June 30, 2004) (July 1, 2004 through December 31, 2004, February 1, 2005) R05-4/R05-15 (cons.). The rulemaking adopts amendments to the Illinois regulations that are “identical in substance” to wastewater pretreatment regulations adopted by the United States Environmental Protection Agency (USEPA). The USEPA rules implement Sections 307(b), (c), and (d) and 402(b)(8) and (b)(9) of the Federal Water Pollution Control Act (33 U.S.C. §§ 1317(b), (c), and (d) and 1342(b)(8) and (b)(9) (2002)). The adopted amendments were filed with the Secretary of State’s Index Department and will be published in the May 13, 2005 issue of the *Illinois Register*. The Board made only minor, non-substantive changes to the proposal it adopted for public comment.

The Board consolidated dockets R05-4 and R05-15 because the two sets of amendments are light in volume, and the subject matters are simple. The Board acted on three federal actions published at 69 Fed. Reg. 25324 (May 6, 2004), 69 Fed. Reg. 45944 (July 30, 2004), and 70 Fed. Reg. 5058, (February 1, 2005).

The USEPA action of May 6, 2004, corrects an error in publication of the 2003 edition of the *Code of Federal Regulations (C.F.R.)*. The Government Printing Office omitted pages 401 and 408 of that volume. The corrections restore that omitted text. Affected were the texts of 40 C.F.R. 439.0, 439.1, 439.26, 439.27, and 439.30 through 439.34. Thus, corrected, the full text of each of these rules appears in the 2004 edition of the *C.F.R.* The Board adopted these corrections by updating incorporations of federal rules by reference to the 2004 edition of the *C.F.R.*

On July 30, 2004, USEPA adopted national emission standards for hazardous air pollutants (NESHAPs) applicable to the plywood and composite wood point-source categories. While NESHAPs are air emissions standards that normally have little to do with wastewater pretreatment, USEPA included one amendment relating to wastewater discharges. That amendment was to the definition of “process wastewater,” which is a definition critical to the applicability of the wastewater rules applicable to sources in the timber products processing point source category. The NESHAPs amendments excluded various wastewaters from the definition of process wastewater to which the water pollution control regulations apply. Excluded were wastewaters from washout of thermal oxidizers and catalytic oxidizers, biofilters, wet electrostatic precipitators used upstream of thermal oxidizers or catalytic oxidizers used to comply with the NESHAPs. The Board adopted these federal amendments by updating incorporations of federal rules by reference to the 2004 edition of the *C.F.R.*

On February 1, 2005, USEPA adopted a direct final rule that corrected an error in the August 14, 2000 (65 Fed. Reg. 49666) pretreatment standards applicable to the transportation equipment cleaning point source category. USEPA used “any existing source” in 40 C.F.R. 442.16(b), when it should have used “any new source,” in its pretreatment standards applicable to new sources. The Board incorporated the August 14, 2000 amendments into the Illinois wastewater pretreatment rules in Wastewater Pretreatment Update, USEPA Amendments (July 1, 2000 through December 31, 2000), R01-25 (Aug. 9, 2001). The Board adopted these federal amendments by updating incorporations of federal rules by reference to the 2004 edition of the *C.F.R.* including the February 1, 2005 correction.

Copies of the Board’s opinion and order in R05-4/15 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 Mike McCambridge at 312/814-6924; e-mail address: mccambm@ipcb.state.il.us.

Board Dismisses Docket in *Bacteria (E-coli) Water Quality Standard for Lake Michigan and the Mississippi River, Proposed Amendments to 35 Ill. Adm. Code 302 (R05-10)*

On April 21, 2005, the Board dismissed the November 8, 2004 proposal filed by the Illinois Environmental Protection Agency (IEPA) in *Bacteria (E-coli) Water Quality Standard for Lake Michigan and the Mississippi River, Proposed Amendments to 35 Ill. Adm. Code 302 (R05-10)*. The proposal sought to establish *Escherichia coli* (E.coli) bacteria water quality standards for Lake Michigan beaches and the Mississippi River. The proposal is similar in many respects to a federal water quality standard applicable to Illinois bathing beaches in the absence of a state standard meeting the requirements of section 303(i) of the federal Clean Water Act as amended by Beaches Assessment and Coastal Health (BEACH) Act of 2000. See 69 *Federal Register* 67218 (November 16, 2004), adopting as a final rule 40 CFR 131.141, effective December 16, 2004.

The IEPA filed a motion on March 29, 2005 to suspend this rulemaking. In its motion, the IEPA stated that the United States Environmental Protection Agency (USEPA) had indicated that it was planning to adopt a new bacteria criterion in October 2005. The criterion that the IEPA expects USEPA to adopt would use an indicator organism other than fecal coliform or E-coli, which was the focus the R 05-10 rulemaking. So the IEPA asked that the Board suspend further proceedings in the rulemaking until USEPA has completed its bacteria standards.

The Board agreed that continuing this rulemaking would not be an economical use of time or administrative resources. But instead of holding this docket open, the Board stated that dismissal was the preferable option, because:

The Board does not favor indefinite stays of regulatory proceedings before it, particularly those involving water quality issues. Members of the regulated community and the public regularly contact the Board for information on when stays will end and hearings will be held in stayed proceedings; staff resources are expended in response to little purpose when the Board can supply no concrete information. This is very much the case here, where the length of the stay is contingent upon completion of regulatory action by USEPA as well as IEPA analysis of the effect of that action. The priorities of each agency may be subject to change due to resource or other constraints beyond their control or that of the Board. In light of these factors, the Board believes that dismissing this rulemaking proposal with leave to re-file is procedurally preferable for the Board, the IEPA, the regulated community, and the public. Interested persons will then feel free to focus their attention on the federal activity. (slip op. at 2)

The Board concluded by giving the IEPA leave to re-file a proposal once USEPA had concluded its rulemaking.

Copies of the Board's opinion and order in R05-10 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 John Knittle at 217/278-3111; e-mail address: knittlej@ipcb.state.il.us.

Board Adopts Second Notice Opinion and Order in *Amendments to Emissions Reduction Market System, 35 Ill. Adm. Code 205 and 211 (R05-11)*

On April 21, 2005, the Board adopted a second notice opinion and order in *Amendments to Emissions Reduction Market System, 35 Ill. Adm. Code 205 and 211 (R05-11)*. The second notice proposal makes amendments to the Board's air regulations for the Emissions Reduction Market System (ERMS). The Board has sent the rulemaking, pursuant to the Illinois Administrative Procedure Act (5 ILCS 100/1-1 *et seq.* (2002)), to the Joint Committee on Administrative Rules (JCAR) for its review and approval. The proposed amendments are currently scheduled to be considered at the May 17, 2005 JCAR meeting.

The Board adopted the Illinois Environmental Protection Agency's (IEPA) November 19, 2004 proposal for first notice as a non-substantive proposal, without Board comment on its merits. First notice was published on December 17, 2004 at 28 Ill. Reg. 16137 and 16180. The Board made changes to the first-notice proposal to clarify the proposed amendments in response to the errata sheet filed by the IEPA. The changes adopted by the Board include the modification of definitions of "participating" and "new participating source" to include sources which

have the potential to emit 25 tons or more of volatile organic material (VOM); clarification of applicability of changes in offset ratio; addition of references to Federally Enforceable State Operating Permits in various sections; and requirement that certain exempt sources to submit seasonal emissions component of the Annual Emissions Report.

The ERMS system is a cap and trade program that involves VOM emissions in the Chicago area. It is designed to reduce VOM emission in the Chicago non-attainment area below the levels required by reasonably available control technology and other emission standards. The rulemaking proposes revisions to the program rules affecting sources in the Chicago ozone non-attainment area. The proposed amendments seek to modify the applicability provisions and clarify other related provisions as a result of the implementation of the 8-Hour Ozone National Ambient Air Quality Standard (NAAQS) and the revocation of the 1-Hour Ozone NAAQS.

The IEPA asserted that revisions are needed because the United States Environmental Protection Agency (USEPA) is revoking the 1-hour ozone NAAQS effective on June 15, 2005. More specifically, on April 30, 2004, USEPA promulgated the first phase of its Final Rule to Implement the 8-Hour Ozone NAAQS. *See* 69 Fed. Reg. 23951. Designations and classifications for this standard were effective on June 15, 2004, and the Chicago area is a Moderate Nonattainment Area for the 8-Hour Ozone NAAQS. *See* 69 Fed. Reg. 23858, 23898. However, on June 15, 2005, USEPA is revoking the 1-Hour Ozone NAAQS, including the associated designations and classifications. *See* 69 Fed. Reg. 23951, 23969.

The IEPA contended that revocation of the 1-hour NAAQS affects applicability thresholds - currently sources subject to the Clean Air Act Permit Program are those with potential to emit 25 tons of VOM, but once the 1-hour ozone NAAQS is revoked, the applicability threshold raises to 100 tons. The IEPA asserted that this change would result in less facilities being subject to the rules and a corresponding loss of approximately 330 tons of VOM emissions reductions for each seasonal allotment period. The IEPA stated that it must ensure that ERMS remains in place in its current form so the required VOM emissions reductions in the Chicago area is maintained.

The Board held hearings in this rulemaking in Chicago on January 27, 2005 and on February 22, 2005. The Board did not receive any public comments in this rulemaking.

Copies of the Board's opinion and order in R05-11 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 John Knittle at 217-278-3111; e-mail address knittlej@ipcb.state.il.us

Board Actions

April 7, 2005

Via Videoconference

Springfield and Chicago, Illinois

Rulemakings

R04-21	<u>In the Matter of: Revisions to Radium Water Quality Standards: Proposed New 35 Ill. Adm. Code 302.307 and Amendments to 35 Ill. Adm. Code 302.307 and 302.525</u> – The Board adopted a second first notice opinion and order in this “identical-in-substance” rulemaking to amend the Board’s water quality standards regulations.	4-0 R, Water
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- R04-26 In the Matter of: Interim Phosphorus Effluent Standard, Proposed 35 Ill. Adm. Code 304.123(g-k) – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s water quality standards regulations. 4-0
R, Water
- R05-8 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) – The Board adopted a final opinion and order in this rulemaking amending the Board’s hazardous waste regulations. 4-0
R, Land

Adjusted Standards

- AS 04-2 In the Matter of: Petition of Jo’lyn Corporation and Falcon Waste and Recycling, Inc. for an Adjusted Standard from 35 Ill. Adm. Code Part 807 or in the Alternative a Finding of Inapplicability – Based on case law interpreting the Environmental Protection Act, the Board determined that the granulate bituminous shingle material that the petitioners use to produce Eclipse Dust Control at their Woodstock facility is not a waste covered by the Board’s solid waste regulations. The Board denied the petitioners’ alternative request for an adjusted standard. 4-0
Land

Administrative Citations

- AC 05-53 IEPA v. Judy Cornelison – The Board granted complainant’s motion to dismiss the administrative citation for lack of timely service. 4-0
- AC 05-55 IEPA v. Harold Bruley – The Board dismissed respondent’s late-filed petition for review. The Board found that this Macoupin 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) (2002)), and ordered respondent to pay a civil penalty of \$4,500. 4-0
- AC 05-56 IEPA v. Christopher A. and Jenny L. Good – The Board found that these Douglas County respondents violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2002)), and ordered respondents to pay a civil penalty of \$3,000. 4-0

Motions and Other Matters

- PCB 96-98 People of the State of Illinois v. Skokie Valley Asphalt, Inc., Edwin L. Frederick, Jr. individually and as owner and President of Skokie Valley Asphalt Co., Inc., and Richard J. Frederick individually and as owner and Vice President of Skokie Valley Asphalt Co., Inc. – The Board granted respondents’ motion for extension of time and authorized respondents to conduct discovery on the attorney fee issue, which will be then set for hearing. Respondents’ were directed to file the discovery requests with the Board on or before April 25, 2005; the People’s response must be filed on respondents and served with the Board on or before May 25, 2005. The stay of the \$153,000 civil penalty imposed in the Board’s September 2, 2004 order remains in effect. The hearing officer was directed to proceed to hearing as expeditiously as possible. 4-0
W-E
- PCB 01-56 Bluff’s/Scott-Morgan C.U.S.D. #2 v. IEPA – The Board granted petitioner’s 4-0

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	motion for voluntary dismissal of this underground storage tank appeal involving a Scott County facility.	UST Fund
PCB 02-207	<u>Wallace Pharmaceuticals v. IEPA</u> –In response to the parties’ joint motion “to withdraw variance”, effective April 7, 2005, the Board terminated the September 19, 2002 variance granted in this docket from 35 Ill. Adm. Code Section 218.482(a) for five dryers at the Wallace Pharmaceuticals (n/k/a MedPointe Pharmaceuticals) facility in Decatur, Macon County.	4-0 A-V
PCB 03-51	<u>People of the State of Illinois v. Draw Drape Cleaners, Inc., American Drapery Cleaners & Flameproofers, 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 enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.	4-0 A-E
PCB 04-135	<u>People of the State of Illinois v. GF Office Furniture, Ltd.. L.P., Office Suites, Inc., and GF Furniture Holding, 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 enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.	4-0 A-E
PCB 04-149	<u>Hortense Singer v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a DuPage County facility.	4-0 UST Appeal
PCB 04-156	<u>L. Keller Oil Company (Centralia) v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Marion County facility.	4-0 UST Appeal
PCB 04-168	<u>L. Keller Oil Properties, Inc. (Salem) v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Marion County facility.	4-0 UST Appeal
PCB 04-187	<u>Sutter Sanitation, Inc. and LaVonne Haker v. IEPA</u> – The Board granted petitioners’ motion for voluntary dismissal of this permit appeal involving an Effingham County facility.	4-0 P-A, Land
PCB 05-31	<u>Metropolitan Water Reclamation District of Greater Chicago v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Cook County facility.	4-0 P-A, NPDES
PCB 05-64	<u>People of the State of Illinois v. Auto Recyclers – C&D, Enterprises, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Sangamon County facility, the Board ordered publication of the required newspaper notice.	4-0 L-E
PCB 05-86	<u>People of the State of Illinois v. Fairacres Subdivision Association</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 Rock Island County facility, the Board ordered publication of the required newspaper notice.	4-0 PWS-E

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PCB 05-111	<u>Mac’s Convenience Stores, L.L.C. 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 Will County facility.	4-0 UST Appeal
PCB 05-115	<u>Reed’s 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 White County facility.	4-0 UST Appeal
PCB 05-116	<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 05-118	<u>Illinois State Toll Highway Authority (Belvidere North Reimb.) 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 Boone County facility.	4-0 UST Appeal
PCB 05-123	<u>People of the State of Illinois v. Cunat, Inc.</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 McHenry County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E
PCB 05-168	<u>People of the State of Illinois v. Home Depot U.S.A., Inc.</u> – The Board accepted for hearing this public water supply enforcement action involving a site located in Will County.	4-0 PWS-E
PCB 05-169	<u>Geneseo Pork, Inc. (Livestock Waste Management Facilities) (Property Identification Number 09-03-200-001-0011) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Geneseo Pork, Inc. located in Henry County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).	4-0 T-C Water
PCB 05-170	<u>Dumoulin Farms-Hampshire (Waste Management Facilities) (Property Identification Number 1-20-300-001) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dumoulin Farms-Hampshire located in Kane County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).	4-0 T-C Water
PCB 05-171	<u>Vincent Berghower (Livestock Waste Management Facilities) (Property Identification Number 90-13-06-200-008) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Vincent Berghower 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 (2002)).	4-0 T-C Water
PCB 05-172	<u>Paul B. Finley (Livestock Waste Management Facilities) (Property Identification Number 90-07-21-400-006) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Paul B. Finley 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 (2002)).	Novak T-C Water

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PCB 05-173	<u>Lane Pork Corp. (Livestock Waste Management Facilities) (Property Identification Number 01-21-300-011 and 01-28-100-011) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Lane Pork Corp. located in DeKalb County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).	4-0 T-C Water
PCB 05-174	<u>Charles Schelkopf Finishing Operation (Livestock Waste Management Facilities) (Property Identification Number 25-01-400-002) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Charles Schelkopf Finishing Operation located in DeKalb County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).	4-0 T-C Water
PCB 05-175	<u>County Line Pork (Livestock Waste Management Facilities) (Property Identification Number 25-01-400-002) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of County Line Pork located in Ogle County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).	4-0 T-C Water
PCB 05-176	<u>Luke Brummer (Livestock Waste Management Facilities) (Property Identification Number 06-13-020-018) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Luke Brummer located in Effingham County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).	4-0 T-C Water
PCB 05-177	<u>Nancy Doterer (Livestock Waste Management Facilities) (Property Identification Number 11-33-200) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Nancy Doterer located in McLean County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).	4-0 T-C Water
PCB 05-178	<u>Keith Richardson (Livestock Waste Management Facilities) (Property Identification Number 12-12-20-200-002) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Keith Richardson located in Mercer County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).	4-0 T-C Water
PCB 05-179	<u>Arthur Keller-Willow Hill (Livestock Waste Management Facilities) (Property Identification Number (94-15-18-300-007) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that the livestock waste management facilities of Arthur Keller-Willow Hill 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 (2002)). No action was taken on the negative recommendation for the dead animal compost bin facilities, pending receipt of any petition for review by April 24, 2005.	4-0 T-C Water

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PCB 05-181 People of the State of Illinois v. Pattison Associates L.L.C. and 5701 South Calumet L.L.C. – The Board accepted for hearing this air enforcement action involving a site located in Tazewell County. 4-0
A-E

April 21, 2005 Chicago, Illinois

Rulemakings

R04-12 In the Matter of: Technical Corrections to Formulas in 35 Ill. Adm. Code 214; In the Matter of: Clean-Up Part III, Amendments to 35 Ill. Adm. Code Part 211, 218, and 219 – The Board adopted a first notice proposal to amend the Board’s air regulations. 5-0
R04-20 R, Air
(cons.)

R05-4 In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (January 1, 2004 through June 30, 2004) – The Board adopted a final opinion and order amending the Board’s wastewater pretreatment regulations to make them “identical in substance to federal regulations. 5-0
R05-15 Water
(cons.)

R05-10 In the Matter of: Bacteria (E-coli) Water Quality Standard for Lake Michigan and the Mississippi River, Proposed Amendments to 35 Ill. Adm. Code 302 – The Board denied the Illinois Environmental Protection Agency’s (IEPA) motion to suspend the rulemaking and dismissed the rulemaking proposal. The IEPA was given leave to re-file an appropriate rulemaking proposal when the United States Environmental Protection Agency’s new bacteria criterion is adopted. 5-0
R, Water

R05-11 In the Matter of: Amendments to Emissions Reduction Market System, 35 Ill. Adm. Code 205 and 211 – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s air regulations. 5-0
R, Air

Administrative Citations

AC 05-7 IEPA v. Edward and Betty Jo Cain and Edward Cain d/b/a Cain Roofing Company – 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)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(3) (2002)) 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 violations of 415 ILCS 5/21(p) (1), (7) (2002). 5-0

AC 05-49 IEPA v. Landers’ Children Family, L.L.C. and Ray Landers – The Board granted complainant’s motion for reconsideration of the March 3, 2005 Board order and motion for default judgment as to respondent Ray Landers. The Board dismissed the administrative citation for lack of timely service as to Landers’ Children Family, L.L.C. only. The Board found that Ray Landers violated Sections 21(p)(1), (p)(4) and (p)(7) of the Environmental Protection Act (415 ILCS

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5/21(21(p)(1), (p)(4) (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$4,500.

- AC 05-54 IEPA v. Ray Logsdon Estate, Logsdon Sand and Gravel Company, and M.K. O’Hara Construction, Inc. – The Board accepted for hearing Logsdon Sand and Gravel Company’s petition for review of an administrative citation and granted complainant’s motion to dismiss the administrative citation as to the Ray Logsdon Estate. The Board dismissed the petition for review on behalf of M.K. O’Hara Construction, Inc. for failure to file an amended petition as instructed by the Board’s March 3, 2005 order. 5-0
- AC 05-57 IEPA v. Leonard Harris – The Board found that this Boone County respondent violated Section 21(p)(3) of the Act (415 ILCS 5/21(p)(3) (2002)), and ordered respondent to pay a civil penalty of \$1,500. 5-0
- AC 05-58 IEPA v. Knox County Landfill Committee and Greg Ingle – The Board found that these Knox County respondents violated Section 21(o)(5) of the Environmental Protection Act (415 ILCS 5/21(o)(5) (2002)), and ordered respondents to pay a civil penalty of \$500. 5-0
- AC 05-60 IEPA v. Ken Edwards – The Board granted complainant’s motion to dismiss the administrative citation for lack of timely service. 5-0

Decisions

- PCB 03-51 People of the State of Illinois v. Draw Drape Cleaners, Inc., an Illinois corporation, American Drapery Cleaners & Flameproofers, inc., an Illinois corporation, and Richard Zell, an Illinois resident – 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) (2002)), accepted a stipulation and settlement agreement, and ordered the respondents to pay a total civil penalty of \$7,500 and to cease and desist from further violations. 5-0
A-E
- PCB 04-138 People of the State of Illinois v. Pinnacle Corporation d/b/ Town & Country Homes – In this water enforcement action concerning a Lake 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) (2002)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$80,000 and to cease and desist from further violations. 5-0
W-E
- PCB 04-178 People of the State of Illinois v. H.B.M. Electrochemical Company and Ned Mandich individually and as president of H.B.M. Electrochemical Company – 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) (2002)), accepted a stipulation and settlement agreement, and ordered the respondents to pay a total civil penalty of \$15,000, and to cease and desist from further violations. 5-0
A-E

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PCB 05-55	<u>Village of Lake Barrington, Cuba Township, Prairie Rivers Network, Sierra Club, Beth Wentzel, and Cynthia Skrukrud v. IEPA and Village of Wauconda; Slocum Lake Drainage District of Lake County, Illinois v. IEPA and Village of Wauconda; Al Phillips et al. v. IEPA and Village of Wauconda, Illinois</u> – The Board affirmed the Illinois Environmental Protection Agency’s issuance of a National Pollutant Discharge Elimination System permit to the Village of Wauconda.	5-0
PCB 05-58		P-A, NPDES
PCB 05-59		3 rd party
(cons.)		
PCB 05-60	<u>People of the State of Illinois v. Youssi Real Estate and Development, Inc.</u> – In this water enforcement action concerning a Boone 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) (2002)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$5,000, and to cease and desist from further violations.	5-0 W-E
PCB 05-64	<u>People of the State of Illinois v. Auto Recyclers – C&D Enterprises, Inc.</u> – In this land enforcement action concerning a Sangamon 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) (2002)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$5,000, and to cease and desist from further violations.	5-0 L-E
PCB 05-85	<u>Citgo Petroleum Corporation and PDV Midwest Refining, LLC. v. IEPA</u> – The Board granted these Will County petitioners a variance from the Total Dissolved Solids water quality standards of 35 Ill. Adm. Code 302.208(g) and 302.407. The variance lasts until December 15, 2005 and is subject to conditions.	5-0 W-V
PCB 05-86	<u>People of the State of Illinois v. Fairacres Subdivision Association</u> – In this public water supply enforcement action concerning a Rock Island 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) (2002)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$750, and to cease and desist from further violations.	5-0 PWS-E
PCB 05-96	<u>People of the State of Illinois v. Village of North City</u> – In this public water supply enforcement action concerning a Franklin 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) (2002)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$500, to perform a supplemental environmental project by payment of a monetary donation of \$500 to the Benton School District Greening Program, and to cease and desist from further violations.	5-0 PWS-E
PCB 05-123	<u>People of the State of Illinois v. Cunat, Inc.</u> – In this water enforcement action concerning a McHenry 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) (2002)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$3,500, and to cease and desist from further violations.	5-0 W-E

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Motions and Other Matters

PCB 04-88	<u>Des Plaines River Watershed Alliance, Livable Communities Alliance, Prairie Rivers Network, and Sierra Club v. IEPA and Village of New Lenox</u> – The Board granted the respondent’s motion to file reply <i>instanter</i> and accepted the reply to petitioners’ response to motion for stay of petitioners’ motion for summary judgment. The Board denied the respondent’s motion for stay of petitioner’s motion for summary judgment, and directed the hearing officer to set a briefing schedule on the motion.	5-0 P-A, NPDES
PCB 04-225	<u>People of the State of Illinois v. Prairie Lane Development, L.L.C.</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 Boone County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 05-63	<u>People of the State of Illinois v. North Rockwell, L.L.C.</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 05-124	<u>Mac’s Convenience Stores L.L.C. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Sangamon County facility. The Board granted David L. Hatchett’s motion for leave to appear <i>pro hac vice</i> on behalf of petitioner.	5-0 UST Appeal
PCB 05-125	<u>Red Rooster Corporation f/k/a Clark Retail Enterprises, Inc.)</u> – The Board accepted for hearing this underground storage tank appeal involving a Peoria County facility.	5-0 UST Appeal
PCB 05-180	<u>People of the State of Illinois v. ACI Environmental Corporation, an Illinois corporation, and Asbestos Control, Inc., an Illinois corporation</u> – The Board accepted for hearing this air enforcement action involving a site located in DuPage County.	5-0 A-E
PCB 05-182	<u>U.S. Minerals, L.L.C. v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Montgomery County facility.	5-0 P-A, Air
PCB 05-183	<u>Webb & Sons, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Coles County facility.	5-0 UST Appeal

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PCB 05-184	<u>Harvey B. Whittaker v. IEPA</u> – The Board ordered petitioner to file an amended petition to cure noted deficiencies within 30 days, or this matter will be dismissed.	5-0 UST Appeal
PCB 05-185	<u>Johnson Oil 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 Douglas County facility.	5-0 UST Appeal 90-Day Ext.

New Cases

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05-168 People of the State of Illinois v. Home Depot U.S.A., Inc. – The Board accepted for hearing this public water supply enforcement action involving a site located in Will County.

05-169 Geneseo Pork, Inc. (Livestock Waste Management Facilities) (Property Identification Number 09-03-200-001-0011) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Geneseo Pork, Inc. located in Henry County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

05-170 Dumoulin Farms-Hampshire (Waste Management Facilities) (Property Identification Number 1-20-300-001) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dumoulin Farms-Hampshire located in Kane County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

05-171 Vincent Berghower (Livestock Waste Management Facilities) (Property Identification Number 90-13-06-200-008) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Vincent Berghower 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 (2002)).

05-172 Paul B. Finley (Livestock Waste Management Facilities) (Property Identification Number 90-07-21-400-006) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Paul B. Finley 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 (2002)).

05-173 Lane Pork Corp. (Livestock Waste Management Facilities) (Property Identification Number 01-21-300-011 and 01-28-100-011) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Lane Pork Corp. located in DeKalb County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

05-174 Charles Schelkopf Finishing Operation (Livestock Waste Management Facilities (Property Identification Number 25-01-400-002) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Charles Schelkopf Finishing Operation located in DeKalb County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

05-175 County Line Pork (Livestock Waste Management Facilities) (Property Identification Number 25-01-400-002) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of County Line Pork located in Ogle County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

05-176 Luke Brummer (Livestock Waste Management Facilities (Property Identification Number 06-13-020-018) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and

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certified that specified facilities of Luke Brummer located in Effingham County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

05-177 Nancy Doterer (Livestock Waste Management Facilities) (Property Identification Number 11-33-200) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Nancy Doterer located in McLean County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

05-178 Keith Richardson (Livestock Waste Management Facilities) (Property Identification Number 12-12-20-200-002) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Keith Richardson located in Mercer County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

05-179 Arthur Keller-Willow Hill (Livestock Waste Management Facilities) (Property Identification Number 94-15-18-300-007) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that the livestock waste management facilities of Arthur Keller-Willow Hill 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 (2002)). No action was taken on the negative recommendation for the dead animal compost bin facilities, pending receipt of any petition for review by April 24, 2005.

05-180 People of the State of Illinois v. ACI Environmental Corporation, an Illinois corporation, and Asbestos Control, Inc., an Illinois corporation – No action taken.

05-181 People of the State of Illinois v. Pattison Associates L.L.C. and 5701 South Calumet L.L.C. – The Board accepted for hearing this air enforcement action involving a site located in Tazewell County.

AS 05-006 In the Matter of: Petition of Schaeffer Enterprises of Wolf Lake, Inc. for an Adjusted Standard from Tire Storage Rules at 35 Ill. Adm. Code 848.202(b)(5) and 848.404 – Pending receipt of the certificate of publication, the Board held this DuPage County facility’s petition for an adjusted standard from the Board’s regulations for the management of used and waste tires.

AC 05-060 IEPA v. Ken Edwards – The Board accepted an administrative citation against this Macoupin County respondent.

AC 05-061 IEPA v. Timothy Pearce – The Board accepted an administrative citation against this Clay County respondent.

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05-182 Fruendt Crop Services, Inc. (Property Identification Number 11-26-03-300-010) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Fruendt Crop Services, Inc. located in Kankakee County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

05-183 Precision Pork, L.L.C. (Property Identification Number 12-14-29-200-003) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Precision Pork, L.L.C. located in Lee County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

05-184 Crest Automotive 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.

05-185 Ye Olde Glass Shoppe 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 Clark County facility.

AC 05-062 IEPA v. F.I.M., Inc. – The Board accepted an administrative citation against this Adams County respondent.

AC 05-063 IEPA v. John R. Malloch – The Board accepted an administrative citation against this Champaign County respondent.

AC 05-064 IEPA v. Charles Bellemey and Willie Doucher – The Board accepted an administrative citation against these Champaign County respondents.

AC 05-065 County of Montgomery v. Michael Schwab – The Board accepted an administrative citation against this Montgomery County respondent.

Provisional Variances

IEPA 05-004 Natural Gas Pipeline Company – Station 311 v. IEPA—The Illinois Environmental Protection Agency granted this Piatt County facility a provisional variance, subject to conditions, from the hazardous waste accumulation time limitations of Ill. Adm. Code 722.134(b) for the time period from April 13, 2005 through May 13, 2005.

Public Act 93-0152 (Senate Bill 222) amended Sections 35-37 of the Illinois Environmental Act (415 ILCS 5/5(b) (2002)) so that provisional variances are issued by the Illinois Environmental Protection Agency (IEPA). If the IEPA grants a provisional variance, then the IEPA must file a copy of its written decision with the Board. The Board must maintain copies of the provisional variances for public inspection. Copies of provisional variances can be obtained by contacting the Clerk’s Office at (312) 814-3620, or by visiting the Board’s Website at www.ipcb.state.il.us. If the IEPA denies a provisional variance request, then the applicant may initiate a proceeding with the Board for a full variance.

Calendar

5/5/05 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		Illinois Pollution Control Board Board Room (1244 N) 1021 N. Grand Avenue East Springfield
5/10/05 9:00 AM	PCB 04-12	Teresa L. Shepro, as Trustee of the Justice W. Shepro Trust, and Teresa L. Shepro and Frank Wiemerslage, as beneficiaries under Trust No. 898 of the Chicago Trust Company v. Newby Oil Company, David E. Tripp and Janice L. Tripp	City Hall Annex Council Chambers 128 E. Railroad Sandwich
5/17/05 1:00 PM	AS 05-4	In the Matter of: Petition of SCA Tissue North America, LLC for an Adjusted Standard from 35 Ill. Code 218.301 and 218.302(c)	James R. Thompson Center Room 11-512 100 W. Randolph Street Chicago
5/19/05 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		James R. Thompson Center Hearing Room 9-040 100 W. Randolph Street Chicago
5/27/05 10:00 AM	PCB 05-183	Webb & Sons, Inc. v. IEPA	Illinois Pollution Control Board Hearing Room (1244 N) 1021 North Grand Avenue East Springfield

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<p>6/2/05 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>6/14/05 10:00 AM</p>	<p>R05-19</p>	<p>In the Matter of: Proposed Amendments to Exemptions From State Permitting Requirements (35 Ill. Adm. Code 201.146)</p>	<p>Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East Springfield</p>
<p>6/16/05 11:00 AM</p>	<p><u>Illinois Pollution Control Board Meeting</u></p>		<p>James R. Thompson Center Hearing Room 9-040 100 W. Randolph Street Chicago</p>

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NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY#	EPA RGN	NATURE OF PROBLEM	POP. SERVED	LISTIN G DATE
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Illinois Environmental Protection Agency

Division of Public Water Supplies

Restricted Status List -- Public Water Supplies

The Restricted Status List was developed to give additional notification to officials of public water supplies which are in violation of 35 Ill. Adm. Code, Subtitle F: Public Water Supplies, Chapter I or the Illinois Environmental Protection Act.

The Restricted Status List will include all Public Water Supplies for which the Agency has information indicating a violation of any of the following requirements: Finished water quality requirements of 35 Ill. Adm. Code, Part 604, Subparts B and C; maintenance of adequate pressure on all parts of the distribution system under all conditions of demand; meeting raw water quantity requirements of 35 Ill. Adm. Code 604.502; or maintenance of treatment facilities capable of providing water "assuredly adequate in quantity" as required by Section 18 of the Illinois Environmental Protection Act.

A public water supply on the Restricted Status List will not be issued permits for water main extensions, except for certain limited situations, or unless the supply has been granted a variance from the Illinois Pollution Control Board for the violation, or from permit issuance requirements of Section 39 of the Act.

This list is continually being revised as new information becomes available, and therefore, specific inquiries as to the status of any public water supply should be directed to the Division of Public Water Supplies for final determination. This list reflects the status as of April 1, 2005.

* Indicates public water supplies which have been added to the list since the previous publication.

RDS:sp/0046g/2

NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY#	EPA RGN	NATURE OF PROBLEM	POP. SERVE D	LISTING DATE
Acorn Acres Sbdv (Lake Co - 0975020)	2	Inadequate Pres Tank	250	12/16/83
Alternative Behavior Treatment Center (Lake Co - 0977189)	2	Inadequate Pres Tank	64	06/15/88
* Alto Pass Water District (Union Co - 1815150)	7	Disinfection By-Products	1,031	01/15/05
Arlington Rehab & Living Ctr (Lake Co – 0971110)	2	Inadequate Hydro Storage	180	12/01/03
Aurora Community Water Assn (Kane Co - 0895750)	2	Inadequate Pres Tank	150	12/16/88
Bahl Wtr Corp (Jo Daviess Co - 0855200)	1	Inadequate Pres Storage	700	12/15/93
Biggsville (Henderson Co - 0710050)	5	Adjusted Gross Alpha	350	03/15/98
Bonnie Lane Water Supply (Kendall Co - 0930010)	2	Inadequate Pres Tank	49	09/16/93
Bradford (Stark Co - 1750050)	1	Gross Alpha	650	06/15/98
Bradley Hts Sbdv (Winnebago Co - 2015050)	1	Inadequate Pres Tank	192	09/13/85

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NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY#	EPA RGN	NATURE OF PROBLEM	POP. SERVED	LISTING DATE
Bryant (Fulton Co - 0570200)	5	Adjusted Gross Alpha	310	03/15/98
Buckingham (Kankakee Co - 0910250)	2	Inadequate Pres Tank	330	03/17/89
Bushnell (McDonough Co - 1090150)	5	Adjusted Gross Alpha	3,300	03/14/01
Carbon Hill (Grundy Co - 0630100)	2	Adjusted Gross Alpha	376	03/14/01
Carroll Hts Utl Cmpny (Carroll Co - 0155200)	1	Inadequate Pres Tank	80	03/20/81
Century Pines Apts (Carroll Co - 0150020)	1	Inadequate Pres Tank	50	12/14/90
Coyne Cntr Coop (Rock Island Co - 1615150)	1	Inadequate Pres Tank	150	12/15/97
Cropsey Cmnty Wtr (McLean Co - 1135150)	4	Inadequate Pres Tank	60	03/20/81
Crystal Clear Wtr Cmpny (McHenry Co - 1115150)	2	Inadequate Pres Tank	900	09/16/88
Crystal Hts Assn (McHenry Co - 1115100)	2	Inadequate Pres Tank	93	06/17/96
D and R Apts (Champaign Co - 0190030)	4	Inadequate Pres Tank	26	09/16/93
Deering Oaks Sbdv (McHenry Co - 1115200)	2	Inadequate Pres Tank	60	12/17/82
DeKalb Univ Dvl Corp (DeKalb Co - 0375148)	1	Inadequate Pres Tank	950	12/16/92
DeWitt Cnty NH (DeWitt Co - 0395129)	4	Inadequate Pres Tank	80	06/17/83
DL Well Owners Assn (Lake Co - 0975380)	2	Inadequate Pres Tank	125	03/18/83
Dover (Bureau Co - 0110350)	1	Inadequate Pres Tank	200	05/25/81
East End Wtr Assn (Rock Island Co - 1610140)	1	Inadequate Storage Capacity	40	03/15/02
East Moreland Wtr Corp (Will Co - 1975640)	2	Inadequate Pres Tank	135	03/15/96
Eastmoreland Wtr Assn (Will Co - 1975600)	2	Inadequate Pres Tank	753	03/20/81
Eaton PWD (Crawford - 0335100)	4	Indequate Source Capacity	920	03/15/02
Edelstein (Peoria Co - 1435150)	5	Adjusted Gross Alpha	125	03/15/98
Edgington Water District (Rock Island Co-1615550)	1	Inadequate Pres Tank	470	03/20/81
Emmett Utl Inc (McDonough Co - 1095200)	5	Inadequate Pres Tank	39	12/17/82
Evansville (Randolph Co - 1570250)	6	Trihalomethane	850	06/15/02
Evergreen Vlg Sbdv (Rock Island Co - 1615310)	1	Inadequate Pres Tank	250	03/20/81
Fahnstock Court Sbdv (Peoria Co - 1435200)	5	Inadequate Pres Tank	30	05/25/81

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NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY#	EPA RGN	NATURE OF PROBLEM	POP. SERVED	LISTING DATE
Fair Acres Sbdv (Will Co - 1975680)	2	Inadequate Pres Tank	185	10/19/81
Forest Lake Addn (Lake Co - 0975500)	2	Inadequate Pres Tank	180	12/16/83
Forward-Skyline Plant (Kane Co - 0895030)	2	Inadequate Pres Tank	1,300	09/19/86
Galva (Henry Co - 0730450)	1	Adjusted Gross Alpha	2,900	03/14/01
Garden Street Imprv Assn (Will Co - 1975376)	2	Inadequate Pres Tank	62	09/15/89
Gardner (Grundy Co - 0630400)	2	Adjusted Gross Alpha	1,450	03/14/01
Glasford (Peoria Co - 1430350)	5	Adjusted Gross Alpha	1,115	12/15/97
Glenwood Outback (LaSalle Co - 0990080)	1	Inadequate Pres Tank	9,600	12/15/98
Good Shepherd Mnr (Kankakee Co - 0915189)	2	Inadequate Pres Tank	140	03/17/89
Great Oaks&Beacon Hls Apts (Winnebago Co-2015488)	1	Inadequate Pres Tank	943	12/17/82
Harbor Lites/Pistakee Fshg Cl (McHenry Co - 1110011)	2	Inadequate Pres Tank	100	03/14/01
Hardinville Water Company (Crawford Co - 0330020)	4	Inadequate Source Capacity	2,361	03/15/02
Hawthorn Woods (Lake Co - 0970450)	2	Inadequate Pres Tank	800	03/15/95
Heatherfield Sbdv (Grundy Co - 0635150)	2	Inadequate Pres Tank	91	09/17/82
* Hecker (Monroe Co - 1330150)	6	Disinfection By-Products	608	01/15/05
Hettick (Macoupin Co - 1170500)	5	Trihalomethane	220	06/15/02
Highland Sbdv (Kane Co - 0895530)	2	Inadequate Pres Tank	50	09/16/83
Hillview Sbdv (Will Co - 1975800)	2	Inadequate Pres Tank	99	03/15/85
Holy Family Villa (Cook Co - 0310280)	2	Inadequate Pres Tank	200	09/15/99
Hopewell (Marshall Co - 1235150)	1	Adjusted Gross Alpha	805	03/14/01
Ingalls Pk Sbdv (Will Co - 1975880)	2	Inadequate Pres Tank	690	09/16/83
* Iola (Clay Co - 0250010)	7	Disinfection By-Products	140	01/15/05
Kewanee (Henry Co - 0730650)	1	Adjusted Gross Alpha	12,900	03/14/01
Kingston Mines (Peoria Co - 1430450)	5	Adjusted Gross Alpha	295	03/14/01
Kirk Wtr Line (Crawford Co - 0330030)	4	Inadequate Source Capacity	72	03/15/02
Knoxville (Knox Co - 0950300)	5	Adjusted Gross Alpha	3,243	03/15/98

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NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY#	EPA RGN	NATURE OF PROBLEM	POP. SERVED	LISTING DATE
Lake Lynwood Wtr Sys (Henry Co - 0735330)	1	Inadequate Pres Tank	98	08/31/81
Lakeview Hills Wtr Supply Cp (Whiteside Co - 1955150)	1	Inadequate Pres Tank	146	03/20/81
Lakewood Shores Imprv Assn	2	Adjusted Gross Alpha	760	03/14/01
Land and Water Assn (LaSalle Co - 0995050)	1	Inadequate Pres Storage	110	06/15/01
Larchmont Sbdv (Winnebago Co - 2015290)	1	Inadequate Pres Tank	106	06/17/83
Larson Court Apartments (Rock Island Co - 1615728)	1	Inadequate Pres Tank	48	01/14/82
Legend Lakes Wtr Assn (Winnebago Co - 2015300)	1	Inadequate Pres Tank	225	03/14/91
Liberty Park Homeowners Assn (DuPage Co - 0435600)	2	Inadequate Pres Tank	1,092	09/17/92
Lindenwood Wtr Assn (Ogle Co - 1415300)	1	Inadequate Pres Tank	50	01/13/82
Lisbon North Inc (Grundy Co - 0631000)	2	Inadequate Pres Tank	30	09/14/90
Little York (Warren Co - 1870100)	5	Adjusted Gross Alpha	350	03/14/01
London Mills (Fulton Co - 0574620)	5	Inadequate Pres Tank	670	12/14/84
Lostant (LaSalle Co - 0990450)	1	Adjusted Gross Alpha	510	03/14/01
Lynn Cntr (Henry Co - 0735100)	1	Inadequate Pres Tank	147	03/15/95
Lynnwood Water Corp (LaSalle Co - 0995336)	1	Inadequate Pres Tank	114	03/18/83
M C L W Sys Inc (Mercer Co - 1315150)	1	Inadequate Source	100	03/20/81
Mapleton (Peoria Co - 1430500)	5	Adjusted Gross Alpha	350	03/15/98
Monmouth (Warren Co - 1870150)	5	Adjusted Gross Alpha	9,500	03/14/01
Mound PWD (St Clair Co - 1635050)	6	Inadequate Plant Capacity	1,800	06/17/96
Northwest Belmont Imprv Assn (DuPage Co - 0435900)	2	Inadequate Pres Tank	115	09/29/81
Oak Ridge Sndst (Woodford Co - 2035300)	1	Inadequate Pres Tank	240	03/20/81
Oakview Avenue Wtrwks Inc (Will Co - 1977210)	2	Inadequate Pres Tank	350	03/20/81
Oblong (Crawford Co - 0330150)	4	Inadequate Source Capacity	2,317	03/15/02
Olivet Nazarene College (Kankakee Co - 0915279)	2	Inadequate Pres Tank	1,450	03/15/94
Opheim PWS (Henry Co - 0735150)	1	Inadequate Pres Tank	150	06/18/82
Oscoda Mutual Wtr Supply Cpy Inc (Henry Co-0735200)	1	Inadequate Pres Tank	115	12/15/89

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NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY#	EPA RGN	NATURE OF PROBLEM	POP. SERVED	LISTING DATE
* Panama (Bond Co - 0054720)	6	Disinfection By-Products	380	01/15/05
Park Road Wtr Assn (Will Co - 1977330)	2	Inadequate Pres Tank	60	12/17/82
Park View Wtr Corp (Kane Co - 0895500)	2	Inadequate Pres Tank	150	12/17/82
Patoka (Marion Co - 1210400)	6	Inadequate Plant Capacity	731	03/15/97
* Pittsfield (Pike Co - 1490750)	5	Disinfection By-Products	4,250	01/15/05
Polo Dr & Saddle Rd Sbdv (DuPage Co - 0437000)	2	Inadequate Pres Tank	95	12/17/82
Ports of Sullivan Lake Assn (Lake Co - 0971160)	2	Inadequate Pres Tank	638	06/15/99
Prairie Oaks Ests Hmown Assn (Grundy Co - 0630060)	2	Adjusted Gross Alpha	96	10/15/02
Prairie Ridge Assn (McHenry Co - 1115730)	2	Inadequate Pres Tank	140	03/16/90
Prairie View Water Assn (Tazewell Co - 1795900)	5	Inadequate Pres Tank	55	03/20/81
Ridgecrest North Sbdv (Grundy Co - 0635250)	2	Inadequate Pres Tank	85	09/16/93
Ridgewood Ledges Wtr Assoc(Rock Island Co-1615670)	1	Inadequate Pres Tank	475	03/20/81
Ridgewood Sbdv (Will Co - 1977650)	2	Inadequate Pres Tank	315	06/18/82
Riverwoods Spcl Dstrct 3 (Lake Co - 0971451)	2	Inadequate Souce Capacity	234	11/01/01
Robinson Palestine Wtr Cmsn (Crawford Co - 0335030)	4	Inadequate Plant Capacity	10,728	11/01/01
Sbdv Wtr Trust No #1 (Moecherville) (Kane Co - 0895300)	2	Inadequate Pres Tank	1,120	03/20/81
Shawnta Trc Wtr Assn (Will Co - 1977690)	2	Inadequate Pres Tank	125	09/17/92
Silvis Heights (Rock Island Co – 1615750)	1	Inadequate Hydro Storage	1,500	12/01/03
Skyview Sbdv (Kankakee Co - 0915526)	2	Inadequate Pres Tank	65	09/14/84
South Wilmington (Grundy Co - 0630650)	2	Adjusted Gross Alpha	698	10/15/02
St Charles Cmsn Wlfnd 3 (DuPage Co - 0437040)	2	Inadequate Pres Tank	30	12/15/89
Standard (Putnam Co - 1550300)	1	Adjusted Gross Alpha	300	03/14/01
Sturm Sbdv (Lake Co - 0977010)	2	Inadequate Pres Tank	63	03/16/84
Suburban Heights Sbdv (Rock Island Co - 1615800)	1	Inadequate Pres Tank	114	12/16/83
Summit Homeowners Assn (Lake Co - 0975280)	2	Inadequate Pres Tank	48	03/16/84
Sunny Hill Ests Sbdv (Henry Co - 0735300)	1	Inadequate Pres Tank	525	06/15/00

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NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY#	EPA RGN	NATURE OF PROBLEM	POP. SERVED	LISTING DATE
Sunnyland Sbdv (Will Co - 1977730)	2	Inadequate Pres Tank	350	09/16/83
Swedona Wtr Assn (Mercer Co - 1315200)	1	Inadequate Pres Tank	100	06/15/90
Sylvan Lake 1st Sbdv (Lake Co - 0977100)	2	Inadequate Pres Tank	210	06/14/91
Toulon (Stark Co - 1750150)	1	Adjusted Gross Alpha	1,400	12/12/99
Towners Sbdv (Lake Co - 0977250)	2	Inadequate Pres Tank	238	01/14/82
Trivoli PWD (Peoria Co - 1435510)	5	Inadequate Pres Tank	350	06/17/83
Utl Inc Holiday Hills (McHenry Co - 1115350)	2	Inadequate Pres Tank	750	09/16/83
Utl Inc Lake Holiday (LaSalle Co - 0995200)	1	Inad Source & Treat Plt	4,908	09/15/98
Utl Inc Northern Hls Utl Co (Stephenson Co-1775050)	1	Inadequate Pres Tank	290	03/15/96
Utl Inc Walk-Up Woods Wtr Co (McHenry Co - 1115800)	2	Inadequate Pres Tank	763	12/17/82
Utl Inc Westlake Utilities Inc (Winnebago Co - 2010070)	1	Inadequate Source Capacity	25	11/01/01
Viola (Mercer Co - 1310450)	1	Adjusted Gross Alpha	950	10/15/02
West Shore Park Sbdv (Lake Co - 0977370)	2	Inadequate Pres Tank	450	06/15/00
West Shoreland Sbdv (Lake Co - 0977050)	2	Inadequate Pres Tank	220	06/14/91
Whispering Lakes Wtr Sys Inc (Lake Co - 0970220)	2	Adjusted Gross Alpha	375	03/14/01
Wienen Estates (Jo Daviess Co - 0850030)	1	Inadequate Pres Tank	70	12/15/97
Wonder Lake Wtr Cmpny (McHenry Co - 1115750)	2	Inadequate Pres Tank	1,161	06/16/94
Woodsmoke Ranch Assn (LaSalle Co - 0990030)	1	Inadequate Pres Tank	350	06/15/90
York Cntr Coop (DuPage Co - 0437550)	2	Inadequate Pres Tank	240	06/15/88
2nd Street Wtr Assn (Lake Co - 0971140)	2	Inadequate Pres Tank	33	12/15/95

PUBLIC WATER SUPPLIES REMOVED FROM PREVIOUS LIST

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Illinois Environmental Protection Agency

Division of Public Water Supplies

Critical Review List -- Public Water Supplies

The Critical Review List was developed to give additional notification to officials of public water supplies which may be close to being in violation of 35 Ill. Adm. Code, Subtitle F: Public Water Supplies, Chapter I or the Illinois Environmental Protection Act.

A supply will be placed on the Critical Review List when Agency records indicate that it is approaching any of the violations which would place it on the Restricted Status List.

This list is continually being revised as new information becomes available, and therefore, specific inquiries as to the status of any public water supply should be directed to the Division of Public Water Supplies for final determination. This list reflects the status as of April 1, 2005.

* Indicates public water supplies which have been added to the list since the previous publication.

RDS:sp/0046g/4

NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY#	EPA RGN	NATURE OF PROBLEM	POP. SERVED	LISTIN G DATE
Andalusia (Rock Island Co – 1610050)	1	Inadequate Pres Tank	1,050	12/01/0
Beason Chestnut PWD (Logan Co – 1075150)	5	Inadequate Source & Plant Capacity	600	06/15/04
Beecher (Will Co - 1970050)	2	Inadequate Storage Capacity	2,032	03/14/01
Bluford (Jefferson Co - 0810100)	7	Low System Pressure	465	03/20/81
Browning (Schuyler Co - 1690050)	5	Inadequate Source	495	03/15/98
Caseyville (St Clair Co - 1630250)	6	Inadequate Storage	9,900	10/01/04
Clayton Camp Point Wtr Cmsn (Adams Co - 0015200)	5	Inad Pumping Capacity	1,200	09/15/98
Columbia (Monroe Co - 1330050)	6	Inad Pumping Capacity	5,893	03/15/98
DePue (Bureau Co - 0110300)	1	Inad Treatment Plant	1,930	12/15/93
Elizabeth (Jo Daviess Co - 0850150)	1	Low System Pressure	700	06/15/99
Exeter-Merritt Water Coop (Scott Co - 1710010)	5	Inadequate Pres Tank	428	10/01/04
Galena (Jo Daviess Co - 0850200)	1	Low System Pressure	3,790	06/15/99
Highland Hills Sndst (DuPage Co - 0435560)	2	Inadequate Pres Tank	1,100	09/17/92
Joy (Mercer Co - 1310100)	1	Low System Pressure	495	06/15/99

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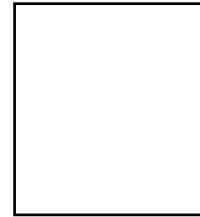
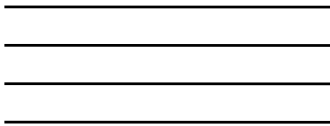
NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY#	EPA RGN	NATURE OF PROBLEM	POP. SERVED	LISTIN G DATE
La Salle (La Salle Co - 0990300)	1	Inadequate Source & Plant Capacity	9,700	11/01/04
LaMoille (Bureau Co - 0110500)	1	Inadequate Plant Capacity	750	06/15/99
Lee (Lee Co - 1034600)	1	Inadequate Pres Tank	350	10/01/04
Mahomet (Champaign Co - 0190450)	4	Inadequate Plant Capacity	4,877	10/15/02
Marion (Williamson Co - 1990550)	7	Inadequate Source Capacity	14,610	11/01/01
Mathersville (Mercer Co - 1310200)	1	Low System Pressure	793	09/13/00
McHenry Shores Wtr Cmpny (McHenry Co - 1115020)	2	Low System Pressure	1,170	09/17/92
Mechanicsburg Buffalo Wtr (Sangamon Co - 1675150)	5	Inadequate Source	1,030	03/15/98
Scales Mound (Jo Daviess Co - 0850400)	1	Low System Pressure	400	09/15/97
Seneca (LaSalle Co - 0991050)	1	Inadequate Plant Capacity	1,937	06/15/99
South Highway PWD (Jackson Co - 0775400)	7	Low System Pressure	8,189	06/15/92
Stockton (Jo Daviess Co - 0850450)	1	Low System Pressure	1,900	06/15/84
Sumner (Lawrence Co - 1010300)	7	Low System Pressure	1,553	12/13/85
Utl Inc Lake Marian Wtr Corp (Kane Co - 0895200)	2	Low Sys Pres & Inad Pres Storage	800	09/14/84
Walnut Hill (Marion Co - 1210600)	6	Low System Pressure	1,200	06/14/85
Waterloo (Monroe Co - 1330300)	6	Inadequate Storage	7,614	10/01/04
Wonder Lake Wtr Cmpny (McHenry Co - 1115750)	2	Inadequate Storage	1,080	12/14/90

PUBLIC WATER SUPPLIES REMOVED FROM PREVIOUS LIST

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
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