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# Environmental Register

October 2006 - Number 628

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G. Tanner Girard, Acting Chairman

Board Members:

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

The Board's heavy rulemaking docket continued to advance in September and October. There were various actions in several identical-in-substance rules (R06-13, R06-16, 17, 18 (cons.), R07-1, R07-3, R07-4, R07-6, R07-7) as well as in high profile rules such as R06-25 (proposed clean air mercury rule) and R06-26 (proposed clean air interstate rule). Some lower profile rules also had significant activity, which will be addressed in the body of this letter.

Notably on September 7, 2006, the Board adopted for final notice a proposed new Part 1600 of the Board's regulations. The proposal sets standards and requirements for potable water well surveys and for community relation activities in response to threats of or impacts from soil and groundwater contamination.

The rulemaking is docketed as In the Matter of: Standards and Requirements for Potable Water Well Surveys and for Community Relations Activities Performed in Conjunction with Agency Notices of Threats from Contamination Under PA

94-314: New 35 Ill. Adm. Code 1600 (R06-23). On January 20, 2006, the Illinois Environmental Protection Agency (IEPA) filed this proposal in response to Public Act 94-314, effective July 25, 2005, which added a new Title VI-D ("Right-To-Know") to the Environmental Protection Act. Public Act 94-314 required the Board to adopt well survey and community relation rules no later than September 17, 2006.



Within the new Part 1600, Subpart B establishes well survey procedures and minimum standards for the performance and documentation of surveys during site investigations. The well survey rules apply to response actions requiring that a release of contaminants be addressed. Subpart C includes two alternative levels of community relation activities depending on the severity of the offsite impacts or threats of impact. Subpart C also establishes requirements for document repositories, notices, fact sheets, and community relation plans. Finally, Subpart D sets forth the IEPA's review of an authorized party's community relation plan and the execution of that plan.

Also on September 7, 2006, the Board sent to first notice proposed amendments to the Tiered Approach to Corrective Action Objectives (TACO), docketed as In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742), R06-10. On September 30, 2005, the Illinois Environmental Protection Agency filed proposed amendments to the TACO rules in Part 742 of Title 35 of the Illinois Administrative Code (35 Ill. Adm. Code 742).

Generally, the TACO rules provide methods for developing risk-based remediation objectives for use in cleaning up environmental contamination under several regulatory programs: Site Remediation Program (SRP), Leaking Underground Storage Tank (LUST) Program, and Resource Conservation and Recovery Act (RCRA) Part B Permits and Closures.

The proposed first-notice amendments are primarily designed to update standards and improve procedures under TACO. The amendments also make numerous corrections and clarifications. Specific changes include the addition of background soil levels for polynuclear aromatic hydrocarbons (PAHs), newly applicable residential remediation objectives to protect construction workers, and enhanced flexibility in using ordinances to exclude the groundwater ingestion exposure pathway. The proposal also provides for mandatory forms to be used for certain institutional controls. Publication of these proposed amendments in the *Illinois Register* will begin a 45-day public comment period.

Information including Board opinions, proposed rules, hearing officer orders, and hearing transcripts, may be viewed on the Board's Website at [www.ipcb.state.il.us](http://www.ipcb.state.il.us) or by contacting the Clerk's Office. The Clerk's Office On-Line (COOL) provides 24-hour electronic access to the Board's case files and docket information. I invite you to take a closer look at these proceedings and to assist us in the development of sound environmental policy for the people of Illinois.

Sincerely,

A handwritten signature in black ink that reads "G. Tanner Girard". The signature is written in a cursive, slightly slanted style.

G. Tanner Girard, Ph.D.  
Acting Chairman

## Inside This Issue:

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FEDERAL UPDATE	P. 1
RULE UPDATE	P. 3
BOARD ACTIONS	P. 6
NEW CASES	P. 10
PROVISIONAL VARIANCES	P. 10
BOARD CALENDAR	P. 11
RESTRICTED STATUS/CRITICAL REVIEW	P. 12

## Federal Update

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### **United States Environmental Protection Agency Adopts Regional Haze Revisions to Clean Air Act Rules for Source-Specific Best Available Retrofit Technology (BART) Determinations**

On October 13, 2006 (71 Fed. Reg. 60611) the United States Environmental Protection Agency (USEPA) adopted amendments to the regional haze regulations governing alternatives to source-specific Best Available Retrofit Technology (BART) determinations.

USEPA promulgated regulations to address a type of visibility impairment known as regional haze in 1999. The regional haze regulations have been judicially challenged twice; this USEPA action addresses the February 2005 court ruling: Center for Energy and Economic Development v. EPA, 398 F.3d 653 (DC Cir. 2005)(concerning an optional emissions trading program for certain western States and Tribes known as the Western Regional Air Partnership (WRAP) Annex Rule). This final rule adds the revisions USEPA proposed in August 2005 for alternative trading programs, including some changes in response to the public comments.

USEPA amended the generally applicable provisions at Sec. 51.308(e)(2), which prescribe the type of analysis used to determine emissions reductions achievable from source-by-source BART, for purposes of comparing to the alternative program. These amendments reconcile the methodology for determining whether an alternative program is approvable with the court's decision in Center for Energy and Economic Development v. EPA. The adopted rule also establishes the minimum elements of an acceptable cap and trade program and provides for consistent application of the BART guidelines for electric generating units (EGUs) between source-by-source programs and alternative cap and trade programs.

USEPA also amended parts of the rule to enable certain western States and Tribes to continue to utilize strategies as an optional means to satisfy reasonable progress requirements for certain Class I areas, for the first long-term planning period. USEPA stated that these changes provide western States and Tribes with an opportunity to revise and resubmit the backstop SO<sub>2</sub> emissions trading program absent any requirement to assess visibility on a cumulative basis when determining the emissions reductions achievable by source-by-source BART.

This rule is effective December 12, 2006.

For further information contact Kathy Kaufman, EPA, Air Quality Planning Division, Geographic Strategies Group, C504-02, telephone number 919-541-0102 or by e-mail [atkaufman.kathy@epa.gov](mailto:atkaufman.kathy@epa.gov); or Todd Hawes, EPA, Air Quality Planning Division, Geographic Strategies Group, C504-02, telephone number 919-541-5591 or by e-mail at [hawes.todd@epa.gov](mailto:hawes.todd@epa.gov).

## Environmental Register – October 2006

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 (2006)).

### **United States Environmental Protection Agency Adopts Revisions to Ambient Air Monitoring Regulations Under the Clean Air Act**

On October 17, 2006 (71 Fed. Reg. 61235) the United States Environmental Protection Agency (USEPA) adopted final amendments to revise its ambient air monitoring regulations.

In this rule, the USEPA issued final amendments to the ambient air monitoring requirements for criteria pollutants. The purpose of the amendments is to enhance ambient air quality monitoring to better serve current and future air quality management and research needs. The final amendments establish limited ambient air monitoring requirements for thoracic coarse particles in the size range of PM<sub>10-2.5</sub> to support continued research into these particles' distribution, sources, and health effects. The ambient air monitoring amendments require each State to operate one to three monitoring stations that take an integrated, multi-pollutant approach to ambient air monitoring. In addition, the final amendments modified the general monitoring network design requirements for minimum numbers of ambient air monitors to focus on populated areas with air quality problems and to reduce significantly the requirements for criteria pollutant monitors that have measured ambient air concentrations well below the applicable National Ambient Air Quality Standards.

The amendments also revised certain provisions regarding monitoring network descriptions and periodic assessments, quality assurance, and data certifications. A number of the amendments relate specifically to PM<sub>2.5</sub> and revised the requirements for reference and equivalent method determinations (including specifications and test procedures) for fine particle monitors.

The Illinois areas designated as non-attainment for PM<sub>2.5</sub> are as follows:

In the Chicago area, Cook, DuPage, Grundy, Kane, Kendall, Lake, McHenry, and Will Counties are designated as non-attainment; and in the Metro-East area, Madison, Monroe, Randolph (the Baldwin Village area only), and St. Clair Counties are designated as non-attainment.

The rest of the State is designated as "unclassified/attainment."

This final rule is effective on December 18, 2006.

For general questions concerning the final amendments, contact Mr. Lewis Weinstock, U.S. EPA, Office of Air Quality Planning and Standards, Air Quality Assessment Division, Ambient Air Monitoring Group (C304-06), Research Triangle Park, North Carolina 27711; telephone number: (919) 541-3661; fax number: (919) 541-1903; e-mail address: [weinstock.lewis@epa.gov](mailto:weinstock.lewis@epa.gov).

For technical questions, contact Mr. Tim Hanley, U.S. EPA, Office of Air Quality Planning and Standards, Air Quality Assessment Division, Ambient Air Monitoring Group (C304-06), Research Triangle Park, North Carolina 27711; telephone number: (919) 541-4417; fax number: (919) 541-1903; e-mail address: [hanley.tim@epa.gov](mailto:hanley.tim@epa.gov).

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 (2006)).

### **United States Environmental Protection Agency Adopts National Ambient Air Quality Standards for Particulate Matter Under the Clean Air Act**

On October 17, 2006 (71 Fed. Reg. 61143) the United States Environmental Protection Agency (USEPA) adopted national ambient air quality standards (NAAQS) for particulate matter (PM).

## Environmental Register – October 2006

USEPA stated that, based on its review of the air quality criteria and NAAQS for PM, that revisions to the primary and secondary NAAQS for PM were necessary to provide increased protection of public health and welfare, respectively. With regard to primary standards for fine particles (generally referring to particles less than or equal to 2.5 micrometers in diameter, PM<sub>2.5</sub>), USEPA revised the level of the 24-hour PM<sub>2.5</sub> standard to 35 micrograms per cubic meter and retained the level of the annual PM<sub>2.5</sub> standard at 15 micrograms per cubic meter.

With regard to primary standards for particles generally less than or equal to 10[μ]m in diameter (PM<sub>10</sub>), USEPA retained the 24-hour PM<sub>10</sub> standard and revoked the annual PM<sub>10</sub> standard. USEPA amended the secondary PM standards to be identical in all respects to the primary PM standards, as revised.

This final rule is effective on December 18, 2006.

For further information contact: Ms. Beth M. Hassett-Sipple, Mail Code C504-06, Health and Environmental Impacts Division, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone: (919) 541-4605, e-mail: [hassett-sipple.beth@epa.gov](mailto:hassett-sipple.beth@epa.gov).

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 (2006)).

## Rule Update

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### **Board Adopts Final Order in SDWA Update, USEPA Amendments (July 1, 2005 though December 31, 2005) (R06-15)**

On October 5, 2006, the Board adopted a final opinion and order in SDWA Update, USEPA Amendments (July 1, 2005 though December 31, 2005) (R06-15). The adopted amendments, effective October 13, 2006, were published at 30 Ill. Reg. 17004 (October 27, 2006).

The Board made some substantive changes to its original proposal for public comment to allow the continued use of the Board’s Clerk’s Office On Line (COOL) filing system and any existing electronic document receiving system for the maximum time allowed by the United States Environmental Protection Agency (USEPA) under the Cross-Media Electronic Reporting Rule (CROMERR).

This rulemaking incorporates one federal action on October 13, 2005 (70 Fed. Reg. 59848). In the October 13, 2005 action, the United States Environmental Protection Agency established the CROMERR. The CROMERR sets standards for the filing of documents in various federal program areas in an electronic format. While the CROMERR does not require the filing of documents in an electronic format, it does impose minimum requirements on documents that are filed in such a format and on the electronic document receiving systems used to receive them. The CROMERR imposes requirements on electronic filings submitted to USEPA and on USEPA’s Central Data Exchange (CDX) that receives them, as well as on any electronic document filings submitted to the states and any systems used by the states to receive those filings.

Only those filings and electronic document receiving systems approved in advance by USEPA qualify under the CROMERR. Any state system used to receive electronic documents must obtain USEPA approval before the state may use it, except that a state may continue to use an existing electronic document receiving system, provided that it was in existence on October 13, 2005, until October 15, 2007, pending USEPA review and approval. USEPA is clear that any filing of documents in an electronic format is voluntary, and not compulsory, and the CROMERR creates no right or privilege to file any document in an electronic format.

CROMERR imposes requirements on six aspects of any electronic document receiving system used by a state: (1) system security; (2) the electronic signature method; (3) registration of persons submitting electronic documents; (4) the signature and certification scenario; (5) the generation of a transaction record; and (6) system archives.

As to rules for filing documents with the Board or the Illinois Environmental Protection Agency (IEPA), the proposed amendments repeat at Section 611.105(d)(1) that it is entirely up to the Board or the IEPA whether to set up procedures for electronic filing under the Sections. Federal 40 C.F.R. 3.10 sets forth the basic USEPA electronic document filing requirements: (1) the electronic document must be filed in a USEPA-approved electronic document receiving system; and (2) the electronic document must bear required electronic signatures. The proposed amendments provide at Section 611.105(d)(1) that any such procedures must meet the requirements of 40 C.F.R. 3.2 and 3.2000, as incorporated by reference, and must receive USEPA approval before they can be used. The Board has included a provision at Section 611.105(a)(4) that clarifies that the Board or the IEPA may adopt rules to govern electronic submissions. The Board has also included in the rule language identical in substance to federal provisions in Section 611.105(e) that make it clear that electronic filings will be treated in the same way as are properly signed paper filings.

The federally-authorized programs to which the CROMERR applies are all state-implemented aspects of the Clean Air Act (all conventional and hazardous air pollutant aspects), Clean Water Act (National Pollutant Discharge Elimination System, wastewater pretreatment, and sludge management aspects), Safe Drinking Water Act (national primary drinking water standards and underground injection control aspects), Resource Conservation and Recovery Act (hazardous waste, municipal solid waste landfill, and underground storage tank aspects), and the Lead-Based Paint Exposure Abatement Act programs. The Board has proposed amendments in UIC Corrections, USEPA Amendments (July 1, 2005 through December 31, 2005); In the Matter of: RCRA Subtitle D Update, USEPA Amendments (July 1, 2005 through December 31, 2005 and August 1, 2005); In the Matter of: RCRA Subtitle C Update, USEPA Amendments (July 1, 2005 through December 31, 2005 and August 1, 2005) (R06-16, R06-17, R06-18 consolidated) to update its hazardous waste, underground injection control, and municipal solid waste landfill rules to include the CROMERR standards. The Board's April 6, 2006 opinion and order was reported in more detail in the *Environmental Register* No. 622 (April 2006) at p.2-4. Additionally, in response to a request of the IEPA, on June 1, 2006 the Board extended the public comment in the R06-16/17/18 docket. The Board's June 1, 2006 opinion and order was reported in more detail in the *Environmental Register* No. 624 (June 2006) at p.4.

Copies of the Board's opinion and order in R06-15 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](http://www.ipcb.state.il.us).

For additional information contact Michael J. McCambridge at 312-814-6924; e-mail address [mccambm@ipcb.state.il.us](mailto:mccambm@ipcb.state.il.us)

**Board Adopts Final Opinion and order in Wastewater Pretreatment Update, USEPA Amendments (July 1, 2005 through December 31, 2005) (R06-13)**

On October 19, 2006, the Board adopted a final opinion and order in Wastewater Pretreatment Update, USEPA Amendments (July 1, 2005 through December 31, 2005) (R06-13). The final amendments, filed and effective on October 26, 2006, are scheduled to be published in the *Illinois Register* on November 10, 2006.

The principal amendments adopted in this rulemaking involve (1) federal standards for filing documents in an electronic format; (2) changes to the general pretreatment standards that USEPA intended to decrease the regulatory burden on industrial users; and (3) changes to the effluent guidelines and wastewater pretreatment requirements applicable to the Iron and Steel Manufacturing Point Source category.

In this update, the Board acted on three different federal rulemakings published at 70 Fed. Reg. 59848 (October 13, 2005), 70 Fed. Reg. 60134 (October 14, 2005), and 70 Fed. Reg. 73618 (December 13, 2005).

#### Cross-Media Electronic Reporting Rule

The Board made some substantive changes to its original proposal for public comment to allow the continued use of any existing electronic document receiving system for the maximum time allowed by the United States Environmental Protection Agency (USEPA) under the Cross-Media Electronic Reporting Rule (CROMERR). These are described in more detail in the story concerning the R06-15 SDWA Update, immediately above.

#### **Streamlining Amendments to the General Pretreatment Standards--Subparts A and U of Part 307 and Subparts A, B, C, E, F, G, and H of Part 310**

The USEPA action of October 14, 2005 (70 Fed. Reg. 60134) incorporated streamlining amendments into the general wastewater pretreatment standards. USEPA stated that the amendments make the pretreatment standards consistent with the National Pollutant Discharge Elimination System (NPDES) requirements for direct dischargers. USEPA said the amendments would reduce the regulatory burden on industrial users, publicly owned treatment works (POTWs), and States without adverse environmental effects.

The single aspect of the federal amendments warranting specific discussion in the Board's opinion concerned a segment of the federal sludge management rules not previously adopted by the Board. In Pretreatment Update, USEPA Regulations (January 1, 1993 through June 30, 1993), R93-20 (May 5, 1994) the Board determined not to adopt some elements of the federal sludge management rules published at 58 Fed. Reg. 9248 (February 19, 1993). The Board held that adoption of the segments of those rules that affected the wastewater pretreatment requirements related to pollutant removal credits was beyond the scope of the wastewater pretreatment identical-in-substance mandate of Section 13.3 of the Act. 415 ILCS 5/13.3 (2004). In this R06-13 docket, the Board revisited this issue, and decided to add to Board rules a segment of text from the federal sludge management rules.

Under 40 C.F.R. 403.7 (corresponding with Subpart C of 35 Ill. Adm. Code 310) of the pretreatment rules, a Control Authority may grant an industrial user credit for removal of a pollutant from its waste stream. The removal credit for that pollutant, based on the percentage of the individual pollutant consistently removed from the industrial user's waste stream, allows the Control Authority to derive proportionately higher discharge limits for that pollutant than those set forth in the applicable pretreatment standard.

The portions of the federal sludge management rule not included by the Board in R93-20 were two tables in appendix G to the wastewater pretreatment rules. *See* 40 C.F.R. 403.7(a)(3)(iv) (2005) (normally corresponding with 35 Ill. Adm. Code 310.303(d)); appendix G to 40 C.F.R. 403 (2005). The two tables list the pollutants for which removal credits are available, based on the mode of use or disposal of the sewage sludge produced by the POTW that receives the industrial user's wastewater. The Illinois pretreatment rules as adopted in 1993 lacked a listing of pollutants for which removal credits are available. The Board found that a reference to this table in the Illinois rules would provide guidance to the regulated community, add definiteness to the rules, and aid implementation of the requirements.

While the adoption of sludge management requirements is beyond the scope of the Board's wastewater pretreatment rules, the Board concluded in R06-13 that the lists of pollutants adopted with the sludge requirements are a necessary segment of the wastewater pretreatment requirements. USEPA adopted the sludge management requirements under section 405(d) and (e) of the Clean Water Act (33 U.S.C. 1345(d) and (e) (2002)), which is outside the scope of the identical-in-substance mandate of Section 13.3 of the Act (415 ILCS 5/13.3 (2004)). *See* 58 Fed. Reg. at 9248. Nevertheless, in the preamble to the adoption of that rule, USEPA discussed the authority of section 307(b) and (c) of the Clean Water Act (33 U.S.C. 1317(d) and (e) (2002)), which are the authority for adoption of the wastewater pretreatment standards, when it adopted the

sludge management rule. *See* 58 Fed. Reg. at 9249. Thus, incorporation of the lists of pollutants for which removal credits are available into the Illinois wastewater pretreatment regulations is required under Section 13.3 of the Act. 415 ILCS 5/13.3 (2004). The Board added an incorporation of appendix G to 40 CFR 403 by reference for the purposes of the removal credits provision, Section 310.303(d).

**Streamlining Amendments to the General Pretreatment Standards--Subparts A and U of Part 307 and Subparts A, B, C, E, F, G, and H of Part 310**

The USEPA action of December 13, 2005 (70 Fed. Reg. 73618) amended the pretreatment standards applicable to the Iron and Steel Manufacturing Point Source Category. USEPA amended the rules to make the “water bubble” concept applicable to oil and grease effluent limitations. This “water bubble” applies exclusively to direct dischargers, not to wastewater pretreatment. A correction included in the federal amendments does affect the federal wastewater pretreatment regulations: USEPA corrected an error in recitations of the effective date of various segments of the rules. USEPA corrected the date from “after November 19, 2012 and before November 18, 2002” to “after November 19, 1992 and before November 18, 2002” in four separate provisions.

Copies of the Board’s opinion and order in R06-13 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](http://www.ipcb.state.il.us).

For additional information contact Mike McCambridge at 312/814-6924; e-mail address: [mccambm@ipcb.state.il.us](mailto:mccambm@ipcb.state.il.us).

## **Board Actions**

**October 5, 2006**

**Chicago, Illinois**

### **Rulemakings**

<b>R06-15</b>	<u>SDWA Update, USEPA Amendments (July 1, 2005 through December 31, 2005)</u> – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking which amends the Board’s drinking water regulations.	4-0 R, Water
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### **Administrative Citations**

<b>AC 06-53</b>	<u>County of Ogle v. George C. Heal.</u> – The Board found that the complainant provided adequate service of the administrative citation upon the respondent and directed the hearing officer to proceed expeditiously to hearing.	4-0
<b>AC 07-5</b>	<u>IEPA v. Allen and Lois Noltensmeier</u> – The Board found that these Mason County respondents violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2004)), and ordered respondents to pay a civil penalty of \$1,500.	4-0



## Environmental Register – October 2006

<b>AC 07-6</b>	<u>IEPA v. Landfill 33 Ltd., Richard Deibel, and Brian Hayes</u> – The Board found that these Effingham County respondents violated Section 21(p)(1) of the Act (415 ILCS 5/21(o)(5) (2004)), and ordered respondents to pay a civil penalty of \$500.	4-0
<b>AC 07-7</b>	<u>IEPA v. Matthew P. Bailey</u> - The Board found that this Wayne County respondent violated Section 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2004)), and ordered respondent to pay a civil penalty of \$3,000.	4-0
<b>AC 07-8</b>	<u>IEPA v. Allied Waste, Inc.</u> – The Board found that this Bond County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2004)), and ordered respondent to pay a civil penalty of \$1,500.	4-0
<b>AC 07-9</b>	<u>IEPA v. Charles F. Kinsel</u> - The Board found that this Fulton 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 \$4,500.	4-0
<b>AC 07-10</b>	<u>IEPA v. Michael Rickard</u> – The Board granted complainant’s motion to withdraw this administrative citation, and closed the docket.	4-0

### Decisions

<b>PCB 06-27</b>	<u>People of the State of Illinois v. Joel Hillman</u> – In this air 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) (2004)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$40,000, and to cease and desist from further violations.	4-0 A-E
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### Motions and Other Matters

<b>PCB 02-196</b>	<u>Smoot Oil Company v. IEPA</u> – The Board granted this Union County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
<b>PCB 04-16</b>	<u>People of the State of Illinois v. Packaging Personified, Inc., an Illinois corporation</u> – The Board granted respondent's motion for interlocutory appeal from the hearing officer order dated June 28, 2006 and affirmed that order which denied respondent's motion to compel discovery.	4-0 A-E
<b>PCB 06-163</b>	<u>The Theodore Kosloff Trust (as formed by the irrevocable Agreement of Trust of Theodore Kosloff, dated December 6, 1989, for Rachel Kosloff and Abigail Kosloff v. A&amp;B Wireform Corporation</u> – The Board denied complainant’s motion for default judgment.	4-0 L-E

## Environmental Register – October 2006

<b>PCB 06-178</b>	<u>People of the State of Illinois v. Galena Hillside Homes, 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 Jo Daviess County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E NPDES
<b>PCB 06-186</b>	<u>American National Bank &amp; Trust – Land Trust 12434-06 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 facility in Cook County.	4-0 UST Appeal
<b>PCB 06-187</b>	<u>Omni Bioenergy, L.L.C. v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was filed on behalf of this facility in Madison County.	4-0 P-A Air
<b>PCB 07-20</b>	<u>Atkinson Landfill Company v. The Village of Atkinson and The Village Board of the Village of Atkinson</u> – The Board accepted for hearing this pollution control facility siting appeal involving a Henry County facility.	4-0 P-C-F-S-R

**October 19, 2006**

**Chicago, Illinois**

### **Rulemakings**

<b>R06-13</b>	<u>In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (July 1, 2005 through December 31, 2005)</u> – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking which amends the Board’s wastewater pretreatment regulations.	4-0 R, Water
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### **Administrative Citations**

<b>AC 06-50</b>	<u>IEPA v. Marla Lewis Gates, Mark Gates, and Mark Kingsley Lewis</u> – The Board dismissed respondent Mark Gates petition for review due to Gates’ failure to file an amended petition to cure deficiencies as instructed by the August 4, 2006 Board order. The Board also dismissed the administrative citation regarding remaining respondents Marla Lewis Gates and Mark Kingsley Lewis due to complainant’s failure to file proof of service. The Board found that Mark Gates violated Section 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2004)), and ordered respondent to pay a civil penalty of \$3,000.	4-0
<b>AC 07-11</b>	<u>County of Ogle v. Veolia Es Orchard Hills Landfill, Inc. f/d/b/a Onyx Orchard Hills Landfill, Inc.</u> – The Board found that this Ogle County respondent violated Section 21(o)(5) and (o)(12) of the Act (415 ILCS 5/21(o)(5), (o)(12) (2004)), and ordered respondent to pay a civil penalty of \$1,000.	4-0

Environmental Register – October 2006

<b>AC 07-14</b>	<u>County of LaSalle v. Eric and Sarah Cook</u> – The Board found that these LaSalle County respondents violated Section 21(p)(1) and (p)(3) of the Act (415 ILCS 5/21(p)(1), (p)(3) (2004)), and ordered respondents to pay a civil penalty of \$3,000.	4-0
<b>AC 07-16</b>	<u>IEPA v. Dennis Ballinger</u> – The Board accepted for hearing this petition for review of an administrative citation against this Edgar County respondent.	4-0
 <b>Motions and Other Matters</b>  		
<b>PCB 03-191</b>	<u>People of the State of Illinois v. Community Landfill Company, Inc. and the City of Morris</u> – The Board granted complainant’s motion for expedited interlocutory appeal of the hearing officer’s October 3, 2006 order, affirmed the hearing officer’s order, and denied complainant’s motion for interim relief.	4-0 L-E
<b>PCB 06-104</b>	<u>People of the State of Illinois v. Moore Painting Company and Illinois-American Water Company</u> – Upon receipt of a proposed partial stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Madison County facility, the Board ordered publication of the required newspaper notice.	4-0 A,L,&W-E
<b>PCB 06-194</b>	<u>Dynegy Midwest Generation, Inc. (Vermilion Power Station) v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Vermilion County facility.	4-0 P-A, Air
<b>PCB 07-22</b>	<u>Estate of William Eggert v. IEPA</u> – The Board accepted for hearing this amended underground storage tank appeal involving a Cook County facility.	4-0 UST Appeal
<b>PCB 07-23</b>	<u>People of the State of Illinois v. Greg Giertz d/b/a Giertz Swine Farm #1</u> – The Board accepted for hearing this water enforcement action involving a site located in Mercer County.	4-0 W-E
<b>PCB 07-25</b>	<u>People of the State of Illinois v. Isaacson Construction, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in McLean County.	4-0 L-E

## New Cases

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### October 5, 2006 Board Meeting

**07-020** Atkinson Landfill Company v. The Village of Atkinson and The Village Board of the Village of Atkinson – The Board accepted for hearing this pollution control facility siting appeal involving a Henry County facility.

**07-021** Maple Quick Mart and Ranjit Singh v. IEPA – No action taken.

**AC 07-017** IEPA v. Lee County Landfill, S.C., L.L.C. and Dave Geier – The Board accepted an administrative citation against these Lee County respondents.

### October 19, 2006 Board Meeting

**07-022** Estate of William Eggert v. IEPA – The Board accepted for hearing this amended underground storage tank appeal involving a Cook County facility.

**07-023** People of the State of Illinois v. Greg Giertz d/b/a Giertz Swine Farm #1 – The Board accepted for hearing this water enforcement action involving a site located in Mercer County.

**07-024** Webb & Sons, Inc. v. IEPA – No action taken.

**07-025** People of the State of Illinois v. Isaacson Construction, Inc. – The Board accepted for hearing this water enforcement action involving a site located in McLean County.

**AC 07-018** County of Ogle v. Donald and Linda Ebersole and Nathan Mattison – The Board accepted an administrative citation against these Ogle County respondents.

**AC 07-019** County of Ogle v. Michael Johnson – The Board accepted an administrative citation against this Ogle County respondent.

**AC 07-020** County of Macon v. Phillip Pugsley – The Board accepted an administrative citation against this Macon County respondent.

**AC 07-021** County of Macon v. Tim Walker – The Board accepted an administrative citation against this Macon County respondent.

## Provisional Variances

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**IEPA 07-8** Exelon Generation Company, L.L.C. Dresden Nuclear Generation Station v. IEPA – On October 23, 2006, the Illinois Environmental Protection Agency granted Exelon Generation Company, L.L.C. Dresden Nuclear Generation Station's request for a variance from Special Condition 4A and 4D of NPDES Permit IL0002224 for its facility located at the confluence of the Des Plaines and Kankakee Rivers near Morris. Dresden Station sought the variance for a six-day period beginning November 7, 2006 through November 12, 2006, in order to repair a Lift Station Automatic Bus Transfer switch that was damaged by a lighting strike on July 27, 2006.

*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](http://www.ipcb.state.il.us). If*

Environmental Register – October 2006

*the IEPA denies a provisional variance request, then the applicant may initiate a proceeding with the Board for a full variance.*

## Calendar

11/2/06 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		<b>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</b>
11/2/06 1:30 PM	R04-25	In the Matter of: Proposed Amendments to Dissolved Oxygen Standard 35 Ill. Adm. Code 302.206	IEPA North Entrance TQM Room 1000 E. Converse Springfield
11/3/06 10:00 AM	R04-25	In the Matter of: Proposed Amendments to Dissolved Oxygen Standard 35 Ill. Adm. Code 302.206	IEPA North Entrance TQM Room 1000 E. Converse Springfield
11/14/06 1:00 PM	AC 05-47	Illinois Environmental Protection Agency v. Stacy Hess	City Hall Council Chambers 111 South Capitol Street Pekin
11/16 /06 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		<b>James R. Thompson Center Room 9-040 100 W. Randolph Street Chicago</b>
11/20/06 1:00 PM	PCB 06-171	American Bottoms Conservancy v. Illinois Environmental Protection Agency and United States Steel Corporation – Granite City Works	County Board Room 203 Madison County Administration Building 157 N. Main Street Edwardsville
11/28/06 9:00 AM	R06-26	In the Matter of: Proposed New Clean Air Interstate Rule (CAIR) SO <sub>2</sub> , NO <sub>x</sub> Annual and NO <sub>x</sub> Ozone Season Trading Programs, 35 Ill. Adm. Code 225. Subparts A, C, D and E  (to be continued day-to-day until business is completed or until December 8, 2006)	James R. Thompson Center Room 2-025 100 W. Randolph Street Chicago
12/5/06 9:00 AM	AC 06-49	IEPA v. Michael Gruen and Jon Eric Gruen, d/b/a Jon's Tree Service (IEPA File No. 60-06-AC)	Macoupin County Correction Center/ Sheriff's Office Conference Room B (Upstairs) 215 S. East Street Carlinville

Environmental Register – October 2006

<p><b>12/7/06</b> <b>11:00 AM</b></p>	<p><b><u>Illinois Pollution Control Board Meeting</u></b></p>		<p><b>Videoconference</b> <b>Chicago/Springfield</b> <b>James R. Thompson Center</b> <b>Hearing Room 11-512</b> <b>100 W. Randolph Street</b> <b>Chicago</b> <b>And</b> <b>1021 N. Grand Avenue East</b> <b>Oliver Holmes Conference</b> <b>Room 2012 N</b> <b>Springfield</b></p>
<p>12/12/06 9:00 AM</p>	<p>PCB 96-98</p>	<p>People of the State of Illinois v. Skokie Valley Asphalt, Inc., an Illinois corporation, Edwin L. Frederick, Jr., individually and as owner and President of Skokie Valley Asphalt Co., and Richard J. Frederick, individually and as owner and Vice President of Skokie Valley Asphalt Co., Inc.</p>	<p>James R. Thompson Center Room 9-034 100 W. Randolph Chicago</p>
<p><b>12/21/06</b> <b>11:00 AM</b></p>	<p><b><u>Illinois Pollution Control Board Meeting</u></b></p>		<p><b>James R. Thompson Center</b> <b>Room 9-040</b> <b>100 W. Randolph Street</b> <b>Chicago</b></p>

Illinois Environmental Protection Agency

Division of Public Water Supplies

Restricted Status List – Public Water Supplies

<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
ALTERNATIVE BEHAVIOR TREATMENT CENTER - IL0977189	2	INADEQUATE PRESSURE TANK	50	6/15/1988
ARLINGTON REHABILITATION LIVING CENTER - IL0971110	2	INADEQUATE HYDRO STORAGE	180	12/1/2003
AURORA COMMUNITY WATER ASSN - IL0895750	2	INADEQUATE PRESSURE TANK	150	12/16/1988
BAHL WATER CORP - IL0855200	1	INADEQUATE PRESSURE TANK	700	12/15/1993
BALCITIS PUMP CORP - IL2015100	1	INADEQUATE STORAGE	150	1/1/2006
BRADLEY HEIGHTS SUBDIVISION - IL2015050	1	INADEQUATE PRESSURE TANK	192	9/13/1985
BUCKINGHAM - IL0910250	2	INADEQUATE PRESSURE TANK	340	3/17/1989

Environmental Register – October 2006

<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
CARROLL HEIGHTS UTILITIES COMPANY - IL0155200	1	INADEQUATE PRESSURE TANK	96	3/20/1981
CENTURY PINES APARTMENTS - IL0150020	1	INADEQUATE PRESSURE TANK	50	12/14/1990
CHANDLERVILLE - IL0170200	5	INAD & UNAPPROVED STORAGE	704	1/1/2006
COOKSVILLE - IL1130400	4	TTHM & HALOACIDIC ACIDS	300	9/15/2005
COYNE CNTR COOP - IL1615150	1	INADEQUATE PRESSURE TANK	150	12/15/1997
CROPSEY COMMUNITY WATER - IL1135150	4	INADEQUATE PRESSURE TANK	31	3/20/1981
CRYSTAL CLEAR WATER COMPANY - IL1115150	2	INADEQUATE PRESSURE TANK	885	9/16/1988
D L WELL OWNERS ASSOCIATION - IL0975380	2	INADEQUATE PRESSURE TANK	141	3/18/1983
DE KALB UNIV DVL CORP - IL0375148	1	INADEQUATE PRESSURE TANK	1050	12/16/1992
DEERING OAKS SUBDIVISION - IL1115200	2	INADEQUATE PRESSURE TANK	60	12/17/1982
DONNELSON - IL0054360	6	TRICHALOMETHANE	197	9/15/2005
DOVER - IL0110350	1	INADEQUATE PRESSURE TANK	169	5/25/1981
EAST END WATER ASSOCIATION - IL1610140	1	INADEQUATE STORAGE CAPACITY	40	3/15/2002
EAST MORELAND WATER CORPORATION - IL1975640	2	INADEQUATE PRESSURE TANK	135	3/15/1996
EASTMORELAND WTR SERVICE ASSN - IL1975600	2	INADEQUATE PRESSURE TANK	650	3/20/1981
EATON PWD - IL0335100	4	INADEQUATE SOURCE CAPACITY	920	3/15/2002
EVANSVILLE - IL1570250	6	TRICHALOMETHANE	740	6/15/2002
EVERGREEN VILLAGE SUBDIVISION - IL1615310	1	INADEQUATE PRESSURE TANK	130	3/20/1981
FAHNSTOCK COURT SUBDIVISION - IL1435200	5	INADEQUATE PRESSURE TANK	35	5/25/1981
FAIR ACRES SUBDIVISION - IL1975680	2	INADEQUATE PRESSURE TANK	156	10/19/1981

Environmental Register – October 2006

<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
FOREST LAKE ADDITION - IL0975500	2	INADEQUATE PRESSURE TANK	204	12/16/1983
FRWRD-SKYLINE PLANT - IL0895030	2	INADEQUATE PRESSURE TANK	700	9/19/1986
GARDEN STREET IMPROVEMENT ASSOCIATION - IL1975376	2	INADEQUATE PRESSURE TANK	54	9/15/1989
GOOD SHEPHERD MANOR - IL0915189	2	INADEQUATE PRESSURE TANK	25	3/17/1989
GREAT OAKS AND BEACON HILLS APARTMENTS - IL2015488	1	INADEQUATE PRESSURE TANK	2420	12/17/1982
HAWTHORN WOODS - IL0970450	2	INADEQUATE PRESSURE TANK	672	3/15/1995
HEATHERFIELD SUBDIVISION - IL0635150	2	INADEQUATE PRESSURE TANK	75	9/17/1982
HECKER - IL1330150	6	DISINFECTION BY-PRODUCTS	608	1/15/2005
HETTICK - IL1170500	5	TRICHALOMETHANE	182	6/15/2002
HIGHLAND SUBDIVISION - IL0895530	2	INADEQUATE PRESSURE TANK	60	9/16/1983
HILLVIEW SUBDIVISION - IL1975800	2	INADEQUATE PRESSURE TANK	100	3/15/1985
HOLY FAMILY VILLA - IL0310280	2	INADEQUATE PRESSURE TANK	200	9/15/1999
INGALLS PARK SUBDIVISION - IL1975880	2	INADEQUATE PRESSURE TANK	745	9/16/1983
KIRK WATER LINE INC - IL0330030	4	INADEQUATE SOURCE CAPACITY	72	3/15/2002
LAKE LYNWOOD WATER SYSTEM - IL0735330	1	INADEQUATE PRESSURE TANK	75	8/31/1981
LARCHMONT SUBDIVISION - IL2015290	1	INADEQUATE PRESSURE TANK	64	6/17/1983
LARSON COURT APARTMENTS - IL1615728	1	INADEQUATE PRESSURE TANK	58	1/14/1982
LEGEND LAKES WATER ASSOCIATION - IL2015300	1	INADEQUATE PRESSURE TANK	283	3/14/1991
LIBERTY PARK HOMEOWNERS ASSOCIATION - IL0435600	2	INADEQUATE PRESSURE TANK	837	9/17/1992



Environmental Register – October 2006

<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
LINDENWOOD WATER ASSOCIATION - IL1415300	1	INADEQUATE PRESSURE TANK	50	1/13/1982
LISBON NORTH, INC. - IL0631000	2	INADEQUATE PRESSURE TANK	30	9/14/1990
LONDON MILLS - IL0574620	5	INADEQUATE PRESSURE TANK	447	12/14/1984
LYNN CENTER - IL0735100	1	INADEQUATE PRESSURE TANK	100	3/15/1995
LYNNWOOD WATER CORPORATION - IL0995336	1	INADEQUATE PRESSURE TANK	110	3/18/1983
M C L W SYSTEM, INC. - IL1315150	1	INADEQUATE SOURCE	98	3/20/1981
MOECHERVILLE WATER DISTRICT - IL0895300	2	INADEQUATE PRESSURE TANK	975	3/20/1981
MOUND PWD - IL1635050	6	INADEQUATE PLANT CAPACITY	2200	6/17/1996
NORTHWEST BELMONT IMPRV ASSN - IL0435900	2	INADEQUATE PRESSURE TANK	78	9/29/1981
OAK RIDGE SD - IL2035300	1	INADEQUATE PRESSURE TANK	240	3/20/1981
OLIVET NAZARENE UNIVERSITY - IL0915279	1	INADEQUATE PRESSURE TANK	0	3/15/1994
OPHIEM PWS - IL0735150	1	INADEQUATE PRESSURE TANK	100	6/18/1982
OSCO MUTUAL WATER SUPPLY COMPANY, INC. - IL0735200	1	INADEQUATE PRESSURE TANK	115	12/15/1989
PANAMA - IL0054720	6	TTHM, DBP, INAD STORAGE	380	1/1/2006
PATOKA - IL1210400	6	INADEQUATE PLANT CAPACITY	731	3/15/1997
PITTSFIELD - IL1490750	5	DISINFECTION BY-PRODUCTS	4250	1/15/2005
POLO DR AND SADDLE RD SUBDIVISION - IL0437000	2	INADEQUATE PRESSURE TANK	90	12/17/1982
PORTS SULLIVAN LAKE OWNERS ASSOCIATION - IL0971160	2	INADEQUATE PRESSURE TANK	293	6/15/1999
PRAIRIE RIDGE ASSOCIATION - IL1115730	2	INADEQUATE PRESSURE TANK	130	10/1/2004

Environmental Register – October 2006

<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
RIDGECREST NORTH SUBDIVISION - IL0635250	2	INADEQUATE PRESSURE TANK	60	9/16/1993
RIDGEWOOD LEDGES WATER ASSOCIATION - IL1615670	1	INADEQUATE PRESSURE TANK	370	3/20/1981
RIDGEWOOD SUBDIVISION - IL1977650	2	INADEQUATE PRESSURE TANK	250	6/18/1982
ROBINSON-PALESTINE WATER COMMISSION - IL0335030	4	INADEQUATE PLANT CAPACITY	11317	11/1/2001
SHAWNITA TRC WATER ASSOCIATION - IL1977690	2	INADEQUATE PRESSURE TANK	125	9/17/1992
SILVIS HEIGHTS WATER CORP - IL1615750	1	INADEQUATE HYDRO STORAGE	1600	12/1/2003
SKYVIEW SBDV - IL0915526	2	INADEQUATE PRESSURE TANK	45	3/16/1990
SMITHBORO - IL0050250	6	DISINFECTION BY-PRODUCTS	200	1/15/2005
ST CHARLES COMMISSION WELLFUND 3 - IL0437040	2	INADEQUATE PRESSURE TANK	30	12/15/1989
STRATFORD WEST APARTMENTS - IL1095200	5	INADEQUATE PRESSURE TANK	39	12/17/1982
SUBURBAN HEIGHTS SUBDIVISION - IL1615800	1	INADEQUATE PRESSURE TANK	82	12/16/1983
SUMMIT HOMEOWNERS ASSOCIATION - IL0975280	2	INADEQUATE PRESSURE TANK	39	3/16/1984
SUNNY HILL ESTATES SUBDIVISION - IL0735300	1	INADEQUATE PRESSURE TANK	525	6/15/2000
SUNNYLAND SUBDIVISION - IL1977730	2	INADEQUATE PRESSURE TANK	350	9/16/1983
SWEDONA WATER ASSOCIATION - IL1315200	1	INADEQUATE PRESSURE TANK	157	6/15/1990
SYLVAN LAKE 1ST SUBDIVISION - IL0977100	2	INADEQUATE PRESSURE TANK	210	6/14/1991
TOWNERS SUBDIVISION - IL0977250	2	INADEQUATE PRESSURE TANK	210	1/14/1982
UTILITIES INC HOLIDAY HILLS - IL1115350	2	INADEQUATE PRESSURE TANK	729	9/16/1983
UTL INC-LAKE HOLIDAY - IL0995200	1	INAD SOURCE & TREATMENT PLT	5460	9/15/1998

Environmental Register – October 2006

<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
UTL INC-NORTHERN HILLS UTILITIES COMPANY - IL1775050	1	INADEQUATE PRESSURE TANK	500	3/15/1996
UTL INC-WALK-UP WOODS WATER COMPANY - IL1115800	2	INADEQUATE PRESSURE TANK	654	12/17/1982
WEST SHORE PARK SUBDIVISION - IL0977370	2	INADEQUATE PRESSURE TANK	528	6/15/2000
WEST SHORELAND SUBDIVISION - IL0977050	2	INADEQUATE PRESSURE TANK	189	6/14/1991
WESTERN WAYNE WATER DISTRICT - IL1910010	7	TRICHALOMETHANE	2262	9/15/2005
WIENEN ESTATES - IL0850030	1	INADEQUATE PRESSURE TANK	70	12/15/1997
WILLIAMSON - IL1191100	6	TRICHALOMETHANE	340	9/15/2005
WONDER LAKE WATER COMPANY - IL1115750	2	INADEQUATE PRESSURE TANK	1442	6/16/1994
YORK CENTER COOP - IL0437550	2	INADEQUATE PRESSURE TANK	240	6/15/1988

**WATER SYSTEMS REMOVED FROM PREVIOUS LIST**

ALTO PASS WATER DISTRICT - IL1815150

BEECHER - IL1970050

FRWRD-SKYLINE PLT – IL0895030

IOLA - IL0250010

Illinois Environmental Protection Agency  
 Division of Public Water Supplies  
 Critical Review List - Public Water Supplies  
 October 2006

<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
ANDALUSIA - IL1610050	1	INADEQUATE PRESSURE TANK	1050	12/1/2003
ARENZVILLE - IL0170050	5	INADEQUATE PRESSURE TANK	408	3/14/2001
BEASON CHESTNUT PWD - IL1075150	5	INAD PLANT & SOURCE CAP	600	6/15/2004

Environmental Register – October 2006

<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
BROWNING - IL1690050	5	INADEQUATE SOURCE CAPACITY	175	3/15/1998
CASEYVILLE - IL1630250	6	INADEQUATE STORAGE	9900	10/1/2004
CEDARVILLE - IL1770050	1	EMERGENCY POWER	800	1/1/2006
COLUMBIA - IL1330050	6	INADEQUATE PUMPING CAPACITY	8365	3/15/1998
CROPPERS 1ST 4TH AND 5TH ADDITION - IL1615250	1	UNDERSIZED WATERMANS	650	1/1/2006
DE PUE - IL0110300	1	INADEQUATE TREATMENT PLANT	1729	12/15/1993
*EFFINGHAM – IL0490250	4	INADEQUATE DISINFECTION	12384	7/1/2006
ELIZABETH - IL0850150	1	LOW SYSTEM PRESSURE	682	6/15/1999
EXETER-MERRITT WATER COOP - IL1710010	5	INADEQUATE PRESSURE TANK	428	10/1/2004
GALENA - IL0850200	1	LOW SYSTEM PRESSURE	3640	6/15/1999
*GRIGGSVILLE – IL1490300	5	INADEQUATE TREATMENT PLANT CAPACITY	1259	10/1/2006
HAMEL - IL1190450	6	INADEQUATE STORAGE CAPACITY	650	1/1/2006
HOLIDAY SHORES SD - IL1195110	6	INADEQUATE STORAGE CAPACITY	3192	1/1/2006
JOY - IL1310100	1	LOW SYSTEM PRESSURE	373	6/15/1999
LA MOILLE - IL0110500	1	INADEQUATE PLANT CAPACITY	750	6/15/1999
LA SALLE - IL0990300	1	INAD PLANT & SOURCE CAPACITY	9700	11/1/2004
LACON - IL1230100	1	UNDERSIZED WATERMANS	1979	1/1/2006
LEE - IL1034600	1	INADEQUATE PRESSURE TANK	350	10/1/2004
MALDEN - IL0110550	1	UNDERSIZED WATERMANS	370	1/1/2006

Environmental Register – October 2006

<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
MARION - IL1990550	7	INADEQUATE SOURCE CAPACITY	14610	11/1/2001
MASON CITY - IL1250350	5	INADEQUATE STORAGE CAPACITY	2558	1/1/2006
MATHERSVILLE - IL1310200	1	INADEQUATE SYSTEM PRESSURE	793	9/13/2000
MC HENRY SHORES WATER COMPANY - IL1115020	2	LOW SYSTEM PRESSURE	1813	9/17/1992
MECHANICSBURG-BUFFALO WTR CMSN - IL1675150	5	INADEQUATE SOURCE CAPACITY	1350	3/15/1998
*NAUVOO – IL0670500	5	INADEQUATE DISINFECTION	1612	7/1/2006
*O’FALLON – IL1970050	2	INADEQUATE STORAGE CAPACITY	43596	10/1/2006
OTTER CREEK LAKE UTILITIES DISTRICT - IL2015320	1	INADEQUATE STORAGE CAPACITY	2753	1/1/2006
*OTTER LAKE WTR CMSN – IL1175200	5	INADEQUATE PLANT CAPACITY		
SCALES MOUND - IL0850400	1	LOW SYSTEM PRESSURE	400	9/15/1997
SENECA - IL0991050	1	INADEQUATE PLANT CAPACITY	2053	6/15/1999
SOUTH HIGHWAY PWD - IL0775400	7	LOW SYSTEM PRESSURE & UNDERSIZED WATERMANS	8420	1/1/2006
STOCKTON - IL0850450	1	LOW SYSTEM PRESSURE	1871	6/15/1984
SUMNER - IL1010300	7	LOW SYSTEM PRESSURE	1481	12/13/1985
UTL INC-LAKE MARIAN WATER CORPORATION - IL0895200	2	INAD PRES STORAGE & LOW SYS PRES	924	9/14/1984
WALNUT HILL - IL1210600	6	LOW SYSTEM PRESSURE	1470	6/14/1985
WATERLOO - IL1330300	6	INADEQUATE STORAGE	7614	10/1/2004
WORDEN - IL1191200	6	INADEQUATE STORAGE CAPACITY	906	1/1/2006

***WATER SYSTEMS REMOVED FROM PREVIOUS LIST***

BLUFORD - IL0810100

CLAYTON-CAMP-POINT WATER COMMISSION - IL0015200

**Restricted Status/Critical Review**

The Environmental Protection Act prohibits the Agency from issuing a construction permit that will cause or extend a violation. A construction permit to expand the distribution system cannot be granted when a water supply has a maximum contaminant level or treatment technique violation, an inadequate source of raw water supply, inadequate treatment plant capacity, finished water storage or distribution system pressure. A Restricted Status List is published quarterly in the Illinois Pollution Control Board Environmental Register to notify those persons considering expansion of a water supply distribution system of that status before large sums of money have been spent on items such as land acquisition, financing and engineering fees. A companion Critical Review List is published concurrently with the Restricted Status List and has the water supplies that are approaching a point where the supply could be placed on Restricted Status. A permit application from a supply on Critical Review will be examined carefully to ensure that the proposed construction will not cause a violation. Restricted Status and Critical Review are presented as a combined list with the status of the water supply denoted as either RS (Restricted Status) or CR (Critical Review). The current list reflects the status as of January 1, 2006. An asterisk, \*, beside the water supply indicates public water supplies that have been added to the Restricted Status/Critical Review list since the previous publication.

**Restricted Status List**

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.

**Critical Review List**

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 that would place it on the Restricted Status List.

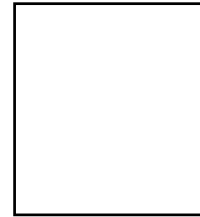
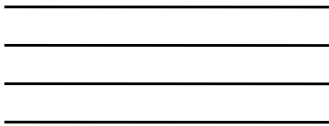
This list is continually being revised as new information becomes available, and therefore, specific inquiries as to the status of any public water supply should be directed to the Division of Public Water Supplies for final determination.



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