
Environmental Register

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Letter from the Chairman

R 05-8: Mercury Wastes

On October 19, 2004, the Illinois Environmental Protection Agency (IEPA) filed a rulemaking proposal that would amend the Board's standards for universal waste management found at 35 Ill. Adm. Code 703, 720, 721, 724, 725, 728, and 733. Specifically, the proposed rule would designate as universal waste mercury switches, mercury relays, and scientific instruments and instructional equipment containing mercury added during their manufacture.

Public Act 93-964, which became effective on August 20, 2004, required IEPA to propose these rules within 60 days of that effective date. The Board is now required to adopt the rules within 180 days after receipt of the proposal. In order to meet that April 15, 2005 deadline, the Board has already scheduled two hearings: on December 15th at 10:00 AM in Thompson Center Room 8-033 in Chicago and on January 6th at 1:30 PM in the Training Room (1214 West) at 1021 N. Grand Avenue East in Springfield.



Electronic Filing

Our Clerk's Office On-Line (COOL) functions as an electronic file and case management system. Located on the Board's Web site at www.ipcb.state.il.us, COOL provides 24-hour electronic access to case and docket information. COOL is also designed to allow electronic filing of documents with the Clerk. The Board and its staff have developed a voluntary pilot project to introduce the option of electronic filing, beginning with specific categories of cases.

Several parties have already taken advantage of this option, including IEPA's filing of R05-8 mentioned above. The most obvious benefit of electronic filing is the environmental one: avoiding the expense and inconvenience of copying, delivering, and ultimately recycling paper filings. In their October 29, 2004 issue, the Chicago Daily Law Bulletin reported that the DuPage County courts have begun a similar project, and I'm pleased that we're keeping pace with these improvements. Please call our Clerk's office at 312-814-3629 if you'd like to look into our electronic filing pilot project.

Annual Report

The Board's staff is now completing work on our 2004 Annual Report. As in the past, the report includes a substantial amount of information on rulemakings, appellate court review of Board decisions, and environmental legislation. When the 2004 Annual Report is published, it will be posted with all reports since 1971 on the Board's Web site at <http://www.ipcb.state.il.us/Archive/dscgi/ds.py/View/Collection-499>.

2004 Environmental Law Conference

On October 7-8, a number of legal and environmental entities including the Illinois Pollution Control Board sponsored the annual Illinois Environmental Conference. This year's meeting, entitled "Evolutions in Environmental Law & Policy," addressed a number of significant issues including amendments to the Illinois Environmental Protection Act and recent state and federal court decisions. I was pleased to be the keynote speaker and appreciated the opportunity to address issues such as the Board's reorganization, rulemaking activity, and caseload. Congratulations to all of the event's sponsors and organizers for their roles in staging a successful event.

Sincerely,

A handwritten signature in dark ink that reads "J. Philip Novak". The signature is written in a cursive style with a large initial "J".

J. Philip Novak
Chairman

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Federal Update

United States Environmental Protection Agency Publishes Notice of Proposed Administrative Settlement Agreement Under Section 122(h)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) for the former South Central Terminal Oil Refinery Site Near Pana, IL

On October 29, 2004 (69 Fed. Reg. 63150), the United States Environmental Protection Agency (USEPA) published a notice of a proposed agreement pursuant to Section 122(h)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) for the South Central Terminal site near Pana, IL.

In accordance with section 122(i)(1) of CERCLA, the notification was given of a proposed administrative settlement agreement regarding partial recovery of costs incurred by USEPA in implementing a removal action at the site of the former South Central Terminal oil refinery and bulk storage facility near downstate Pana, Illinois. USEPA proposed to enter into this agreement under the authority of sections 122(h) and 107 of CERCLA. The proposed agreement has been executed by three historical owner/operators of the facility, Growmark, Inc., Rosewood Refining, L.L.C., and Bi-Petro, Inc. (Settling Parties).

Under the proposed agreement, the Settling Parties will pay a total of \$625,000 to reimburse the Superfund for part of the \$3.16 million incurred by USEPA in implementing the removal action at the facility. USEPA will receive written comments relating to the proposed agreement for thirty days following the date of publication of this notice, through November 29, 2004. USEPA stated that it would consider all comments received and may decide not to enter into the proposed agreement if comments disclose facts or considerations that indicate that the agreement is inappropriate, improper or inadequate.

Comments on the proposed agreement must be received by USEPA on or before November 29, 2004. Comments should be addressed to the Docket Clerk, U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, and should refer to: In the Matter of South Central Terminal, EPA Docket No. V-W-'04-C-799.

For further information contact Reginald A. Pallesen, Associate Regional Counsel, by mail at: U.S. Environmental Protection Agency, Office of Regional Counsel (C-14J), 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, or by phone at: (312) 886-0555. A copy of the proposed administrative settlement agreement may be obtained in person or by mail from the USEPA's Region 5 Office of Regional Counsel, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590. Additional background information relating to the settlement is available for review at the USEPA's Region 5 Office of Regional Counsel.

Appellate Update

Second District Affirms Board's Affirmance of Siting Denial to Proposed Waste Transfer Station in *Lowe Transfer, Inc. and Marshall Lowe v. Pollution Control Board and County Board of McHenry County, Illinois*, No. 2-03-1181 (October 13, 2004) (PCB03-121)

In an October 13, 2004 final unpublished order under Supreme Court Rule 23 (155 Ill.2d R. 23), the Second District Appellate Court affirmed the Board's decision in a pollution control facility siting appeal captioned *Lowe Transfer, Inc. and Marshall Lowe v. Illinois Pollution Control Board and County Board of McHenry County, Illinois*, No. 2-03-1181 (October 13, 2004). The case concerns a proposed waste transfer station in an unincorporated area of McHenry County (County). The Board on October 2, 2003, affirmed the May 6, 2003 decision of the County to deny siting approval for the proposed facility. *Lowe Transfer, Inc. and Marshall Lowe v. Illinois Pollution Control Board and County Board of McHenry County, Illinois*, PCB 03-221 (October 2, 2003). In its non-precedential order, the court affirmed Board holdings under Sections 39.2 and 40.1 of the Environmental Protection Act for local approval of site location suitability approval for pollution control facilities. 415 ILCS 5/39.2 and 40.1 (2002).

THE BOARD'S DECISION

Lowe Transfer, Inc. and Marshall Lowe petitioned the Board for review of the County denial of their siting application on June 5, 2003. They argued the following grounds for reversing the County's siting denial: (1) siting was approved by operation of law under Section 40.1(a) of the Act because the Board failed to provide proper notice of its hearing, and therefore failed to timely render a valid decision on the appeal; (2) the County erred in deciding that the applicants failed to satisfy three siting criteria (two, three, and five) in Section 39.2(a) of the Act (as well as the "unnumbered criterion" in Section 39.2(a) concerning the siting applicants' operating experience and past record of convictions or admissions of violations); and (3) the County decision to impose a host fee as a siting condition was improper.

In its October 2, 2003 opinion and order, the Board found that the Board's Clerk had complied with the hearing notice requirements and that those requirements were not jurisdictional; that the County's decisions on the three contested siting criteria (and the "unnumbered criterion") were proper; and that the imposition of a host fee is not appealable in the context of siting denial. The Board therefore affirmed the County's decision to deny siting of the proposed waste transfer station.

THE SECOND DISTRICT'S DECISION

Before the appellate court, Lowe Transfer, Inc. and Marshall Lowe (petitioners) made two main arguments. First, petitioners argued that the Board's hearing and order were void because the Board's hearing notice was defective and therefore siting should be deemed approved by operation of law under Section 40.1(a). Second, petitioners argued that the Board erred in finding that petitioners did not satisfy the three Section 39.2(a) siting criteria at issue, and that the Board misapplied the "unnumbered criterion."

Section 40.1(a) Hearing Notice

For petitioners' first argument on appeal, the court looked to Section 40.1(a) of the Act, which provides that the Board must "publish 21 day notice of the hearing on the appeal in a newspaper of general circulation published in that county." Section 40.1(a) also states that "[i]f there is no final action by the Board within 120 days after the date on which it received the petition, the petitioner may deem the site location approved." Petitioners argued that the newspaper in which the Board published its notice of hearing did not satisfy Section 40.1(a) because it was not a newspaper of "general circulation published" in McHenry County. Petitioners maintained that the Board hearing was therefore invalid, and that the Board accordingly took no valid final action within the statutory 120-day decision period, rendering the site location approved by operation of Section 40.1(a).

The court first noted that because petitioners did not raise this publication argument before the Board until after the Board hearing and only 18 days before the Board's decision deadline, "there is a strong argument that petitioners' publication argument should be deemed waived." *Lowe Transfer, Inc. and Marshall Lowe v. Illinois Pollution*

Control Board and County Board of McHenry County, Illinois, No. 2-03-1181 (October 13, 2004), slip op at 3. The court, however, agreed with the Board that regardless of the waiver issue, the publication argument fails because the Section 40.1(a) notice provisions are not jurisdictional. The court did not rule on whether the Board's newspaper notice strictly complied with the Act.

However, the court found that even if the notice did not strictly comply, petitioners suffered no prejudice because the Board, as required, considered no new evidence and relied entirely on the County siting record, and the Board's notice had no effect on the County's hearing or the County's substantive siting decision. The court held that petitioners' publication argument could not be used to "contravene the basic purpose of the Act," which is to give local authorities the power to decide pollution control facility siting. *Id.*, slip op at 4 (citing the 2d Dist. decision in McHenry County Landfill v. EPA, 154 Ill. App. 3d 89, 96-97 (2d Dist. 1987)). The court concluded that because the hearing notice provisions of Section 40.1(a) are not jurisdictional, the Board held a valid hearing and petitioners' siting application could not be deemed approved by operation of law. *Id.*, slip op at 7.

Section 39.2(a) Siting Criteria

For petitioners' second argument on appeal, the court first correctly articulated the "double manifest weight" standard of review. Noting the Board decided that the County's findings on siting criteria two, four and five were not against the manifest weight of the evidence, the court then stated that it would reverse the Board only if the Board's decision "was itself against the manifest weight of the evidence." *Id.*, slip op at 7-8. The court stated that under that standard, it does not "re-weigh the evidence or substitute its judgment for that of the agency" and it would overturn the Board "only if the opposite result is clearly evident, plain, or indisputable from a review of the evidence." *Id.*, slip op at 8.

The court stated initially: "At the outset, we note that the record contains the PCB's thorough review of the evidence regarding all three criteria. We agree with its ruling on all three criteria, and we find it unnecessary to recapitulate all the evidence in this case. The PCB's dissertation of the evidence is more than sufficient." *Id.*, slip op at 8.

On criterion two of Section 39.2(a) (facility designed, located, and proposed to be operated so as to protect the public health, safety, and welfare), the court found that whether the criterion was met "is purely a matter of assessing the credibility of expert witnesses." *Id.*, slip op at 9. The court noted that the County assessed the credibility of both sides' expert witnesses, along with all the other evidence, and that there was ample evidence to support a finding that criterion two was met, and that it was not met. The court concluded that it could not hold that either the County's finding or the Board's finding was against the manifest weight of the evidence.

On criterion three of Section 39.2(a) (facility located so as to minimize incompatibility with the character of the surrounding area and minimize the effect on surrounding property value), the court affirmed the Board and County, after noting again that both sides had expert witnesses and that there was ample evidence to support a finding either way on this criterion. In response to petitioners' arguments that they demonstrated "extraordinary design and operational measures to minimize the impact," the court found that even if petitioners' facility was "designed" to minimize impact, it still would not necessarily be "located" to minimize impact, as the "plain statutory language" of the criterion requires. *Id.*, slip op at 11.

On criterion five of Section 39.2(a) (plan of operations is designed to minimize danger to the surrounding area from fire, spills, or other operational accidents), the court noted that some of the evidence favored petitioners, but also that expert witnesses for the opponents testified that petitioners' plan was inadequate regarding fire, spills, and hazardous waste. The court again found that there was ample evidence to support a conclusion that the criterion was met, and that it was not met. The court accordingly held that "the County's (and the PCB's) finding that the fifth criterion was not satisfied was not against the manifest weight of the evidence." *Id.*, slip op at 12.

Lastly, the court looked to the "unnumbered criterion" of Section 39.2(a), which provides that the county board:

may also consider as evidence the previous operating experience and past record of convictions or admissions of violations of the applicant in the field of waste management when considering criteria (ii) and (v).

Petitioners argued that consideration of the unnumbered criterion should be limited to past violations, but the court agreed with the Board, stating that "as the PCB stated in its opinion, the fact that petitioners had no experience in operating the type of facility they proposed would certainly bear on a fact finder's decision as to whether the proposed facility would cause harm to the area." *Id.*, slip op at 12. In affirming the Board, the court concluded that even if it were to find against the Board on criteria two and five, it would still affirm the Board because "[a]ll the statutory criteria must be satisfied in order for a site application to be approved" and "petitioners would still have failed under criterion three." *Id.*, slip op at 13-14.

Second District Agrees to Publish Additional Portion of Its Decision in *State Oil Co. et al. v. People of the State of Illinois et al.; Abraham et al. v. Pollution Control Board et al.*, Nos.2-03-0463 and 2-03-0493 (cons.) (September 30, 2004) (PCB 97-103)

In a September 30, 2004 order, the Second District Appellate Court granted the motion of the Board and complainant for publication of an additional portion of the court's decision, originally issued on August 18, 2004. The August 18 decision was previously reported in these pages in detail, see *Environmental Register* No. 602 (August, 2004) at pp.2-5, and that lengthy discussion will not be repeated here.

In summary, the Second District Appellate Court affirmed the Board in the leaking underground storage tank enforcement case *State Oil Co. et al. v. People of the State of Illinois et al.; Abraham et al. v. Pollution Control Board et al.*, Nos.2-03-0463 and 2-03-0493 (cons.) (August 18, 2004) (hereinafter "State Oil (2d Dist.)"). The Board had ordered respondents to remediate the site, to reimburse the State for substantial clean-up costs, to pay civil penalties in its case entitled *People of the State of Illinois v. State Oil Company, William Anest f/d/b/a S & S Petroleum Products, Peter Anest f/d/b/a S & S Petroleum Products, Charles Abraham, Josephine Abraham, and Millstream Service, Inc.; Charles Abraham, Josephine Abraham, and Millstream Service, Inc. v. State Oil Company, William Anest f/d/b/a S & S Petroleum Products, Peter Anest f/d/b/a S & S Petroleum Products.*, PCB 97-103 (March 20, 2003) (hereinafter "People v. State Oil").

The court originally authorized publication of only one portion of its August 28-page decision. The portion to be published, which may be cited as precedent, affirms the important Board holding regarding the applicability of proportionate share liability under Title XVII of the Environmental Protection Act (Act), 415 ILCS 5/100 *et seq.* See State Oil (2d Dist.)(slip op. at 1-7, 28). The balance of the decision (pages 8-27), which affirmed the remediation order and penalties assessed against various respondents, was "nonpublishable" under Supreme Court Rule 23 (155 Ill.2d R. 23) and therefore was not precedential. *Id.*, slip op. at 8-27).

In its September 30, 2004 order, the court agreed to publish another segment of the decision concerning liability of owners and operators under Section 57.12 of the Act.

Section 57.12(a) of the Act provides that:

the owner or operator, or both, of an underground storage tank shall be liable for all costs of investigation, preventive action, corrective action and enforcement action incurred by the State of Illinois resulting from an underground storage tank.

The court affirmed the Board's reading of Section 57.12(a) that the provision applied not only to the current UST owner or operator, but also to a former owner or operator:

[A] statute must not be construed so that it produces an absurd result Allowing an owner to escape liability by simply selling a property would, in our estimation, be absurd In short, State Oil was the owner when the problem began. That the problem continued beyond its ownership of the property does not absolve it from responsibility. State Oil (2d Dist.), slip op. at 18.

After reviewing several provisions of the Act, the court broadly concluded that the Act properly applied retroactively, since "it is clear that the legislature intended the Act to address ongoing problems, which, by definition existed at the time that the Act was enacted." State Oil (2d Dist.), slip op. at 19.

Rule Update

Board Adopts Proposal for Public Comment in SDWA Update, USEPA Amendments (January 1, 2004 through June 30, 2004) (R05-06)

On October 7, 2004, the Board adopted a proposal for public comment in SDWA Update, USEPA Amendments (January 1, 2004 through June 30, 2004) (R05-06). The rulemaking proposes amendments to the Illinois regulations that are "identical in substance" to drinking water regulations adopted by the United States Environmental Protection Agency (USEPA). The USEPA rules implement Sections 1412(b), 1414(c), 1417(a), and 1445(a) of the federal Safe Drinking Water Act (SDWA) (42 U.S.C. §§ 300g-1(a), 300g-3(c), 300g-6(a), and 300j-4(a) (1994).

This docket includes federal SDWA amendments that USEPA adopted in the period January 1, 2004 through June 30, 2004. The rulemaking proposal was sent to the Secretary of State and published in the October 29, 2004 issue of the *Illinois Register* at 28 Ill. Reg. 13954. The Board will accept public comments for 45 days after publication, through December 13, 2004.

The federal amendments that the Board acted on in this proposal approve one new analytical method for analysis of total coliforms and *E. coli* and three new methods for analysis of uranium in drinking water. Another amendment makes a number of minor corrections to various federal rules, including the Long Term 1 Enhanced Surface Water Treatment Rule, the Surface Water Treatment Rule, and the Lead and Copper Rule.

Method for Analysis of Total Coliforms and *E. coli*

On February 13, 2004 (69 Fed. Reg. 7156), USEPA approved use of the Colitag® method for monitoring compliance with the total coliforms and *E. coli* standards for drinking water. The Colitag® method is a proprietary method available for purchase from CPI International, Inc. The USEPA action includes the Colitag method among the reference and proprietary methods already approved and available for demonstrating compliance with the total coliform and *E. coli* standards.

The Board incorporated the February 13, 2004 federal amendments without deviation from the substance of the federal amendments. Anyone interested in the substantive aspects of the federal addition of the new method should refer to the February 13, 2004 issue of the *Federal Register* for further information.

Methods for Analysis of Uranium

On June 2, 2004 (69 Fed. Reg. 31008), USEPA adopted a direct final rule approving three newly approved analytical methods for monitoring compliance with the uranium standard for drinking water. The methods were inductively coupled plasma-mass spectrometric methods in three sources: the 20th edition of "Standard Methods for the Examination of Water and Wastes," Method 3125; ASTM Method D5673-03; and Method 200.8 in "Methods for the Determination of Metals in Environmental Samples."

On August 25, 2004 (at 69 Fed. Reg. 52181), USEPA withdrew the June 2, 2004 direct final rule in response to a "somewhat ambiguous comment letter." 69 Fed. Reg. at 52181. In a separate notice of final rule, USEPA simultaneously addressed the comment letter and adopted amendments substantively identical to those withdrawn. 69 Fed. Reg. 52176 (Aug. 25, 2004). The effective date is the only difference between the withdrawn rule of June 2, 2004 and that adopted on August 25, 2004. The withdrawn rule would have become effective on August 31, 2004, and the August 25, 2004 rule became effective on the date of publication.

The Board incorporated the August 25, 2004 federal amendments without substantive deviation. References to the three newly approved methods for analysis of uranium were added to Section 611.720(a)(5). The only differences between the Illinois amendments and the underlying federal amendments are stylistic. The primary differences

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relate to differences in the format of the respective rules: the federal rules appear in tabular form, and the corresponding Illinois rules appear in the standard paragraph format. Anyone interested in the substantive aspects of the federal addition of the new method should refer to the August 25, 2004 issue of the *Federal Register* for further information.

The Board specifically requests comment on incorporation of the uranium methods into the Illinois regulations to incorporate the USEPA amendments of August 25, 2004.

Miscellaneous Corrections

On June 29, 2004 (69 Fed. Reg. 38850), USEPA adopted a series of corrections to its rules. USEPA described the corrections as clarifying typographic errors, inadvertent omissions, editorial errors, and outdated language in various rules. The rules affected included the following:

1. The Surface Water Treatment Rule (SWTR), adopted by USEPA on June 29, 1989 (54 Fed. Reg. 27486), (correcting cross-references);
2. The Lead and Copper Rule (LCR), adopted by USEPA on June 7, 1991 (at 56 Fed. Reg. 26460) and corrected on January 12, 2000 (at 65 Fed. Reg. 1950), (correcting the list of facilities that must receive public education brochures in the event of an exceedence of the action level);
3. The Phase V Rule, adopted by USEPA on July 17, 1992 (at 57 Fed. Reg. 31776), (clarifying a Best Available Technology for removal of cyanide from water);
4. Bottled Water Requirements (changing the reference to bottled requirements to reflect their movement by the Food and Drug Administration (FDA) from 20 C.F.R. 103.35 to 21 C.F.R. 165.110 on November 13, 1995 (at 60 Fed. Reg. 57076));
5. The Information Collection Rule (ICR), adopted by USEPA on May 14, 1996 (at 61 Fed. Reg. 24345), (removing obsolete references to data collected under rules that expired on December 31, 2000);
6. The Stage 1 Disinfectants and Disinfection Byproducts Rule (Stage 1 D-DBPR), adopted by USEPA on December 16, 1998 (at 63 Fed. Reg. 69390), (adding compliance with the maximum residual disinfectant level (MRDL) to the compliance requirements; correcting a cross-reference);
7. The Radionuclides Rule, adopted by USEPA on December 7, 2000 (at 65 Fed. Reg. 76708), (adding a detection limit for uranium; correcting typographic errors; clarifying screening levels);
8. The Filter Backwash Recycling Rule (FBWR), adopted by USEPA on June 8, 2001 (at 66 Fed. Reg. 31086), (correcting cross-references; clarifying the public notice requirements); and
9. The Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR), adopted by USEPA on January 14, 2002 (67 Fed. Reg. 1812), (changing the compliance date from January 14, 2005 to January 1, 2005; adding clarification that the states may approve more representative data sets to avoid disinfection profile monitoring; correcting typographic errors, omissions, and cross-references).

The Board incorporated the June 29, 2004 federal amendments without substantive deviation. It was not necessary, however, to make a small number of the federal corrections because the Board made the corrections when incorporating the original federal rules into the Illinois rules. The federal actions that the Board has acted on in R04-03 were the FBWR amendments and the clarification amendments of the LT1ESWTR.

Copies of the Board's opinion and order in R05-06 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.

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AC 05-20 IEPA v. John Groff and Robert Groff – The Board accepted for hearing respondent John Groff’s petition for review of an administrative citation against this Marion County respondent. 4-0

Decisions

PCB 01-7 People of the State of Illinois v. QC Finishers, Inc. – In this air enforcement action concerning a Cook County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2002)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$149,000 and to cease and desist from further violations. 4-0
A-E

PCB 02-115 People of the State of Illinois v. Blue Ridge Construction Corporation – The Board found that respondent violated Section 9(a), 9.1(d)(1), 12(d), 21(a), (e), (p)(1), and (p)(2) of the Environmental Protection Act (415 ILCS 5/9(a), 9.1(d)(1), 12(d), 21(a), (e), (p)(1), (p)(2) (2000)); Section 201.141 of the Board’s regulations (35 Ill. Adm. Code 201.141); and 40 C.F.R. 61.145(a), 40 C.F.R. 145(c)(1), 40 C.F.R. 145(c)(6), 40 C.F.R. 145 (c)(8), 40 C.F.R. 61.145(b)(1), and 40 C.F.R. 61.150(a)(1). This order also incorporates the Board’s August 7, 2003 decision, which found that respondent had violated Sections 9(a), 9.1(d)(1), 12(d), 21(a), (e), (p)(1), and (p)(2) of the Act; Section 201.141 of the Board’s regulations; and 40 C.F.R. 61.145(a) and 40 C.F.R. 61.145(b)(1). Respondent was ordered to pay a total civil penalty of \$66,000 and to cease and desist from further violations. 4-0
A&W-E

PCB 05-26 People of the State of Illinois v. CFM U.S. Corporation f/k/a The Vermont Castings Majestic Products Company – In this air enforcement action concerning a Cook County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2002)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$46,000 and to cease and desist from further violations. 4-0
A-E

Motions and Other Matters

PCB 97-119 People of the State of Illinois v. G & M Total, Inc. and George Papas, individually and as President of G & M Total, Inc. – In this land enforcement action concerning a Lake County facility, the Board found that respondents violated 35 Ill. Adm. Code 731.160, 731.162, and 731.163, ordering the respondents to pay a total civil penalty of \$15,000 and to cease and desist from further violations. 4-0
L-E

PCB 03-75 Clinton County Oil Company, Inc. v. IEPA – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Madison County facility. 4-0
UST Appeal

PCB 03-107 Willaredt Oil Company v. IEPA – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Macon County facility. 4-0
UST Appeal

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PCB 03-121	<u>Freedom Oil Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Sangamon County facility.	4-0 UST Appeal
PCB 03-122	<u>Chronister Oil Company d/b/a Quik-N-EZ v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Christian County facility.	4-0 UST Appeal
PCB 03-214	<u>Illinois Ayers Oil Company v. IEPA</u> – The Board denied respondent’s motion for reconsideration of the August 5, 2004 Board Order.	4-0 UST Appeal
PCB 04-75	<u>Mate Technologies, Inc. v. F.I.C. America Corporation</u> – The Board granted complainant’s motion for voluntary dismissal of this citizen land enforcement action involving a Sangamon County facility.	4-0 L-E
PCB 04-79	<u>Bonita Saxbury and Richard Saxbury v. Archer Daniels Midland Company</u> – The Board reserved ruling on the joint motion for site visit until after the record has been fully developed at hearing.	4-0 N-E
PCB 04-106	<u>People of the State of Illinois v. Thomas Gray an individual, Steve Whyte an individual, Gladys Whyte an individual, Leona Childress an individual, and William McCoy an individual</u> – The Board denied complainant’s motion for summary judgment as to respondents Thomas Gray, Gladys Gray, and Steve Whyte.	4-0 L-E
PCB 04-113	<u>Ethyl Petroleum Additives, Inc. v. IEPA</u> – The Board granted petitioner’s motion to amend caption, which in the future will be “ <u>Afton Chemical Corp. v. IEPA.</u> ”	4-0 P-A, Air
PCB 04-157	<u>Joe’s Mobil v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Montgomery County facility.	4-0 UST Appeal
PCB 04-198	<u>Glen’s 66 v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Montgomery County facility.	4-0 UST Appeal
PCB 04-223	<u>SG Supply 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 Cook County facility.	4-0 UST Appeal
PCB 04-227	<u>People of the State of Illinois v. Rogers Development Company</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Winnebago County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E

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PCB 05-1	<u>Janis Rosauer and Batavia Illinois Residents Opposed to Siting of Waste Transfer Station v. City of Batavia and Onyx Waste Services Midwest, Inc.</u> – The Board granted summary judgment to respondent Onyx Waste Services Midwest, Inc. (Onyx), finding that the third-party petitioners lack standing to appeal the City of Batavia’s decision granting siting approval to Onyx for a waste transfer station. The Board denied as moot Onyx’s alternative motion to reconsider the Board’s July 22, 2004 order.	4-0 P-C-F-S-R 3 rd Party
PCB 05-52	<u>People of the State of Illinois v. Safe Lock Self Storage, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in St. Clair County.	4-0 W-E
PCB 05-53	<u>People of the State of Illinois v. Clean Harbors Environmental Services, Inc.</u> – The Board accepted for hearing this land enforcement action involving a site located in Madison County.	4-0 L-E
PCB 05-54	<u>Rock Road Companies, Inc. v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Winnebago County facility.	4-0 P-A, Air
PCB 05-55	<u>Village of Lake Barrington, Cuba Township, Prairie Rivers Network, Sierra Club, Beth Wentzel, and Cynthia Skrukrud v. IEPA and Village of Wauconda</u> – The Board accepted for hearing this third-party permit appeal involving a Lake County facility and on its own motion consolidated this matter with PCB 05-58 and PCB 05-59.	4-0 P-A, NPDES 3 rd Party
PCB 05-56	<u>People of the State of Illinois v. Omron Automotive Electronics, Inc.</u> – The Board accepted for hearing this air enforcement action involving a site located in Kane County.	4-0 A-E
PCB 05-57	<u>Wayne Swanson & Dennis Swanson 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 Kane County facility.	4-0 UST Appeal 90-Day Ext.
PCB 05-58	<u>Slocum Lake Drainage District of Lake County, Illinois v. IEPA and Village of Wauconda, Illinois</u> – The Board accepted for hearing this third-party permit appeal involving a Lake County facility and on its own motion consolidated this matter with PCB 05-55 and PCB 05-59.	4-0 P-A, NPDES 3 rd Party
PCB 05-59	<u>Al Phillips, Vern Meyer, Gayle DeMarco, Gabrielle Meyer, Lisa O’Dell, Joan Leslie, Michael Davey, Nancy Dobner, Mike olito, Williams Park Improvement Association, Mat Schlueter, Mylith Park Lot Owners Association, Donald Krebs, Don Berkshire, Judy Brumme, Twin Pond Farms Homeowners Association, Julia Tudor, and Christine Deviney v. IEPA and Village of Wauconda</u> – The Board accepted for hearing this third-party permit appeal involving a Lake County	4-0 P-A, NPDES 3 rd Party

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facility and on its own motion consolidated this matter with PCB 05-55 and PCB 05-58.

PCB 05-60	<u>People of the State of Illinois v. Youssi Real Estate and Development, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in Boone County.	4-0 W-E
PCB 05-61	<u>Harold Hart Service 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 Madison County facility.	4-0 UST Appeal 90-Day Ext.
PCB 05-62	<u>Keller Oil Company (Moweaqua) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Shelby County facility.	4-0 UST Appeal
PCB 05-63	<u>People of the State of Illinois v. North Rockwell, L.L.C.</u> – The Board accepted for hearing this air enforcement action involving a site located in Cook County.	4-0 A-E

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Administrative Citations

AC 04-32	<u>IEPA v. Rosemary Pehm</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving an Adams County facility, the Board found respondent violated Section 21(p)(3) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(3) (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 violations of Sections (p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1) and (p)(7) (2002)).	5-0
AC 05-20	<u>IEPA v. John Groff and Robert Groff</u> – The Board granted complainant's motion to dismiss the administrative citation against Robert Groff only.	5-0
AC 05-23	<u>IEPA v. Phillip Hamann</u> – The Board found that this Mason County respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2002)), and ordered respondent to pay a civil penalty of \$1,500.	5-0
AC 05-28	<u>County of Vermilion, Illinois v. Bill Wergnigk</u> – The Board accepted for hearing this petition for review of an administrative citation against this Vermilion County respondent.	5-0

Decisions

PCB 96-10	<u>Vogue Tyre & Rubber Company v. IEPA</u> – The Board affirmed the Illinois	5-0
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Environmental Protection Agency's (IEPA) decision that the Vogue Tyre & Rubber Company site at 1401 Golf Road, Skokie, Cook County is not subject to 35 Ill. Adm. Code 731 and 732. Further, the Board affirmed the IEPA's denial of a 20-day report, a 45-day report, a site classification report and corrective action plan submitted for the site. UST Appeal

PCB 04-15 People of the State of Illinois v. Atkinson Grain & Fertilizer, Inc. – In this water enforcement action concerning a Henry 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 \$20,000 and to cease and desist from further violations. 5-0
W-E

PCB 04-164 People of the State of Illinois v. The Fields of Long Grove Homeowner's Association – In this water enforcement action concerning a Lake County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2002)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$3,000 and to cease and desist from further violations. 5-0
PWS-E

Motions and Other Matters

PCB 96-98 People of the State of Illinois v. Skokie Valley Asphalt, Co., Inc., Edwin L. Frederick, Jr. individually and as owner and President of Skokie Valley Asphalt Co., Inc., and Richard J. Frederick individually and as owner and Vice President of Skokie Valley Asphalt, Co., Inc. – The Board granted in part respondents' motion to stay and/or extend time to respond to complainant's petition for attorney fees and cost. The Board stayed the time for payment of the \$153,000 in penalties ordered in the Board's September 2, 2004 order, pending resolution of respondents' appeal in Skokie Valley et al. v. Illinois Pollution Control Board, et al., No. 04-0977. But the Board denied the additional relief requested by respondents. 5-0
W-E

PCB 99-120 People of the State of Illinois v. Wood River Refining Company – The Board granted respondent's motion to modify the September 16, 2004 Board Order. 5-0
A-E

PCB 00-163 David and Jacquelyn McDonough v. Gary Robke – The Board denied complainants' motion to apply sanctions, and ended stay of the remedy portion (paragraph 3) of the Board's order of February 6, 2003. 5-0
Citizens
N-E

PCB 05-9 People of the State of Illinois v. Danny Wiegel d/b/a Wiegel's Tree Service – The Board granted complainant's motion for voluntary dismissal of this air enforcement action involving a Marion County facility. 5-0
A-E

PCB 05-27 Heritage FS, Inc. (Property Identification #06-10-06-400-005) v. IEPA –The Board did not receive any petition for review of the Agency's recommendation to deny certification. Consistent with the Agency's recommendation, the Board declined to certify a portion of Heritage FS, Inc.'s building over the minibulk/package agricultural secondary containment structure as a pollution 5-0
T-C

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control facility and dismissed this matter.

PCB 05-64	<u>People of the State of Illinois v. Auto Recyclers – C&D Enterprises, Inc.</u> – The Board accepted for hearing this land enforcement action involving a site located in Sangamon County.	5-0 L-E
PCB 05-65	<u>Russ Taylor 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 Champaign County facility.	5-0 UST Appeal 90-Day Ext.
PCB 05-66	<u>People of the State of Illinois v. Petco Petroleum Corporation</u> – The Board accepted for hearing this land enforcement action involving a site located in Fayette County.	5-0 W-E
PCB 05-68	<u>Illinois State Toll Highway Authority (Lake Forest East CAP/B) v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Lake County facility.	5-0 UST Appeal 90-Day Ext.
PCB 05-69	<u>Illinois State Toll Highway Authority (Lake Forest West CACR) v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Lake County facility.	5-0 UST Appeal 90-Day Ext.
PCB 05-70	<u>Illinois State Toll Highway Authority (Lake Forest West CAP/B) v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Lake County facility.	5-0 UST Appeal 90-Day Ext.
PCB 05-71	<u>Illinois State Toll Highway Authority (Lake Forest East CACR) v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Lake County facility.	5-0 UST Appeal 90-Day Ext.

New Cases

October 7, 2004 Board Meeting

05-052 People of the State of Illinois v. Safe Lock Self Storage, Inc. – The Board accepted for hearing this water enforcement action involving a site located in St. Clair County.

05-053 People of the State of Illinois v. Clean Harbors Environmental Services, Inc. – The Board accepted for hearing this land enforcement action involving a site located in Madison County.

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05-054 Rock Road Companies, Inc. v. IEPA – The Board accepted for hearing this permit appeal involving a Winnebago County facility.

05-055 Village of Lake Barrington, Cuba Township, Prairie Rivers Network, Sierra Club, Beth Wentzel, and Cynthia Skrukud v. IEPA and Village of Wauconda – The Board accepted for hearing this third-party permit appeal involving a Lake County facility and on its own motion consolidated this matter with PCB 05-58 and PCB 05-59.

05-056 People of the State of Illinois v. Omron Automotive Electronics, Inc. – The Board accepted for hearing this air enforcement action involving a site located in Kane County.

05-057 Wayne Swanson & Dennis Swanson 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 Kane County facility.

05-058 Slocum Lake Drainage District of Lake County, Illinois v. IEPA and Village of Wauconda, Illinois – The Board accepted for hearing this third-party permit appeal involving a Lake County facility and on its own motion consolidated this matter with PCB 05-55 and PCB 05-59.

05-059 Al Phillips, Vern Meyer, Gayle DeMarco, Gabrielle Meyer, Lisa O'Dell, Joan Leslie, Michael Davey, Nancy Dobner, Mike Olito, Williams Park Improvement Association, Mat Schlueter, Mylith Park Lot Owners Association, Donald Krebs, Don Berkshire, Judy Brumme, Twin Pond Farms Homeowners Association, Julia Tudor, and Christine Deviney v. IEPA and Village of Wauconda – The Board accepted for hearing this third-party permit appeal involving a Lake County facility and on its own motion consolidated this matter with PCB 05-55 and PCB 05-58.

05-060 People of the State of Illinois v. Youssi Real Estate and Development, Inc. – The Board accepted for hearing this water enforcement action involving a site located in Boone County.

05-061 Harold Hart Service 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 Madison County facility.

05-062 Keller Oil Company (Moweagua) v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Shelby County facility.

05-063 People of the State of Illinois v. North Rockwell, L.L.C. – The Board accepted for hearing this air enforcement action involving a site located in Cook County.

AC 05-026 County of Montgomery v. Michael Schwab – The Board accepted an administrative citation against this Montgomery County respondent.

AC 05-027 IEPA v. Lee County Landfill SC, L.L.C. and Dave Geier – The Board accepted for hearing this petition for review of an administrative citation against these Lee County respondents.

AC 05-028 County of Vermilion, Illinois v. Bill Wernigk – The Board accepted an administrative citation against this Vermilion County respondent.

AC 05-029 IEPA v. Charles L. Riggins – The Board accepted an administrative citation against this Mason County respondent.

October 21, 2004 Board Meeting

05-064 People of the State of Illinois v. Auto Recyclers – C&D Enterprises, Inc. – The Board accepted for hearing this land enforcement action involving a site located in Sangamon County.

05-065 Russ Taylor 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 Champaign County facility.

05-066 People of the State of Illinois v. Petco Petroleum Corporation – The Board accepted for hearing this land enforcement action involving a site located in Fayette County.

05-067 John F. Nocita v. Application of Greenwood Transfer, L.L.C. for Transfer Station Local Siting Approval in Village of Maywood, Illinois – The Board held for a later duplicative/frivolous determination this third party pollution control facility siting review involving a Cook County facility.

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05-068 Illinois State Toll Highway Authority (Lake Forest East CAP/B) v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Lake County facility.

05-069 Illinois State Toll Highway Authority (Lake Forest West CACR) v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Lake County facility.

05-070 Illinois State Toll Highway Authority (Lake Forest West CAP/B) v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Lake County facility.

05-071 Illinois State Toll Highway Authority (Lake Forest East CACR) v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Lake County facility.

AC 05-030 IEPA v. Doug and Theresa Christison – The Board accepted an administrative citation against these Pike County respondents.

AC 05-031 IEPA v. Guiffre II, L.L.C. – The Board accepted an administrative citation against this Winnebago County respondent.

AS 05-001 In the Matter of: Petition of SCA Tissue North America, L.L.C. for an Adjusted Standard from 35 Ill. Adm. Code 218.301 and 218.302(c) – No action taken.

Calendar

11/1/04 11:00AM	AC 04-63	County of Jackson v. Egon Kamarasy (Site Code 0778095036)(Consolidated: AC 04-63 and 64)	Jackson County Health Department Front Building 415 Health Department Road Murphysboro
11/1/04 11:00AM	AC 04-64	County of Jackson v. Egon Kamarasy (Site Code 0778125013)(Consolidated: AC 04-63 and 64)	Jackson County Health Department Front Building 415 Health Department Road Murphysboro
11/4/04	Illinois Pollution Control Board Meeting		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
11/4/04 1:00PM	R03-9	In the Matter of: Proposed New and Updated Rules for Measurement and Numerical Sound Emissions Standards Amendments to 35 Ill. Adm. Code 901 and 910	Mississippi Room Bureau of Water 1021 N. Grand Avenue East Springfield
11/9/04 12:00PM	AC 04-82	IEPA v. John Brown d/b/a John Brown Painting	City Hall Council Chambers 106 W. 5th Street Metropolis
11/15/04 9:00AM	PCB 03-51	People of the State of Illinois v. Draw Drape Cleaners, Inc. an Illinois corporation	James R. Thompson Center Room 2-029 100 W. Randolph St. Chicago

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11/16/04 9:00AM	PCB 03-51	People of the State of Illinois v. Draw Drape Cleaners, Inc. an Illinois corporation	James R. Thompson Center Room 2-029 100 W. Randolph St. Chicago
11/18/04	Illinois Pollution Control Board Meeting		James R. Thompson Center Hearing Room 9-040 100 W. Randolph Street Chicago
11/22/04 11:00AM	AC 04-39	County of Jackson v. Edward Tow	Jackson County Health Department Front Building 415 Health Department Road Murphysboro
11/22/04 11:00AM	AC 04-63	County of Jackson v. Egon Kamarasy (Site Code 0778095036) (Consolidated: AC 04-63 and AC 04-64)	Jackson County Health Department Front Building 415 Health Department Road Murphysboro
11/22/04 11:00AM	AC 04-64	County of Jackson v. Egon Kamarasy (Site Code 0778125013) (Consolidated: AC 04-63 and AC 04-64)	Jackson County Health Department Front Building 415 Health Department Road Murphysboro
12/2/04	Illinois Pollution Control Board Meeting		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
12/13/04 9:00AM	PCB 99-187	Gina Pattermann v. Boughton Trucking and Materials, Inc.	Bolingbrook Village Hall Boardroom 375 West Briar Cliff Road Bolingbrook
12/14/04 9:00AM	PCB 99-187	Gina Pattermann v. Boughton Trucking and Materials, Inc.	Bolingbrook Village Hall Boardroom 375 West Briar Cliff Road Bolingbrook
12/16/04	Illinois Pollution Control Board Meeting		James R. Thompson Center Hearing Room 9-040 100 W. Randolph Street Chicago

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 October 1, 2004.

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

RDS:sp/0046g/2

<u>NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY#</u>	<u>EPA RGN</u>	<u>NATURE OF PROBLEM</u>	<u>POP. SERVED</u>	<u>LISTING DATE</u>
Acorn Acres Sbdv (Lake Co - 0975020)	2	Inadequate Pres Tank	250	12/16/83
Alternative Behavior Treatment Ctr (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

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

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NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY#	EPA	NATURE OF PROBLEM	POP. SERVED	LISTING DATE
	RGN			
Forward-Skyline Plant (Kane Co - 0895030)	2	Inadequate Pres Tank	1,300	09/19/86
Galva (Henry Co - 0730450)	1	Adjusted Gross Alpha	2,900	03/14/01
Garden Street Imprv Assn (Will Co - 1975376)	2	Inadequate Pres Tank	62	09/15/89
Gardner (Grundy Co - 0630400)	2	Adjusted Gross Alpha	1,450	03/14/01
Glasford (Peoria Co - 1430350)	5	Adjusted Gross Alpha	1,115	12/15/97
Glenwood Outback (LaSalle Co - 0990080)	1	Inadequate Pres Tank	9,600	12/15/98
Good Shepherd Mnr (Kankakee Co - 0915189)	2	Inadequate Pres Tank	140	03/17/89
Great Oaks&Beacon Hls Apts (Winnebago Co-2015488)	1	Inadequate Pres Tank	943	12/17/82
Harbor Lites/Pistakee Fshg Cl (McHenry Co - 1110011)	2	Inadequate Pres Tank	100	03/14/01
Hardinville Water Company (Crawford Co - 0330020)	4	Inadequate Source Capacity	2,361	03/15/02
Hawthorn Woods (Lake Co - 0970450)	2	Inadequate Pres Tank	800	03/15/95
Heatherfield Sbdv (Grundy Co - 0635150)	2	Inadequate Pres Tank	91	09/17/82
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
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

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NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY#	EPA	NATURE OF PROBLEM	POP. SERVED	LISTING DATE
	RGN			
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
Osco 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
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
* Prairie View Water Assn (Tazewell Co - 1795900)	5	Inadequate Pres Tank	55	03/20/81

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NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY#	EPA	NATURE OF PROBLEM	POP.	LISTING
	RGN		SERVED	DATE
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
Shawntita 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
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

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<u>NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY#</u>	<u>EPA RGN</u>	<u>NATURE OF PROBLEM</u>	<u>POP. SERVED</u>	<u>LISTING DATE</u>
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

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 October 2004.

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

RDS:sp/0046g/4

<u>NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY#</u>	<u>EPA RGN</u>	<u>NATURE OF PROBLEM</u>	<u>POP. SERVED</u>	<u>LISTING DATE</u>
Andalusia (Rock Island Co – 1610050)	1	Inadequate Pres Tank	1,050	12/01/0
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

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Beecher (Will Co - 1970050)	2	Inadequate Storage Capacity	2,032	03/14/01
Bluford (Jefferson Co - 0810100)	7	Low System Pressure	465	03/20/81
Browning (Schuyler Co - 1690050)	5	Inadequate Source	495	03/15/98
* Caseyville (St Clair Co - 1630250)	6	Inadequate Storage	9,900	10/01/04
Clayton Camp Point Wtr Cmsn (Adams Co - 0015200)	5	Inad Pumping Capacity	1,200	09/15/98
Columbia (Monroe Co - 1330050)	6	Inad Pumping Capacity	5,893	03/15/98
DePue (Bureau Co - 0110300)	1	Inad Treatment Plant	1,930	12/15/93
Elizabeth (Jo Daviess Co - 0850150)	1	Low System Pressure	700	06/15/99
Evansville (Randolph Co - 1570250)	6	Low System Pressure	1,838	05/25/81
* Exeter-Merritt Water Coop (Scott Co - 1710010)	5	Inadequate Pres Tank	428	10/01/04
Galena (Jo Daviess Co - 0850200)	1	Low System Pressure	3,790	06/15/99
Highland Hills Sndst (DuPage Co - 0435560)	2	Inadequate Pres Tank	1,100	09/17/92
Joy (Mercer Co - 1310100)	1	Low System Pressure	495	06/15/99
LaMoille (Bureau Co - 0110500)	1	Inadequate Plant Capacity	750	06/15/99
* Lee (Lee Co - 1034600)	1	Inadequate Pres Tank	350	10/01/04
Mahomet (Champaign Co - 0190450)	4	Inadequate Plant Capacity	4,877	10/15/02
Marion (Williamson Co - 1990550)	7	Inadequate Source Capacity	14,610	11/01/01
Mathersville (Mercer Co - 1310200)	1	Low System Pressure	793	09/13/00
McHenry Shores Wtr Cmpny (McHenry Co - 1115020)	2	Low System Pressure	1,170	09/17/92
Mechanicsburg Buffalo Wtr (Sangamon Co - 1675150)	5	Inadequate Source	1,030	03/15/98
Scales Mound (Jo Daviess Co - 0850400)	1	Low System Pressure	400	09/15/97
Seneca (LaSalle Co - 0991050)	1	Inadequate Plant Capacity	1,937	06/15/99
South Highway PWD (Jackson Co - 0775400)	7	Low System Pressure	8,189	06/15/92
Stockton (Jo Daviess Co - 0850450)	1	Low System Pressure	1,900	06/15/84
Sumner (Lawrence Co - 1010300)	7	Low System Pressure	1,553	12/13/85
Utl Inc Lake Marian Wtr Corp (Kane Co - 0895200)	2	Low Sys Pres & Inad Pres Storage	800	09/14/84

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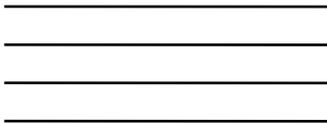
<u>NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY#</u>	<u>EPA RGN</u>	<u>NATURE OF PROBLEM</u>	<u>POP. SERVED</u>	<u>LISTING DATE</u>
Walnut Hill (Marion Co - 1210600)	6	Low System Pressure	1,200	06/14/85
* Waterloo (Monroe Co - 1330300)	6	Inadequate Storage	7,614	10/01/04
Wonder Lake Wtr Cmpny (McHenry Co - 1115750)	2	Inadequate Storage	1,080	12/14/90

PUBLIC WATER SUPPLIES REMOVED FROM PREVIOUS LIST

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

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

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