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Letter from the Chairman

During the 2004 legislative session, the Illinois Pollution Control Board monitored a number of bills relating to environmental protection. Governor Rod Blagojevich recently signed two of those bills into law.

House Bill 5823 amends Section 42 of the Environmental Protection Act. It provides that an injunction requested by the proper State's Attorney or the Attorney General in order to restrain violations of the Environmental Protection Act, rules or regulations adopted under the Act, a permit or the term or condition of a permit, or any order of the Board, may be prohibitory or mandatory. The bill further provides that the injunction may also be requested in order to require other actions that may be necessary to address these violations.

The bill responds to a recent ruling of the Second District Appellate Court in a case involving AgPro, an Ogle County agricultural pesticide and fertilizer company, and its president. The trial court found that the defendants had caused ground contamination and water pollution, but because AgPro had not operated for years, the court reasoned that there was no longer any violation to restrain. The court further found that it did not have a legal basis to issue an injunction that required the defendants to perform remediation. In January, the Appellate Court affirmed the denial of the State's request for a mandatory injunction requiring a clean-up.

House Bill 5823 allows courts to order an injunction specifying that polluters remedy environmental contamination. The bill, sponsored by Representative Barbara Flynn Currie of Chicago and Senator William Haine of Alton and supported by Attorney General Lisa Madigan, took effect upon becoming law as Public Act 93-0831 on July 28, 2004.

Governor Blagojevich also recently signed House Bill 4567, which amends the Illinois Procurement Code. The bill provides that no person or business found by a court or the Pollution Control Board to have committed a willful or knowing violation of the Environmental Protection Act shall do business with the State of Illinois or any state agency for five years after the date of the order finding the violation. Before the adoption of this bill, the procurement ban applied only to violations of a specified section of the Act.

House Bill 4567, sponsored by Representative Ricca Slone of Peoria and Senator John Cullerton of Chicago and supported by Attorney General Lisa Madigan, took effect upon becoming law as Public Act 93-0826 on July 28, 2004.

As it has in the past, the Board will be a co-sponsor of the Illinois Environmental Conference on October 7-8 in Chicago. This year's meeting, entitled "Evolutions in Law & Policy," will include a wide range of speakers. We will have more information about this conference in upcoming issues of the *Environmental Register*. If you have questions in the meantime, please contact the Chicago Bar Association's ticketing department at 312-554-2000 or e-mail their continuing legal education department at cle@chicagobar.org.

Sincerely,



J. Philip Novak
Chairman



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Federal Update

United States Environmental Protection Agency Publishes a Notice of Intent To Re-Evaluate the Aquatic Life Ambient Water Quality Criteria for Ammonia Under the Clean Water Act

On July 8, 2004 (69 Fed. Reg. 41262), the United States Environmental Protection Agency (USEPA) published a notice of intent to re-evaluate the aquatic life ambient water quality criteria for ammonia. Section 304(a) of the Clean Water Act (CWA) authorizes the USEPA to develop and publish, and from time to time revise, criteria recommendations for water accurately reflecting the latest scientific knowledge. In this notice, USEPA publicized its intent to re-evaluate the current aquatic life criteria for ammonia to determine if a revision is warranted based on new toxicity data for aquatic organisms. USEPA also solicited any additional pertinent toxicity data or information that may be useful in re-evaluating these criteria.

Data and information must be submitted to USEPA on or before August 9, 2004.

For further information contact Amie Howell, U.S. Environmental Protection Agency, Office of Water, Health and Ecological Criteria Division (4304T), 1200 Pennsylvania Avenue, NW., Washington, DC 20460. (202) 566-1143, email at howell.amie@epa.gov.

If USEPA adopts final rules revising this standard, the Board would anticipate that the Illinois Environmental Protection Agency (IEPA) would determine whether any amendments to the State's water rules are necessary, as part of the triennial review of the State's water rules required by the Clean Water Act. If so, the Board would expect to receive a regulatory proposal from the IEPA under Section 27 or 28.2 of the Environmental Protection Act (415 ILCS 5/27, 28.2 (2002)).

United States Environmental Protection Agency Adopts Amendments Under the Clean Water Act to the National Pollutant Discharge Elimination System to Establish Requirements for Cooling Water Intake Structures at Phase II Existing Power Generating Facilities

On July 9, 2004 (69 Fed. Reg. 41575), the United States Environmental Protection Agency (USEPA) adopted final amendments to the National Pollutant Discharge Elimination System (NPDES) regulations to establish requirements for cooling water intake structures at Phase II existing facilities.

The final rule implements section 316(b) of the Clean Water Act (CWA). The rule covers certain existing power producing facilities that employ a cooling water intake structure and are designed to withdraw 50 million gallons per day (MGD) or more of water for cooling purposes from rivers, streams, lakes, reservoirs, estuaries, oceans, or other waters of the United States. The final rule constitutes Phase II of USEPA's section 316(b) regulation

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development and establishes national requirements, and procedures for implementing those requirements, applicable to the location, design, construction, and capacity of cooling water intake structures at these facilities.

The rule applies to existing facilities that, as their primary activity, both generate and transmit electric power or generate electric power but sell it to another entity for transmission. USEPA states that the requirements, which will be implemented through NPDES permits, are based on the best technology available to minimize the adverse environmental impact associated with the use of cooling water intake structures. With the implementation of the final rule, USEPA intends to minimize the adverse environmental impact of cooling water intake structures by reducing the number of aquatic organisms lost as a result of water withdrawals associated with these structures. The final rule establishes performance standards that are projected to reduce impingement mortality by 80 to 95 percent and, if applicable, entrainment by 60 to 90 percent.

This regulation is effective September 7, 2004.

For further information contact Martha Segall at (202) 566-1041 or Debra Hart at (202) 566-6379. The e-mail address for the above contacts is rule.316b@epa.gov.

The Board anticipates that the Illinois Environmental Protection Agency (IEPA) will determine, as part of the triennial review of the State's water rules required by the CWA, whether any amendments to the State's water rules are necessary as a result of this federal action. If so, the Board would expect to receive a regulatory proposal from the IEPA under Section 27 or 28.2 of the Environmental Protection Act (415 ILCS 5/27, 28.2 (2002)).

United States Environmental Protection Agency Adopts Direct Final Rule Approving Site-Specific Revisions to the Illinois State Implementation Plan for Argonne National Laboratory, DuPage County

On July 28, 2004 (69 Fed. Reg. 45003), the United States Environmental Protection Agency (USEPA) adopted a direct final that finalized approval of a site-specific revision to the Illinois volatile organic compound (VOC) State Implementation Plan (SIP) for Argonne National Laboratory's (Argonne) degreasing operations. At the same time, USEPA and published an identical proposed rulemaking.

Argonne is a United States government-owned research and development facility in Argonne, DuPage County, Illinois. The Illinois Environmental Protection Agency (IEPA) requested that USEPA approve an adjusted standard that was granted by the Board in Petition of Argonne National Laboratory for an Adjusted Standard from 35 Ill. Adm. Code 218.182, AS 03-04 (December 18, 2003). The adjusted standard is from Illinois' cold cleaning regulations for Argonne's solvent cleaning operations. Argonne's research activities require sample surface areas to be completely free of any residual contamination. This necessitates the use of cleaning solvents that exceed the vapor pressure limitations of Illinois' cold cleaning regulations. The Board found that Argonne had fulfilled the requirements for an adjusted standard set out in Section 28.1 of the Environmental Protection Act, 415 ILCS 5/28.1 (2002), and the Board's rules.

USEPA stated that it was approving the adjusted standard because there are no feasible alternatives for the preparation of sample materials and associated apparatus used for research and development at Argonne's Du Page facility, and also because no more than one ton per year of solvents are used for cold cleaning.

If USEPA receives adverse comments on the proposed rule, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on the proposed rule. USEPA will not institute a second comment period on this action.

Written comments must be received on or before August 27, 2004 and should be sent to: J. Elmer Bortzer, Chief, Air Programs Branch (AR-18J), EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, email at bortzer.jay@epa.gov.

For further information contact Steven Rosenthal, Environmental Engineer, Criteria Pollutant Section, Air Programs Branch (AR-18J), EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6052, email at rosenthal.steven@epa.gov.

United States Environmental Protection Agency Adopts National Emission Standards for Hazardous Air Pollutants for Plywood and Composite Wood Products Under the Clean Air Act and Effluent Limitations Guidelines and Standards for the Timber Products Point Source Category Under the Clean Water Act

On July 30, 2004 (69 Fed. Reg. 45943), the United States Environmental Protection Agency (USEPA) adopted national emission standards for hazardous air pollutants (NESHAP) for the plywood and composite wood products (PCWP) source category under the Clean Air Act (CAA) and revisions to the effluent limitations, guidelines and standards for the timber products processing source category under the Clean Water Act (CWA).

USEPA has determined that the PCWP source category contains major sources of hazardous air pollutants (HAP), including, but not limited to, acetaldehyde, acrolein, formaldehyde, methanol, phenol, and propionaldehyde. These HAP are associated with a variety of adverse health effects that include chronic health disorders (e.g., damage to nasal membranes, gastrointestinal irritation) and acute health disorders (e.g., irritation of eyes, throat, and mucous membranes, dizziness, headache, and nausea). Three of the six primary HAP emitted have been classified as probable or possible human carcinogens.

This NESHAP will implement section 112(d) of the CAA by requiring all major sources subject to the final rule to meet HAP emission standards reflecting the application of the maximum achievable control technology. USEPA expects that the final rule will reduce HAP emissions from the PCWP source category by approximately 5,900 to 9,900 megagrams per year (Mg/yr) (6,600 to 11,000 tons per year (tons/yr)). In addition, USEPA expects the final rule will reduce emissions of volatile organic compounds by 13,000 to 25,000 Mg/yr (14,000 to 27,000 tons/yr).

The adoption of the NESHAP prompted USEPA to make related amendments to its rules implementing the CWA. USEPA amended the effluent limitations, guidelines and standards for the timber products processing point source category (veneer, plywood, dry process hardboard, particleboard manufacturing subcategories). The amendments adjust the definition of “process wastewater” to exclude certain sources of wastewater generated by air pollution control devices. These devices are expected to be installed to comply with the final PCWP NESHAP.

Finally, USEPA also amended the list of categories that was developed pursuant to section 112(c)(1) of the CAA. USEPA delisted a low-risk subcategory of the PCWP source category. This action was taken in part to respond to comments submitted by the American Forest & Paper Association and in part upon the Administrator's own motion, pursuant to section 112(c)(9) of the CAA. This action is based on USEPA's evaluation of the available information concerning the potential hazards from exposure to HAP emitted by PCWP affected sources, and includes a detailed rationale for removing low-risk PCWP affected sources from the source category list.

The final NESHAP and the amendments to the effluent guidelines are effective September 28, 2004.

For information concerning test methods, sampling, and monitoring information, contact Mr. Gary McAlister, Source Measurement Analysis Group, Emission Monitoring and Analysis Division (D243-02), U.S. EPA, Research Triangle Park, North Carolina 27711, telephone number (919) 541-1062, e-mail address mcalister.gary@epa.gov. For information concerning the effluent guidelines, contact Mr. Donald Anderson, Engineering and Analysis Division (4303T), U.S. EPA, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, telephone number (202) 566-1021, e-mail address anderson.donaldf@epa.gov.

Once adopted by the USEPA, NESHAP rules are applicable and enforceable under the Act without further action by the Board. See Section 9.1(b) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(b) (2002)). But, the Board must adopt amendments to the effluent guidelines before they become effective. The Board anticipates that the Illinois Environmental Protection Agency (IEPA) will determine, as part of the triennial review of the State's water rules required by the CWA, whether any amendments to the State's water rules are necessary as a result of this federal action. If so, the Board would expect to receive a regulatory proposal from the IEPA under Section 27 or 28.2 of the Environmental Protection Act (415 ILCS 5/27, 28.2 (2002)).

Appellate Update

Illinois Supreme Court Vacates Advisory Order But Denies Leave to Appeal in Watson v. County Board of Kankakee County, et al., No. 98139 (July 16, 2004) (PCB 03-134 (cons. with PCB 03-125, 03-133 and 03-135))

In a July 16, 2004 order, the Illinois Supreme Court vacated a supervisory order it had issued May 26, 2004 as part of its denial of a petition for leave to appeal. Watson v. County Board of Kankakee County, Illinois, Waste Management of Illinois, Inc., City of Kankakee, Illinois Pollution Control Board, Merlin Karlock, and Keith Runyon, No. 98139 (July 16, 2004). In so doing, the Supreme Court avoided a procedural anomaly that would have left parties unsure as to which parties must be named in an appeal of a Board decision under Supreme Court Rule 335. (155 Ill.2d R335).

As reported in a previous issue of the *Environmental Register* (No. 597, March 2004 at p.7), in a February 26, 2004 final unpublished order under Supreme Court Rule 23 (155 Ill.2d R. 23), in Watson v. County Board of Kankakee County, Illinois, Waste Management of Illinois, Inc., City of Kankakee, Merlin Karlock, and Keith Runyon, No. 3-03-0919, the Third District Appellate Court dismissed Michael Watson's appeal for lack of jurisdiction. When filing the appeal, Watson did not name the Board as a party respondent. The Board argued that the appellant's failure to name all necessary parties of record pursuant to Supreme Court Rule 335 was a fatal error. On March 2, 2004, the Court denied Watson's motion for leave to file an amended petition for review.

That issue also reported that, in an affidavit mailed March 5, 2004, Michael Watson advised the Board of his intent to file a petition for leave to appeal with the Illinois Supreme Court under Supreme Court Rule 315 (155 Ill. 2d R 315). The Supreme Court received and docketed the appeal as Watson v. County Board of Kankakee County, Illinois, Waste Management of Illinois, Inc., City of Kankakee, Illinois Pollution Control Board, Merlin Karlock, and Keith Runyon, No. 98139 (filed March 31, 2004). On May 26, 2004 the Supreme Court denied the petition for leave to appeal. But, the Court went on to say that

In the exercise of this Court's supervisory authority, the Appellate Court, Third District, is directed to allow the petition in Watson v. County Board of Kankakee County, case No.3-03-0919, to file an amended petition for review.

The result of the Court's supervisory order would have been that Watson would have received exactly the same relief he would have received if he had been allowed to proceed with his appeal in the Supreme Court, and had won that appeal.

This would have had the unusual procedural result of leaving the Board and the other parties with no opportunity to defend the Third District's dismissal order.

So, the Board filed in the Supreme Court a motion for leave to file a motion to reconsider entry of the May 26, 2004 supervisory order. In that motion, the Board argued that the dismissal had been consistent with Supreme Court Rule 335, the Administrative Review Law (735 ILCS 5/3-101 et seq. (2002)), and the Supreme Court's prior holdings on the issue. *See esp. McGaughy v. Illinois Human Rights Commission*, 165 Ill.2d 1, 649 N.E.2d 404 (1995) as reaffirmed in ESG Watts v. Pollution Control Board, 191 Ill.2d 26, 727 N.E.2d 1022 (2000). The Board also cited the comment of a justice in a recent dissent that "where an appellate court has complied with the controlling law in Illinois, a supervisory order is inappropriate." People v. Davis, 207 Ill. 2d 611, 807 N.E.2d 371, 372 (2004 (J. Garman, dissenting)).

On July 16, 2004, the Supreme Court entered an order that stated in pertinent part that:

[T]he motion for leave to file a motion for reconsideration of the supervisory order, is allowed. The motion for reconsideration is allowed. The supervisory order entered on May 26, 2004, is vacated. The petition for leave to appeal remains denied. (Emphasis in original).

The Supreme Court's denial of Watson's petition for leave to appeal leaves undisturbed the Third Appellate District's dismissal of Watson's appeal. Still pending in the Third District is Waste Management's appeal of the Board's August 7, 2003 decision. Waste Management of Illinois, Inc. v. Illinois Pollution Control Board, County of

Kankakee, County Board of Kankakee, City of Kankakee, Merlin Karlock, Keith Runyon and Michael Watson, No. 3-03-0924.

The underlying case, PCB 03-134, is one of four consolidated cases involving the same local siting decision, all decided by the Board in a single opinion and order. City of Kankakee v. County of Kankakee, Kankakee County Board and Waste Management of Illinois, Inc.; Merlin Karlock v. County of Kankakee, Kankakee County Board and Waste Management of Illinois; Michael Watson v. County Board of Kankakee County, Illinois and Waste Management of Illinois, Inc.; Keith Runyon v. County of Kankakee, Kankakee County Board, and Waste Management of Illinois, Inc., PCB 03-125, PCB 03-133, PCB 03-134, PCB 03-135 (cons.) (August 7, 2003).

On January 31, 2003, the Kankakee County Board reached a decision granting site location approval, with conditions, to Waste Management of Illinois, Inc. for a “regional pollution control facility.” Waste Management sought approval to expand around its existing 179-acre site, to result in an expanded site covering 664 acres, with a 302-acre disposal site. The County of Kankakee, as well as Michael Watson, owner of United Disposal Systems (a competitor to Waste Management), and two individual citizens (Merlin Karlock and Keith Runyon) each filed separate appeals of the same County decision. The various appeals argued that the County lacked jurisdiction to decide siting (raised by all petitioners save Runyon), that the County proceedings were fundamentally unfair, and that the County decision finding that the statutory siting criteria had been met was against the manifest weight of the evidence.

In its August 7, 2003 opinion and order, the Board determined that the County lacked jurisdiction to decide the application because Waste Management had improperly failed to notify all landowners as required by Section 39.2 (b) of the Environmental Protection Act. (415 ILCS 5/39.2(b)) (2002). The Board accordingly vacated the County decision without reaching the other issues presented. (On the same day, in a separate order in a separate case, the Board granted Waste Management’s motion to withdraw its appeal of the conditions the County had imposed on its grant of siting approval. See Waste Management of Illinois, Inc. v. Kankakee County Board, PCB 04-144 (August 7, 2003)).

Watson sought Board reconsideration of a finding regarding certified mail service of a landowner, as well as the finding that he did not qualify for an exemption as a “citizen’s group” from payment to the city to pay record preparation costs under Section 39.2(n) of the Act and 35 Ill. Adm. Code 107.306. The Board denied motions for reconsideration by Watson and others by summary order of October 16, 2003.

Rule Update

Board Adopts Final Opinion and Order in Wastewater Pretreatment Update, USEPA Amendments (July 1, 2003 through December 31, 2003) (R04-18)

On July 8, 2004, the Board adopted a final opinion and order in Wastewater Pretreatment Update, USEPA Amendments (July 18, 2003 through December 31, 2003) (R04-18). The Board adopted amendments to its wastewater pretreatment regulations that are “identical-in-substance” to wastewater pretreatment regulations adopted by the United States Environmental Protection Agency (USEPA). These are rules adopted by the USEPA pursuant to sections 307(b), (c), and (d) and 402(b)(8) and (b)(9) of the Federal Water Pollution Control Act (FWPCA) (33 USC §§ 1317(b), (c), and (d) and 1342(b)(8) and (b)(9) (1994)).

The Board received no comments on, and made no changes to, the proposal it adopted for public comment that was published in the *Illinois Register* on April 30, 2004 at 28 Ill. Reg. 6532 (Part 307) and 6555 (Part 310). The adopted rulemaking was sent to the Secretary of State’s Index department for publication in the July 30, 2004 *Illinois Register*.

The amendments adopted by the Board are based on two rulemakings adopted by USEPA. The first rulemaking from December 22, 2003 (68 Fed. Reg. 71014) related to discharges from facilities in the centralized waste treatment point source category. USEPA deleted certain effluent limitations and pretreatment standards. USEPA deleted the selenium limitations and standards from certain segments of 40 C.F.R. 437, Subpart A, which applies to

the metals treatment and recovery subcategory. USEPA also deleted the barium, molybdenum, antimony, and titanium limitations and standards from certain segments of 40 C.F.R. 437, Subpart B, which applies to the oils treatment and recovery subcategory. USEPA next deleted the molybdenum, antimony, aniline, and 2,3-dichloroaniline limitations and standards from certain segments of 40 C.F.R. 437, Subpart C, which applies to the organics treatment and recovery subcategory. Finally, USEPA amended segments of 40 C.F.R. 437, Subpart D, which applies to the multiple wastestream subcategory, to reflect the amendments to the amendments to Subparts A through C. Other USEPA amendments related only to direct dischargers, and not to wastewater pretreatment.

The only other federal action included in this update related to amendments adopted by USEPA on July 21, 2003 (68 Fed. Reg. 43272), which amended the methods for analysis of water and wastewater. The amendments incorporated new methods for analysis of microbiological contaminants: *Escherichia coli*, *Cryptosporidium*, and *Giardia* in fresh water and for enterococci in marine waters. The methods are published by a variety of sources, but all are listed in 40 C.F.R. 136.3. USEPA corrected the July 21, 2003 amendments on September 19, 2003 (68 Fed. Reg. 54934).

Copies of the Board's opinion and order in R04-18 may be obtained by calling Dorothy Gunn at 312-814-3620, or by downloading copies from the Board's Web site at www.ipcb.state.il.us.

For additional information contact Michael J. McCambridge at 312-814-6924; e-mail address mccambm@ipcb.state.il.us

Board Adopts First Notice Opinion and Order in Revisions to Radium Water Quality Standards: Proposed New 35 Ill. Adm. Code 302.307 and Amendments to 35 Ill. Adm. Code 302.207 and 302.525 (R04-21)

On July 8, 2004 the Board adopted a first notice opinion and order in Revisions to Radium Water Quality Standards: Proposed New 35 Ill. Adm. Code 302.307 and Amendments to 35 Ill. Adm. Code 302.207 and 302.525 (R04-21). The rulemaking was filed with the Secretary of State's Index Department and published in the *Illinois Register* on August 6, 2004 at 28 Ill Reg. 10887.

This rulemaking is based on a January 13, 2004 proposal filed by the Illinois Environmental Protection Agency (IEPA). IEPA seeks to amend the Board's water quality standards for radium at 35 Ill. Adm. Code 302. The Board has held two hearings in this rulemaking, the first hearing was held on April 1, 2004, at the James R. Thompson Center in Chicago and the second hearing was held on May 6, 2004, at the Board's offices in Springfield.

The proposed changes to Sections 302.207 and 302.525 eliminate the existing general use and Lake Michigan (respectively) water quality standards for radium 226, yet retain the existing radioactivity standards for gross beta particle activity and strontium 90. The proposed new Section 302.307 establishes a public and food processing water supply standard for radium 226 and 228 combined of 5 pCi/L.

The IEPA states that these proposed amendments correspond to the United States Environmental Protection Agency's Maximum Contaminant Level for finished drinking water. This final drinking water standard became effective December 8, 2003 (National Primary Drinking Water Regulations; Radionuclide; Final Rule. 65 Fed. Reg. 76707 (Dec. 7, 2000)). The Board adopted these federal amendments in its identical in substance rulemaking SDWA Update, USEPA Amendments (July 1, 2000 through December 31, 2000) (R01-20) at 25 Ill. Reg. 13611, effective October 9, 2001.

In its first notice opinion and order, the Board also decided to schedule a third hearing, to be held after the publication of the first notice in the Illinois Register. The Board did so in response to a motion and a request made in public comments. In its June 2, 2004 motion for a third hearing WRT Environmental (Illinois), L.L.C. (WRT) opposed the IEPA's proposal. WRT Environmental commented that all radium or uranium removal processes generate radioactive residuals, yet many communities do not have the expertise to safely handle, transport, or dispose of radioactive residuals. WRT Environmental indicated that at a third hearing it would discuss the technical feasibility, economic reasonableness, and environmental impact of the proposal, and the infeasibility or unreasonableness of the existing standards. The City of Joliet (Joliet) and the IEPA both responded in opposition to the motion for a third hearing, suggesting that it would unnecessarily delay the rulemaking.

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On June 3, 2004, the Environmental Law and Policy Center (ELPC) filed a public comment urging the Board to reserve judgment on the proposal. The ELPC contended that the record lacks information regarding the potential effect of radium on aquatic life and the costs of utilizing processes for removing radium from drinking water that do not result in the discharge of radium.

The Board determined that the scheduling of a third hearing after the first notice publication would allow for further record development while minimizing any delay to the proceedings. In a July 14, 2004 hearing officer order, the hearing was set for August 25, 2004 in the Board's Springfield office. The hearing officer order also established requirements for the pre-filing of testimony to expedite the proceeding.

Copies of the Board's opinion and orders and the hearing officer's orders in R04-21 may be obtained by calling Dorothy Gunn at 312-814-3620, or by downloading copies from the Board's Web site at www.ipcb.state.il.us.

For additional information contact the hearing officer, Amy Antonioli at 312/814-3665; email address antoniao@ipcb.state.il.us.

Board Adopts Final Opinion and Order in Proposed Site Specific Regulation Applicable to Ameren Energy Generating Company, Elgin, Amending 35 Ill. Adm. Code Part 901 (R04-11)

On July 22, 2004 the Board adopted a final opinion and order in Proposed Site Specific Regulation Applicable to Ameren Energy Generating Company, Elgin, Amending 35 Ill. Adm. Code Part 901 (R04-11). The Board did not make any substantive changes to the proposal it adopted for first notice on November 6, 2003 (published in the *Illinois Register* on November 21, 2003 at 27 Ill Reg. 17349). The adopted rulemaking was filed with the Secretary of State's Index department and will be published in the August 13, 2004 issue of the *Illinois Register*.

The site-specific rulemakings adopts adjusted noise levels for the Ameren Energy Generating Company (Ameren) facility in Elgin (Cook County). (Facilities of this type are commonly known as "peaker plants" which generate power during periods of peak demand.) See In the Matter of: Natural Gas-Fired, Peak-Load Electrical Power Generating Facilities (Peaker Plants), R01-10 (December 21, 2000).

Ameren filed its October 28, 2003 rulemaking proposal to address changes in land use designations for property that is adjacent to its facility. The land immediately to the west of the facility is vacant, and until very recently was located within unincorporated Cook County and zoned Industrial. On June 3, 2003, the Village of Bartlett annexed and rezoned this land for residential use at the request of Realen Homes, a residential development corporation.

Ameren proved to the Board that although its facility is in compliance with the Board's regulations for Class C land uses (industrial, agricultural, mining and excavation), it will not be able to meet the Class A noise limitation at 35 Ill. Adm. Code 901.102 (applicable to residential properties). The Board found that Ameren had justified adoption of site-specific noise levels to allow Ameren to continue the operation of its peaker plant while maintaining compliance with the Board's noise standards. The Board also noted that, as a result of a circuit court order, that noise easements in Ameren's favor would be recorded in the titles of any future purchasers of Realen homes.

Copies of the Board's opinion and order in R04-11 may be obtained by calling Dorothy Gunn at 312-814-3620, or by downloading copies from the Board's Web site at www.ipcb.state.il.us.

For more information contact John Knittle at (217) 278-3110 or email at knittlej@ipcb.state.il.us.

Listing of Adjusted Standards

LISTINGS OF ADJUSTED STANDARDS AND COMBINED SEWER OVERFLOW EXCEPTIONS GRANTED BY THE BOARD DURING FISCAL YEAR 2004

Section 28.1(d)(3) of the Environmental Protection Act (Act) (415 ILCS 5/28.1(d)(3) (2002)) requires the Board to annually publish in the *Illinois Register* and *Environmental Register* a listing of all determinations made pursuant to Section 28.1 at the end of each fiscal year. This notice sets forth all adjusted standard and combine sewer overflow exception determinations made by the Board during the fiscal year 2004 (July 1, 2003, through June 30, 2004).

Final Actions Taken by the Pollution Control Board in Adjusted Standards Proceedings During Fiscal Year 2004 (July 1, 2003 through June 30, 2004)

Docket/Docket Title

Final Determination

In the Matter Of: Petition of Metropolitan Water Reclamation District for an Adjusted Standard from 35 Ill. Adm. Code 811, 812, and 817 and Modification of AS 95-4 (Sludge Application) (July 24, 2003), AS 03-02

The Board granted the petition of the Metropolitan Water Reclamation District for an adjusted standard to allow, with conditions, the application of approved air-dried sludge products as the final protective layer at non-hazardous waste landfills.

In the Matter Of: Petition of DeKalb Sanitary District for an Adjusted Standard from 35 Ill. Adm. Code 302.208(e) (August 7, 2003), AS 01-03

The Board granted the DeKalb Sanitary District's motion to voluntarily withdraw its petition for an adjusted standard relating to acute and chronic levels of copper in its effluent and in the receiving stream at the outfall of its wastewater treatment plant.

In the Matter Of: Petition of Cromwell-Phoenix, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 218.204(c) (September 18, 2003), (November 20, 2003) AS 03-05

The Board granted this Cook County facility an adjusted standard, subject to conditions, from certain volatile organic material emission limitation requirements related to the use of Cromwell's corrosion inhibiting packaging materials. The adjusted standard raises the level of allowable VOM emissions from 2.3 pounds per gallon to 8.3 pounds per gallon. On November 20, 2003 the Board amended its September decision and substituted CP-D Acquisition Company, LLC for Cromwell-Phoenix, Inc. at the company's request.

In the Matter Of: Petition of Argonne National Laboratory for an Adjusted Standard from 35 Ill. Adm. Code 218.182 (December 18, 2003), AS 03-04

The Board granted this DuPage County facility an adjusted standard, subject to conditions, from certain volatile organic material emission limitation requirements related to the use of cold cleaning degreasers. The adjusted standard addresses vapor pressure and associated equipment and recordkeeping requirements.

In the Matter Of: Petition of Formel Industries, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 218.401(a), (b), (c) (April 15, 2004), AS 00-13

The Board granted the joint request of this Cook County facility and the Illinois Environmental Protection Agency to terminate an adjusted standard that was granted by the Board on January 18, 2001 because the facility has since come into compliance

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with the Board's rule of general applicability related to reasonably available control technology for volatile organic material.

Final Actions Taken by the Pollution Control Board in Combine Sewer Overflow Exception Proceedings During Fiscal Year 2004 (July 1, 2003 through June 30, 2004)

The Board took no action in combined sewer overflow exception proceedings during fiscal year (FY) 2004, as none were filed with the Board or pending during FY 2004.

Address **written comments or request copies**, noting the appropriate docket number, to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-3620

Address **questions** concerning this notice, noting the appropriate docket number, to:

Name: Erin Conley
Address: Pollution Control Board
1021 North Grand Avenue East
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
Internet: conleye@ipcb.state.il.us

Board Actions

July 8, 2004

Via Videoconference

Springfield and Chicago, Illinois

Rulemakings

- | | | |
|--------|---|-----------------|
| R04-18 | <u>In the Matter of: Pretreatment Update, USEPA Amendments (July 1, 2003 through December 31, 2003)</u> – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking amending the Board’s wastewater pretreatment regulations. | 5-0
R, Water |
| R04-21 | <u>In the Matter of: Revisions to Radium Water Quality Standards: Proposed New 35 Ill. Adm. Code 302.307 and Amendments to 35 Ill. Adm. Code 302.207 and 302.525</u> – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s water quality standards regulations. The Board also granted WRT Environmental (Illinois) L.L.C. motion for an additional merit hearing. | 5-0
R, Water |

Environmental Register – July 2004

Administrative Citations

AC 03-13	<u>IEPA v. Dan Cadwallader</u> – The Board entered a final opinion and order requiring respondent to pay the Board hearing costs in the amount of \$384.29 and a civil penalty of \$1,500. This order follows the Board's interim order of April 1, 2004, which found that this respondent had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2002)) at his Putnam County facility.	5-0
AC 03-21	<u>IEPA v. John Smith and Twilla Williams Smith</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Union County facility, the Board found respondents violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (2002)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties' joint motion to dismiss respondent's petition for review and the alleged violation of 415 ILCS 5/21(p)(7) (2002).	5-0
AC 03-33	<u>IEPA v. Olen G. Parkhill, Jr.</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Champaign County facility, the Board found respondent violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (2002)) and ordered respondent to pay a civil penalty of \$3,000. The Board also granted the parties' joint motion to dismiss respondent's petition for review and the alleged violations of 415 ILCS 5/21(p)(3), (p)(7) (2002).	5-0
AC 03-34	<u>IEPA v. Olen G. Parkhill, Jr.</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Champaign County facility, the Board found respondent violated Section 21(p)(7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(7) (2002)) and ordered respondent to pay a civil penalty of \$3,000. The Board also granted the parties' joint motion to dismiss respondent's petition for review and the alleged violations of 415 ILCS 5/21(p)(1), (p)(3) (2002).	5-0
AC 04-56	<u>County of Vermilion, Illinois v. Jerry Hathaway and Darrell Cripe</u> – The Board denied respondent Jerry Hathaway's motion to reconsider or to vacate May 6, 2004 opinion and order, but granted respondents an additional 30 days in which to pay the penalty.	5-0
AC 04-60	<u>IEPA v. Sharyn Fuller and Carl Benedict d/b/a Benedict Auto Sales</u> – The Board granted complainant's motion to dismiss this administrative citation against these Peoria County respondents, and also dismissed Benedict's petition for review.	5-0
AC 04-64	<u>County of Jackson v. Egon Kamarasy</u> – The Board accepted for hearing respondent's amended petition to contest the administrative citation.	5-0
AC 04-75	<u>IEPA v. Charles L. Parker</u> – The Board accepted for hearing this petition for review of an administrative citation against this Logan County respondent.	5-0

Environmental Register – July 2004

AC 04-76	<u>IEPA v. Landfill, L.L.C., West End Disposal Facility, and Danny Bowman</u> – The Board found that these Saline County respondents violated Section 21(o)(12) of the Environmental Protection Act (415 ILCS 5/21(o)(12) (2002)), and ordered respondents to pay a civil penalty of \$500.	5-0
AC 04-77	<u>IEPA v. Frank Bencie</u> – The Board accepted for hearing this petition for review of an administrative citation against this Franklin County respondent.	5-0
AC 04-78	<u>IEPA v. Daniel Pauley</u> – The Board accepted for hearing this petition for review of an administrative citation against this St. Clair County respondent.	5-0
AC 04-79	<u>City of Chicago Department of Environment v. National Material Limited Partnership</u> – The Board accepted for hearing this petition for review of an administrative citation against this Cook County respondent.	5-0
AC 04-80	<u>IEPA v. Joseph Luparell and Troy Curley</u> – The Board accepted for hearing respondent Joseph Luparell’s petition for review of an administrative citation against this Sangamon County respondent. Complainant was directed to address whether respondent Troy Curley had been properly served on or before July 29, 2004.	5-0

Motions and Other Matters

PCB 01-7	<u>People of the State of Illinois v. QC Finishers, Inc.</u> – The Board granted in part and denied in part the complainant’s motion to strike affirmative defenses.	5-0 A-E
PCB 02-55	<u>ESG Watts, Inc. (Taylor Ridge/Andalusia Landfill) v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Rock Island facility.	5-0 P-A, Land
PCB 02-106	<u>City of Quincy v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving an Adams County facility.	5-0 P-A, NPDES
PCB 02-177	<u>People of the State of Illinois v. John Prior d/b/a Prior Oil Company and James Mezo d/b/a Mezo Oil Company</u> – The Board denied respondent John Prior’s and James Mezo motions for reconsideration of the May 6, 2004 Board opinion and order.	5-0 L&W-E
PCB 03-223	<u>People of the State of Illinois v. Elysium Energy</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this special waste hauling enforcement action involving a Jasper County facility, the Board ordered publication of the required newspaper notice.	5-0 L-E

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PCB 04-69	<u>Republic Bank of Chicago as Trustee of Trust #2234, Aristotle Halikias, Lena Halikias, Michael Halikias, Nikolas Halikias, Noula Halikias, and Patricia Halikias as beneficiaries of Trust #2234 v. Sunoco, Inc. (R&M)</u> – The Board granted parties’ joint motion for voluntary dismissal of this enforcement action involving a Cook County facility.	4-0 NJM abstain L-E
PCB 04-112	<u>Swif-T Food Mart v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Lake County facility.	5-0 UST Appeal
PCB 04-163	<u>Eaves Auto Repair v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Ford County facility.	5-0 UST Appeal
PCB 04-166	<u>Red Carpet Car Wash v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Macon County facility.	5-0 UST Appeal
PCB 04-169	<u>Craig’s Service Station v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a McLean County facility.	5-0 UST Appeal
PCB 04-170	<u>Chemrex v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Cook County facility.	5-0 UST Appeal
PCB 04-173	<u>City of Sullivan v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Moultrie County facility.	5-0 UST Appeal
PCB 04-176	<u>Three Square Feeds v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Morgan County facility.	5-0 UST Appeal
PCB 04-223	<u>SG Supply Company v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.	5-0 UST Appeal
PCB 04-224	<u>People of the State of Illinois v. Heritage FS, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in Kankakee County.	5-0 W-E

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PCB 04-225	<u>People of the State of Illinois v. Prairie Lane Development, L.L.C.</u> – The Board accepted for hearing this water enforcement action involving a site located in Boone County.	5-0 W-E
PCB 04-226	<u>People of the State of Illinois v. P&J Super Auto Body Shop, Inc. and Julio Gallegos</u> – The Board accepted for hearing this land enforcement action involving a site located in Cook County.	5-0 L-E
PCB 04-227	<u>People of the State of Illinois v. Rogers Development Company</u> – The Board accepted for hearing this water enforcement action involving a site located in Winnebago County.	5-0 W-E

July 22, 2004

Via Videoconference

Springfield and Chicago, Illinois

Rulemakings

R04-11	<u>In the Matter of: Regulation Applicable to Ameren Energy Generating Company, Elgin, Amending 35 Ill. Adm. Code Part 901</u> – The Board adopted a final opinion and order granting the requested site specific amendments to the Board’s noise pollution control regulations for this Cook County peaker plant.	5-0 R, Noise
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Adjusted Standards

AS 01-10	<u>In the Matter of: Petition of Prairie Material Sales, Inc. for an Adjusted Standard from 35 Ill. Adm. Code Parts 811, 814</u> – The Board granted petitioner’s motion for voluntary dismissal of this petition for an adjusted standard involving a Lee County facility.	5-0 Land
AS 04-1	<u>In the Matter of: Petition of Crownline Boats, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 215.301</u> – The Board granted this Franklin County petitioner an adjusted standard, with conditions, from volatile organic material emission requirements.	5-0 Air

Administrative Citations

AC 03-32	<u>IEPA v. Carl Benedict d/b/a Benedict Auto Sales</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Peoria County facility, the Board found respondents violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (2002)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondent’s petition for review.	5-0
AC 04-81	<u>IEPA v. Ralph Williams and Lois Williams</u> – The Board found that these Knox	5-0

Environmental Register – July 2004

County respondents violated Section 21(p)(1), (p)(3), and (p)(5) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(5) (2002)), and ordered respondents to pay a civil penalty of \$4,500.

AC 04-82	<u>IEPA v. John Brown d/b/a John Brown Painting</u> – The Board accepted for hearing this petition for review of an administrative citation against this Massac County respondent.	5-0
AC 04-84	<u>IEPA v. City of Salem, Roger Kinney, Dick Brown and Jason Bruce</u> – The Board accepted for hearing this petition for review of an administrative citation against these Marion County respondents.	5-0
AC 04-85	<u>IEPA v. Michael Lee Schenck</u> – The Board found that this Knox County respondent violated Section 21(o)(11) and (o)(13) of the Act (415 ILCS 5/21(o)(11), (o)(13) (2002)), and ordered respondents to pay a civil penalty of \$1,000.	5-0
AC 04-86	<u>IEPA v. Bill Weis</u> – The Board found that this St. Clair County respondent violated Section 21(p)(1), (p)(3), and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2002)), and ordered respondents to pay a civil penalty of \$4,500.	5-0
AC 04-87	<u>IEPA v. Herman “Bud” Krohe</u> – The Board found that this Cass County respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2002)), and ordered respondents to pay a civil penalty of \$1,500.	5-0

Decisions

PCB 02-3	<u>People of the State of Illinois v. Chevron Environmental Services Company (as successor to Texaco Refining & Marketing, Inc.)</u> – In this land and water enforcement action concerning a Will County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2002)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$50,000 and to cease and desist from further violations.	5-0 L&W-E
PCB 04-100	<u>People of the State of Illinois v. Marc Realty, Inc., 11 East Adams, L.L.C., and Roberts Environmental Control, Inc.</u> – In this air enforcement action concerning a Cook County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2002)), accepted a stipulation and settlement agreement as to Marc Realty, Inc. and 11 East Adams, L.L.C. only, and ordered the respondents to pay a total civil penalty of \$55,000 and to cease and desist from further violations. The docket remains open for further proceedings against the remaining respondent, Roberts Environmental Control, Inc.	5-0 A-E

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PCB 04-140	<u>People of the State of Illinois v. Whiteway Sanitation, Inc.</u> – In this land enforcement action concerning a Jersey County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2002)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$4,500 and to cease and desist from further violations.	5-0 L-E
PCB 04-142	<u>People of the State of Illinois v. Village of Poplar Grove and R.H. Bateman & Company, Inc.</u> – In this public water supply enforcement action concerning a Boone County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2002)), accepted a stipulation and settlement agreement, and ordered the respondents to pay a total civil penalty of \$4,000 and to cease and desist from further violations.	5-0 PWS-E
PCB 04-206	<u>People of the State of Illinois v. Medical Waste Solutions, Inc.</u> – In this land enforcement action concerning a Lake County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2002)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$13,000 and to cease and desist from further violations.	5-0 L-E
PCB 04-211	<u>People of the State of Illinois v. Clinton Landfill, Inc.</u> – In this land enforcement action concerning a DeWitt County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2002)), accepted a stipulation and settlement agreement, and ordered the respondent to engage in a supplemental environmental project involving disposal of waste to the value of \$25,000, and to cease and desist from further violations.	5-0 L-E

Motions and Other Matters

PCB 03-38	<u>Morry Gabel, Myra Gabel, Don Foreman, Marsha Foreman, Keith Pinsoneault, and Tracy Pinsoneault v. The Wealshire, Inc.</u> – The Board granted complainants’ motion for voluntary dismissal of this enforcement action involving a Lake County facility.	5-0 Citizens N-E
PCB 03-124	<u>Aqua Illinois, Inc. v. IEPA</u> – In response to a joint motion, the Board granted parties’ motion to dismiss the petition for administrative review with regard to petitioner’s nitrate removal facility, wet well/storage basin for ion exchange backwash, powdered activated carbon unit, two 2-stage upflow clarifiers, and six rapid-rate gravity dual media filters, with leave to refile the application for tax certification in the future with regard to those facilities. The Board certified that the remaining specified facilities of Aqua Illinois, Inc. located in Vermilion County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).	5-0 T-C

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PCB 04-87	<u>Knapp Oil Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Massac County facility.	5-0 UST Appeal
PCB 04-91	<u>Thomeczek Oil Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Madison County facility.	5-0 UST Appeal
PCB 04-92	<u>Sather Enterprises, Ltd. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a DeWitt County facility.	5-0 UST Appeal
PCB 04-99	<u>Simpson Auto Service v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Madison County facility.	5-0 UST Appeal
PCB 04-143 PCB 04-145	<u>Great Lakes Dredge & Dock Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of these underground storage tank appeals involving a Cook County facility.	5-0 UST Appeal
PCB 04-148	<u>Illiopolis Grain Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Sangamon County facility.	5-0 UST Appeal
PCB 04-174	<u>Cooper Oil Company (May 1, 2003 to August 31, 2003) v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Clay County facility.	5-0 UST Appeal
PCB 04-175	<u>Cooper Oil Company (December 1, 1994 to November 30, 1999) v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Clay County facility.	5-0 UST Appeal
PCB 04-179	<u>Southern Farms Country Eggs, Inc. v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Clinton County facility.	5-0 UST Appeal
PCB 04-180	<u>Larry Weineke v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Massac County facility.	5-0 UST Appeal

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PCB 04-182	<u>Strohm Oil Company v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Crawford County facility.	5-0 UST Appeal
PCB 04-183	<u>Johnson Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Vermilion County facility.	5-0 UST Appeal
PCB 04-184	<u>Pete’s Marathon (June 1, 2003 to August 31, 2003) v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Marion County facility.	5-0 UST Appeal
PCB 04-186	<u>Waste Management of Illinois, Inc. v. County Board of Kankakee</u> – The Board denied Michael Watson’s and Merlin Karlock’s motions to intervene and Watson’s motion to strike.	4-0 Novak abstained P-C-F-S-R
PCB 04-204	<u>Daniel J. Beers v. Dave Calhoun (Let It Shine Car Wash)</u> – The Board denied respondent’s motion to dismiss, found that the alleged violations were neither duplicative nor frivolous, and accepted this noise complaint involving a Tazewell County facility for hearing.	5-0 Citizens N-E
PCB 04-213	<u>The Village of Lombard, Illinois v. Bill’s Auto Center, Bill’s Standard Service and William Kovar</u> – The Board found that the alleged violations in count I and III through V of the complaint were neither duplicative nor frivolous, dismissed count II as frivolous, and accepted for hearing this matter involving a DuPage County facility.	5-0 Citizens UST-E
PCB 05-1	<u>Batavia, Illinois Residents Opposed to Siting of Waste Transfer Station v. Application of Onyx Waste Services Midwest, Inc. for Local Siting Approval for a Solid Waste Transfer Station and City of Batavia, Illinois</u> – The Board ordered petitioner to file an amended petition curing deficiencies and accompanied by an attorneys appearance, within 30 days, or this matter would be subject to dismissal.	5-0 P-C-F-S-R 3d Party
PCB 05-4	<u>Holland Energy, L.L.C.-Beecher City (Property Identification Numbers 0524-01-00-100-004, 0825-16-00-100-004, 0825-16-00-300-002, 0825-16-00-300-003, 0825-16-00-200-002) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that effluent discharge facilities of Holland Energy, L.L.C. located in Shelby County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)). No action was taken on the negative recommendation for the river intake structure.	5-0 T-C
PCB 05-7	<u>For C Pork Farm (Property Identification Number 14-F1-36-35-100-001) v.</u>	5-0

IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of For C Pork Farm located in Iroquois County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

T-C

New Cases

July 8, 2004 Board Meeting

04-223 SG Supply Company v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.

04-224 People of the State of Illinois v. Heritage FS, Inc. – The Board accepted for hearing this water enforcement action involving a site located in Kankakee County.

04-225 People of the State of Illinois v. Prairie Lane Development, L.L.C. – The Board accepted for hearing this water enforcement action involving a site located in Boone County.

04-226 People of the State of Illinois v. P&J Super Auto Body Shop, Inc. and Julio Gallegos – The Board accepted for hearing this land enforcement action involving a site located in Cook County.

04-227 People of the State of Illinois v. Rogers Development Company – The Board accepted for hearing this water enforcement action involving a site located in Winnebago County.

AC 04-088 C City of Chicago Department of Environment v. Gene Evans – The Board accepted an administrative citation against this Cook County respondent.

AC 04-089 IEPA v. Earl and Norma Martin – The Board accepted an administrative citation against these Knox County respondents.

AC 04-090 IEPA v. Earl and Norma Martin – The Board accepted an administrative citation against these Knox County respondents.

AC 04-091 IEPA v. Earl and Norma Martin – The Board accepted an administrative citation against these Knox County respondents.

AC 05-001 IEPA v. Michael E. Boone – The Board accepted an administrative citation against this Mason County respondent.

AC 05-002 IEPA v. Lester Smith - The Board accepted an administrative citation against this Massac County respondent.

July 22, 2004 Board Meeting

05-001 SG Supply Company v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.

05-002 People of the State of Illinois v. Heritage FS, Inc. – The Board accepted for hearing this water enforcement action involving a site located in Kankakee County.

05-003 People of the State of Illinois v. Prairie Lane Development, L.L.C. – The Board accepted for hearing this water enforcement action involving a site located in Boone County.

05-004 People of the State of Illinois v. P&J Super Auto Body Shop, Inc. and Julio Gallegos – The Board accepted for hearing this land enforcement action involving a site located in Cook County.

05-005 People of the State of Illinois v. Rogers Development Company – The Board accepted for hearing this water enforcement action involving a site located in Winnebago County.

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05-006 People of the State of Illinois v. P&J Super Auto Body Shop, Inc. and Julio Gallegos – The Board accepted for hearing this land enforcement action involving a site located in Cook County.

05-007 People of the State of Illinois v. Rogers Development Company – The Board accepted for hearing this water enforcement action involving a site located in Winnebago County.

AC 05-003 City of Chicago Department of Environment v. Gene Evans – The Board accepted an administrative citation against this Cook County respondent.

AC 05-004 City of Chicago Department of Environment v. Gene Evans – The Board accepted an administrative citation against this Cook County respondent.

AC 05-005 City of Chicago Department of Environment v. Gene Evans – The Board accepted an administrative citation against this Cook County respondent.

AC 05-006 City of Chicago Department of Environment v. Gene Evans – The Board accepted an administrative citation against this Cook County respondent.

AC 05-007 IEPA v. Michael E. Boone – The Board accepted an administrative citation against this Mason County respondent.

AC 05-008 IEPA v. Lester Smith – The Board accepted an administrative citation against this Massac County respondent.

Calendar

8/5/04	<u>Illinois Pollution Control Board Meeting</u>		Videoconference Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago and 1021 N. Grand Avenue East Oliver Holmes Conference Room 2012 N Springfield
8/9/04 10:00AM	R04-22 R04-23	In the Matter of: Proposed Amendments to Regulation of Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 732) (Consolidated: R04-22 and R04-23)	Illinois Department of Natural Resources Building at the Illinois State Fair Grounds Lakeview A, B, and C Springfield
8/12/04 1:00PM	R04-25	In the Matter of: Proposed Amendments to Dissolved Oxygen Standard 35 Ill. Adm. Code 302.206	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East North Entrance Springfield
8/19/04	<u>Illinois Pollution Control Board Meeting</u>		Illinois Pollution Control Board James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago
8/25/04 1:30PM	R04-21	In the Matter of: Revisions to Radium Water Quality Standards: Proposed New 35 Ill. Adm. Code 302.307 and Amendments to 35 Ill. Adm. Code 302.207 and 302.525	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East North Entrance Springfield

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8/27/04	AC 04-22	County of Vermilion, Illinois v. Village of Tilton	Vermillion County Courthouse Annex Room 319 6 N. Vermillion Street Danville
<u>9/2/04</u>	<u>Illinois Pollution Control Board Meeting</u>		Videoconference Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago and 1021 N. Grand Avenue East Oliver Holmes Conference Room 2012 N Springfield
<u>9/16/04</u>	<u>Illinois Pollution Control Board Meeting</u>		Illinois Pollution Control Board James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago

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Illinois Environmental Protection Agency

Division of Public Water Supplies

Restricted Status List -- Public Water Supplies

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

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

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

This list is continually being revised as new information becomes available, and therefore, specific inquiries as to the status of any public water supply should be directed to the Division of Public Water Supplies for final determination. This list reflects the status as of July 1, 2004.

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

RDS:sp/0046g/2

NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY#	EPA RGN	NATURE OF PROBLEM	POP SERVED	LISTING DATE
Acorn Acres Sbdv (Lake Co - 0975020)	2	Inadequate Pres Tank	250	12/16/83
Alternative Behavior Treatment Center (Lake Co - 0977189)	2	Inadequate Pres Tank	64	06/15/88
Arlington Rehab & Living Ctr (Lake Co – 0971110)	2	Inadequate Hydro Storage	180	12/01/03
Aurora Community Water Assn (Kane Co - 0895750)	2	Inadequate Pres Tank	150	12/16/88
Bahl Wtr Corp (Jo Daviess Co - 0855200)	1	Inadequate Pres Storage	700	12/15/93
Biggsville (Henderson Co - 0710050)	5	Adjusted Gross Alpha	350	03/15/98
Bonnie Lane Water Supply (Kendall Co - 0930010)	2	Inadequate Pres Tank	49	09/16/93
Bradford (Stark Co - 1750050)	1	Gross Alpha	650	06/15/98
Bradley Hts Sbdv (Winnebago Co - 2015050)	1	Inadequate Pres Tank	192	09/13/85
Brimfield (Peoria Co - 1430150)	5	Adjusted Gross Alpha	933	10/15/02
Bryant (Fulton Co - 0570200)	5	Adjusted Gross Alpha	310	03/15/98

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

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NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY#	EPA RGN	NATURE OF PROBLEM	POP SERVED	LISTING DATE
Fair Acres Sbdv (Will Co - 1975680)	2	Inadequate Pres Tank	185	10/19/81
Forest Lake Addn (Lake Co - 0975500)	2	Inadequate Pres Tank	180	12/16/83
Frwr-Skyline Plant (Kane Co - 0895030)	2	Inadequate Pres Tank	1,300	09/19/86
Galva (Henry Co - 0730450)	1	Adjusted Gross Alpha	2,900	03/14/01
Garden Street Imprv Assn (Will Co - 1975376)	2	Inadequate Pres Tank	62	09/15/89
Gardner (Grundy Co - 0630400)	2	Adjusted Gross Alpha	1,450	03/14/01
Glasford (Peoria Co - 1430350)	5	Adjusted Gross Alpha	1,115	12/15/97
Good Shepherd Mnr (Kankakee Co - 0915189)	2	Inadequate Pres Tank	140	03/17/89
Great Oaks&Beacon Hls Apts (Winnebago Co-2015488)	1	Inadequate Pres Tank	943	12/17/82
Greenwood Outback (LaSalle Co - 0990080)	1	Inadequate Pres Tank	25	12/15/98
Harbor Lites/Pistakee Fshg Cl (McHenry Co - 1110011)	2	Inadequate Pres Tank	100	03/14/01
Hardinville Water Company (Crawford Co - 0330020)	4	Inadequate Source Capacity	2,361	03/15/02
Hawthorn Woods (Lake Co - 0970450)	2	Inadequate Pres Tank	800	03/15/95
Heatherfield Sbdv (Grundy Co - 0635150)	2	Inadequate Pres Tank	91	09/17/82
Hettick (Macoupin Co - 1170500)	5	Trihalomethane	220	06/15/02
Highland Sbdv (Kane Co - 0895530)	2	Inadequate Pres Tank	50	09/16/83
Hillview Sbdv (Will Co - 1975800)	2	Inadequate Pres Tank	99	03/15/85
Holy Family Villa (Cook Co - 0310280)	2	Inadequate Pres Tank	200	09/15/99
Hopewell (Marshall Co - 1235150)	1	Adjusted Gross Alpha	805	03/14/01
Ingalls Pk Sbdv (Will Co - 1975880)	2	Inadequate Pres Tank	690	09/16/83
Kewanee (Henry Co - 0730650)	1	Adjusted Gross Alpha	12,900	03/14/01
Kingston Mines (Peoria Co - 1430450)	5	Adjusted Gross Alpha	295	03/14/01
Kirk Wtr Line (Crawford Co - 0330030)	4	Inadequate Source Capacity	72	03/15/02
Knoxville (Knox Co - 0950300)	5	Adjusted Gross Alpha	3,243	03/15/98
Lake Lynwood Wtr Sys (Henry Co - 0735330)	1	Inadequate Pres Tank	98	08/31/81
Lakeview Hills Wtr Supply Cp (Whiteside Co - 1955150)	1	Inadequate Pres Tank	146	03/20/81

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NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY#	EPA RGN	NATURE OF PROBLEM	POP SERVED	LISTING DATE
Lakewood Shores Imprv Assn	2	Adjusted Gross Alpha	760	03/14/01
Land and Water Assn (LaSalle Co - 0995050)	1	Inadequate Pres Storage	110	06/15/01
Larchmont Sbdv (Winnebago Co - 2015290)	1	Inadequate Pres Tank	106	06/17/83
Larson Court Apartments (Rock Island Co - 1615728)	1	Inadequate Pres Tank	48	01/14/82
Legend Lakes Wtr Assn (Winnebago Co - 2015300)	1	Inadequate Pres Tank	225	03/14/91
Liberty Park Homeowners Assn (DuPage Co - 0435600)	2	Inadequate Pres Tank	1,092	09/17/92
Lindenwood Wtr Assn (Ogle Co - 1415300)	1	Inadequate Pres Tank	50	01/13/82
Lisbon North Inc (Grundy Co - 0631000)	2	Inadequate Pres Tank	30	09/14/90
Little York (Warren Co - 1870100)	5	Adjusted Gross Alpha	350	03/14/01
London Mills (Fulton Co - 0574620)	5	Inadequate Pres Tank	670	12/14/84
Lostant (LaSalle Co - 0990450)	1	Adjusted Gross Alpha	510	03/14/01
Lynn Cntr (Henry Co - 0735100)	1	Inadequate Pres Tank	147	03/15/95
Lynnwood Water Corp (LaSalle Co - 0995336)	1	Inadequate Pres Tank	114	03/18/83
M C L W Sys Inc (Mercer Co - 1315150)	1	Inadequate Source	100	03/20/81
Mapleton (Peoria Co - 1430500)	5	Adjusted Gross Alpha	350	03/15/98
Monmouth (Warren Co - 1870150)	5	Adjusted Gross Alpha	9,500	03/14/01
Mound PWD (St Clair Co - 1635050)	6	Inadequate Plant Capacity	1,800	06/17/96
Northwest Belmont Imprv Assn (DuPage Co - 0435900)	2	Inadequate Pres Tank	115	09/29/81
Oak Ridge Sndst (Woodford Co - 2035300)	1	Inadequate Pres Tank	240	03/20/81
Oakview Avenue Wtrwks Inc (Will Co - 1977210)	2	Inadequate Pres Tank	350	03/20/81
Oblong (Crawford Co - 0330150)	4	Inadequate Source Capacity	2,317	03/15/02
Olivet Nazarene College (Kankakee Co - 0915279)	2	Inadequate Pres Tank	1,450	03/15/94
Opheim PWS (Henry Co - 0735150)	1	Inadequate Pres Tank	150	06/18/82
Oscos Mutual Wtr Supply Cpy Inc (Henry Co-0735200)	1	Inadequate Pres Tank	115	12/15/89
Park Road Wtr Assn (Will Co - 1977330)	2	Inadequate Pres Tank	60	12/17/82
Park View Wtr Corp (Kane Co - 0895500)	2	Inadequate Pres Tank	150	12/17/82

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NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY#	EPA RGN	NATURE OF PROBLEM	POP SERVED	LISTING DATE
Patoka (Marion Co - 1210400)	6	Inadequate Plant Capacity	731	03/15/97
Polo Dr & Saddle Rd Sbdv (DuPage Co - 0437000)	2	Inadequate Pres Tank	95	12/17/82
Ports of Sullivan Lake Assn (Lake co - 0971160)	2	Inadequate Pres Tank	638	06/15/99
Prairie Oaks Ests Hmown Assn (Grundy Co - 0630060)	2	Adjusted Gross Alpha	96	10/15/02
Prairie Ridge Assn (McHenry Co - 1115730)	2	Inadequate Pres Tank	140	03/16/90
Ridgecrest North Sbdv (Grundy Co - 0635250)	2	Inadequate Pres Tank	85	09/16/93
Ridgewood Ledges Wtr Assoc(Rock Island Co-1615670)	1	Inadequate Pres Tank	475	03/20/81
Ridgewood Sbdv (Will Co - 1977650)	2	Inadequate Pres Tank	315	06/18/82
Riverwoods Spcl Dstrct 3 (Lake Co - 0971451)	2	Inadequate Souce Capacity	234	11/01/01
Robinson Palestine Wtr Cmsn (Crawford Co - 0335030)	4	Inadequate Plant Capacity	10,728	11/01/01
Santa Fe Ests (Peoria Co - 1435490)	5	Adjusted Gross Alpha	84	10/15/02
Sbdv Wtr Trust No 1 (Kane Co - 0895300)	2	Inadequate Pres Tank	1,120	03/20/81
Shawnta Trc Wtr Assn (Will Co - 1977690)	2	Inadequate Pres Tank	125	09/17/92
Silvis Heights (Rock Island Co – 1615750)	1	Inadequate Hydro Storage	1,500	12/01/03
Skyview Sbdv (Kankakee Co - 0915526)	2	Inadequate Pres Tank	65	09/14/84
South Wilmington (Grundy Co - 0630650)	2	Adjusted Gross Alpha	698	10/15/02
St Charles Cmsn Wlfnd 3 (DuPage Co - 0437040)	2	Inadequate Pres Tank	30	12/15/89
Standard (Putnam Co - 1550300)	1	Adjusted Gross Alpha	300	03/14/01
Sturm Sbdv (Lake Co - 0977010)	2	Inadequate Pres Tank	63	03/16/84
Suburban Heights Sbdv (Rock Island Co - 1615800)	1	Inadequate Pres Tank	114	12/16/83
Summit Homeowners Assn (Lake Co - 0975280)	2	Inadequate Pres Tank	48	03/16/84
Sunny Hill Ests Sbdv (Henry Co - 0735300)	1	Inadequate Pres Tank	525	06/15/00
Sunnyland Sbdv (Will Co - 1977730)	2	Inadequate Pres Tank	350	09/16/83
Swedona Wtr Assn (Mercer Co - 1315200)	1	Inadequate Pres Tank	100	06/15/90
Sylvan Lake 1st Sbdv (Lake Co - 0977100)	2	Inadequate Pres Tank	210	06/14/91
Toulon (Stark Co - 1750150)	1	Adjusted Gross Alpha	1,400	12/12/99

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Towners Sbdv (Lake Co - 0977250)	2	Inadequate Pres Tank	238	01/14/82
Trimble Wtr Co (Crawford Co - 0335200)	4	Inadequate Source Capacity	350	03/15/02
Trivoli PWD (Peoria Co - 1435510)	5	Inadequate Pres Tank	350	06/17/83
Utl Inc Holiday Hills (McHenry Co - 1115350)	2	Inadequate Pres Tank	750	09/16/83
Utl Inc Lake Holiday (LaSalle Co - 0995200)	1	Inad Source & Treat Plt	4,908	09/15/98
Utl Inc Northern Hls Utl Co (Stephenson Co-1775050)	1	Inadequate Pres Tank	290	03/15/96
Utl Inc Walk-Up Woods Wtr Co (McHenry Co - 1115800)	2	Inadequate Pres Tank	763	12/17/82
Utl Inc Westlake Utilities Inc (Winnebago Co - 2010070)	1	Inadequate Source Capacity	25	11/01/01
Viola (Mercer Co - 1310450)	1	Adjusted Gross Alpha	950	10/15/02
West Shore Park Sbdv (Lake Co - 0977370)	2	Inadequate Pres Tank	450	06/15/00
West Shoreland Sbdv (Lake Co - 0977050)	2	Inadequate Pres Tank	220	06/14/91
Whispering Lakes Wtr Sys Inc (Lake Co - 0970220)	2	Adjusted Gross Alpha	375	03/14/01
Wienen Estates (Jo Daviess Co - 0850030)	1	Inadequate Pres Tank	70	12/15/97
Wonder Lake Wtr Cmpny (McHenry Co - 1115750)	2	Inadequate Pres Tank	1,161	06/16/94
Woodsmoke Ranch Assn (LaSalle Co - 0990030)	1	Inadequate Pres Tank	350	06/15/90
York Cntr Coop (DuPage Co - 0437550)	2	Inadequate Pres Tank	240	06/15/88
2nd Street Wtr Assn (Lake Co - 0971140)	2	Inadequate Pres Tank	33	12/15/95

PUBLIC WATER SUPPLIES REMOVED FROM PREVIOUS LIST

Alpha (Henry Co - 0730050)

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Illinois Environmental Protection Agency

Division of Public Water Supplies

Critical Review List -- Public Water Supplies

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

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

This list is continually being revised as new information becomes available, and therefore, specific inquiries as to the status of any public water supply should be directed to the Division of Public Water Supplies for final determination. This list reflects the status as of July, 2004.

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

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NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY#	EPA RGN	NATURE OF PROBLEM	POP SERVED	LISTIN G DATE
Andalusia (Rock Island Co – 1610050)	1	Inadequate Pres Tank	1,050	12/01/03
Arenzville (Cass Co - 0170050)	5	Inadequate Pres Tank	492	03/14/01
* Beason Chestnut PWD (Logan Co – 1075150)	5	Inadequate Source & Plant Capacity	600	06/15/04
Beecher (Will Co - 1970050)	2	Inadequate Storage Capacity	2,032	03/14/01
Bluford (Jefferson Co - 0810100)	7	Low System Pressure	465	03/20/81
Browning (Schuyler Co - 1690050)	5	Inadequate Source	495	03/15/98
Clayton Camp Point Wtr Cmsn (Adams Co - 0015200)	5	Inad Pumping Capacity	1,200	09/15/98
Columbia (Monroe Co - 1330050)	6	Inad Pumping Capacity	5,893	03/15/98
DePue (Bureau Co - 0110300)	1	Inad Treatment Plant	1,930	12/15/93
Elizabeth (Jo Daviess Co - 0850150)	1	Low System Pressure	700	06/15/99
Evansville (Randolph Co - 1570250)	6	Low System Pressure	1,838	05/25/81
Galena (Jo Daviess Co - 0850200)	1	Low System Pressure	3,790	06/15/99
Highland Hills Sndst (DuPage Co - 0435560)	2	Inadequate Pres Tank	1,100	09/17/92

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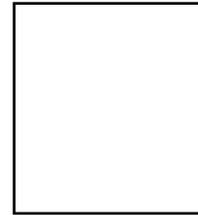
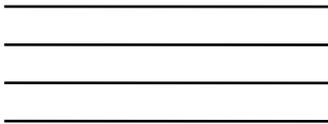
NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY#	EPA RGN	NATURE OF PROBLEM	POP SERVED	LISTING DATE
Joy (Mercer Co - 1310100)	1	Low System Pressure	495	06/15/99
LaMoille (Bureau Co - 0110500)	1	Inadequate Plant Capacity	750	06/15/99
Mahomet (Champaign Co - 0190450)	4	Inadequate Plant Capacity	4,877	10/15/02
Marion (Williamson Co - 1990550)	7	Inadequate Source Capacity	14,610	11/01/01
Mathersville (Mercer Co - 1310200)	1	Low System Pressure	793	09/13/00
McHenry Shores Wtr Cmpny (McHenry Co - 1115020)	2	Low System Pressure	1,170	09/17/92
Mechanicsburg Buffalo Wtr (Sangamon Co - 1675150)	5	Inadequate Source	1,030	03/15/98
Scales Mound (Jo Daviess Co - 0850400)	1	Low System Pressure	400	09/15/97
Seneca (LaSalle Co - 0991050)	1	Inadequate Plant Capacity	1,937	06/15/99
South Highway PWD (Jackson Co - 0775400)	7	Low System Pressure	8,189	06/15/92
Stockton (Jo Daviess Co - 0850450)	1	Low System Pressure	1,900	06/15/84
Sumner (Lawrence Co - 1010300)	7	Low System Pressure	1,553	12/13/85
Utl Inc Lake Marian Wtr Corp (Kane Co - 0895200)	2	Low Sys Pres & Inad Pres Storage	800	09/14/84
Walnut Hill (Marion Co - 1210600)	6	Low System Pressure	1,200	06/14/85
Wonder Lake Wtr Cmpny (McHenry Co - 1115750)	2	Inadequate Storage	1,080	12/14/90

PUBLIC WATER SUPPLIES REMOVED FROM PREVIOUS LIST

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

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

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