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October 16, 2018 – Number 748

A PUBLICATION OF THE ILLINOIS POLLUTION CONTROL BOARD

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BOARD MEMBERS

- ❖ Katie Papadimitriou, Chairman
- ❖ Brenda K. Carter
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- ❖ Cynthia M. Santos
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The **Illinois Pollution Control Board** is an independent five-member board that adopts environmental control regulations and decides enforcement actions and other environmental cases for the State of Illinois.

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CHAIRMAN'S UPDATE

Over the last three months, the Board continued to take significant actions in its rulemakings, all of which are described later in this issue of the *Environmental Register*. Among its pending rulemakings, none has had greater levels of public participation than the proceeding captioned Amendments to 35 Ill. Adm. Code 225.233, Multi-Pollutant Standard (MPS), [docket R18-20](#). Here, I highlight the Board's most recent actions in that rulemaking.

On October 4, 2018, the Board issued an opinion and order proposing to amend the Multi-Pollutant Standard (MPS). The MPS is a set of air pollution control rules applicable to eight downstate coal-fired power plants owned by subsidiaries of Vistra Energy Corp. In its opinion and order, the Board withdrew the rulemaking's original first notice and replaced it with a "second first notice." In the second first notice, the Board proposed MPS rule amendments that differ substantially from those in the original first notice. Published in November 2017 without the Board's substantive review, the original first notice consisted of MPS rule amendments proposed by the Illinois Environmental Protection Agency (IEPA). The Board proceeded on October 4, 2018, with a second first notice to help ensure that everyone interested in this rulemaking could comment on the Board's substantive revisions to IEPA's proposal.

The Board's revised proposal is designed to protect human health and the environment, comply with environmental laws, and give industry the opportunity to operate safely in the State of Illinois. The revised proposal, like IEPA's original proposal, combines the two existing MPS groups into one group; switches the existing rate-based emission standards for sulfur dioxide (SO₂) and nitrogen oxides (NO_x) to annual mass-based limits; and requires reducing the mass caps upon transferring a power plant to a new owner. But, after thoroughly analyzing the extensive rulemaking record, the Board revised IEPA's proposal in two important ways. First, the Board proposed annual SO₂ and NO_x mass caps that are lower than the caps in IEPA's proposal (the proposed ozone season NO_x cap is unchanged). Second, the Board proposed reducing the SO₂ and NO_x mass caps when a unit is either temporarily shut down for an entire compliance period or permanently shut down, not just when a unit is transferred, as IEPA had proposed.

The Board's second first notice will be published in the *Illinois Register* and begin a period of at least 45 days for interested persons to file public comments on the revised proposal. The Board also expects to hold an additional public hearing. More information on the Board's MPS decision appears in the Rulemaking Update section of this *Environmental Register*.

Sincerely,



Katie Papadimitriou
Chairman



RULEMAKING UPDATE

Board Proposes “Identical-in-Substance” Amendments to Hazardous Waste Rules, including Definition of “Solid Waste”

On July 26, 2018, the Board proposed—for public comment—amendments to its hazardous waste rules. The proposed amendments are “identical in substance” to rule amendments adopted by the United States Environmental Protection Agency (USEPA) during the first half of 2018. In January 2018, USEPA revised hazardous waste manifest requirements and established a user fee system for the e-Manifest System. And, in May 2018, USEPA revised the Definition of Solid Waste Rule (DSWR)—in response to judicial vacatur—by removing 2015 revisions to the DSWR and restoring segments of the 2008 revisions. These USEPA amendments make the current federal definition of “solid waste” less stringent than the prior one. The Board’s proposal also included limited non-substantive revisions and corrections to its rules.

The Board’s rulemaking is captioned [RCRA Subtitle C Update, USEPA Amendments \(January 1, 2018 through June 30, 2018\)](#), docket R19-3. Here is a link to the Board’s [opinion and order](#), which includes the proposed rule text. And, here is a link to the Board’s [addendum](#), which provides tables of information concerning the rulemaking. The proposed amendments appeared in the *Illinois Register* on August 17, 2018 (42 Ill. Reg. 15551, 15602, 15671, 15694, 15711, 15748). For more information, please contact Michael McCambridge at 312-814-6924 or Michael.McCambridge@Illinois.Gov.

Board Proposes First Notice Water Quality Standard for Segment of Sangamon River

On July 26, 2018, the Board proposed a site-specific chronic water quality standard for dissolved nickel. The water quality standard, which the Board proposed for first notice, would apply to a segment of the Sangamon River to which the Sanitary District of Decatur discharges. The District’s discharge exceeds the generally-applicable water quality standard, which the District cannot meet by any treatment method that is both technically feasible and economically reasonable. After holding a public hearing and receiving public comments, the Board proposed the site-specific standard based on the bioavailability of nickel to aquatic life in the Sangamon River near the District’s discharge. The rulemaking is captioned [Proposed Site-Specific Rule for Sanitary District of Decatur from 35 Ill. Adm. Code 302.208\(e\)](#), docket R14-24. Here is a link to the Board’s [opinion and order](#), which includes the proposed site-specific rule text. The first notice proposal appeared in the *Illinois Register* on August 10, 2018 (42 Ill. Reg. 14468-73). For more information, please contact Tim Fox at 312-814-6085 or Tim.Fox@Illinois.Gov.

Board Proposes Amendments to Public Water Supply Rules for First Notice

On July 26, 2018, the Board proposed first notice amendments to its public water supply rules. The Illinois Environmental Protection Agency (IEPA) initiated this rulemaking. IEPA last updated its rules for designing, operating, and maintaining community water supplies in 1985. In 2017, IEPA proposed updating these requirements and putting them into Board rules as a new Part 604, after which IEPA would repeal its rules. IEPA also proposed conforming



amendments to the Board's rules at Parts 601, 602, 607, and 611. Consolidating Illinois' public water supply rules would make them clearer. After holding public hearings and receiving public comments, the Board proposed rule amendments for first notice publication in the *Illinois Register*. The first notice amendments appeared in the *Illinois Register* on August 10 and September 7, 2018 (42 Ill. Reg. 14474, 14494, 14523, 14663, 16472). The rulemaking is captioned Public Water Supplies: Proposed New 35 Ill. Adm. Code 604 and Amendments to 35 Ill. Adm. Code 601, 602, 607, and 611, docket R18-17. Here is a link to the Board's [first notice proposal](#), which includes the rule text in an addendum. For more information, please contact Tim Fox at 312-814-6085 or Tim.Fox@Illinois.Gov.

Board Proposes Amendments to Mine-Related Water Pollution Rules for Public Comment

On July 26, 2018, the Board proposed amendments to streamline and update its mine-related water pollution rules. The Board invited public comment on the proposed changes without submitting them for first notice publication in the *Illinois Register*. This proposal is part of the Board's broader review—started in the summer of 2016—to ensure that Board rules are current, clear, and concise. The Board intends to hold two public hearings. The rulemaking is captioned Amendments to 35 Ill. Adm. Code Subtitle D: Mine Related Water Pollution, docket R18-24. Here is a link to the Board's [opinion and order](#), which includes the proposed rule text. For more information, please contact Tim Fox at 312-814-6085 or Tim.Fox@Illinois.Gov.

Board Adopts Second Notice Proposal to “Sunset” ERMS

On August 23, 2018, the Board proposed second notice amendments to its Emissions Reduction Market System (ERMS) rules. The Illinois Environmental Protection Agency (IEPA) initiated this rulemaking, asserting that ERMS no longer provides additional emissions reductions or environmental benefits. After holding public hearings and receiving public comments, the Board adopted IEPA's proposed April 30, 2018 “sunset” for second notice review by the Joint Committee on Administrative Rules (JCAR). The proposed rule is expected to be on JCAR's agenda for its November 13, 2018 meeting. This rulemaking is captioned Amendment to 35 Ill. Adm. Code Part 205: Emissions Reduction Market System, docket R18-22. Here is a link to the Board's [opinion and order](#), which includes the proposed rule text. For more information, please contact Tim Fox at 312-814-6085 or Tim.Fox@Illinois.Gov.

Board Proposes Noise Rule Amendments for Second Notice

On August 23, 2018, the Board proposed amendments to its noise rules (35 Ill. Adm. Code 900, 901, 902, and 910) for second notice review by the Joint Committee on Administrative Rules (JCAR). At its September 18, 2018 meeting, JCAR issued a “Certification of No Objection” to the proposed amendments. This proposal is part of the Board's broader review—started in the summer of 2016—to ensure that Board rules are current, clear, and concise. The rulemaking is captioned Noise Rule Update: Amendments to 35 Ill. Adm. Code 900, 901, 902, and 910, docket R18-19. Here are links to both the Board's [opinion and order](#) and its [rule text](#). For more information, please contact Tetyana Rabczak at 312-814-5053 or Tetyana.Rabczak@Illinois.Gov.



Board Proposes New PSD Permit Program Rules for Hearing and Public Comment

On August 23, 2018, the Board accepted for hearing an Illinois Environmental Protection Agency (IEPA) rulemaking proposal to amend the Board's air pollution regulations. The proposal seeks to establish a state Prevention of Significant Deterioration (PSD) permitting program in Illinois and the procedures for that program. This proposal would enable IEPA to assume full responsibility from the United States Environmental Protection Agency for PSD permitting in Illinois. It would also make the Board responsible for any administrative review of PSD permit determinations issued by IEPA. The Board proposed the rules for public comment but without submitting them for first notice publication in the *Illinois Register* and without commenting on their merits. The rulemaking is captioned Proposed New 35 Ill. Adm. Code 204, Prevention of Significant Deterioration, Amendments to 35 Ill. Adm. Code Parts 101, 105, 203, 211, and 215, docket R19-1. Here are links to both the Board's [opinion and order](#) and its [rule text](#). The Board has scheduled public hearings for November 27, 2018, and January 15, 2019. For more information, please contact Tetyana Rabczak at 312-814-5053 or Tetyana.Rabczak@Illinois.Gov, or Martín Klein at 312-814-3665 or Martin.Klein@Illinois.Gov.

Board Proposes Second First Notice Amendments to MPS Rule for Downstate Coal-Fired Power Plant Emissions

On October 4, 2018, the Board proposed amendments to the Multi-Pollutant Standard (MPS), a set of air pollution control rules (35 Ill. Adm. Code 225.233) that apply to eight downstate coal-fired power plants owned by subsidiaries of Vistra Energy Corp. This first notice proposal withdraws and replaces the Board's prior first notice proposal, in which the Board published Illinois Environmental Protection Agency (IEPA) amendments without substantive review. Like IEPA's original proposal, the Board's revised proposal combines the two existing MPS groups into one group; replaces the existing rate-based emission standards for sulfur dioxide (SO₂) and nitrogen oxides (NO_x) with annual mass-based limits; and requires reductions of the mass caps upon transfer of a power plant to a new owner.

The Board's revised proposal departs from IEPA's original one, however, by further reducing the annual mass caps (the ozone season NO_x limit remains the same). IEPA originally proposed annual mass-based caps for SO₂ at 55,000 tons per year (tpy) (later lowered to 49,000 tpy) and for NO_x at 25,000 tpy. The Board's second first notice rule lowers the proposed annual mass-based caps even further, to 44,920 tpy for SO₂ and 22,469 tpy for NO_x. The Board's proposal also requires reducing SO₂ and NO_x mass caps when units are temporarily shut down ("mothballed") for an entire compliance period or permanently shut down ("retired"), not just when units are transferred, as IEPA had proposed.

The Board found a second first notice warranted to help ensure that all interested persons have notice of and an opportunity to weigh in on the extensive revisions the Board made to the original IEPA proposal published at first notice in November 2017.

This second first notice will be published in the *Illinois Register* and will begin a period of at least 45 days for interested persons to file public comments with the Board. The Board also anticipates holding an additional hearing in this proceeding.



The rulemaking is captioned Amendments to 35 Ill. Adm. Code 225.233, Multi-Pollutant Standard (MPS), docket R18-20. Here are links to both the Board's [opinion and order](#) and its [rule text](#). Also on October 4, 2018, the Board hearing officer issued an order that scheduled a pre-hearing conference for October 22, 2018, and posed questions for participants to address in their pre-filed testimony. Here is a link to the [hearing officer order](#). For more information, please contact Mark Powell at 312-814-3620 or Mark.Powell@Illinois.Gov.

Board Proposes Second Notice Water Quality Standard for Segment of Sangamon River

On October 4, 2018, the Board proposed a site-specific chronic water quality standard for dissolved nickel. The water quality standard, which the Board proposed for second notice review by the Joint Committee on Administrative Rules (JCAR), would apply to a segment of the Sangamon River to which the Sanitary District of Decatur discharges. The District's discharge exceeds the generally-applicable water quality standard, which the District cannot meet by any treatment method that is both technically feasible and economically reasonable. The proposed site-specific standard is based on the bioavailability of nickel to aquatic life in the Sangamon River near the District's discharge. The rule is scheduled to be considered by JCAR at its November 13, 2018 meeting. The rulemaking is captioned Proposed Site-Specific Rule for Sanitary District of Decatur from 35 Ill. Adm. Code 302.208(e), docket R14-24. Here is a link to the Board's [opinion and order](#), which includes the rule text. For more information, please contact Tim Fox at 312-814-6085 or Tim.Fox@Illinois.Gov.

Board Adopts “Identical-in-Substance” Amendments to Hazardous Waste, MSWLF, and UIC Rules; Invites Public Comment on Two Provisions

On October 4, 2018, the Board adopted amendments to Illinois' rules on hazardous waste, Municipal Solid Waste Landfills (MSWLFs), and underground injection control (UIC). Many of the rule amendments were driven by United States Environmental Protection Agency (USEPA) actions that occurred during the second half of 2016 and the second half of 2017.

To move the Board's rule amendments forward as rapidly and efficiently as possible, the Board consolidated four of its “identical-in-substance” rulemaking dockets. The subjects of Board dockets R17-14 and R17-15 are USEPA's Generator Improvements Rule (GIR) and Hazardous Waste Export-Import Revisions, adopted in 2016. In 2017, USEPA set a date to implement the export provisions of the GIR and eliminated the possibility of claiming confidentiality for information on exports of used cathode ray tubes (CRTs). These are the subject of Board docket R18-12. USEPA did not amend its UIC rules during 2016 or 2017 in any way that required Board action. Rather, the Board reviewed the Illinois UIC rules and found that non-substantive revisions and corrections were necessary. These are the subject of Board docket R18-31.

In its October 4, 2018 opinion, the Board noted that it would delay filing the adopted amendments for 30 days to allow USEPA review—after that, the Board would file the final amendments with the Office of the Secretary of State, when they would become effective. However, because the Board significantly revised two provisions that it had proposed for public comment, the Board stated that it would take advantage of the customary 30-day delay by accepting additional public comment—until October 26, 2018—on those two provisions: (1) 35



Ill. Adm. Code 722.333, relating to additional episodic events; and (2) the definition of “municipal solid waste landfill unit” in 35 Ill. Adm. Code 810.103.

This Board rulemaking is captioned RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (July 1, 2016 through December 31, 2016), docket R17-14, RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2016 through December 31, 2016), docket R17-15, RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2017 through December 31, 2017), docket R18-12, and UIC Update: Miscellaneous Non-Substantive Revisions and Corrections to 35 Ill. Adm. Code 704, 705, 730, and 738, docket R18-31 (consol.). Here is a link to the Board’s [opinion and order](#), which includes the rule text. And, here is a link to the Board’s [addendum](#), which provides tables of information concerning the rulemaking. For more information, please contact Michael McCambridge at 312-814-6924 or Michael.McCambridge@Illinois.Gov.



BOARD ACTIONS

July 26, 2018 Meeting

By videoconference: IPCB Offices in Chicago and Springfield

RULEMAKINGS

R14-24 Proposed Site-Specific Rule for Sanitary District of Decatur from 35 Ill. Adm. Code 302.208(e) (Site Specific) – The Board adopted a first notice opinion and order in this site-specific rulemaking to amend the Board’s water regulations.

R18-17 Public Water Supplies: Proposed New 35 Ill. Adm. Code 604 and Amendments. To 35 Ill. Adm. Code Parts 601,602, 607 And 611 (Public Water Supplies) – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s public water supplies regulations.

R18-24 Amendments to 35 Ill. Adm. Code Subtitle D (Water) – The Board adopted a proposal for public comment in this rulemaking to amend the Board’s mine-related water pollution regulations.

R19-2 RCRA Subtitle D Update, USEPA Regulations (January 1, 2018 through June 30, 2018) (Land) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its municipal solid waste landfill regulations during the update period of January 1, 2018 through June 30, 2018.

R19-3 RCRA Subtitle C (Hazardous Waste) Update, USEPA Regulations (January 1, 2018 through June 30, 2018) (Land) – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s hazardous waste regulations.

R19-4 UST Update, USEPA Regulations (January 1, 2018 through June 30, 2018) (Land) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground storage tank regulations during the update period of January 1, 2018 through June 30, 2018.

R19-5 Wastewater Pretreatment Update, USEPA Regulations (January 1, 2018 through June 30, 2018) (Water) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its wastewater pretreatment regulations during the update period of January 1, 2018 through June 30, 2018.



R19-7 Definition of VOM Update, USEPA Regulations (January 1, 2018 through June 30, 2018) (Air) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend the definition of “volatile organic material” during the update period of January 1, 2018 through June 30, 2018.

R19-8 SDWA Update, USEPA Regulations (January 1, 2018 through June 30, 2018) (Public Water Supply) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its drinking water regulations during the update period of January 1, 2018 through June 30, 2018.

R19-9 UIC Update, USEPA Regulations (January 1, 2018 through June 30, 2018) (Land) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground injection control regulations during the update period of January 1, 2018 through June 30, 2018.

ADMINISTRATIVE CITATIONS

AC 18-17 County of Macon v. Euroclydon, Inc. (Land) – The Board found that respondent had violated Sections 21(p)(1) and 21(p)(7) of the Act (415 ILCS 5/21(p)(1) and 21(p)(7) (2016)). Because there were two violations of Section 21(p), the Board ordered respondent to pay a civil penalty of \$3,000.

ADJUDICATORY CASES

PCB 17-15 Illinois Power Generating Company v. IEPA (Water, NPDES - Permit Appeal) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.

PCB 18-83 John D. Warsaw v. IEPA (UST Appeal) – The Board accepted for hearing this underground storage tank appeal involving a site in Tazewell County.

PCB 19-2 Reliable Stores, Inc. v. Office of State Fire Marshal (UST Appeal) – The Board accepted the petition for review as timely but directed petitioner to file an amended petition remedying the deficiencies identified in the order on or before August 27, 2018, or the appeal will be subject to dismissal.

PCB 19-3 Village of Hazel Crest v. IEPA (Air - Permit Appeal) – The Board accepted for hearing this air permit appeal involving a site in Cook County.

PCB 19-4 People of the State of Illinois v. Peoria Barge Terminal, Inc., and Morton Salt, Inc. (Water – Enforcement) – The Board accepted for hearing this water enforcement action involving a site in Peoria County.



[PCB 19-5](#) Brummer Porkers v. IEPA (Water – Tax Certification) – The Board found and certified that specified facilities of Brummer Porkers located in Effingham County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).

August 23, 2018 Meeting

By videoconference: IPCB Offices in Chicago and Springfield

RULEMAKINGS

[R18-19](#) Noise Rule Update: Amendments to 35 Ill. Adm. Code Parts 900, 901, 902, and 910 (Rulemaking – Noise) – The Board adopted a Second notice opinion and order in this rulemaking to amend the Board’s noise regulations.

[R18-22](#) Amendment to 35 Ill. Adm. Code 205, Emissions Reduction Market System (Air) – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s air regulations.

[R19-1](#) Proposed New 35 Ill. Adm. Code 204, Prevention of Significant Deterioration, Amendments to 35 Ill. Adm. Code 101, General Rules, General Rules, 35 Ill. Adm. Code 105, Appeals of Final Decisions of State Agencies, 35 Ill. Adm. Code 203, Major Stationary Source Construction and Modification, 35 Ill. Adm. Code 211, Definitions and General Provisions, 35 Ill. Adm. Code 215, Organic Material Emissions Standards and Limitations (Air) – The Board accepted for hearing the Agency’s July 2, 2018 proposal to amend the Board’s air rules and sent the proposal to public comment (without first notice publication). The Board also granted IEPA’s motion to waive the procedural requirement to submit copies of the documents it proposes to incorporate by reference.

[R18-28](#) Amendments to 35 Ill. Adm. Code Subtitle I (Rulemaking – Air) – The Board opened this docket to consider proposed amendments to its Subtitle I atomic radiation rules (35 Ill. Adm. Code 1000-1010). The Board incorporates IEPA’s original cleanup rulemaking proposal in R18-21 into the record of this docket.

ADMINISTRATIVE CITATIONS

[AC 18-16](#) County of Macon v. Gary Miller (Land) – The Board found that respondent had violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Act (415 ILCS 5/21(p)(1), 21(p)(3), 21(p)(7) (2016)). Because there were three violations of Section 21(p), the Board ordered respondent to pay a civil penalty of \$4,500.



AC 18-18

IEPA v. Kurt Downie (Public Water Supply) – The Board found that respondent had violated Section 1.1(b)(3) of the of the Public Water Supply Operations Act (415 ILCS 45/1.1(b)(3) (2016)) and Section 603.103(g) and 611.831 of the Board’s regulations (35 Ill. Adm. Code 603.103(g), 611.831)). Because there were three violations of Section 1.1(b)(3), the Board ordered respondent to pay a civil penalty of \$1,500.

ADJUDICATORY CASES

PCB 04-66

Premcor Refining Group v. IEPA (Land – Permit Appeal, RCRA) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.

PCB 06-72

Dynegy Midwest Generation, LLC (Hennepin Power Station) v. IEPA (Air – Permit Appeal) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.

PCB 08-66

Dynegy Midwest Generation, LLC (Baldwin Energy Complex) v. IEPA (Air – Permit Appeal) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.

PCB 09-9

Dynegy Midwest Generation, LLC (Baldwin Energy Complex) v. IEPA (Air – Permit Appeal) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.

PCB 09-107

People of the State of Illinois v. Tate and Lyle Ingredients Americas, Inc. (Air – Enforcement) – Upon receipt of a proposed stipulation and settlement agreement, and an agreed motion for relief from the hearing requirement in this air enforcement action involving a facility located in Macon County, the Board ordered publication of the required newspaper notice.



- [PCB 16-14](#) [Village of Homewood, Homewood, Illinois v. IEPA](#)
- [PCB 16-15](#) [Village of Orland Park, Orland Park, Illinois v. IEPA](#)
- [PCB 16-16](#) [Village of Midlothian, Midlothian Illinois v. IEPA](#)
- [PCB 16-17](#) [Village of Tinley Park, Tinley Park, Illinois v. IEPA](#)
- [PCB 16-18](#) [ExxonMobil Oil Corporation v. IEPA](#)
- [PCB 16-20](#) [Village of Wilmette v. IEPA](#)
- [PCB 16-21](#) [City of Country Club Hills, Country Club Hills, Illinois v. IEPA](#)
- [PCB 16-22](#) [Noramco-Chicago, Inc. v. IEPA](#)
- [PCB 16-23](#) [Flint Hills Resources Joliet, LLC \(Chloride Standard\) v. IEPA](#)
- [PCB 16-25](#) [City of Evanston v. IEPA](#)
- [PCB 16-26](#) [Village of Skokie v. IEPA](#)
- [PCB 16-27](#) [Illinois Department of Transportation v. IEPA](#)
- [PCB 16-29](#) [Metropolitan Water Reclamation District of Greater Chicago v. IEPA \(Chloride Standards\)](#)
- [PCB 16-30](#) [Village of Richton Park v. IEPA](#)
- [PCB 16-31](#) [Village of Lincolnwood v. IEPA](#)
- [PCB 16-33](#) [City of Oak Forest, Oak Forest, IL v. IEPA](#)
(consol.) (Time-Limited WQS) – The Board consolidated for hearing with [Village of Homewood v. IEPA](#), PCB 16-14 *et al.* (consol.), all the new chloride TLWQS petitions filed from July 23 through August 1, 2018. The Board also found that the chloride water quality standard is stayed as to all new petitioners except the Villages of Crestwood and Riverside.
- [PCB 18-26](#) [Blake Leasing Company, LLC - Real Estate Series, as owner of Kirkland Quick Stop v. Illinois Environmental Protection Agency, Village of Kirkland, Illinois and Soo Line Railroad Company \(d/b/a Canadian Pacific Railway and Canadian Pacific \(Water Well Setback\) – The Board granted petitioner’s motion for voluntary dismissal of this petition for water well setback exception.](#)
- [PCB 18-76](#) [Niemann Foods, Inc., v. IEPA \(UST Appeal\) – 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 Pike County facility.](#)
- [PCB 18-82](#) [Illinois Power Generating Company v. IEPA \(Water, NPDES, Permit Appeal\) – The Board granted petitioner’s motion to operate under the terms of the 2018 Permit and not to stay the permit under the automatic stay provisions of Section 10-65\(b\) of the Administrative Procedures Act \(5 ILCS 100/10-65\(b\) \(2016\)\).](#)
- [PCB 19-1](#) [Lawrence Reed v. Martin Pasillas \(Noise – Enforcement, Citizens\) – The Board directed complainant to file proof of service of the complaint on respondent on or before September 24, 2018.](#)
- [PCB 19-6](#) [Betzhold Pork, LLC v. IEPA \(Water – Tax Certification\) – The Board found and certified that specified facilities of Betzhold Pork, LLC located in Montgomery County are pollution control facilities for preferential tax treatment under the Property Tax Code \(35 ILCS 200/11-10 \(2016\)\).](#)



- PCB 19-7** Village of Lynwood v. IEPA (Time-Limited WQS) – The Board consolidated this matter with Village of Homewood v. IEPA, PCB 16-14 *et al.* (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.
- PCB 19-8** Citgo Holdings v. IEPA (Time-Limited WQS) – The Board consolidated this matter with Village of Homewood v. IEPA, PCB 16-14 *et al.* (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.
- PCB 19-9** Village of New Lenox v. IEPA (Time-Limited WQS) – The Board consolidated this matter with Village of Homewood v. IEPA, PCB 16-14 *et al.* (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.
- PCB 19-10** City of Lockport v. IEPA (Time-Limited WQS) – The Board consolidated this matter with Village of Homewood v. IEPA, PCB 16-14 *et al.* (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.
- PCB 19-11** Caterpillar, Inc. v. IEPA (Time-Limited WQS) – The Board consolidated this matter with Village of Homewood v. IEPA, PCB 16-14 *et al.* (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.
- PCB 19-12** City of Crest Hill v. IEPA (Time-Limited WQS) – The Board consolidated this matter with Village of Homewood v. IEPA, PCB 16-14 *et al.* (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.
- PCB 19-13** City of Joliet v. IEPA (Time-Limited WQS) – The Board consolidated this matter with Village of Homewood v. IEPA, PCB 16-14 *et al.* (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.
- PCB 19-14** Morton Salt, Inc. v. IEPA (Time-Limited WQS) – The Board consolidated this matter with Village of Homewood v. IEPA, PCB 16-14 *et al.* (consol.). The Board also finds that the chloride water quality standard is stayed as to this petitioner.
- PCB 19-15** City of Palos Heights v. IEPA (Time-Limited WQS) – The Board consolidated this matter with Village of Homewood v. IEPA, PCB 16-14 *et al.* (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.



- PCB 19-16** Village of Romeoville v. IEPA (Time-Limited WQS) – The Board consolidated this matter with Village of Homewood v. IEPA, PCB 16-14 *et al.* (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.
- PCB 19-17** IMTT Illinois, LLC v. IEPA (Time-Limited WQS) – The Board consolidated this matter with Village of Homewood v. IEPA, PCB 16-14 *et al.* (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.
- PCB 19-18** Stepan Company v. IEPA (Time-Limited WQS) – The Board consolidated this matter with Village of Homewood v. IEPA, PCB 16-14 *et al.* (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.
- PCB 19-19** Village of Park Forest v. IEPA (Time-Limited WQS) – The Board consolidated this matter with Village of Homewood v. IEPA, PCB 16-14 *et al.* (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.
- PCB 19-20** Ozinga Ready Mix Concrete, Inc. v. IEPA (Time-Limited WQS) – The Board consolidated this matter with Village of Homewood v. IEPA, PCB 16-14 *et al.* (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.
- PCB 19-21** Ozinga Materials, Inc. v. IEPA (Time-Limited WQS) – The Board consolidated this matter with Village of Homewood v. IEPA, PCB 16-14 *et al.* (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.
- PCB 19-22** Midwest Marine, Terminals, LLC v. IEPA (Time-Limited WQS) – The Board consolidated this matter with Village of Homewood v. IEPA, PCB *et al.* 16-14 (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.
- PCB 19-23** Village of Mokena v. IEPA (Time-Limited WQS) – The Board consolidated this matter with Village of Homewood v. IEPA, PCB 16-14 *et al.* (consol.). The Board also found that the chloride water quality standard is stayed.
- PCB 19-24** Village of Oak Lawn v. IEPA (Time-Limited WQS) – The Board consolidated this matter with Village of Homewood v. IEPA, PCB 16-14 *et al.* (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.



- PCB 19-25** Village of Dolton v. IEPA (Time-Limited WQS) – The Board consolidated this matter with Village of Homewood v. IEPA, PCB 16-14 *et al.* (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.
- PCB 19-26** Village of Glenwood v. IEPA (Time-Limited WQS) – The Board consolidated this matter with Village of Homewood v. IEPA, PCB 16-14 *et al.* (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.
- PCB 19-27** Village of Morton Grove v. IEPA (Time-Limited WQS) – The Board consolidated this matter with Village of Homewood v. IEPA, PCB 16-14 *et al.* (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.
- PCB 19-28** Village of Lansing v. IEPA (Time-Limited WQS) – The Board consolidated this matter with Village of Homewood v. IEPA, PCB 16-14 *et al.* (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.
- PCB 19-29** Village of Frankfort v. IEPA (Time-Limited WQS) – The Board consolidated this matter with Village of Homewood v. IEPA, PCB 16-14 *et al.* (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.
- PCB 19-30** Village of Winnetka v. IEPA (Time-Limited WQS) – The Board consolidated this matter with Village of Homewood v. IEPA, PCB 16-14 *et al.* (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.
- PCB 19-31** Village of La Grange v. IEPA (Time-Limited WQS) – The Board consolidated this matter with Village of Homewood v. IEPA, PCB 16-14 *et al.* (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.
- PCB 19-32** Ingredion, Inc., v. IEPA (Time-Limited WQS) – The Board consolidated this matter with Village of Homewood v. IEPA, PCB 16-14 *et al.* (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.
- PCB 19-33** Village of Channahon v. IEPA (Time-Limited WQS) – The Board consolidated this matter with Village of Homewood v. IEPA, PCB 16-14 *et al.* (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.



- PCB 19-34** Cook County Department of Transportation and Highways v. IEPA (Time-Limited WQS) – The Board consolidated this matter with Village of Homewood v. IEPA, PCB 16-14 *et al.* (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.
- PCB 19-35** Village of Niles v. IEPA (Time-Limited WQS) – The Board consolidated this matter with Village of Homewood v. IEPA, PCB 16-14 *et al.* (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.
- PCB 19-36** Skyway Concession Company LLC v. IEPA (Time-Limited WQS) – The Board consolidated this matter with Village of Homewood v. IEPA, PCB 16-14 *et al.* (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.
- PCB 19-37** Village of Elwood v. IEPA (Time-Limited WQS) – The Board consolidated this matter with Village of Homewood v. IEPA, PCB 16-14 *et al.* (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.
- PCB 19-38** City of Chicago v. IEPA (Time-Limited WQS) – The Board consolidated this matter with Village of Homewood v. IEPA, PCB 16-14 *et al.* (consol.). The Board also found that the chloride water quality standard is stayed as to this petitioner.
- PCB 19-39** Milliman Livestock v. IEPA (Water – Tax Certification) – The Board found and certified that specified facilities of Milliman Livestock located in Jasper County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- PCB 19-40** Village of Crestwood v. IEPA (Time-Limited WQS) – The Board consolidated this matter with Village of Homewood v. IEPA, PCB 16-14 *et al.* (consol.). The Board also found that the chloride water quality standard is not stayed in this matter.
- PCB 19-41** Hodel Turkey Farm, Inc. - El Paso v. IEPA (Water – Tax Certification) – The Board found and certified that specified facilities of Hodel Turkey Farm, Inc. - El Paso located in Woodford County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- PCB 19-42** Glen Schlabach v. IEPA (Water – Tax Certification) – The Board found and certified that specified facilities of Glen Schlabach located in Jackson County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).



- PCB 19-43** Luke Brummer v. IEPA (Water – Tax Certification) – The Board found and certified that specified facilities of Luke Brummer located in Effingham County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- PCB 19-44** Hodel Turkey Farm, Inc. – Joe Site v. IEPA (Water – Tax Certification) – The Board found and certified that specified facilities of Hodel Turkey Farm, Inc. – Joe Site located in Woodford County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- PCB 19-45** Dave & Angie Warner v. IEPA (Water – Tax Certification) – The Board found and certified that specified facilities of Dave & Angie Warner located in Clark County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- PCB 19-46** Mark Phillips v. IEPA (Water – Tax Certification) – The Board found and certified that specified facilities of Mark Phillips located in Jasper County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- PCB 19-47** O'Leary Farms v. IEPA (Water – Tax Certification) – No action taken.
- PCB 19-48** Village of Riverside v. IEPA (Time-Limited WQS) – The Board consolidated this matter with Village of Homewood v. IEPA, PCB 16-14 *et al.* (consol.). The Board also found that the chloride water quality standard is not stayed in this matter.
- PCB 19-49** Rich Gastler v. IEPA (Water – Tax Certification) – The Board found and certified that specified facilities of Rich Gastler located in Adams County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- PCB 19-50** Doug Temple v. IEPA (Water – Tax Certification) – The Board found and certified that specified facilities of Doug Temple located in Whiteside County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- PCB 19-51** People of the State of Illinois v. SE Transport, Inc. (Land – Enforcement, RCRA) – The Board accepted for hearing this land enforcement action involving a site in Monroe County.
- PCB 19-52** People of the State of Illinois v. Velocity Services LLC, an Illinois limited liability company (Land – Enforcement, RCRA) – The Board accepted for hearing this land enforcement action involving a site in Madison County.



September 6, 2018

By videoconference: IPCB Offices in Chicago and Springfield

ADMINISTRATIVE CITATIONS

[AC 19-1](#) County of Jackson v. William Martin, Jr. – The Board found that respondent violated Sections 21(p)(1) and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(7) (2016)), and ordered respondent to pay a total civil penalty of \$3,000.

ADJUDICATORY CASES

[PCB 12-35](#) People of the State of Illinois v. Six M. Corporation, Inc., William Maxwell, and Marilyn Maxwell, and Joinder of James McIlvain as Necessary Party (Air – Enforcement) – The Board reserved ruling on the People’s motion for permission to file a first amended complaint pending complainant’s filing proof of service and proper notice on all respondents.

[PCB 18-80](#) Phillips 66 Company v. IEPA (UST Appeal) – 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 Lake County facility.

[PCB 18-84](#) James Fiser v. Henry's Double K, LLC, and James L. Meador (Noise – Enforcement, Citizens) – The Board denied respondents’ motion to dismiss and, finding the complaint neither duplicative nor frivolous, accepted the complaint for hearing. The Board also directed respondents to answer the complaint by November 5, 2018, directed complainant’s attorney to file an appearance by September 27, 2018, and directed respondent Henry’s Double K, LLC to file an appearance by an attorney at or before the time it answers the complaint.

[PCB 19-2](#) Reliable Stores, Inc. v. Office of State Fire Marshal (UST Appeal) – The Board accepted for hearing this underground storage tank appeal involving a site in Cook County.

[PCB 19-53](#) Evelyn M. Page Trust, Wayne A. Page and Kennard Page, Successor Trustees v. IEPA (UST Appeal) – The Board accepted for hearing this underground storage tank appeal involving a site in Peoria County.



September 20, 2018 Meeting

By videoconference: IPCB Offices in Chicago and Springfield

RULEMAKINGS

- [R18-22](#) Amendment to 35 Ill. Adm. Code 205, Emissions Reduction Market System (Air) –
The Board took no action on this matter.

ADJUDICATORY CASES

- [PCB 12-35](#) People of the State of Illinois v. Six M. Corporation, Inc., William Maxwell, and Marilyn Maxwell, and Joinder of James McIlvain as Necessary Party (Air – Enforcement) – The Board granted the People’s motion for leave to file a First Amended Complaint and accepted that complaint for hearing.
- [PCB 16-14](#) Village of Homewood, Homewood, Illinois v. IEPA (Time-Limited WQS) –
et al.
(consol.) – The Board granted Ingredion Incorporated’s motion to sever its petition (PCB 19-32) from the consolidated docket. The Board also granted the Village of Crestwood’s petition (PCB 19-40) for extension of the filing deadline for the chloride water quality standard stay and found that the stay applies to the Village of Crestwood.
- [PCB 18-83](#) John D. Warsaw v. IEPA (UST Appeal) – The Board directed petitioner to file an amended petition with documentation of service on or before October 19, 2018. The Board also accepted the open waiver already filed by petitioner and noted that it would not reset the statutory decision deadline upon filing of the amended petition.
- [PCB 19-32](#) Ingredion, Inc., v. IEPA (Time-Limited WQS) – The Board found that Ingredion Incorporated timely filed its petition for a time-limited water quality standard and that the temperature water quality standard is accordingly stayed as to Ingredion.
- [PCB 19-47](#) O’Leary Farms v. IEPA (Water – Tax Certification) – The Board found and certified that specified facilities of O’Leary Farms located in Mercer County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- [PCB 19-53](#) Evelyn M. Page Trust, Wayne A. Page and Kennard Page, Successor Trustees v. IEPA (UST Appeal) – The Board directed petitioner to file an amended petition with documentation of service on or before October 19, 2018.
- [PCB 19-54](#) Granico, FS, Inc.-Morris v. IEPA (Water – Tax Certification) – The Board found and certified that specified facilities of Grainco FS, Inc. located in Grundy County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).



- [PCB 19-55](#) Martin & Bayley, Inc. v. IEPA (UST Appeal) – The Board accepted for hearing this underground storage tank appeal involving a site in Jefferson County.
- [PCB 19-56](#) Krogman Farm v. IEPA (Water – Tax Certification) – The Board found and certified that specified facilities of Krogman Farm located in Stephenson County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- [PCB 19-57](#) Naftzger Farms- Erie v. IEPA (Water – Tax Certification) – The Board found and certified that specified facilities of Naftzger Farms located in Whiteside County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- [PCB 19-58](#) People of the State of Illinois v. Cintas Corporation (Air – Enforcement) – Upon receipt of a complaint, proposed stipulation and settlement agreement, and an agreed motion for relief from the hearing requirement in this air enforcement action involving a site located in Cook County, the Board accepted the complaint and ordered publication of the required newspaper notice.

October 4, 2018 Meeting

By videoconference: IPCB Offices in Chicago and Springfield

RULEMAKINGS

- [R14-24](#) Proposed Site-Specific Rule for Sanitary District of Decatur from 35 Ill. Adm. Code 302.208(e) (Water, Site Specific) – The Board adopted a second notice opinion and order in this site-specific rulemaking to amend the Board’s water regulations.
- [R17-14](#) RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (July 1, 2016 through December 31, 2016)
(Land);
- [R17-15](#) RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2016 through December 31, 2016)
(Land);
- [R18-12](#) RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2017 through December 31, 2017)
(Land); and
- [R18-31](#) UIC Update: Miscellaneous Non-Substantive Revisions and Corrections to 35. Ill. Adm. Code 704, 705, 730, and 738)
- [\(consol.\)](#) (Land) – The Board adopted a final opinion and order in this consolidated “identical-in-substance” rulemaking to amend the Board’s hazardous waste, municipal solid waste landfill, and underground injection control rules.



R18-20 Amendments to 35 Ill. Adm. Code 225.233, Multi-Pollutant Standards (MPS) (Air) – The Board adopted a second first notice opinion and order in this rulemaking to amend the Board’s air pollution regulations.

ADMINISTRATIVE CITATIONS

AC 19-2 County of LaSalle v. Jeffrey Schuster (Land) – The Board found that respondents had violated Sections 21(p)(1) and (p)(2) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1), (p)(2) (2016)). Because there were two violations of Section 21(p) the Board ordered respondent to pay a civil penalty of \$3,000.

ADJUDICATORY CASES

PCB 09-107 People of the State of Illinois v. Tate and Lyle Ingredients Americas, Inc. (Air – Enforcement) – In this air enforcement action concerning a Macon 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) (2016)), accepted a stipulation and settlement agreement, and ordered respondent to pay a total civil penalty of \$315,000 and to cease and desist from further violations.

PCB 16-14 Village of Homewood, Homewood, Illinois v. IEPA (Time-Limited WQS) – *et al.* (consol.) The Board granted the Village of Riverside’s petition (PCB 19-48) for extension of the filing deadline for the chloride water quality standard stay and found that the stay applies to the Village of Riverside.

PCB 18-49 Marathon Petroleum Company LP v. IEPA (Thermal Demonstration) – The Board accepted this petition for an alternative thermal effluent limit. The Board reserved ruling on Illinois Department of Natural Resources’ Motion for a 90-day extension to reply, to allow the response time to run.

PCB 18-83 John D. Warsaw v. IEPA (UST Appeal) – On an amended petition, the Board accepted for hearing this underground storage tank appeal involving a site in Tazewell County.

PCB 19-1 Lawrence Reed v. Martin Pasillas (Noise – Enforcement, Citizens) – The Board found that complainant timely provided documentation of service of the complaint on respondent. The Board also found the complaint frivolous and allowed complainant to file an amended complaint meeting applicable requirements on or before November 5, 2018.

PCB 19-53 Evelyn M. Page Trust, Wayne A. Page and Kennard Page, Successor Trustees v. IEPA (UST Appeal) – On an amended petition, the Board accepted for hearing this underground storage tank appeal involving a site in Peoria County.



PCB 19-60 Sheridan-Joliet Land Development LLC., and Sheridan Sand & Gravel Co., (Wiensland Ave. Site) v. IEPA (CCDD-Permit Appeal) – The Board accepted for hearing this clean construction and demolition debris facility permit appeal involving a site in LaSalle County.

PCB 19-61 Sheridan-Joliet Land Development LLC., and Sheridan Sand & Gravel Co., (Wiensland Ave. Site) v. IEPA (CCDD-Permit Appeal) – The Board accepted for hearing this clean construction and demolition debris facility permit appeal involving a site in LaSalle County.

PCB 19-62 People of the State of Illinois v. JCC Service, Inc. f/k/a Johnson Painting and Sandblasting, an Iowa corporation (Land – Enforcement, RCRA) – The Board accepted for hearing this land enforcement action involving a site in Rock Island County.



CALENDAR

Thursday, October 18, 2018 11:00:00 AM

Board Meeting

IPCB Office
1021 N Grand Ave E - Room 1244 N (First Floor)
Springfield, Illinois

- and -

IPCB Office
James R. Thompson Center
100 W Randolph - Room 11-512
Chicago, Illinois

Thursday, November 1, 2018 11:00:00 AM

Board Meeting

IPCB Office
1021 N Grand Ave E - Room 1244 N (First Floor)
Springfield, Illinois

- and -

IPCB Office
James R. Thompson Center
100 W Randolph - Room 11-512
Chicago, Illinois

Thursday, November 15, 2018 11:00:00 AM

Board Meeting

IPCB Office
1021 N Grand Ave E - Room 1244 N (First Floor)
Springfield, Illinois

- and -

IPCB Office
James R. Thompson Center
100 W Randolph - Room 11-512
Chicago, Illinois



Tuesday, November 27, 2018 11:00:00 AM

Proposed New 35 Ill. Adm. Code 204, Prevention of Significant Deterioration, Amendments To 35 Ill. Adm. Code Parts 101, 105, 203, 211, And 215, R19-1

IPCB Office

1021 N Grand Ave E - Room 1244 N (First Floor)

Springfield, Illinois

- and -

IPCB Office

James R. Thompson Center

100 W Randolph - Room 11-512

Chicago, Illinois

Wednesday, November 28, 2018 11:00:00 AM

Proposed New 35 Ill. Adm. Code 204, Prevention of Significant Deterioration, Amendments To 35 Ill. Adm. Code Parts 101, 105, 203, 211, And 215, R19-1

IPCB Office

1021 N Grand Ave E - Room 1244 N (First Floor)

Springfield, Illinois

- and -

IPCB Office

James R. Thompson Center

100 W Randolph - Room 11-512

Chicago, Illinois

Thursday, December 6, 2018 11:00:00 AM

Board Meeting

IPCB Office

1021 N Grand Ave E - Room 1244 N (First Floor)

Springfield, Illinois

- and -

IPCB Office

James R. Thompson Center

100 W Randolph - Room 11-512

Chicago, Illinois

Thursday, December 20, 2018 11:00:00 AM

Board Meeting

IPCB Office

1021 N Grand Ave E - Room 1244 N (First Floor)

Springfield, Illinois

- and -

IPCB Office

James R. Thompson Center

100 W Randolph - Room 11-512

Chicago, Illinois

* The events listed above are subject to change, and more events may be added.
Here is a link to the [Board's current calendar](#)



RESTRICTED STATUS / CRITICAL REVIEW LISTS

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
 Division of Public Water Supplies
<http://www.epa.illinois.gov>



Division of Public Water Supplies Restricted Status List – Community Water Supplies

October 2018

SYSTEM NAME	SYSTEM ID	EPA REGION	NATURE OF PROBLEM	POPULATION SERVED	LISTING DATE
ALMA	IL1210050	6	HALOACETIC ACIDS MCL VIOLATION	400	3/6/2018
ANDALUSIA (upper elevation area)	IL1610050	1	LOW SYSTEM PRESSURE	1050	10/1/2003
ANDOVER	IL0730100	1	NO BACKUP SOURCE NO EMERGENCY POWER & NO PRESSURE TANK	600	3/24/2016
AQUA ILLINOIS - CRYSTAL CLEAR WATER CO.	IL1115150	2	INADEQUATE PRESSURE TANK	855	9/16/1988
AQUA ILLINOIS - NUNDA	IL1115600	2	INADEQUATE PRESSURE TANK	570	4/1/2015
ATLANTA**	IL1070050	5	NITRITE MCL VIOLATION	1692	8/24/2018
AVANTARA LONG GROVE	IL0971110	2	INADEQUATE PRESSURE TANK NO ELEVATED OR GROUND STORAGE	200	12/1/2003
BAHL WATER CORP	IL0855200	1	INADEQUATE PRESSURE TANK	700	12/15/1993
BEVERLY HILLSDALE ESTATES, LLC	IL1615530	1	INADEQUATE PRESSURE TANK	63	3/18/1983
BILL-MAR HEIGHTS MHP	IL2015345	1	INADEQUATE PRESSURE TANK	160	3/18/1983
BISHOP HILL	IL0730250	1	NO BACKUP SOURCE INADEQUATE ELEVATED STORAGE CAPACITY	137	11/14/2017
BONNIE*	IL0810150	7	INADEQUATE PRESSURE TANK	527	7/20/2018
BUFFALO HOLLOW FARMS WATER ASSOCIATION	IL1430080	5	INADEQUATE PRESSURE TANK	45	6/16/2008
CAPRON MHP	IL0075105	1	INADEQUATE PRESSURE TANK	98	3/18/1983
CARBON CLIFF	IL1610100	1	RADIUM MCL VIOLATION MINIMUM CHLORINE RESIDUAL VIOLATION	2000	1/31/2018
CENTRAL MACOUPIN RURAL WATER DISTRICT*	IL1170040	5	INADEQUATE PRESSURE TANK	1825	8/29/2018
CENTURY PINES APARTMENTS	IL0150020	1	INADEQUATE PRESSURE TANK	50	12/14/1990
CHAIN-O-LAKES MHP	IL0975165	2	INADEQUATE PRESSURE TANK MINIMUM CHLORINE RESIDUAL VIOLATION	81	12/15/1989
CHESTERFIELD*	IL1170200	5	ARSENIC MCL VIOLATION	180	8/29/2018
CHRISMAN	IL0450100	4	INADEQUATE PRESSURE TANK	1,200	1/31/2018
CLARKS MHP	IL2015425	1	INADEQUATE PRESSURE TANK ARSENIC MCL VIOLATION & MINIMUM CHLORINE RESIDUAL VIOLATION	80	12/16/1991
COLONIAL MEADOWS*	IL1135100	6	INADEQUATE PRESSURE TANK	190	9/19/2018
COYNE CENTER COOP	IL1615150	1	INADEQUATE PRESSURE TANK	150	12/15/1997
CRISWELL COURT MHP	IL1975105	2	INADEQUATE PRESSURE TANK	136	12/15/1989
DATTIS MHP	IL0995225	1	INADEQUATE PRESSURE TANK	115	3/18/1983
DAYSRING BIBLE COLLEGE	IL0977189	2	INADEQUATE PRESSURE TANK INADEQUATE SOURCE CAPACITY & INADEQUATE PRESSURE TANK	60	6/15/1988
DES PLAINES MHP	IL0317775	2	INADEQUATE PRESSURE TANK	580	3/16/1984



SYSTEM NAME	SYSTEM ID	EPA REGION	NATURE OF PROBLEM	POPULATION SERVED	LISTING DATE
E J WATER COOPERATIVE (western portion served by Delbert Mundt water plant)*	IL0790010	4	INADEQUATE HIGH SERVICE PUMP CAPACITY	21143	9/20/2018
EAST END WATER ASSOCIATION	IL1610140	1	INADEQUATE PRESSURE TANK NO ELEVATED OR GROUND STORAGE	40	3/15/2002
EAST MORELAND WATER ASSOCIATION	IL1975600	2	INADEQUATE GROUND STORAGE & NO EMERGENCY POWER	1055	9/9/2016
EDELSTEIN WATER COOPERATIVE	IL1435150	5		125	1/1/2015
EHLERS MHP	IL0195645	4	INADEQUATE PRESSURE TANK	112	12/17/1982
ELIZABETH (upper elevation area)	IL0850150	1	LOW SYSTEM PRESSURE	675	6/15/1999
EXETER - MERRITT WATER COOP	IL1710010	5	INADEQUATE STORAGE CAPACITY	765	10/1/2013
FAMILY MANUFACTURED HOME COMMUNITY, LLC	IL2015125	1	INADEQUATE PRESSURE TANK	240	12/17/1982
FOUNTAIN VALLEY MHP	IL0195945	4	ARSENIC MCL VIOLATION	375	8/2/2016
FOUR STAR CAMPGROUND	IL0990060	1	INADEQUATE PRESSURE TANK RADIUM MCL VIOLATION & GROSS ALPHA PARTICLE ACTIVITY MCL VIOLATION	150	6/15/1999
FOX LAWN HOMEOWNERS WATER ASSOCIATION	IL0935150	2		238	8/2/2016
GRANDVIEW MHP	IL1795365	5	INADEQUATE PRESSURE TANK NO ELEVATED OR GROUND STORAGE	300	3/18/1983
GREAT OAKS AND BEACON HILLS APARTMENTS	IL2015488	1	INADEQUATE GROUND STORAGE & INADEQUATE PRESSURE TANK HALOACETIC ACIDS MCL VIOLATION AND TOC REMOVAL TT VIOLATION	1816	12/17/1982
GREEN MEADOWS ESTATES OF ROCKFORD LLC	IL2015495	1		970	6/15/2012
GREENFIELD	IL0610150	6		1200	12/13/2017
HAWTHORN ESTATES SUBDIVISION	IL0630030	2	INADEQUATE PRESSURE TANK	49	4/7/2017
HIGHLAND SUBDIVISION	IL0895530	2	INADEQUATE PRESSURE TANK	50	9/16/1983
HILLCREST	IL1410250	1	INADEQUATE SOURCE CAPACITY	1400	2/13/2018
HILLSDALE PROPERTIES	IL1615728	1	INADEQUATE PRESSURE TANK	58	1/14/1982
HILLVIEW SUBDIVISION	IL1975800	2	INADEQUATE PRESSURE TANK	100	3/15/1985
HOLLY HOCK HILL MHP	IL0975245	2	INADEQUATE PRESSURE TANK	52	12/16/1983
HONEYCUTT HILL MHP LLC	IL1955225	1	INADEQUATE PRESSURE TANK NO ELEVATED OR GROUND STORAGE	75	9/17/1982
INGALLS PARK SUBDIVISION	IL1975880	2	INADEQUATE GROUND STORAGE CAPACITY	744	9/16/1983
LIBERTY PARK HOMEOWNERS ASSOCIATION	IL0435600	2	INADEQUATE SOURCE CAPACITY & NITRATE MCL VIOLATION	837	9/17/1992
LIMA	IL0010400	5		163	5/4/2016
LINDENWOOD WATER ASSOCIATION	IL1415300	1	INADEQUATE PRESSURE TANK NO ELEVATED OR GROUND STORAGE	50	1/13/1982
LINWAY ESTATES MHP	IL0315935	2		450	2/28/2017
LISBON NORTH, INC.	IL0631000	2	INADEQUATE PRESSURE TANK	30	9/14/1990
LYNNWOOD WATER CORPORATION	IL0995336	1	INADEQUATE PRESSURE TANK	110	3/18/1983



SYSTEM NAME	SYSTEM ID	EPA REGION	NATURE OF PROBLEM	POPULATION SERVED	LISTING DATE
MALTA	IL0370350	1	NO AUTO-START GENERATOR & INADEQUATE HIGH SERVICE PUMP CAPACITY	1175	6/15/2012
MANCUSO VILLAGE PARK MHP	IL2015545	1	INADEQUATE PRESSURE TANK	500	6/18/1982
MANTENO MHP	IL0915385	2	INADEQUATE PRESSURE TANK	144	12/14/1990
MITCHELLSVILLE PWD	IL1655200	7	LOW SYSTEM PRESSURE	1989	10/1/2012
MORNINGSIDE MOBILE ESTATES MHP	IL1075145	5	NITRATE MCL VIOLATION	75	8/11/2016
OAK RIDGE SD	IL2035300	1	INADEQUATE PRESSURE TANK	240	3/20/1981
OAKWOOD PLACE SUBDIVISION	IL0735140	1	INADEQUATE PRESSURE TANK	52	5/11/2017
OSCO MUTUAL WATER SUPPLY COMPANY, INC.	IL0735200	1	INADEQUATE PUMP CAPACITY	115	12/15/1989
PARADISE MANOR MHP	IL1617665	1	INADEQUATE PRESSURE TANK	193	2/19/1982
PARK MEADOWLAND WEST MHP	IL0075235	1	INADEQUATE PRESSURE TANK	100	3/18/1982
PAULS MHP	IL0975485	2	INADEQUATE PRESSURE TANK	38	12/16/1983
PORTS SULLIVAN LAKE OWNERS ASSOCIATION	IL0971160	2	INADEQUATE PRESSURE TANK	293	6/15/1999
PRAIRIE ROAD PUMP ASSOCIATION	IL2015100	1	INADEQUATE PRESSURE TANK	150	1/1/2006
RAINBOW LANE MHP	IL2015645	1	INADEQUATE PRESSURE TANK	85	6/17/1983
ROCKLAND MHP	IL0975585	2	INADEQUATE PRESSURE TANK	165	12/16/1983
ROLLING GREEN ESTATES MHP	IL1415245	1	INADEQUATE PRESSURE TANK	191	6/14/1985
ROYAL OAKS MHP	IL1115145	2	INADEQUATE PRESSURE TANK	114	6/17/1983
SCALES MOUND	IL0850400	1	LOW SYSTEM PRESSURE (at elev. above 990 ft. MSL)	401	9/15/1997
SHANGRI-LA MHP	IL1415285	1	INADEQUATE PRESSURE TANK	444	9/16/1983
SHANNON	IL0150300	1	RADIUM & GROSS ALPHA MCL VIOLATIONS	758	8/4/2016
SHAWNITA TRC WATER ASSOCIATION	IL1977690	2	INADEQUATE PRESSURE TANK	135	9/17/1992
SILVIS HEIGHTS WATER CORP	IL1615750	1	NO EMERGENCY GENERATOR	1600	12/1/2003
SIX OAKS MHP	IL2015685	1	INADEQUATE PRESSURE TANK	48	6/18/1982
STEPHENSON MOBILE ESTATES	IL1775235	1	INADEQUATE PRESSURE TANK	223	6/17/1983
STEWARD	IL1030450	1	ARSENIC MCL VIOLATION	256	4/25/2018
SUBURBAN APARTMENTS (DE KALB UNIV DVL)	IL0375148	1	INADEQUATE PRESSURE TANK	1050	12/16/1992
SUMNER	IL1010300	7	LOW SYSTEM PRESSURE (areas served by undersized water mains)	1108	12/13/1985
SUNNY HILLS ESTATES SUBDIVISION	IL0735300	1	INADEQUATE PRESSURE TANK	525	6/15/2000
SUNNYLAND SUBDIVISION	IL1977730	2	INADEQUATE SOURCE CAPACITY & INADEQUATE PRESSURE TANK	300	6/12/2018
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
TIMBER RIDGE MOBILE ESTATES	IL1775255	1	INADEQUATE PRESSURE TANK	150	6/17/1996
TOWNERS SUBDIVISION	IL0977250	2	INADEQUATE PRESSURE TANK	204	1/14/1982
TRIANGLE MHP	IL0195925	4	ARSENIC MCL VIOLATION	90	6/15/2012
UTL INC - LAKE HOLIDAY	IL0995200	1	INADEQUATE TREATMENT CAPACITY	6479	4/1/2015
UTL INC - LAKE WILDWOOD UTILITIES CORP	IL1235200	1	INADEQUATE GROUND STORAGE & HIGH SERVICE PUMP CAPACITY	950	10/22/2015
UTL INC - WALK-UP WOODS WATER COMPANY	IL1115800	2	NO ELEVATED OR GROUND STORAGE	781	12/17/1982



SYSTEM NAME	SYSTEM ID	EPA REGION	NATURE OF PROBLEM	POPULATION SERVED	LISTING DATE
VALLEY VIEW SUBDIVISION (WOODFORD COUNTY)	IL2030010	1	INADEQUATE PRESSURE TANK	100	6/15/2012
VIENNA*	IL0870350	7	TOC REMOVAL TT VIOLATION	1697	7/20/2018
VIETZEN MHP	IL0437245	2	INADEQUATE PRESSURE TANK NO ELEVATED OR GROUND STORAGE & INADEQUATE SOURCE	150	6/17/1983
WILLOWAY TERRACE MHP	IL0317595	2	CAPACITY	900	6/15/1984
WOODHAVEN*	IL1035100	1	RADIUM MCL VIOLATION	4100	7/26/2018



**Illinois Environmental Protection Agency
Division of Public Water Supplies
Critical Review List – Community Water Supplies**

October 2018

SYSTEM NAME	SYSTEM ID	EPA REGION	NATURE OF PROBLEM	POPULATION SERVED	LISTING DATE
CANTON	IL0570250	5	INADEQUATE TREATMENT CAPACITY	13932	3/15/2007
CARBON HILL	IL0630100	2	INADEQUATE TREATMENT CAPACITY	392	12/14/2016
CHATHAM	IL1670300	5	INADEQUATE TREATMENT CAPACITY	14,820	8/31/2017
COAL CITY	IL0630200	2	INADEQUATE TREATMENT CAPACITY	5587	12/14/2016
E J WATER - SANGCHRIS SERVICE AREA	IL1670230	5	INADEQUATE TREATMENT CAPACITY	416	8/31/2017
HILLCREST	IL1410250	1	INADEQUATE STORAGE CAPACITY	1400	11/2/2017
LASALLE	IL0990300	1	INADEQUATE SOURCE CAPACITY & INADEQUATE TREATMENT CAPACITY	9700	11/1/2004
MACOMB	IL1090350	5	INADEQUATE CLARIFIER CAPACITY	11309	12/14/2016
MASON CITY	IL1250350	5	INADEQUATE STORAGE CAPACITY	2558	1/1/2006
MOUND PWD	IL1635050	6	INADEQUATE PLANT CAPACITY	2200	6/17/1996
QUINCY	IL0010650	5	INADEQUATE CLARIFIER CAPACITY	45000	8/3/2016
SOUTH SANGAMON WATER COMMISSION	IL1670080	5	INADEQUATE TREATMENT CAPACITY	104	8/31/2017
TISKILWA	IL0111050	1	INADEQUATE STORAGE CAPACITY	830	9/20/2017
WHITE HALL	IL0610400	6	INADEQUATE STORAGE CAPACITY	2900	10/1/2012
WITT	IL1350850	5	INADEQUATE TREATMENT CAPACITY	991	3/17/2008



Illinois Environmental Protection Agency
Division of Public Water Supplies
Restricted Status and Critical Review Lists – Community Water Supplies

October 2018

WATER SYSTEMS REMOVED FROM PREVIOUS LIST

HOLIDAY SHORES SANITARY DISTRICT
ROCHELLE
SPARTA

***WATER SYSTEMS ADDED**

BONNIE
CENTRAL MACOUPIN RWD
CHESTERFIELD
COLONIAL MEADOWS
E J WATER COOPERATIVE (western portion served by
Delbert Mundt water plant)*
VIENNA
WOODHAVEN

****WATER SYSTEM UPDATES**

ATLANTA



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 2, 2018. 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.



CLASS III GROUNDWATER PROPOSED LISTING NOTICE



Class III Groundwater Proposed Listing Notice

In accordance with 35 Ill. Adm. Code 620.230(b)(2), the Illinois Environmental Protection Agency ("Illinois EPA") is publishing a proposed listing of dedicated nature preserves ("DNPs"), to be classified as Class III: Special Resource Groundwater in the Environmental Register for a 45-day public comment period. The proposed list of DNPs includes: Barber Fen, Bennett's Terraqueous Gardens, Fon du Lac Seep, Cranberry Slough and McMahan Woods and Fen nature preserves. This is the eighth Class III petition received by the Illinois EPA for the proposed listing of DNPs.

Based upon the authority of 35 Ill. Adm. Code 620.230, Class III: Special Resource Groundwater can be established for: groundwater that is demonstrably unique (e.g. irreplaceable sources of groundwater) and suitable for application of a water quality standard more stringent than the otherwise applicable water quality standard specified; groundwater that is vital for a particularly sensitive ecological system; or groundwater contributing to a DNP that has been listed by the Illinois EPA. The Illinois EPA is required to review a written request to list DNPs, and upon confirmation of the technical adequacy, publish the proposed listing of the DNP(s) in the Environmental Register for a 45-day public comment period. Within 60 days after the close of the comment period, the Illinois EPA is required to publish a final listing in the Environmental Register, or provide the requestor with a written response specifying reasons for not publishing a final listing.

The Groundwater Section of the Bureau of Water, at the Illinois EPA, has completed the review required according to the criteria specified in subsection 620.230(b)(1) and finds the petition to be technically adequate. Therefore, the Illinois EPA is publishing the following proposed listings:

- Barber Fen: Exhibit 1
- Bennett's Terraqueous Gardens and Fon du Lac Seep: Exhibit 2
- Cranberry Slough: Exhibit 3
- McMahon Woods and Fen: Exhibit 4

for a 45-day public comment period in the Environmental Register. Questions regarding Class III Groundwater and copies of the proposed listing exhibits can be obtained by mail, telephone or e-mail at the following:

Lynn E. Dunaway, P.G.
Groundwater Section
Division of Public Water Supplies
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 785-4787
lynn.dunaway@illinois.gov



APPENDIX

Barber Fen Nature Preserve is located approximately one half mile northwest of Wonder Lake in McHenry County. Plant communities at this site include graminoid fen, sedge meadow, mesic forest, wet-mesic flood plain forest, low gradient stream and pond, which depend on the specialized hydrogeologic conditions for their continued survival. The fen is home to one endangered and one threatened plant species and two endangered and one threatened animal species. Barber Fen is an 87.34 acre tract of land owned in part by Rodney and Libbie Aavang and in part by the McHenry County Conservation District. The DNP is an elongated tract on the north and south sides of Nippersink Creek, located in Section 11, Township 45 North, Range 7 East, McHenry County. The groundwater contribution area (GCA) includes parts of Sections 2, 11, 12, 14, 15, 22 and 23 Township 45 North, Range 7 East, and Section 35, Township 46 North, Range 7 East, McHenry County. The total GCA, for which Class III is proposed, which includes the nature preserve and GCA outside the nature preserve, is 2.3 square miles (1,459.4 acres) composed of two generally wedge shaped areas, one north and one south of the nature preserve.

Bennett's Terraqueous Gardens and Fon du Lac Seep Nature Preserves are adjacent parcels located on the east side of Illinois Route 116, overlooking Peoria Lake in East Peoria, Tazewell County. Plant communities within the DNPs possess a diversity representative of pre-settlement wetland and seep ecosystems. Of the 43 plant species inventoried, nearly one third of the species are obligate wetland species. There are less than 90 acres of high quality seeps in the Illinois Natural Areas Inventory of which the combined Bennett's and Fon du Lac Nature Preserves represent 13.36 acres. Both DNPs, located in the west half of Section 23, Township 26 North, Range 4 West, Tazewell County, are owned and managed by the Fon du Lac Park District. The groundwater contribution area (GCA) includes parts of Sections 23, 24, 25 and 26 Township 26 North, Range 4 West, Tazewell County. The total GCA, for which Class III is proposed, which includes the nature preserves and GCA outside the nature preserves, is 0.47 square miles (302.3 acres) composed of rectangular shaped area extending southeast of the nature preserves.

Cranberry Slough Nature Preserve is located west of Palos Hills in the Forest Preserve District of Cook County. Communities at this site include wet meadow, marsh, bog and ephemeral wetlands, which depend on the specialized hydrogeologic conditions for their continued survival. The slough is home to one endangered plant species, but also supports a wide variety of specialized wetland animals, microbes and plants, 80 percent of which are native species of bog and marsh ecosystems. Cranberry Slough is a 372 acre tract of land within the Palos and Sag Valley Divisions of the Forest Preserve District of Cook County, located in the east half of Section 9 and west half of Section 10, Township 37 North, Range 12 East, Cook County. The groundwater contribution area (GCA) includes parts of Sections 3, 4, 5, 8, 9 and 10 Township 37 North, Range 12 East, Cook County. The total GCA for which Class III is proposed, which includes the nature preserve and GCA outside the nature preserve, is 2.08



square miles (1,330.2 acres) composed of an irregularly shaped area extending primarily northeast and northwest of the nature preserve.

McMahon Woods and Fen Nature Preserve is located west of Palos Hills in the Forest Preserve District of Cook County. Plant communities at this site include mesic and dry-mesic upland forest, prairie, graminoid fen and sedge meadow, which depend on the specialized hydrogeologic conditions for their continued survival. The woods and fen are home to two State-endangered plant species, one of which is Federally threatened, two State-threatened plant species, one State-endangered animal species, which is also Federally endangered. McMahon Woods and Fen is a 657.8 acre tract of land within the Palos and Sag Valley Divisions of the Forest Preserve District of Cook County, located in Section 16 and the north part of Section 21, Township 37 North, Range 12 East, Cook County. The groundwater contribution area (GCA) includes parts of Sections 9, 10 15, 16 and 21, Township 37 North, Range 12 East, Cook County. The total GCA for which Class III is proposed, which includes the nature preserve and GCA outside the nature preserve, is 1.8 square miles (1,151 acres) composed of a wedge shaped area extending predominantly northeast of the nature preserve.



EXHIBIT 1

Barber Fen Nature Preserve Class III Designation Proposal



Barber Fen Nature Preserve Class III Special Resource Groundwater Listing Notice

The Illinois Environmental Protection Agency (Illinois EPA) requests a proposed listing of Barber Fen, a dedicated nature preserve (DNP), and the area that contributes groundwater to the DNP, as Class III: Special Resource Groundwater. Under the authority of 35 Ill. Adm. Code 620.230, Class III: Special Resource Groundwater can be established for groundwater contributing to a DNP that has been listed by the Illinois EPA. The Illinois EPA is required to review a written request to list DNPs, and upon confirmation of the technical adequacy, publish the proposed listings of the DNP(s) in the Environmental Register for a 45-day public comment period. Within 60 days after the close of the comment period, the Illinois EPA is required to publish a final listing in the Environmental Register.

The Groundwater Section of the Bureau of Water at the Illinois EPA has completed its review in accordance with the criteria specified in subsection 620.230(b)(1)(A)-(E), and finds the petition to be technically adequate as described herein.

A) A general description of the site and the surrounding land use.

Barber Fen Nature Preserve is located approximately one half mile northwest of Wonder Lake in McHenry County. Barber Fen is an 87.34 acre tract of land owned in part by Rodney and Libbie Aavang and in part by the McHenry County Conservation District. The DNP is an elongated tract on the north and south sides of Nippersink Creek, located in Section 11, Township 45 North, Range 7 East, McHenry County. The groundwater contribution area (GCA) includes parts of Sections 2, 11, 12, 14, 15, 22 and 23 Township 45 North, Range 7 East, and Section 35, Township 46 North, Range 7 East, McHenry County. The total GCA, for which Class III is proposed, which includes the nature preserve and GCA outside the nature preserve, is 2.3 square miles (1,459.4 acres) composed of two generally wedge-shaped areas, one north and one south of the DNP. Land use in the proposed Class III Area is composed of approximately 60 percent agricultural land, 12 percent forested land, 1 percent wetland and approximately 27 percent residential/urbanized land.

B) A topographic map or other map of suitable scale denoting the location of the dedicated nature preserve.

See Exhibit 1, Attachment 1.

C) A general description of the existing groundwater quality at and surrounding the dedicated nature preserve.

The Illinois Natural Areas Inventory has determined that the presence of the graminoid fen community indicates that the groundwater system retains important geochemical characteristics that support the community. Groundwater monitoring at the fen reported pH ranging from 7.4 to 8.4 standard units, which is mildly alkaline. Mildly alkaline water is typical of calcareous fens. Groundwater samples collected from wells north of the DNP contained concentrations of nitrate from 1.86 to 7.94 milligrams per liter (mg/L) and chloride concentrations from 8.13 to 123.90 mg/L. Elevated concentrations of nutrients can favor invasive



species, over natural fen species which developed to thrive in low nutrient environments. Increased chloride can also favor generalist species that are more tolerant of chloride and less dependent on a bicarbonate type water.

D) A general geologic profile of the dedicated nature preserve, based on most reasonably available information, including but not limited to geologic maps and subsurface groundwater flow directions.

The geology of Barber Fen and its groundwater contribution area is derived primarily from clay rich glacial tills and glacial outwash sands and gravels. The fen occurs on both sides of Nippersink Creek, where the creek cut through the Cary Moraine. The moraine, is formed primarily of till, but above the till is approximately 30 feet of sand and gravel. This sand and gravel form the primary conduit for percolating groundwater to move from the slopes of the moraine towards the creek and eventually discharge into the fen. On the slopes of the moraine above the fen, the sand and gravel has only a thin covering of clay and soil usually about five feet thick. Within the fen itself, above the sand and gravel are alluvial deposits and in some areas, peat formed by the buildup of plant matter from the wetland.

E) A description of the interrelationship between groundwater and the nature of the site.

Plant communities at this site include graminoid fen, sedge meadow, mesic forest, wet-mesic flood plain forest, low gradient stream and pond, which depend on the specialized hydrogeologic conditions for their continued survival. The fen is home to one endangered and one threatened plant species and two endangered and one threatened animal species. In addition to the geochemical conditions that support the specialized wetland plants and animals, the influx of cool groundwater creates microclimates which allow certain species, typically found further north, to survive within Barber fen.



EXHIBIT 1

ATTACHMENT 1



BARBER FEN NATURE PRESERVE CLASS III GROUNDWATER AREA

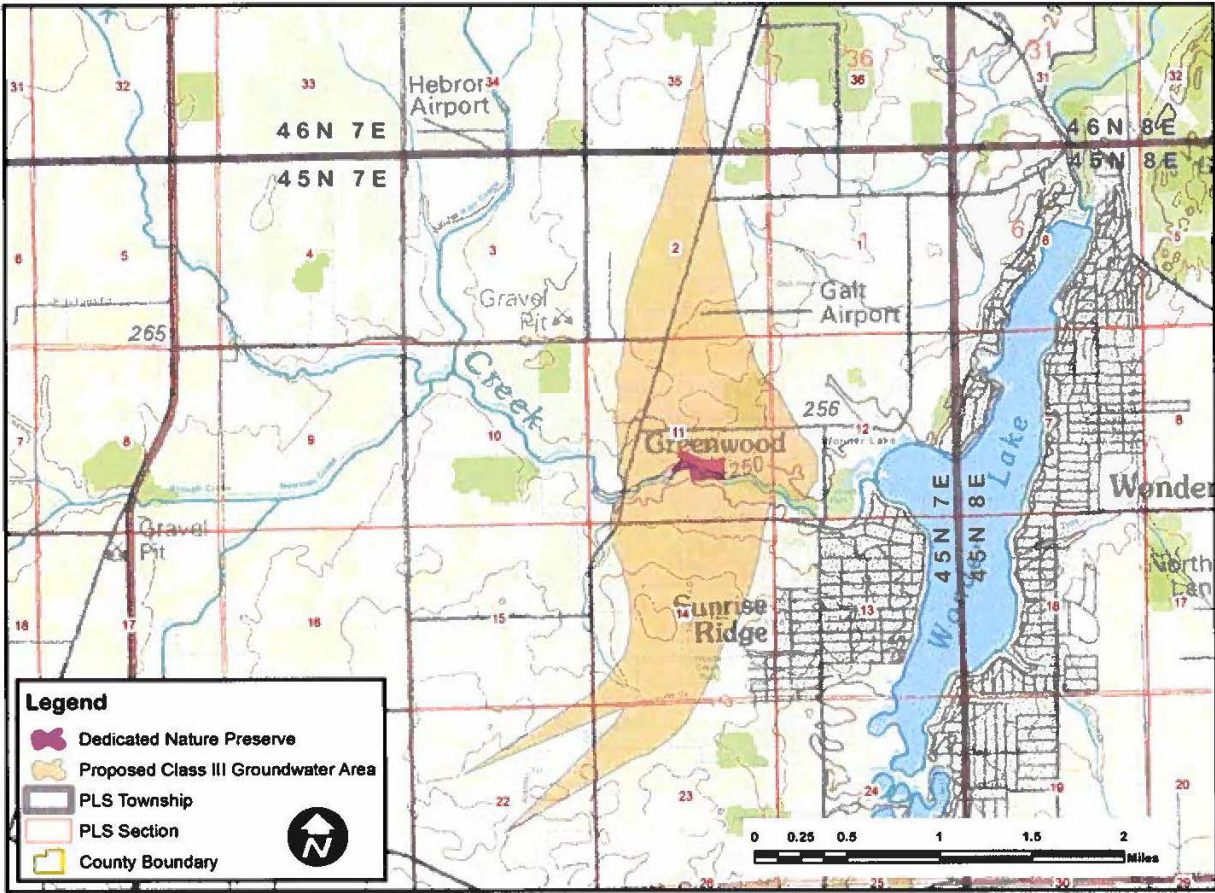


EXHIBIT 2

Bennett's Terraqueous Gardens and Fon du Lac Seep
Nature Preserves

Class III Designation Proposal



**Bennett's Terraqueous Gardens and Fon du Lac Seep Nature Preserves Class III Special Resource
Groundwater Listing Notice**

The Illinois Environmental Protection Agency (Illinois EPA) requests a proposed listing of Bennett's Terraqueous Gardens and Fon du Lac Seep, dedicated nature preserves (DNPs), and the area that contributes groundwater to the DNPs, as Class III: Special Resource Groundwater. Under the authority of 35 Ill. Adm. Code 620.230, Class III: Special Resource Groundwater can be established for groundwater contributing to a DNP that has been listed by the Illinois EPA. The Illinois EPA is required to review a written request to list DNPs, and upon confirmation of the technical adequacy, publish the proposed listings of the DNP(s) in the Environmental Register for a 45-day public comment period. Within 60 days after the close of the comment period, the Illinois EPA is required to publish a final listing in the Environmental Register.

The Groundwater Section of the Bureau of Water at the Illinois EPA has completed its review in accordance with the criteria specified in subsection 620.230(b)(1)(A)-(E), and finds the petition to be technically adequate as described herein.

A) A general description of the site and the surrounding land use.

Bennett's Terraqueous Gardens and Fon du Lac Seep are both located in the west half of Section 23, Township 26 North, Range 4 West, Tazewell County, and are owned and managed by the Fon du Lac Park District. While Terraqueous Gardens and Fon du Lac Seep were dedicated separately as nature preserves, their boundary is within 50 feet, and both DNPs are within the same Illinois Natural Areas Inventory. Given this close proximity, natural variability in groundwater flow direction makes considering a single Class III area for both DNPs a reasonable action. The groundwater contribution area (GCA) includes parts of Sections 23, 24, 25 and 26 Township 26 North, Range 4 West, Tazewell County. The total GCA, for which Class III is proposed, which includes the nature preserves and GCA outside the nature preserves, is 0.47 square miles (302.3 acres) composed of rectangular shaped area extending southeast of the nature preserves. Land use in the proposed Class III Area is composed of a trace of agricultural land, approximately 53 percent forested land, 9 percent wetland and 38 percent residential/urbanized land.

B) A topographic map or other map of suitable scale denoting the location of the dedicated nature preserve.

See Exhibit 2, Attachment 1.

C) A general description of the existing groundwater quality at and surrounding the dedicated nature preserve.

The geochemical conditions associated with fens and seeps typically result in circumneutral to mildly basic pH values. Samples of water from Bennett's Terraqueous Gardens had pH ranging from 8.3 to 8.7 standard units. Mildly alkaline water is typical of calcareous fens. The diverse nature of the plant community found



within the DNPs indicates that the groundwater retains geochemical and temperature characteristics critical to seep and fen environments.

D) A general geologic profile of the dedicated nature preserve, based on most reasonably available information, including but not limited to geologic maps and subsurface groundwater flow directions.

Some areas within the DNPs are covered by a layer of peat, derived from the vegetation which grows in the wetlands. Immediately below the peat where it exists, and immediately below the top soil where there is no peat is up to 10 feet of modern alluvium composed mostly of clay and silt and some sand or the Equality Formation, which may extend as much as 50 feet below the ground surface. The Equality Formation is primarily fine grained glacial lake deposits, but also contains sand layers which were deposited during episodes of flow. The sands contained within the modern alluvium and the Equality Formation transmit the groundwater responsible for the seeps and wetlands. Below the alluvium and lake sediments is up to 100 feet of Glasford Formation. The Glasford is primarily clay till, but may contain zones of outwash sands. The Glasford inhibits the subsurface groundwater flow from the sands causing the groundwater to come to the surface forming a wetland. The upland areas upgradient of the DNPs is composed of Glasford sediments with a mantle of Peoria Loess on top of it. The Peoria Loess near the Illinois River valley is generally silty to sandy, forming the groundwater recharge area for the DNPs.

E) A description of the interrelationship between groundwater and the nature of the site.

Groundwater discharge creates the seeps inhabited by the rare plant species in the DNPs. The diversity of plants in the DNPs is comparable to pre-settle conditions. Hydrology is the most important factor in the establishment and persistence of wetland ecosystems. Therefore, any alteration of the hydrology, groundwater temperature, pH or geochemistry could have detrimental effects on the continued vitality of these DNPs. The unique hydrology and plant communities are what led to Bennett's Terraqueous Gardens and Fon du Lac Seep being dedicated as nature preserves. Therefore, a consistent supply of high quality groundwater is essential to maintaining the important features of these DNPs.



EXHIBIT 2

ATTACHMENT 1



BENNETT'S TERRAQUEOUS GARDENS AND FON DU LAC SEEP NATURE PRESERVE CLASS III GROUNDWATER AREA

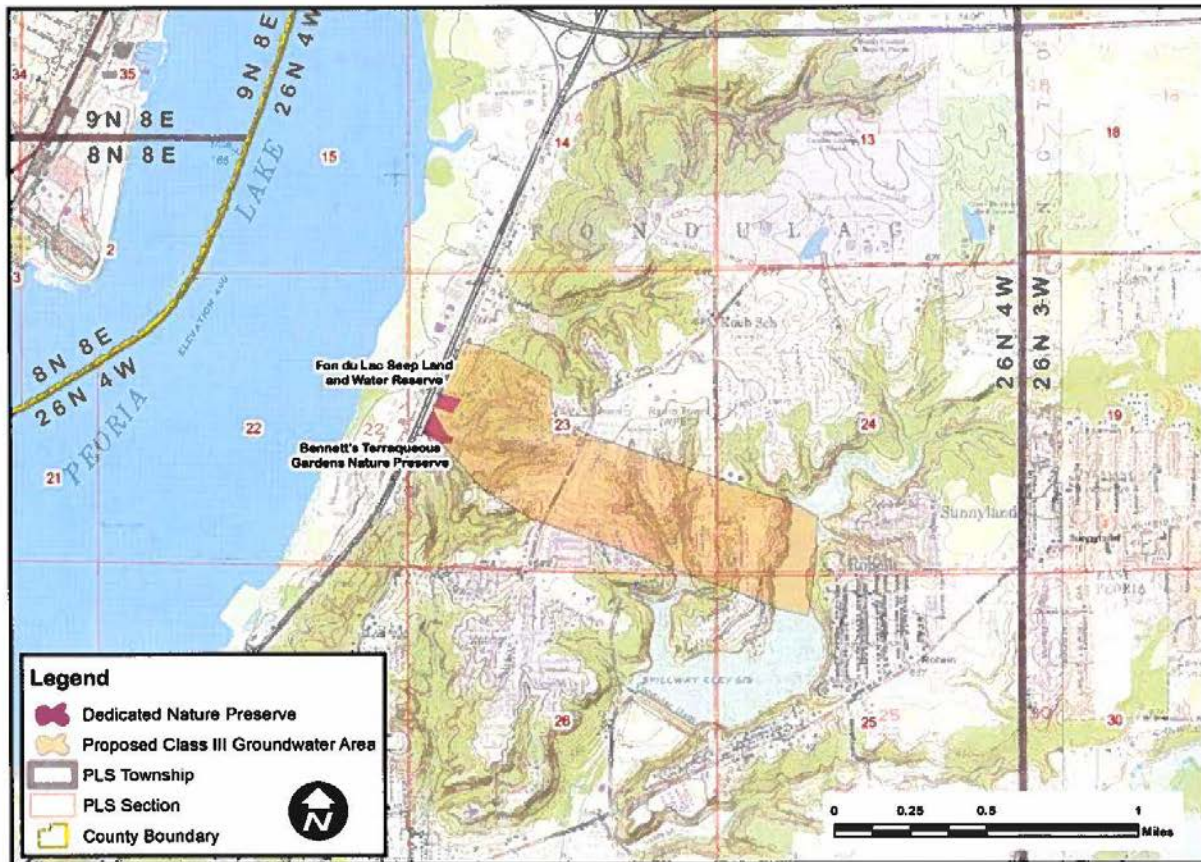


EXHIBIT 3

Cranberry Slough Nature Preserve Class III Designation Proposal



Cranberry Slough Nature Preserve Class III Special Resource Groundwater Listing Notice

The Illinois Environmental Protection Agency (Illinois EPA) requests a proposed listing of Cranberry Slough, dedicated nature preserve (DNP), and the area that contributes groundwater to the DNP, as Class III: Special Resource Groundwater. Under the authority of 35 Ill. Adm. Code 620.230, Class III: Special Resource Groundwater can be established for groundwater contributing to a DNP that has been listed by the Illinois EPA. The Illinois EPA is required to review a written request to list DNP(s), and upon confirmation of the technical adequacy, publish the proposed listings of the DNP(s) in the Environmental Register for a 45-day public comment period. Within 60 days after the close of the comment period, the Illinois EPA is required to publish a final listing in the Environmental Register.

The Groundwater Section of the Bureau of Water at the Illinois EPA has completed its review in accordance with the criteria specified in subsection 620.230(b)(1)(A)-(E), and finds the petition to be technically adequate as described herein.

A) A general description of the site and the surrounding land use.

Cranberry Slough Nature Preserve is located west of Palos Hills in the Forest Preserve District of Cook County. Cranberry Slough is a 372 acre tract of land within the Palos and Sag Valley Divisions of the Forest Preserve District of Cook County, located in the east half of Section 9 and west half of Section 10, Township 37 North, Range 12 East, Cook County. The groundwater contribution area (GCA) includes parts of Sections 3, 4, 5, 8, 9 and 10 Township 37 North, Range 12 East, Cook County. The total GCA for which Class III is proposed, which includes the nature preserve and GCA outside the nature preserve, is 2.08 square miles (1,330.2 acres) composed of an irregularly shaped area extending primarily northeast and northwest of the nature preserve. Land use in the proposed Class III Area is composed of approximately 10 percent agricultural land, 61 percent forested land, 12 percent wetland and 17 percent residential/urbanized land.

B) A topographic map or other map of suitable scale denoting the location of the dedicated nature preserve.

See Exhibit 3, Attachment 1.

C) A general description of the existing groundwater quality at and surrounding the dedicated nature preserve.

The diverse nature of the plant community found within the DNP indicates that the groundwater retains important geochemical and temperature characteristics. Monitoring has been conducted from three separate water bodies within the DNP, all of which receive a variable groundwater contribution. The following values were collected in July during the early afternoon hours: Temperature as degrees Fahrenheit 70.2, 83.5 and 72.0; pH in standard units 7.7, 8.4 and 7.9; Specific Conductivity in micro-siemens per cubic centimeter



510, 190 and 790; and Oxidation Reduction Potential in millivolts -133, -31 and 64, from West Stream, West Kettle Pond and Wetland along 95th Street near Route 45, respectively.

D) A general geologic profile of the dedicated nature preserve, based on most reasonably available information, including but not limited to geologic maps and subsurface groundwater flow directions.

The geologic materials in the DNP and the groundwater contribution area are composed primarily of clay rich glacial tills that are approximately 100 feet thick. However, the upper portion of the clay tills are interbedded with layers of glacial outwash sand and gravel. These sands and gravels are the source of the groundwater which create the marshes and wetlands within the DNP. The thick clay till below the sand and gravel impede further infiltration of precipitation, leading to groundwater discharge and wetland formation in topographically lower areas.

E) A description of the interrelationship between groundwater and the nature of the site.

Communities at this site include wet meadow, marsh, bog and ephemeral wetlands, which depend on the specialized hydrogeologic conditions for their continued survival. The shallow sand and gravel provide a permeable medium through which abundant groundwater can migrate to the surface as its downward infiltration is impeded by thick low permeability clays. The slough is home to one endangered plant species, but also supports a wide variety of specialized wetland animals, microbes and plants, 80 percent of which are native species of bog and marsh ecosystems, all of which rely on a consistent supply of high quality groundwater to maintain the important features of this DNP.



EXHIBIT 3

ATTACHMENT 1



CRANBERRY SLOUGH NATURE PRESERVE CLASS III GROUNDWATER AREA

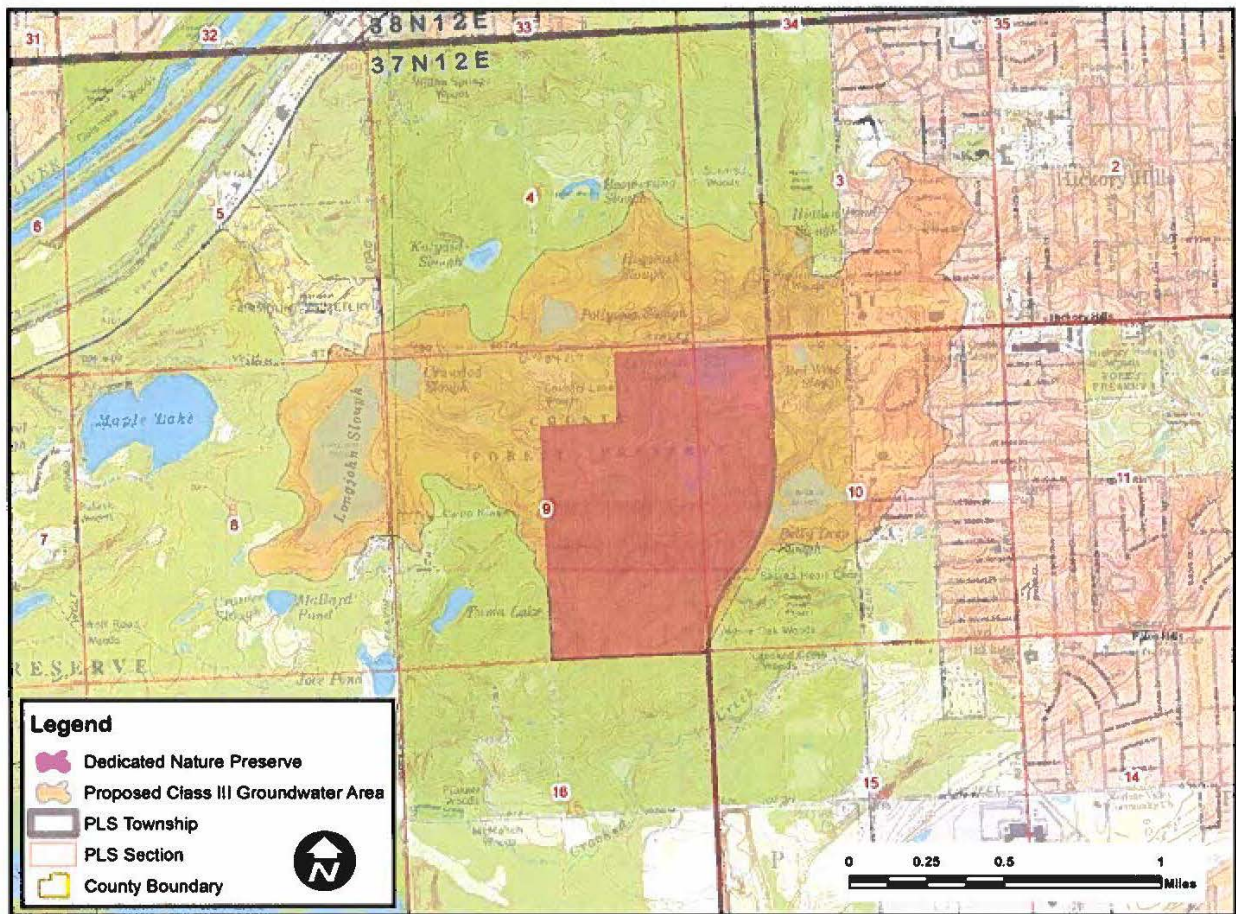


EXHIBIT 4

McMahon Woods and Fen Nature Preserve Class III Designation Proposal



McMahon Woods and Fen Nature Preserve Class III Special Resource Groundwater Listing Notice

The Illinois Environmental Protection Agency (Illinois EPA) requests a proposed listing of McMahon Woods and Fen, a dedicated nature preserve (DNP), and the area that contributes groundwater to the DNP, as Class III: Special Resource Groundwater. Under the authority of 35 Ill. Adm. Code 620.230, Class III: Special Resource Groundwater can be established for groundwater contributing to a DNP that has been listed by the Illinois EPA. The Illinois EPA is required to review a written request to list DNPs, and upon confirmation of the technical adequacy, publish the proposed listings of the DNP(s) in the Environmental Register for a 45-day public comment period. Within 60 days after the close of the comment period, the Illinois EPA is required to publish a final listing in the Environmental Register.

The Groundwater Section of the Bureau of Water at the Illinois EPA has completed its review in accordance with the criteria specified in subsection 620.230(b)(1)(A)-(E), and finds the petition to be technically adequate as described herein.

A) A general description of the site and the surrounding land use.

McMahon Woods and Fen Nature Preserve is located west of Palos Hills in the Forest Preserve District of Cook County. McMahon Woods and Fen is a 657.8 acre tract of land within the Palos and Sag Valley Divisions of the Forest Preserve District of Cook County, located in Section 16 and the north part of Section 21, Township 37 North, Range 12 East, Cook County. The groundwater contribution area (GCA) includes parts of Sections 8, 9, 10 15, 16, 17 and 21, Township 37 North, Range 12 East, Cook County. The total GCA for which Class III is proposed, which includes the nature preserve and GCA outside the nature preserve, is 1.8 square miles (1,151 acres) composed of a wedge-shaped area extending predominantly northeast of the nature preserve. Land use in the proposed Class III Area is composed of approximately 15 percent agricultural land, 75 percent forested land, 7 percent wetland and approximately 3 percent residential/urbanized land.

B) A topographic map or other map of suitable scale denoting the location of the dedicated nature preserve.

See Exhibit 4, Attachment 1.

C) A general description of the existing groundwater quality at and surrounding the dedicated nature preserve.

Monitoring has detected elevated chloride concentrations in Crooked Creek, which flows through the DNP. Further, 104th Avenue appears to contribute some chloride in the western portion of the DNP. However, the presence of the graminoid fen, wet meadow and seep ecosystems and the rare communities they support at this DNP indicate that the groundwater system retains important flow and geochemical characteristics the natural inhabitants rely upon. Increased chloride can favor generalist species that are more tolerant of



chloride and less dependent on a bicarbonate type water. Therefore, maintaining a high-quality groundwater resource is key to offsetting the surface water inputs that may damage the ecosystems in the DNP.

D) A general geologic profile of the dedicated nature preserve, based on most reasonably available information, including but not limited to geologic maps and subsurface groundwater flow directions.

The geology of McMahon Woods and Fen varies considerably from north to south. The northern part of the DNP is dominated by a ridge of thick clay tills, with some interbedded glacial outwash sand and gravel. The northern portion of the DNP is approximately 100 feet higher than the southern edge of the DNP. With a southward progression down the slope, there is an increasing thickness of outwash sand and gravel with a reduced proportion of interbedded clay. At the southern end of the DNP, along the Calumet-Saganashkee Channel, thin clay or sand and gravel deposits overlie Silurian age dolomite.

E) A description of the interrelationship between groundwater and the nature of the site.

Groundwater within the DNP is derived from two sources. The glacial outwash sands and gravels contribute groundwater to wetlands that occur along the slopes of the upland areas. However in the low lying areas in the southern part of the DNP, outwash sand and gravel in addition to Silurian age dolomite contribute groundwater to the wetlands. Plant communities at this site include graminoid fen, sedge meadow, mesic forest, wet-mesic flood plain forest, low gradient stream and pond, which depend on the mildly basic groundwater and specialized hydrogeologic conditions for their continued survival. The DNP is home to two endangered and two threatened plant species and one endangered animal species. In addition to the geochemical conditions that support the specialized wetland plants and animals, the influx of cool groundwater creates microclimates which allow certain species to survive within McMahon Woods and Fen. Therefore, a consistent supply of high quality groundwater is essential to maintaining the important features of these DNPs.

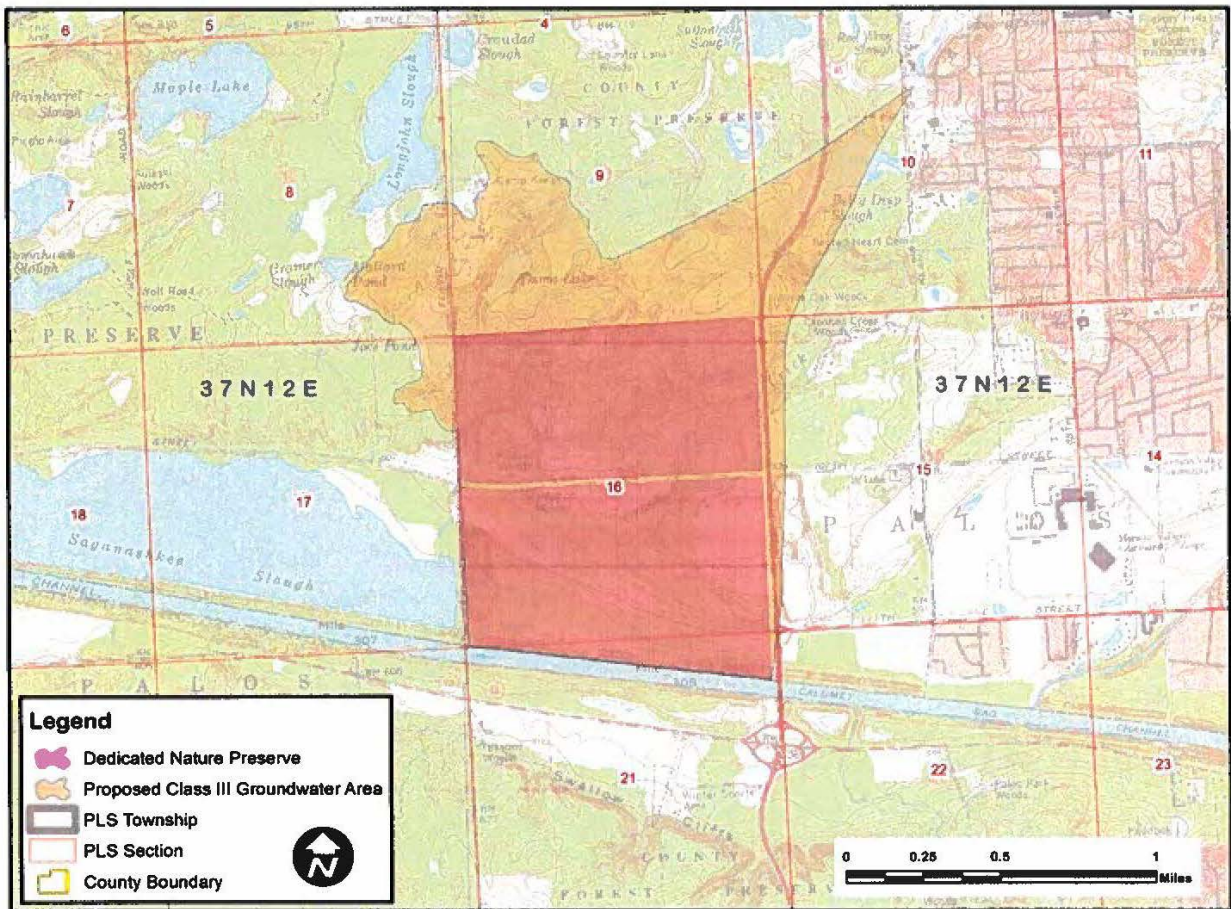


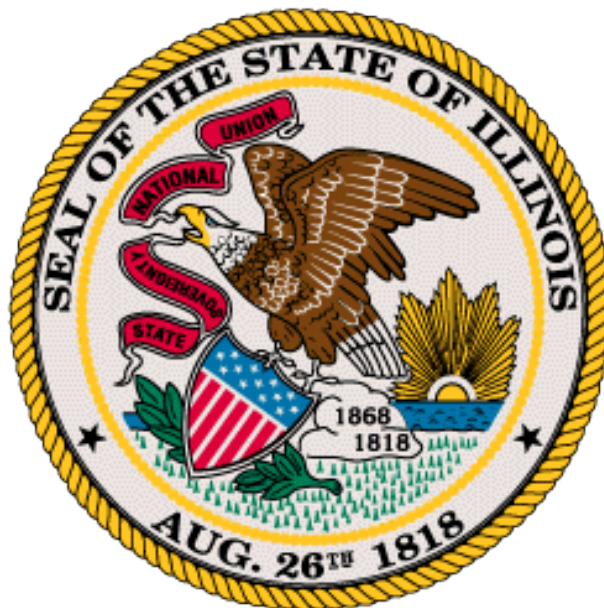
EXHIBIT 4

ATTACHMENT 1



MCMAHON WOODS AND FEN NATURE PRESERVE CLASS III GROUNDWATER AREA





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