

---

# Environmental Register

November 2004 - Number 605

The Environmental Register is a Publication of the Illinois Pollution Control Board

---

J. Philip Novak, Chairman

Board Members:

G. Tanner Girard, Thomas E. Johnson,  
Nicholas J. Melas, Andrea S. Moore

Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph, Suite 11-500  
Chicago, Illinois 60601  
(312) 814-3620  
(312) 814-6032 TDD

Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
(217) 524-8500

Web Site: <http://www.ipcb.state.il.us>

# Letter from the Chairman

---

As in recent months, the Board continues to have a very full agenda of rulemaking, including three proposals filed within the last few weeks.

**R 05-9:** On November 5, 2004, the Board received a rulemaking proposal from the Illinois Environmental Protection Agency (IEPA), which seeks to establish 1,000-foot setback zone protection for the community water supply (CWS) wells of the City of Marquette Heights in Tazewell County. The proposal is the first of its kind under Section 14.3(d) of the Environmental Protection Act (Act), which allows establishment of “maximum setback zones” to prevent contamination of particularly vulnerable groundwater sources used by CWS. At its December 2, 2004 meeting, the Board accepted this proposal and directed the assigned hearing officer to proceed expeditiously to hearing.



**R 05-10:** This rulemaking proposal, filed on November 8, 2004, and docketed as R05-10, would set standards for Escherichia coli (E.coli) bacteria in both Lake Michigan and the Mississippi River. IEPA states that the proposed changes in the Lake Michigan standards are necessary to comply with the provisions of the federal Clean Water Act. In addition, the United States Environmental Protection Agency (USEPA) has sought to have all states on the upper Mississippi River adopt E.coli standards, and USEPA has indicated that it will adopt standards for states that do not act. At the time this letter was drafted, the Board had not yet acted on this proposal.

**R 05-11:** On November 19, 2004, IEPA filed a proposal to amend the Board’s rules relating to the Emissions Reduction Market System (ERMS). The Board originally adopted ERMS rules in 1997 and in 2001 received approval from USEPA as part of the State Implementation Plan (SIP) for ozone. ERMS is a “cap and trade” program designed to reduce volatile organic material (VOM) emissions in the Chicago area. IEPA states that revisions are necessary because USEPA is revoking the 1-hour ozone national ambient air quality standard (NAAQS) effective on June 15, 2005. That revocation of the 1-hour NAAQS, according to IEPA, will affect the applicability of the Clean Air Act Permit Program (CAAPP). IEPA further asserts that this change will result in the loss of approximately 330 tons of VOM emission reductions for each seasonal allotment period. At its December 2, 2004 meeting, the Board accepted this proposal for hearing and granted IEPA’s motion for expedited review.

The Board’s Clerk’s Office On-Line (COOL) provides 24-hour electronic access to case and docket information through the Board’s Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us). 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. I’m pleased that the Board is working to keep pace with information technology improvements, and I encourage you to call our Clerk’s office at 312-814-3629 for more information about our pilot project.

Best wishes to all of you for a very happy holiday season.

Sincerely,

A handwritten signature in black ink that reads "J. Philip Novak". The signature is written in a cursive, slightly slanted style.

J. Philip Novak  
Chairman

## Inside This Issue:

---

FEDERAL UPDATE	P. 1
APPELLATE UPDATE	P. 3
RULE UPDATE	P. 5
BOARD ACTIONS	P. 6
NEW CASES	P. 12
BOARD CALENDAR	P. 14
IEPA RESTRICTED STATUS LIST	P. 15
IEPA CRITICAL REVIEW LIST	P. 16
CLASS III GROUNDWATER LISTING NOTICE	P. 17

## Federal Update

---

### **United States Environmental Protection Agency Adopts Direct Final Rule, and Corresponding Proposed Rule, Approving the Illinois Site-Specific Sulfur Dioxide Plan Revision for CILCO Edwards Station**

On November 12, 2004 (69 Fed. Reg. 65378), the United States Environmental Protection Agency (USEPA) adopted a direct final rule, as well as a corresponding proposed rule, to approve a site-specific change to the Illinois State Implementation Plan (SIP). This revision request is identical to an earlier temporary SIP revision, which USEPA approved on April 13, 2000 (65 FR 19838). The USEPA action is based on a July 29, 2003, site-specific sulfur dioxide (SO<sub>2</sub>) SIP revision submission from the Illinois Environmental Protection Agency (IEPA) for the Central Illinois Light Company's Edwards Generating Station in Peoria County, Illinois (CILCO Edwards).

The Board granted CILCO's petition for a site specific rule change for the Edwards generating station on June 5, 2003 in Petition of Central Illinois Light Company (E. D. Edwards Generating Station) for a Site Specific Air Regulation: 35 Ill. Adm. Code 214.561 (R02-21). The adopted standards require that: average sulfur dioxide emissions from Boiler Nos. 1, 2, and 3 at the generating station, as a group may not exceed 4.71 pounds per million British thermal units (lb/mmBtu) of actual heat input; the average sulfur dioxide emissions from any one boiler may not exceed 6.6 lb/mmBtu of actual heat input; and sulfur dioxide emissions for all three boilers, as a group, may not exceed 34,613 pounds per hour, on a 24-hour average basis.

The direct final rule is effective on January 11, 2005 unless USEPA receives adverse written comments by December 13, 2004. If adverse comment is received, USEPA will publish a timely withdrawal of the rule in the *Federal Register* and inform the public that the rule will not take effect.

Written comments may be sent to: J. Elmer Bortzer, Chief, Air Programs Branch, (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

For further information contact Mary Portanova, Environmental Engineer, Criteria Pollutant Section, Air Programs Branch, EPA Region 5, Chicago, Illinois 60604, (312)-353-5954, email at: [portanova.mary@epa.gov](mailto:portanova.mary@epa.gov).

### **United States Environmental Protection Agency Adopts Final Water Quality Standards for Bacteria levels in Coastal and Great Lakes Recreation Waters Under the Clean Water Act**

On November 16, 2004 (69 Fed. Reg. 67217), the United States Environmental Protection Agency (USEPA) adopted water quality standards for bacteria for coastal recreation waters designated for swimming, bathing, surfing or similar water contact activities. Effective December 16, 2004, the new rules cover states and territories, including Illinois, that do not have in place USEPA-approved water quality standards for bacteria that comply with

## Environmental Register – November 2004

the requirements of section 303(i)(1)(A) of the Clean Water Act and are as protective of human health as USEPA's 1986 recommended bacteria criteria.

For freshwaters, USEPA used the pathogen indicators enterococci and E. coli. For fresh coastal recreation waters and for the Great Lakes Basin, the federal standard is 126 E. coli and 33 enterococci per 100 ml geometric mean. The single sample allowable maxima for E. coli and enterococci (derived by statistical calculations) are graded according to the intensity of recreational use of the waters: designated bathing beach (235 and 61, 75 % confidence level), moderate use coastal recreation waters (298 and 78, 82% confidence level), light use coastal recreation waters (409 and 107, 90% confidence level), and infrequent use coastal recreation waters (575 and 151, 95% confidence level).

For marine waters, USEPA used the pathogen indicator enterococci only. For marine waters, the federal standard is 35 enterococci per 100 ml geometric mean. The single sample allowable maxima for enterococci (derived by statistical calculations) are graded according to the intensity of recreational use of the waters: designated bathing beach (104, 75 % confidence level), moderate use coastal recreation waters (158, 82% confidence level), light use coastal recreation waters (276, 90% confidence level), and infrequent use coastal recreation waters (501, 95% confidence level).

USEPA did not specify in the final rule how the averaging period for the geometric must be applied, however it recommended that the averaging period be applied as a “rolling” or “running” average. USEPA stated that it expects that most States will in fact apply the averaging period as a rolling average; however, USEPA also recognized that it would be technically appropriate to apply the averaging period on a set basis such as monthly or recreation season. USEPA therefore concluded that it is appropriate to allow the states to exercise discretion in deciding how to apply the averaging period for the geometric mean.

USEPA promulgated the single sample maximum values that it proposed without change, but clarified its expectations with regard to how these values could be used in the context of beach notification and closure decisions, and in the context of the implementation of other Clean Water Act programs. USEPA stated that it expects that the single sample maximum values would be used for making beach notification and closure decisions. Other than in the beach notification and closure decision context, the geometric mean is the more relevant value for ensuring that appropriate actions are taken to protect and improve water quality because it is a more reliable measure, being less subject to random variation, and more directly linked to the underlying studies on which the 1986 bacteria criteria were based.

Nevertheless, USEPA believes the single sample maximum can play a role in identifying potential pollution episodes, especially in waters that are prone to short-term spikes in bacteria concentrations, e.g., waters that may be affected by a combined sewer overflow outfall. For beach monitoring and beach notification and closure decisions, beach managers frequently need to make beach decisions based on one or very few data points. Thus, having a trigger level for a single sample value enables beach managers to make an immediate decision for the protection of public health at beaches.

This final rule is effective December 16, 2004.

For information concerning this rulemaking, contact Lars Wilcut, Standards and Health Protection Division, Office of Science and Technology (4305 T), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202)-566-0447; fax number: (202)-566-0409; e-mail address: wilcut.lars@epa.gov.

The Board is currently considering an Illinois Environmental Protection Agency (IEPA) proposal to add a bacterial water quality standard to the Board rules to supplement the existing fecal coliform standard. Bacteria (E-coli) Water Quality Standard for Lake Michigan and Mississippi River, Proposed Amendments to 35 Ill. Adm. Code 302 and 303 (R05-10) is a proposal to amend the Board's water quality standards to include criteria for bacteria. The Lake Michigan portion of the rulemaking is intended to fulfill the federal requirement for Illinois to adopt bacteria standards for the Lake Michigan Basin. (There is no current federal requirement applicable to the Mississippi River.)

The IEPA proposal would set a new bacteria water quality standard during the months of May through October for the Lake Michigan Basin and designated bathing beaches. The proposed standard for "open waters" of the Lake and "designated bathing beach waters is the geometric mean of 126 cells per 100 mL in 5 samples taken over no more than 30 days) or 235 cells per 100 mL in a single sample. In other waters of the Lake Michigan Basin, the standard is the geometric mean of 126 cells per 100 mL (5 samples over not more than 30 days) or 298 cells per 100 mL (single sample). The Board expects to hold hearings on this proposal early in 2005.

### **United States Environmental Protection Agency Adopts Revision to the Definition of Volatile Organic Compounds Under the Clean Air Act**

In two separate *Federal Register* notices, the United States Environmental Protection Agency (USEPA) exempted five additional compounds from the definition of volatile organic compound (VOC). The notices appeared on November 29, 2004 at 69 Fed. Reg. 69290 and 69 Fed. Reg. 69298. This action revises USEPA's definition of volatile organic compounds (VOC) for purposes of State implementation plans (SIPs) to attain the national ambient air quality standards (NAAQS) for ozone under Title I of the Clean Air Act (CAA).

The first USEPA action was the result of a petition filed by various companies: 3-M Company, Great Lakes Chemical Company, and Foam Supplies, Inc. That notice (at 69 Fed. Reg. 69290) excluded 1,1,1,2,2,3,3-heptafluoro-3-methoxypropane (HFE-7000); 3-ethoxy-1,1,2,3,4,4,5,5,6,6,6-docecafluoro-2-(trifluoromethyl)hexane (HFE-7500, HFE-s702, T-7145, or L-15381); 1,1,1,2,2,3,3-heptafluoropropane (HFC-227ea); and methyl formate. HFE-7000 is used as a refrigerant and an aerosol propellant. HFE-7500 is used as a refrigerant. HFC-227ea is used as a fire suppressant and aerosol propellant. Methyl formate is used as a blowing agent in the manufacture of plastic foams.

The second action resulted from a petition filed by Lyondell Chemical Company. That notice (at 69 Fed. Reg. 69298) excludes tert-butyl acetate (TBAC). TBAC is used as a gasoline additive and solvent. The exclusion of TBAC is unique in that although USEPA has exempted the compound from the definition of VOC for the purposes of emissions controls, USEPA will continue to consider TBAC to be VOC for the purposes of recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements. USEPA explained that although the compound may be negligibly reactive, its use in large volumes may still contribute to tropospheric ozone formation.

Both amendments are effective on December 29, 2004.

For further information contact David Sanders, Office of Air Quality Planning and Standards, Air Quality Strategies and Standards Division (C539-02), Research Triangle Park, NC 27711, phone (919)-541-3356, or William Johnson, Office of Air Quality Planning and Standards, Air Quality Strategies and Standards Division (C539-02), Environmental Protection Agency, Research Triangle Park, NC 27711; (919)-541-5245; e-mail: [johnson.williaml@epa.gov](mailto:johnson.williaml@epa.gov)

The Board will act to adopt corresponding identical-in-substance amendments to the Illinois definition of VOC within a year of this federal action. Docket R05-16 has been reserved to accommodate the needed amendments.

## **Appellate Update**

---

### **First District Agrees to Publish its Decision Dismissing Appeal in *Vogue Tyre & Rubber Co. v. Office of the State Fire Marshal of the State of Illinois*, No. 1-03-0521 (November 2, 2004 *nunc pro tunc* September 28, 2004)(PCB 01-167)**

In a November 2, 2004 *nunc pro tunc* opinion and order, the First District Appellate Court granted the motion of the Board for publication of the court's September 28, 2004 dismissal order in the appeal *Vogue Tyre Rubber & Co. v. Office of the State Fire Marshal* No. 1-03-0521 (November 2, 2004). In the case before the Board, the Board affirmed a decision by the Office of the State Fire Marshal (OSFM) finding Vogue Tyre ineligible to have cleanup costs for specific leaking underground storage tanks (USTs) reimbursed from the UST Fund under the

## Environmental Register – November 2004

Environmental Protection Act (415 ILCS 5/57.9(a)(4) (2002)). Vogue Tyre Rubber & Co. v. Office of the State Fire Marshal, PCB 95-78 (December 5, 2002).

Because the court's 14-page September order was originally issued as an unpublished order under Supreme Court Rule 23 (155 Ill.2d R. 23), it was summarized only in brief in these pages. See *Environmental Register* No. 603 (September, 2004) at pp.3. A more extensive summary is found below.

### The Board's Decision

In 1986, Vogue Tyre had registered with the OSFM four USTs at a service station site in Skokie, Cook County. Of the four, only Tanks 1 and 2 were at issue. By February 1993 administrative order, the OSFM "deregistered" Tanks 1 and 2, apparently because they had been removed before September 27, 1987. Vogue Tyre did not appeal the OSFM's deregistration order. In December 1994, Vogue Tyre reported a UST release and applied with the OSFM for a determination on eligibility to have Vogue Tyre's cleanup costs reimbursed from the UST Fund. In February 1995, the OSFM denied Vogue Tyre access to the UST Fund because Tanks 1 and 2 were not registered. In March 1995, Vogue Tyre petitioned the Board to review the OSFM's denial. The Board proceeding was stayed pending resolution of related insurance claims. In September 2002, the OSFM filed a motion for summary judgment with the Board.

In December 2002, the Board granted the OSFM's motion for summary judgment. The Board found no genuine issue of material fact that the USTs at issue were not registered when Vogue Tyre applied for UST Fund access. Because tank registration is a prerequisite to UST Fund eligibility under the Environmental Protection Act (415 ILCS 5/57.9(a)(4) (2002)), the Board held that the OSFM's 1995 decision to deny UST Fund eligibility was entitled to affirmation as a matter of law. Further, Vogue Tyre's arguments that the OSFM erred in its 1993 UST deregistering were misplaced, according to the Board. The Board reiterated its long-held position that it lacks authority to review OSFM registration or deregistration decisions under the Gasoline Storage Act (430 ILCS 15/4 (2002)). The Board found that such decisions are appealable only to the circuit court under the Administrative Review Law (735 ILCS 5/3-101 et seq. (2002)). In January, 2003, Vogue asked the Board to reconsider its decision, arguing that the Board had misapplied Section 7(b) of the Gasoline Storage Act, and that the Board did have jurisdiction to review the OSFM deregistration order. The Board denied the motion.

### The First District's Decision

When filing the appeal, Vogue Tyre did not name the Board as a party respondent. In April 2003, the OSFM and the Board moved to dismiss, arguing that the appellant's failure to name all necessary parties of record pursuant to Supreme Court Rule 335 was a fatal error. Instead of ruling on the motion, the court decided to "take the motion with the case," and required the parties and the Board to fully brief the underlying environmental issues. Before oral argument, however, the court issued its 14-page order dismissing the appeal on the grounds argued by the Board. The court agreed, dismissing the appeal in order. Because the appeal was dismissed due to procedural defect, the court did not reach any of the UST issues briefed by the parties.

The court looked to the language of Section 3-113(b) of the Administrative Review Law and the identical language of Supreme Court Rule 335(a) on who must be named as a respondent in petitions for direct appellate court review of administrative orders. The court noted that both provisions "clearly and unambiguously state that '[t]he agency and all other parties of record shall be named as respondents.'" Vogue Tyre Rubber & Co. v. Office of the State Fire Marshal No. 1-03-0521 (November 2, 2004), slip op at 7. The court cited long-standing precedent for the proposition that because Illinois appellate courts exercise special statutory jurisdiction in reviewing administrative actions, those who seek to appeal must strictly adhere to the statute (i.e., Section 41(a) of the Environmental Protection Act, which incorporates the Administrative Review Law); when those parties do not strictly comply, the court cannot consider the appeal. "Substantial compliance," such as by merely serving the Board with the petition for review and referring to the Board order, is not sufficient. See *Id.*, slip op. 8-9, citing, among other cases, McGaughy v. Illinois Human Rights Comm'n, 165 Ill. 2d 1, 6-7, 649 N.E. 2d 404 (1995) and New York Carpet World, Inc. v. Dept. of Employment Security, 283 Ill. App. 3d 497, 669 N.E.2d 1321 (1996).

The court then addressed whether it could grant Vogue Tyre's motion for leave to amend its petition to add the Board. The court looked to Section 3-113(b) of the Administrative Review Law on amending petitions. The

provision allows a petitioner to amend its petition, but only if the unnamed party "was not named by the administrative agency in its final order as a party of record." Vogue Tyre Rubber & Co. v. Office of the State Fire Marshal No. 1-03-0521 (November 2, 2004), slip op at 9-10. Vogue Tyre argued that it could amend because the Board failed to name itself in its final order as a party of record, relying on Cook County Sheriff's Enforcement Ass'n. v. County of Cook, 323 Ill. App. 3d 853, 753 N.E.2d 309 (2001).

The court rejected Vogue's position, finding persuasive the reasoning of the court in County of Cook v. Illinois Labor Relations Board Local Panel, 347 Ill. App. 3d 538, 555, 807 N.E.2d 613 (2004). The court held that strict adherence to the plain statutory language of Section 3-113(b) of the Administrative Review Law "does not provide an exception that allows a petitioner to amend its petition for review to name the agency as respondent." The court concluded that Vogue Tyre could not amend and therefore the court lacked jurisdiction to hear the appeal. Vogue Tyre Rubber & Co. v. Office of the State Fire Marshal No. 1-03-0521 (November 2, 2004), slip op at 13-14.

**Second District Dismisses Premature Appeal in Skokie Valley Asphalt et al. v. Illinois Pollution Control Board et al., No. 2-04-0977 (November 18, 2004) (PCB96-98)**

In a November 18, 2004 final unpublished order under Supreme Court Rule 23 (155 Ill.2d R. 23), the Third District Appellate Court dismissed, for lack of jurisdiction, the appeal captioned Skokie Valley Asphalt et al. v. Illinois Pollution Control Board et al., No. 2-04-0977 (November 18, 2004). The Board and the People of the State of Illinois had moved for dismissal, arguing that the appeal was premature. The court agreed, dismissing the appeal in a one-paragraph order.

The case at issue here is People of the State of Illinois v. Skokie Valley Asphalt, Inc., Edwin L. Frederick, Jr. and Richard J. Frederick, PCB 96-98 (September 2, 2004). On November 3, 1995, the People filed a complaint against Skokie Valley Asphalt Co., Inc. (Skokie Valley), concerning a facility at Grayslake Village, Lake County. The complaint alleged violations dating from May 1986 to March 1991. In December 1997, the People filed a first amended complaint that added an additional count against Skokie Valley. On July 26, 2002, the complainant filed a second amended complaint adding the Fredericks as respondents individually and in their capacities as owners and corporate officers of Skokie Valley.

In a September 2, 2004 opinion and order, the Board found that, as alleged, each of the respondents committed water pollution in violation of Sections 12 (a) and (f) of the Environmental Protection Act (Act) (415 ILCS 5 (2002)), and each violated various provisions of the Board's water pollution and National Pollutant Discharge Elimination System (NPDES) regulations. The Board's order directed the respondents to pay a civil penalty of \$153,000 within 30 days.

But, the Board withheld decision regarding the People's request for attorney fees and costs under Section 42 of the Act, and directed each party to address the issue within a time certain. Under these circumstances, the Board and the People argued that the appeal was premature because the September 2, 2004 order was not final and appealable, since it did not resolve all matters at issue in the case.

The court's November 18, 2004 order dismissing the appeal stated that it was "final and shall stand as the mandate of this Court". The Board according expects additional proceedings in this case prior to its entry of a final order covering all issues, including the People's attorney fees request.

## **Rule Update**

**Board Adopts Non-substantive First Notice Opinion and Order in Mercury Wastes Under P.A. 93-0964: Amendments to Standards for Universal Waste Management (35 Ill. Adm. Code 703, 720, 721, 724, 725, 728, and 733) (R05-08)**

On November 4, 2004, the Board adopted a first notice opinion and order in Mercury Wastes Under P.A. 93-0964: Amendments to Standards for Universal Waste Management (35 Ill. Adm. Code 703, 720, 721, 724, 725, 728, and 733) (R05-08). The first notice is a non-substantive one, in which the Board publishes a newly-filed proposal "as it

## Environmental Register – November 2004

comes in the door,” without Board comment on the merits of the proposal. This proposal, filed by the Illinois Environmental Protection Agency (IEPA) on October 19, 2004, seeks to amend the Board’s rules governing the standards for universal waste management found in the Board’s existing rules at 35 Ill. Adm. Code 703, 720, 721, 724, 725, 728, and 733. The amendments in this rulemaking implement Public Act 93-964, which became effective on August 20, 2004.

Public Act 93-964 requires the IEPA to propose, within 60 days of its effective date, rules that formally designate as “universal waste” mercury switches, mercury relays, and scientific instruments and instructional equipment containing mercury added during manufacture. This tracks a United States Environmental Protection Agency proposal published in the *Federal Register* at 67 Fed. Reg. 40507 (June 12, 2002) that seeks to amend the federal universal waste regulations under the Resource Conservation and Recovery Act to include mercury-containing devices as universal waste.

The General Assembly mandated the Board to adopt the rules within 180 days after the receipt of the IEPA proposal, i.e. on or before April 15, 2005. In order to meet that deadline the Board sent the rulemaking to first notice after making only minor, non-substantive grammatical, typographical, and mechanical changes to the proposal to conform the proposal to codification requirements. The Board has also included several Board notes in the rules indicating that certain provisions were required by Public Act 93-964, and were not federally-derived identical-in-substance rules.

Hearings have been scheduled for December 15, 2004, in Chicago and on January 6, 2005 in Springfield.

Copies of the Board’s opinion and order in R05-08 may be obtained by calling Dorothy Gunn at 312-814-3620, or by downloading copies from the Board’s Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

For more information contact Marie Tipsord at (312) 814-4925 or email at [tipsordm@ipcb.state.il.us](mailto:tipsordm@ipcb.state.il.us).

## Board Actions

---

**November 4, 2004**  
**Via Videoconference**  
**Springfield and Chicago, Illinois**

### Rulemakings

R05-8	<u>In the Matter of: Mercury Wastes Under PA 93-0964: Amendments to Standards for Universal Waste Management (35 Ill. Adm. Code Parts 703, 720, 721, 724, 725, 728, and 733)</u> – The Board accepted for hearing the Illinois Environmental Protection Agency’s October 19, 2004 proposal to amend the Board’s land pollution control regulations. The Board adopted a proposal for public comment.	5-0 R, Land
-------	--	----------------

### Adjusted Standards

AS 02-5	<u>In the Matter of: Petition of Noveon, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 304.122</u> – The Board granted this Marshall County petitioner an adjusted standard, with conditions, from the ammonia effluent limit.	5-0 Water
AS 04-4	<u>In the Matter of: Johns Manville for an Adjusted Standard from 35 Ill. Adm. Code Part 814, 811.310, 811.311, 811.318, 811.320</u> – The Board accepted petitioners’ amended petition, and on the Board’s own motion set it for hearing.	5-0 Land

**Administrative Citations**

AC 04-27	<u>IEPA v. Douglas S. Carrico d/b/a Carrico's Auto Heap</u> – The Board entered a final opinion and order requiring respondent to pay hearing costs of the Illinois Environmental Protection Agency and the Board in the amount of \$390.89 and a civil penalty of \$1,500. This order follows the Board's interim order of September 2, 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 Greene County facility.	5-0
AC 04-46	<u>IEPA v. Christopher Coleman</u> – The Board entered an interim opinion and order finding respondent violated Sections 21(p)(1) and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1) and (p)(7) (2002)) and assessing a penalty of \$3,000. The Board ordered the Clerk of the Board and the Environmental Protection Agency to file within 14 days a statement of hearing costs, supported by affidavit, with service on respondent.	5-0
AC 05-4	<u>IEPA v. G.T.&amp;L., Inc.</u> – The Board dismissed this petition for review due to respondent's failure to file an amended petition curing deficiencies. The Board found that this Cook County respondent violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$3,000.	5-0
AC 05-21	<u>IEPA v. Willis E. Farley, Jr.</u> – The Board found that this Mason County respondent violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$3,000.	5-0
AC 05-22	<u>County of Sangamon v. James Withers</u> – The Board found that this Sangamon 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 05-24	<u>City of Chicago Department of Environment v. Richland Group Enterprises, Inc.</u> – The Board found that this Cook County respondent violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2002)), and ordered respondents to pay a civil penalty of \$3,000.	5-0
AC 05-27	<u>IEPA v. Lee County Landfill SC, L.L.C. and Dave Geier</u> – The Board found that these Lee County respondents violated Section 21(o)(5) of the Environmental Protection Act (415 ILCS 5/21(o)(5) (2002)), and ordered respondent to pay a civil penalty of \$500.	5-0

**Decisions**

PCB 01-43	<u>People of the State of Illinois v. Michael Stringini</u> – The Board found that respondent violated 415 ILCS 21(a), (e) and (f) (2002); and 35 Ill. Adm. Code 703.121, 703.150, 724.194(a), 725.113(b), 725.114, 725.115(a) and (b), 725.131, 725.173, 725.190, 725.271, 725.273(a) and (b), 725.274, 725.351, and 728.150(a). The Board ordered respondent to pay a total civil penalty of \$110,000 and to cease and desist from further violations.	5-0 RCRA-E
PCB 04-227	<u>People of the State of Illinois v. Rogers Development Company</u> – In this water enforcement action concerning a Winnebago County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2002)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$5,000 and to cease and desist from further violations.	5-0 W-E

**Motions and Other Matters**

PCB 91-17	<u>Noveon, Inc. v. IEPA</u> – The Board denied petitioner’s motion for oral arguments for reconsideration of the Board’s September 16, 2004 order, affirming the Illinois Environmental Protection Agency’s inclusion of conditions in petitioner’s National Pollutant Discharge Elimination System permit.	5-0 P-A, Water
PCB 04-101	<u>People of the State of Illinois v. DuPage Machine Products, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a DuPage County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E
PCB 04-185	<u>Midwest Generation EME, Inc. v. IEPA</u> – The Board denied the Sierra Club’s motion to intervene and petitioner’s motion to partially reconsider the Board order of May 6, 2004. The Board also ordered a limited remand to Illinois Environmental Protection Agency (IEPA) for the IEPA to specify its reasoning for denying trade secret protection.	5-0 T-S Appeal
PCB 04-207	<u>People of the State of Illinois v. Edward Pruiem, an individual, and Robert Pruiem, an individual</u> – The Board denied respondents’ motion to dismiss the complaint.	5-0 L-E
PCB 04-224	<u>People of the State of Illinois v. Heritage FS, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Kankakee County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 05-15	<u>Bill Carter d/b/a Carter Convenience v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a White County facility.	5-0 UST Appeal
PCB 05-16	<u>Royer Oil (Sorento Garage) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Bond County facility.	5-0 UST Appeal
PCB 05-67	<u>John F. Nocita v. Application of Greenwood Transfer, L.L.C. for Transfer Station Local Siting Approval in Village of Maywood, Illinois</u> – The Board on its own motion dismissed this petition for review, finding that the Board lacks jurisdiction under the Environmental Protection Act to hear this appeal.	5-0 P-C-F-S-R 3 <sup>rd</sup> party
PCB 05-72	<u>Robert and Tony Thompson v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving an Alexander County facility.	5-0 UST Appeal
PCB 05-73	<u>City of Sullivan 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 Moultrie County facility.	5-0 UST Appeal 90-Day Ext.
PCB 05-74	<u>Hartford Working Group v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Madison County facility. No action was taken on petitioner’s motion to stay effectiveness of the contested permit conditions.	5-0 P-A, Air

## Environmental Register – November 2004

PCB 05-75	<u>People of the State of Illinois v. Dennis Elahi d/b/a Paramount Management and Construction Company</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E
PCB 05-76	<u>Kramer’s Service Station 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 Vermilion County facility.	5-0 UST Appeal 90-Day Ext.
PCB 05-77	<u>Wiseman/PJ’s Shortstop v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving an Edgar County facility.	5-0 UST Appeal

### **November 18, 2004 Via Videoconference Springfield and Chicago, Illinois**

#### **Administrative Citations**

AC 05-29	<u>IEPA v. Charles L. Riggins</u> – The Board accepted for hearing this petition for review of an administrative citation against this Mason County respondent.	5-0
AC 05-30	<u>IEPA v. Doug and Theresa Christison</u> – The Board found that these Pike County respondents 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

#### **Motions and Other Matters**

PCB 01-102	<u>Cassen and Sons, Inc. v. IEPA</u> – The Board denied petitioner’s motion for summary judgment. The Board granted respondent’s motion for summary judgment, affirming the November 29, 2000 decision denying reimbursement.	5-0 UST Appeal
PCB 02-104	<u>Metropolitan Water Reclamation District of Greater Chicago v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Cook County facility.	5-0 P-A, NPDES
PCB 04-48	<u>Village of Robbins and Allied Waste Transportation, Inc. v. IEPA</u> – The Board denied the Village of Robbins’ motion to reconsider its September 16, 2004 Board Order.	5-0 P-A, Land
PCB 04-81	<u>People of the State of Illinois v. Emmett Utilities, Inc. and Russell D. Thorell, individually and as president of Emmett Utilities, Inc.</u> – The Board granted complainant’s motion for voluntary dismissal of this public water supply enforcement action involving a McDonough County facility.	5-0 PWS-E

Environmental Register – November 2004

PCB 04-155	<u>Elston/Webster, L.P. and Renaissance Realty Group L.L.C. v. IEPA</u> – The Board granted petitioners’ motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility.	5-0 UST Appeal
PCB 05-17	<u>Union County 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 Union County facility.	5-0 UST Appeal
PCB 05-18	<u>Ted Harrison 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 Cass County facility.	5-0 UST Appeal
PCB 05-19	<u>Hall’s Automotive (SICR) 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 Hardin County facility.	5-0 UST Appeal
PCB 05-20	<u>Hall’s Automotive (SIPB) 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 Hardin County facility.	5-0 UST Appeal
PCB 05-21	<u>Randy’s Shell v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Piatt County facility.	5-0 UST Appeal
PCB 05-22	<u>L. Keller Oil Properties, Inc. (Downtown Shell) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving an Effingham County facility.	5-0 UST Appeal
PCB 05-23	<u>Keller Oil (Edgewood) 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 Effingham County facility.	5-0 UST Appeal
PCB 05-24	<u>Premcor Refining Group, Inc. (Streator) 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 LaSalle County facility.	5-0 UST Appeal
PCB 05-25	<u>Premcor Refining Group, 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 Tazewell County facility.	5-0 UST Appeal
PCB 05-49	<u>Morton F. Dorothy v. Flex-N-Gate Corporation</u> – The Board denied complainant’s motion to accept the complaint for hearing and granted complainant’s motion to his withdraw motion to join the Illinois Environmental Protection Agency as Party in Interest. The Board reserved ruling on the motion for expedited discovery pending the resolution of respondent’s motion to dismiss the complaint.	5-0 A&L-E
PCB 05-74	<u>Hartford Working Group v. IEPA</u> – The Board granted petitioner’s motion to stay effectiveness of the contested CAAPP Permit condition pending decision of this appeal.	5-0 P-A, Air

Environmental Register – November 2004

PCB 05-78	<u>People of the State of Illinois v. Ralph Stone, Mayor of the Village of Gorham</u> – The Board accepted for hearing this air enforcement action involving a site located in Jackson County.	5-0 A-E
PCB 05-79	<u>Geneseo Pork, Inc. (Property Identification Number 09-03-200-001-0011) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Geneseo Pork, Inc. located in Henry County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).	5-0 T-C
PCB 05-80	<u>McLean Properties, L.L.C. (Property Identification Number 16-27-34-200-003) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of McLean Properties, L.L.C. located in McLean County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).	5-0 T-C
PCB 05-81	<u>Kathryn Bradley and Brian Bradley (Property Identification Number 06-022-007-00) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Kathryn Bradley and Brian Bradley located in Brown 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
PCB 05-82	<u>Bradley Mobil 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.	5-0 UST Appeal 90-Day Ext.
PCB 05-83	<u>Bowman Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Franklin County facility.	5-0 UST Appeal
PCB 05-84	<u>Gateway FS, Inc. 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 Randolph County facility.	5-0 UST Appeal 90-Day Ext.
PCB 05-85	<u>Citgo Petroleum Corporation and PDV Midwest Refining, L.L.C. v. IEPA</u> – The Board accepted for hearing this petition requesting a variance involving a Will County facility.	5-0 W-V
PCB 05-86	<u>People of the State of Illinois v. Fairacres Subdivision Association</u> – The Board accepted for hearing this public water supply enforcement action involving a site located in Rock Island County.	5-0 PWS-E
PCB 05-87	<u>Johnathan Troyer (Property Identification Number 10-0-0044-000-00) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Jonathan Troyer located in Adams County are pollution control facilities for the	5-0 T-C

## Environmental Register – November 2004

	purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).	
PCB 05-88	<u>For C Pork Farm (Property Identification Number 14-F1-36-35-100-001) v. IEPA</u> – 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)).	5-0 T-C
PCB 05-89	<u>People of the State of Illinois v. Redfearn Earthmoving, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in Jo Daviess County.	5-0 W-E
PCB 05-90	<u>Harper Oil Company v. IEPA</u> – The Board accepted for hearing this public water supply enforcement action involving a site located in Jefferson County.	5-0 UST Appeal 90-Day Ext.
PCB 05-91	<u>People of the State of Illinois v. Clean Harbors Services, Inc.</u> – The Board accepted for hearing this air enforcement action involving a site located in Cook County.	5-0 A-E
PCB 05-92	<u>People of the State of Illinois v. Specialty Promotions, Inc. d/b/a Specialty Printing Company</u> – The Board accepted for hearing this air enforcement action involving a site located in Cook County.	5-0 A-E

## New Cases

### November 4, 2004 Board Meeting

**05-072** Robert and Tony Thompson v. IEPA – The Board accepted for hearing this underground storage tank appeal involving an Alexander County facility.

**05-073** City of Sullivan 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 Moultrie County facility.

**05-074** Hartford Working Group v. IEPA – The Board accepted for hearing this permit appeal involving a Madison County facility. No action was taken on petitioner’s motion to stay effectiveness of the contested permit conditions.

**05-075** People of the State of Illinois v. Dennis Elahi d/b/a Paramount Management and Construction Company – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.

**05-076** Kramer’s Service Station 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 Vermilion County facility.

**05-077** Wiseman/PJ’s Shortstop v. IEPA – The Board accepted for hearing this underground storage tank appeal involving an Edgar County facility.

**AC 05-032** IEPA v. James Haas, Jr. – The Board accepted an administrative citation against this Carroll County respondent.

**AC 05-033** IEPA v. Leo and Debra Harn – The Board accepted an administrative citation against these McDonough County respondents.

**AC 05-034** County of LaSalle v. Earl Cazel – The Board accepted an administrative citation against this LaSalle County respondent.

### **November 18, 2004 Board Meeting**

**05-078** People of the State of Illinois v. Ralph Stone, Mayor of the Village of Gorham – The Board accepted for hearing this air enforcement action involving a site located in Jackson County.

**05-079** Geneseo Pork, Inc. (Property Identification Number 09-03-200-001-0011) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Geneseo Pork, Inc. located in Henry County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

**05-080** McLean Properties, L.L.C. (Property Identification Number 16-27-34-200-003) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of McLean Properties, L.L.C. located in McLean County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

**05-081** Kathryn Bradley and Brian Bradley (Property Identification Number 06-022-007-00) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Kathryn Bradley and Brian Bradley located in Brown County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

**05-082** Bradley Mobil 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.

**05-083** Bowman Oil Company v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Franklin County facility.

**05-084** Gateway FS, Inc. 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 Randolph County facility.

**05-085** Citgo Petroleum Corporation and PDV Midwest Refining, L.L.C. v. IEPA – The Board accepted for hearing this petition requesting a variance involving a Will County facility.

**05-086** People of the State of Illinois v. Fairacres Subdivision Association – The Board accepted for hearing this public water supply enforcement action involving a site located in Rock Island County.

**05-087** Johnathan Troyer (Property Identification Number 10-0-0044-000-00) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Jonathan Troyer located in Adams County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

**05-088** For C Pork Farm (Property Identification Number 14-F1-36-35-100-001) v. 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)).

**05-089** People of the State of Illinois v. Redfearn Earthmoving, Inc. – The Board accepted for hearing this water enforcement action involving a site located in Jo Daviess County.

**05-090** Harper Oil Company v. IEPA – The Board accepted for hearing this public water supply enforcement action involving a site located in Jefferson County.

**05-091** People of the State of Illinois v. Clean Harbors Services, Inc. – The Board accepted for hearing this air enforcement action involving a site located in Cook County.

**05-092** People of the State of Illinois v. Specialty Promotions, Inc. d/b/a Specialty Printing Company – The Board accepted for hearing this air enforcement action involving a site located in Cook County.

**05-093** York High Neighborhood Committee (a voluntary organization) Janet and Fred Hodge, Patricia and David Bennett, Sheila and Mike Trant, Joe Vosicky, Jean and Peter Conroy, Frank Soldano, Joseph Reamer, Elizabeth and

Environmental Register – November 2004

Charles Laliberte v. Elmhurst Public Schools, District 205 – The Board held for a later duplicative/frivolous determination this citizens’ noise enforcement action involving a DuPage County facility.

**AC 05-035** IEPA v. Knox County Landfill Committee and Greg Ingle – The Board accepted an administrative citation against these Knox County respondents.

**AC 05-036** County of Sangamon v. Leland Cole – The Board accepted an administrative citation against this Sangamon County respondent.

**R05-009** In the Matter of: Setback Zone for City of Marquette Heights Community Water Supply. New 35 Ill. Adm. Code 618 – No action taken.

**R05-010** In the Matter of: Bacteria (E-Coli) Water Quality Standard for Lake Michigan and Mississippi River. Proposed Amendments to 35 Ill. Adm. Code 302 and 303 – No action taken.

## Calendar

12/2/04	<u>Illinois Pollution Control Board Meeting</u>		<b>Videoconference Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago And 1021 N. Grand Avenue East Oliver Holmes Conference Room 2012 N Springfield</b>
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
12/15/04 10:00 AM	R05-08	In the Matter of: Mercury Wastes Under PA 93-0964: Amendments to Standards for Universal Waste Management (35 Ill. Adm. Code Parts 703, 720, 721, 724, 725, 728, and 733)	McHenry County College Room B 166-167 8900 U.S. Highway 14 Crystal Lake
12/16/04	<u>Illinois Pollution Control Board Meeting</u>		<b>James R. Thompson Center Hearing Room 9-040 100 W. Randolph Street Chicago</b>
1/6/05	<u>Illinois Pollution Control Board Meeting</u>		<b>Videoconference Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago And 1021 N. Grand Avenue East Oliver Holmes Conference Room 2012 N Springfield</b>

Environmental Register – November 2004

1/6/05 1:30 PM	R05-08	In the Matter of: Mercury Wastes Under PA 93-0964: Amendments to Standards for Universal Waste Management (35 Ill. Adm. Code Parts 703, 720, 721, 724, 725, 728, and 733)	Illinois Environmental Protection Agency Training Room 1214 West North Entrance 1021 N. Grand Avenue East Springfield
1/20/05	<u>Illinois Pollution Control Board Meeting</u>		<b>James R. Thompson Center Hearing Room 9-040 100 W. Randolph Street Chicago</b>

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

DIVISION OF WATER POLLUTION CONTROL

RESTRICTED STATUS LIST

In order to comply with 35 Illinois Administrative Code Section 306.401, Illinois Pollution Control Board Regulations, the Illinois EPA (IEPA) has prepared the following list of facilities which are on Restricted Status. Restricted Status is defined as the IEPA determination that a sewer or lift station has reached hydraulic capacity or that a sewage treatment plant has reached design capacity, such that additional sewer connection permits may no longer be issued without causing a violation of the Act or Regulations. Please note that the list is continually being revised to reflect the current situation. Therefore, if you have any questions on the capability of a treatment facility or transport system, please contact the IEPA for a final determination. This listing reflects the status as of September 30, 2004.

Facility names followed by an asterisk (\*) indicates that construction is underway to ultimately alleviate problems, which resulted in imposition of Restricted Status. Facilities followed by a double asterisk (\*\*) are additions to the list.

<u>FACILITY NAME</u>	<u>RESPONSIBLE AUTHORITY</u>	<u>COUNTY</u>	<u>REMAINING CAPACITY</u>
Alhambra STP	Village of Alhambra	Madison	0
Bonnie Brae Forest Manor SD STP	Bonnie Brae Forest Manor SD	Will	0
Bourbonnais (Belle Aire Subd.)	Village of Bourbonnais	Kankakee	0
Camelot Utilities Wastewater Collection System	Camelot Utilities	Will	0
Camp Point (a portion mh 60-68)	Village of Camp Point	<b>Adams</b>	0
Clearview S.D.	Clearview S.D.	McLean	0
East Alton	City of East Alton	Madison	0
Farmington	City of Farmington	Fulton	0
Hurst & Blairville Collection System	City of Hurst	Williamson	0
Lockport Heights SD STP	City of Lockport	Will	0
Maple Lawn Homes STP	Maple Lawn Homes	Woodford	0
Poplar Grove South STP	Village of Poplar Grove	Boone	0
Poplar Grove North STP	Village of Poplar Grove	Boone	0
Port Byron STP	Village of Port Byron	Rock Island	0

## Environmental Register – November 2004

Rosewood Heights S.D.- Ninth Street LS	Rosewood Heights S.D.	Madison	0
Saint Elmo	City of Saint Elmo	Fayette	0
South Palos Twp. SD	South Palos Twp.	South Palos Twp.	0
Sundale Utilities – Washington Estates STP	Sundale Utilities Corporation	Tazewell	0
Taylorville-Shawnee Ave. Pump Station	City of Taylorville	Christian	0
Utilities Unlimited	Utilities Unlimited	Will	0
Washington (Rolling Meadows)	City of Washington	Tazewell	0

Deletions from previous quarterly report: None

Additions from previous quarterly report: Alhambra STP

### ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

#### DIVISION OF WATER POLLUTION CONTROL

#### CRITICAL REVIEW LIST

In order to comply with 35 Illinois Administrative Code Section 306.401, Illinois Pollution Control Board Regulations, the Illinois Environmental Protection Agency (IEPA) has prepared the following list of facilities which are on Critical Review. Critical Review as defined as the IEPA determination that a sewer or lift station is approaching hydraulic capacity or that a sewage treatment plant is approaching design capacity such that additional sewer connection permit applications will require close scrutiny to determine whether issuance would result in a violation of the Act or Regulations. Please note that these lists are continually being revised to reflect the current situation. Therefore, if you have any questions on the capability of a treatment facility or transport system, please contact the IEPA for a final determination. This listing reflects the status as of September 2004.

Facility names followed by a double asterisk (\*\*) are additions to the list.

FACILITY NAME	RESPONSIBLE AUTHORITY	COUNTY	REMAINING CAPACITY	PE ADDED SINCE LAST LIST
Antioch STP	Village of Antioch	Lake	612	126
Beardstown SD	City of Beardstown	Cass	1,731	38
Benton-Southeast STP	City of Benton	Franklin	60	0
Bethalto (L.S. #1)	Village of Bethalto	Madison	87	0
Carrier Mills	Village of Carrier Mills	Saline	836	0
Carrollton	City of Carrollton	Greene	140	0
Citizens Utilities Co. of Ill.- River Grange	Citizens Utilities Co. of Ill.	Will	10	0
Dakota	Village of Dakota	Stephenson	90	0
Downers Grove S.D.	Downers Grove S.D.	DuPage	3,152	187
East Dundee STP	Village of E. Dundee	Kane	556	0
Elkville	Village of Elkville	Jackson	6	0
Ferson Creek Utilities Co.	Utilities, Inc.	Will	70	0
LCPWD-Diamond- Sylvan STP	County of Lake Public Works Department	Lake	0	0
Lake Barrington Home Owners Assn. STP	Lake Barrington Home Owners Assn.	Lake	80	0
Lockport	City of Lockport	Will County	3,447	2,343

## Environmental Register – November 2004

Moline (North Slope)	City of Moline	Rock Island	1,151	0
Morris STP	City of Morris	Grundy	0	151
New Lenox STP 1**	Village of New Lenox	Will	1,603	287
Paris STP	City of Paris	Edgar	0	42
Rock Island (Main)	City of Rock Island	Rock Island	4,570	0
Streator	City of Streator	LaSalle/ Livingston	765	335
Wauconda – Remaining Collection System & Lakeview Villa LS	Village of Wauconda	Lake	***	7
Wauconda WWTP	Village of Wauconda	Lake		

Deletions from previous quarterly report: Thompsonville STP

Additions from previous quarterly report: None

\*\*\*Contact IEPA – Permit Section

MAP:\epa1176\rscr\rscr3q04final.doc

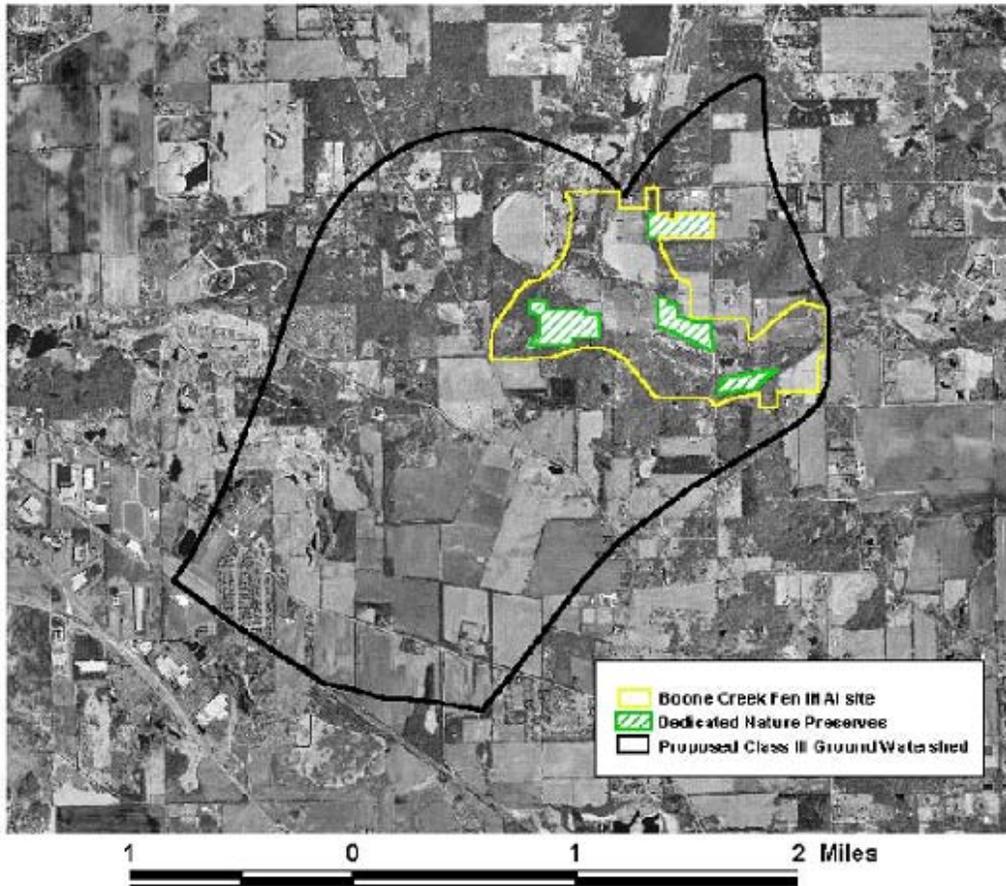
### Boone Creek Class III Special Resource Groundwater Listing Notice

The Illinois Environmental Protection Agency (IEPA) requests a proposed listing of Boone Creek Fen, Spring Hollow, Lee Miglin Savanna, and Amberin Ash Ridge, which are dedicated nature preserves (DNPs), and the area that contributes groundwater to the DNPs, as Class III: Special Resource Groundwater. These four privately owned nature areas are located in central McHenry County, Illinois, approximately three miles east of the City of Woodstock. The DNPs are comprised of 88.15-acres, located in the McHenry Quadrangle, Township 4 South, Range 7 East of the Third Principal Meridian, Sections 1, 2, 11, and 12. The DNPs and the groundwater contribution area is an irregularly shaped 5.04 square mile (3,227.4 acre) tract of land. The recharge area is located predominantly to the south and west of the DNPs.

Under the authority of 35 Ill. Adm. Code 620.230, Class III: Special Resource Groundwater can be established for: groundwater that is demonstrably unique (e.g. irreplaceable sources of groundwater) and suitable for application of a water quality standard more stringent than the otherwise applicable water quality standard specified; groundwater that is vital for a particularly sensitive ecological system; or groundwater contributing to a DNP that has been listed by the IEPA. The IEPA is required to review a written request to list DNPs, and upon confirmation of the technical adequacy, publish the proposed listing of the DNP(s) in the *Environmental Register* for a 45-day public comment period. Within 60 days after the close of the comment period, the IEPA is required to publish a final listing in the *Environmental Register*.

The Groundwater Section of the Bureau of Water, at the IEPA has completed the review required according to the criteria specified in Subsection 620.230(b)(1), and finds the petition to be technically adequate.

### Exhibit 1. Boone Creek Fen INAI Site, Dedicated Nature Preserves and Proposed Class III Ground Watershed

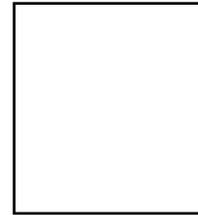
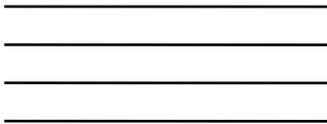




The Illinois Pollution Control Board is an independent five-member board that adopts environmental control standards, rules on enforcement actions, and other environmental disputes for the State of Illinois.

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.

-----CUT HERE-----



Illinois Pollution Control Board  
Environmental Register Coordinator  
1021 N. Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274