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# Environmental Register

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J. Philip Novak, Chairman

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# Letter from the Chairman

## Mercury/Universal Waste

At its February 3, 2005 meeting, the Illinois Pollution Control Board proceeded to Second Notice with proposed rules amending the Board's regulations regarding standards for the management of universal waste in R 05-8, Standards for Universal Waste Management (35 Ill. Adm. Code Parts 703, 720, 721, 725, 728, and 733).

Public Act 93-0964, signed into law by Governor Blagojevich on August 20, 2004, generated this rulemaking activity. P.A. 93-0964 added to the Environmental Protection Act language designating mercury switches, mercury relays, and scientific instruments and instructional equipment containing mercury added during their manufacture as universal waste subject to streamlined hazardous waste rules in the Board's existing regulations. The act also provided definitions for the terms "mercury relay" and "mercury switch."



P.A. 93-0964 also required the Illinois Environmental Protection Agency (Agency) to propose rules reflecting that designation as universal waste within 60 days of the effective date of the Act. From the date of that proposal, the Board has 180 days to adopt such rules.

On October 19, 2004, the Agency filed its rulemaking proposal with the Board. Through two hearings and the required period of public comment, the Board has heard no substantive objection to the rules proposed by the Agency. In its Second Notice opinion, the Board adopted that proposal with only minor technical changes.

The Board is confident that these rules will result in improved disposal of these materials containing mercury. Information about this rulemaking procedure and the Board's other cases is available through our Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

## Electronic Filing

In 2004, the Board operated a voluntary pilot project introducing the option of electronic filing through its Clerk's Office Online (COOL) in specified categories of cases. Based on the positive results of that project, the Board has expanded that option to all cases. The Board is pleased to keep pace with improvements in information technology and encourages all parties to consider and use this electronic filing option. For more information, you may consult either the Board's Web site or [John Therriault](#) in our Clerk's office at (312) 814-3629.

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

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## Federal Update

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### **United States Environmental Protection Agency Adopts Final Air Quality Designations and Classifications for the Fine Particles (PM<sub>2.5</sub>) National Ambient Air Quality Standards Under the Clean Air Act**

On January 5, 2005 (70 Fed. Reg. 943) the United States Environmental Protection Agency (USEPA) adopted final rules to set forth the initial air quality designations and classifications for all areas in the United States for the fine particles (PM<sub>2.5</sub>) National Ambient Air Quality Standards (NAAQS).

The USEPA stated that this rule's purpose is to let citizens know whether the air quality where they live and work is healthful or unhealthful. Health studies have shown significant associations between exposure to PM<sub>2.5</sub> and premature death from heart or lung disease. Fine particles can also aggravate heart and lung diseases and have been linked to effects such as cardiovascular symptoms, cardiac arrhythmias, heart attacks, respiratory symptoms, asthma attacks, and bronchitis. These effects can result in increased hospital admissions, emergency room visits, absences from school or work, and restricted activity days. Individuals that may be particularly sensitive to PM<sub>2.5</sub> exposure include people with heart or lung disease, older adults, and children.

The adopted rule establishes the boundaries for all areas, including Indian country, designated as non-attainment, unclassifiable, or attainment/unclassifiable. But, the rule does not establish or address State and Tribal obligations for planning and control requirements that apply to non-attainment areas for the PM<sub>2.5</sub> standards. USEPA will publish a separate rule doing so.

The Illinois areas designated as non-attainment are as follows:

In the Chicago area, Cook, DuPage, Grundy, Kane, Kendall, Lake, McHenry, and Will Counties are designated as non-attainment; and

In the Metro-East area, Madison, Monroe, Randolph (the Baldwin Village area only), and St. Clair Counties are designated as non-attainment.

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

The effective date of this rule is April 5, 2005.

For further information contact Mr. Rich Damberg, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Mail Code C504-02, Research Triangle Park, NC 27711, phone number (919) 541-5592 or by e-mail at: damberg.rich@epa.gov

**United States Environmental Protection Agency Withdraws Direct Final Approval of the Illinois Promulgation of Air Quality Implementation Plan Revisions**

On January 11, 2005 (70 Fed. Reg. 1824) the United States Environmental Protection Agency (USEPA) withdrew its November 12, 2004 (69 FR 65378) direct final rule approving a site specific revision to the sulfur dioxide emissions limits for Central Illinois Light Company's (CILCO'S) Edwards Generating Station in Peoria County, Illinois due to the receipt of an adverse comment. The direct final rule published at 69 FR 65378 on November 12, 2004 is withdrawn as of January 11, 2005.

Illinois submitted the CILCO site specific revision as a modification to the State Implementation Plan (SIP) for Sulfur Dioxide on July 29, 2003. In the direct final rule, USEPA stated that if adverse comments were submitted by December 13, 2004, the rule would be withdrawn and not take effect. On December 13, 2004, USEPA received a comment that it believed was adverse and, therefore, withdrew the direct final rule.

As reported previously in the *Environmental Register*, (November 2004) this withdrawn SIP approval 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. USEPA will address the adverse comment in a subsequent final action based upon the proposed action also published on November 12, 2004 (69 FR 65394). USEPA will not institute a second comment period on this action.

For further information contact Mary Portanova, Environmental Engineer, Criteria Pollutant Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, Telephone: (312) 353-5954. E-Mail Address: portanova.mary@epa.gov

**United States Environmental Protection Agency Publishes Notice of Opportunity to Animal Feeding Operations To Sign Voluntary Air Compliance Consent Agreement and Final Order Involving Nationwide Air Emissions Monitoring Study**

On January 31, 2005 (70 Fed. Reg. 4957) the United States Environmental Protection Agency (USEPA) published a notice of consent agreement and final order, and a request for public comment from animal feeding operations (AFOs).

In this notice, USEPA offered AFOs an opportunity to sign a voluntary consent agreement and final order (Agreement). Animal feeding operations that choose to sign the Air Compliance Agreement will share responsibility for funding an extensive, nationwide emissions monitoring study that will be used to lead to the development of methodologies for estimating emissions from AFOs. Additionally the study will help AFOs to determine and comply with their regulatory responsibilities under the Clean Air Act (CAA); the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA); and the Emergency Planning and Community Right-To-Know Act (EPCRA). The Air Compliance Agreement is being offered to AFOs in the egg, broiler chicken, turkey, dairy and swine industries that meet the definition of an AFO under the Clean Water Act. The Agreement will address emissions coming from buildings or structures that house agricultural livestock, and from lagoons or similar structures that are used for storage and/or treatment of agricultural livestock waste at participating AFOs. The Air Compliance Agreement will not address AFOs that only have open-air feedlots, such as cattle feedlots, nor will it address emissions from sources other than animal housing structures or agricultural livestock waste storage and treatment units.

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Once applicable emission estimating methodologies have been published by USEPA, the Agreement will also require each participating AFO to certify that it is in compliance with all relevant requirements of the CAA, CERCLA and EPCRA. USEPA is requesting comment on the Agreement, with particular emphasis on implementation of the Agreement.

Comments must be received on or before March 2, 2005. The sign-up period for eligible AFOs to sign the Agreement will run for 90 days from the date of the notice (through March 10, 2005).

Comments should be submitted to: Environmental Protection Agency, Mailcode: 6102T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

For information on the Air Compliance Agreement, contact Mr. Bruce Fergusson, Special Litigation and Projects Division, Office of Enforcement and Compliance Assurance, U.S. EPA, Ariel Rios Building, Washington, DC 20460, telephone number (202) 564-1261, fax number (202) 564-0010, and electronic mail: fergusson.bruce@epa.gov

## Rule Update

### **Board Adopts Proposal for Public Comment in RCRA Subtitle D Update, USEPA Regulations (January 1, 2004 through June 30, 2004) (R05-01)**

On January 6, 2005, the Board adopted a proposal for public comment in RCRA Subtitle D Update, USEPA Regulations (January 1, 2004 through June 30, 2004) (R05-01). The rulemaking proposes amendments to the Illinois regulations that are “identical-in-substance” to municipal solid waste landfill (MSWLF) regulations adopted by the United States Environmental Protection Agency (USEPA). These USEPA rules implement Subtitle D of the Resource Conservation and Recovery Act of 1976, 42 U.S.C §§ 6941-6949, (RCRA Subtitle D). This docket includes federal MSWLF 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 January 21, 2005 issue of the *Illinois Register* at 29 Ill. Reg. 1116, 1133, and 1155. The Board will accept public comments for 45 days after publication, through March 7, 2005.

This proceeding proposes amendments to 35 Ill. Adm. Code 810, 811, and 813. The principal amendments relate to the issuance of temporary research, development, and demonstration (RD&D) permits. Specifically, the RD&D permits would allow exceptions to very limited landfill requirements to allow the use of innovative technologies at landfills. The Board’s proposal is based on the suggestions made by the Illinois Environmental Protection Agency (IEPA) in the IEPA’s September 2, 2004 public comments (PC 1). The proposal for public comment also makes a limited number of non-substantive corrections and stylistic revisions to segments of the text covered by the federal amendments.

USEPA amended the federal RCRA Subtitle D MSWLF regulations once during the January 1, 2004 through June 30, 2004 period of docket R05-1. On March 22, 2004 (69 Fed. Reg. 13242), the USEPA amended the federal rules to allow states to grant RD&D permits.

The USEPA action of March 22, 2004 (69 Fed. Reg. 13242) related to RD&D permits to allow the use of innovative technology and practices at municipal solid waste landfills (MSWLFs). USEPA adopted a new provision at 40 C.F.R. 258.4 allowing the states to grant a “variance” from very specific generally applicable requirements:

1) 40 C.F.R. 258.26(a)(1), requiring the control of run-on to the active portion of the landfill from the peak discharge of a 25-year storm event (corresponding with 35 Ill. Adm. Code 811.103(b)(1) and (b)(2) of the Board’s regulations);

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2) 40 C.F.R. 258.28(a), prohibiting the placement of bulk or non-containerized liquid waste in a landfill except under very limited circumstances (corresponding with 35 Ill. Adm. Code 811.107(m)(1)); and

3) 40 C.F.R. 258.60(a)(1), (a)(2), and (b)(1), requiring the use of a final cover system that minimizes erosion and infiltration into a landfill, which includes specific requirements pertaining to such criteria as permeability, thickness of each layer, and the ability of the cover material to sustain native plant growth (corresponding with 35 Ill. Adm. Code 811.314(a) through (c)).

### Bioreactor Landfills Now Allowed Through Temporary Research, Development, and Demonstration Permits

The purpose of the federal amendments is to allow the operation of bioreactor landfills, which operate much differently from conventional landfills. A conventional landfill is designed to lessen the potential for groundwater contamination by minimizing the infiltration of rainwater, restricting the placement of liquid wastes in the landfill, and minimizing the hydraulic head on the bottom liner to minimize percolation of contaminated leachate into the ground. As USEPA explains in the preamble discussion of the federal amendments, a bioreactor landfill takes a different approach in order to more rapidly stabilize the landfill:

*Bioreactor* means a MSW landfill or portion of a MSW landfill where any liquid other than leachate (leachate includes landfill gas condensate) is added in a controlled fashion into the waste mass (often in combination with recirculating leachate) to reach a minimum average moisture content of at least 40 percent by weight to accelerate or enhance the anaerobic (without oxygen) biodegradation of the waste. 69 Fed. Reg. 13242, 13246 (Mar. 22, 2004) (quoting the definition of “bioreactor” in the national emission standards for hazardous air pollutants (NESHAPs) rule in Subpart AAAA of 40 C.F.R. 63 (2003)).

The generally-applicable federal landfill management requirements act as restrictions on the ability to operate a bioreactor landfill. The operation of a bioreactor landfill requires the reintroduction of contaminated liquid to the waste in the landfill, which is not allowed under the requirements of 40 C.F.R. 258.26(a)(1), 258.28(a), and 258.60(a)(1), (a)(2), and (b)(1) (corresponding with 35 Ill. Adm. Code 811.103(b)(1) and (b)(2), 811.107(m)(1), and 811.314(a) through (c) of the Illinois regulations). The RD&D permit rule would allow relief from these rules to permit the experimental operation of a bioreactor landfill.

Under the new federal provision, certain limitations apply to the availability of an RD&D permit. To obtain an RD&D permit that allows alternative practices to the generally applicable run-on control system requirements and/or the prohibition against placement of bulk or non-containerized liquids, the applicant must design and construct the landfill’s leachate collection system so as to maintain less than a 30-centimeter (cm) leachate depth on the bottom liner of the landfill. To obtain an RD&D permit that allows the use of alternative practices to the generally applicable final cover requirements, the owner or operator must demonstrate that infiltration of liquid through the alternative cover will not cause contamination of groundwater or surface water or cause the leachate depth on the liner to exceed 30 cm. In issuing an RD&D permit the IEPA must include whatever terms and conditions are necessary “to assure protection of human health and the environment.” See 40 C.F.R. 258.4(c) (2004).

### Illinois Environmental Protection Agency Comment and Board’s Proposal to Authorize IEPA Issuance of Adjusted Standard Process to Authorize IEPA Issuance of Temporary Research, Development, and Demonstration Permits

In PC 1, the IEPA suggested incorporation of the March 22, 2004 federal RD&D permit amendments into Part 813, the procedural segment of the Illinois landfill regulations, as well as amendments to the general requirements of Part 810 and the substantive provisions of Part 811. The IEPA provided the Board with suggested text for the amendments. There are two principal aspects of the IEPA suggestions that the Board has followed: (1) the proposal follows the language and structure of the federal amendments as closely as possible; and (2) the proposal includes amendments needed to add clarity to the substantive provisions from which alternative practices are now allowed and to enhance implementation of the rules.

The most significant Board departure from the text of the federal RD&D rule is the inclusion of amendments to segments of the substantive regulations. This is based on the IEPA suggestions in PC 1. The first was the addition of the suggested definition of “research, development, and demonstration permit.” The second was the addition of

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language that indicates the availability of an RD&D permit for relief from the generally-applicable requirements. A third was the addition of the language relating to RD&D permits in the statement of the scope of Part 813.

One significant difference between the IEPA-suggested amendments of PC 1 and the proposal adopted by the Board for public comment is that the Board has added the substance of 40 C.F.R. 258.4 to the Illinois rules as a new Section 813.112 in the general provisions of Part 813, and not as a new Section 813.601 of a new Subpart F of that Part.

A second significant difference between the IEPA-suggested amendments and those of the proposal relates to termination of practices under the RD&D permit if something goes wrong. The IEPA-suggested amendments would have allowed the IEPA to terminate operation under an RD&D permit if the objectives of the permit are not being fulfilled, including protection of human health and the environment. In Illinois, only the Board has authority to terminate a permit, and then only after an enforcement action, with the opportunities for notice and public hearing. *See* 415 ILCS 5/33(b) (2002). For this reason, the Board structured Section 813.112(d) (corresponding with 40 C.F.R. 258.4(d)) to allow the IEPA to request immediate termination of operations under the permit. Permit termination requires the IEPA or the Attorney General to file an enforcement action to obtain a Board order for termination of operations.

Examination of the RD&D permit rule leads the Board to believe that the determination whether to allow an RD&D permit that grants an exception from the generally-applicable regulations is one properly made by the Board as an adjusted standard determination with the benefits of a record assembled using the adjusted standard procedure. The proposed amendments are drafted to use the federally prescribed standards as the basis for a Board determination whether to allow the use of any alternative practices. The RD&D permit determination is beyond the outer boundary of the decision-making authority that can be conferred on the IEPA by regulation. The Board notes that in the existing rules, the Board through the adjusted standard procedure must authorize “experimental practices.” 35 Ill. Adm. Code 813.110. Similarly, use of alternative standards and procedures in various specific areas must also be Board-authorized by adjusted standards. *See, e.g.*, 35 Ill. Adm. Code 811.106(c) (daily cover), 811.310(e) (frequency of landfill gas monitoring), and 811.314(d) (infiltration barrier for the final cover system).

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

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

### **Board Adopts Final Amendments in SDWA Update, USEPA Amendments (January 1, 2004 through June 30, 2004) R05-06**

On January 20, 2005 the Board adopted a final order in SDWA Update, USEPA Amendments (January 1, 2004 through June 30, 2004) (R05-06). The Board adopted 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, adopted from January 1, 2004 through June 30, 2004, 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)). The Board made only minor, nonsubstantive changes to the proposal it adopted for public comment that was published in the *Illinois Register* on October 29, 2004 at 28 Ill. Reg. 13954. The adopted rulemaking was filed with the Secretary of State’s Index department for final publication in the February 11, 2005 issue of the *Illinois Register*.

The Board approved 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.



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5/21(p)(1), (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$6,000, as these offense were subsequent to a previous finding of violation.

AC 05-35	<u>IEPA v. Knox County Landfill Committee and Greg Ingle</u> – The Board found that these Knox County respondents violated Section 21(o)(5) of the Environmental Protection Act (415 ILCS 5/21(o)(5) (2002)), and ordered respondents to pay a civil penalty of \$500.	5-0
AC 05-36	<u>County of Sangamon v. Leland Cole</u> – The Board found that this Sangamon County respondent violated Sections 21(p)(1) and (p)(3) of the Act (415 ILCS 5/21(p)(1), (p)(3) (2002)), and ordered respondent to pay a civil penalty of \$3,000.	5-0
AC 05-37	<u>City of Chicago Department of Environment v. AAA Dollar Disposal, 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 respondent to pay a civil penalty of \$3,000.	5-0
AC 05-39	<u>County of Macon, Illinois v. Richard Webb and Theresa Webb</u> – The Board found that these Macon County respondents 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 05-40	<u>IEPA v. Northern Illinois Service Company</u> – The Board directed respondent to file an amended petition for review accompanied by an attorney’s appearance and specifying the grounds for appeal within 30 days from the date of this order, or the Board will dismiss this matter.	5-0

### Decisions

PCB 04-136	<u>People of the State of Illinois v. Cromwell-Phoenix, Inc.</u> – In this air enforcement action concerning a Cook County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2002)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$60,000 and to cease and desist from further violations.	5-0 A-E
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### Motions and Other Matters

PCB 01-28	<u>People of the State of Illinois v. Plastic Decorators, 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 Kane County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E
PCB 01-46	<u>XCTC Limited Partnership v. IEPA; Georgia-Pacific Tissue, L.L.C. v. IEPA</u> –	5-0
PCB 01-51	The Board granted petitioner’s motion for voluntary dismissal of <u>XCTC Limited Partnership v. IEPA</u> PCB 01-46, a permit appeal involving a Cook County facility. The remaining case <u>Georgia-Pacific Tissue, L.L.C. v. IEPA</u> PCB 01-51 is not dismissed and remains pending before the Board.	P-A, Air

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PCB 03-59	<u>Midwest Petroleum Company d/b/a Godfrey Sunoco v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Madison County facility.	5-0 UST Appeal
PCB 04-5	<u>Lincoln Land FS, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Menard County facility.	5-0 UST Appeal
PCB 04-183 PCB 04-190 (not cons.)	<u>Johnson Oil Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of PCB 04-183, an underground storage tank appeal involving a Madison County facility. This decision renders moot petitioner’s pending motion to consolidate and the respondent’s pending motion to reconsider and dismiss in PCB 04-183. The remaining case PCB 04-190 is not dismissed, respondents motion to reconsider and dismiss remain pending before the Board.	5-0 UST Appeal
PCB 05-48	<u>Illinois Ayers Oil Co. v. IEPA</u> – The Board dismissed this petition for review for lack of jurisdiction, as it was not timely filed.	5-0 UST Appeal
PCB 05-51	<u>People of the State of Illinois v. Randy Oldenberger d/b/a Environmental Health and Safety</u> – The Board accepted complainant’s amended petition in this enforcement action. Because this action dismissed respondent Oldenberger, respondent’s motion to dismiss is moot.	5-0 A-E
PCB 05-57	<u>Wayne Swanson &amp; Dennis Swanson 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 Kane County facility.	5-0 UST Appeal
PCB 05-61	<u>Harold Hart Service v. IEPA</u> – The Board directed respondent to file an amended petition for review specifying the grounds for appeal within 30 days from the date of this order, or the Board will dismiss this matter.	5-0 UST Appeal
PCB 05-78	<u>People of the State of Illinois v. Ralph Stone, Mayor of the Village of Gorham</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 Jackson County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E
PCB 05-93	<u>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 Charles Libberte v. Elmhurst Public Schools, District 205</u> – The Board found that the alleged violations in the complaint were neither duplicative nor frivolous and accepted for hearing this matter involving a DuPage County facility.	5-0 Citizens N-E

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PCB 05-96	<u>People of the State of Illinois v. Village of North City, Lawrence A. Lipe &amp; Associates, Inc., Altman-Charter Company, and Furlong Excavating, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement as to Furlong Excavating, Inc. only, and an agreed motion to request relief from the hearing requirement in this public water supply enforcement action involving a Franklin County facility, the Board ordered publication of the required newspaper notice.	5-0 PWS-E
PCB 05-111	<u>Mac’s Convenience Stores, L.L.C. 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 Will County facility.	5-0 UST Appeal 90-Day Ext.
PCB 05-112	<u>Adair AF, L.L.C. (Adair) (Property Identification Number 14-000-131-05) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Adair AF, L.L.C. located in McDonough 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 05-113	<u>Spoon River FS, Inc. d/b/a Riverland FS, Inc. (Ellisville) (Property Identification Number 06-05-01-200-01) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Spoon River FS, Inc. d/b/a Riverland FS, Inc. located in Fulton 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 05-114	<u>Spoon River FS, Inc. d/b/a Riverland FS, Inc. (Williamsfield) (Property Identification Number 1223451001) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Spoon River FS, Inc. d/b/a Riverland FS, Inc. located in Knox 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 05-115	<u>Reed’s 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 White County facility.	5-0 UST Appeal 90-Day Ext.
PCB 05-116	<u>Beckman 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 Marion County facility.	5-0 UST Appeal 90-Day Ext.
PCB 05-117	<u>People of the State of Illinois v. City of Cairo</u> – The Board accepted for hearing	5-0

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	this water enforcement action involving a site located in Alexander County.	L-E
PCB 05-118	<u>Illinois State Toll Highway Authority (Belvidere North Reimb.) 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 Boone County facility.	5-0 UST Appeal 90-Day Ext.
PCB 05-119	<u>Southern Illinois Power Cooperative (Low Sulfur Dioxide Emission Coal Fueled Device) (Property Identification Number 10-26-200-002) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Southern Illinois Power Cooperative located in Williamson 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 05-120	<u>Marathon Ashland Petroleum, L.L.C. (Selective Catalytic Reduction Unit) (Property Identification Number 51-34-1-21 or portion thereof) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Marathon Ashland Petroleum, L.L.C. located in Crawford 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 05-121	<u>Marathon Ashland Petroleum, L.L.C. (FCCU Flue Gas Wet Scrubber System) (Property Identification Number 51-34-1-21 or portion thereof) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Marathon Ashland Petroleum, L.L.C. located in Crawford 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 05-122	<u>Exxon Mobil Corporation (Ultra Low Sulfur Diesel Project) (Property Identification Number 1022-100-006-0010) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Exxon Mobil Corporation located in Will 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

### January 20, 2005 Chicago, Illinois

#### Rulemakings

R05-6	<u>In the Matter of: SDWA Update, USEPA Amendments (January 1, 2004 through June 30, 2004)</u> – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking amending the Board’s public water supply regulations.	5-0 R, PWS
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#### Adjusted Standard

## Environmental Register – January 2005

AS 05-2      In the Matter of: Petition of the Village of Bensenville for an Adjusted Standard from 35 Ill. Adm. Code 620.410 Regarding Chloride and Lead – The Board granted petitioner’s motions for expedited review and for filing a reduced number of petition copies. The Board directed petitioner to file an amended petition curing specified informational deficiencies within 30 days from the date of this order, or the Board will dismiss this matter.      5-0  
Water

### Administrative Citations

AC 05-5      IEPA v. Robert and Phylis Ulrich and Bob Ulrich Pallet, Inc. – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Adams County facility, the Board found that respondents had 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. The Board also granted the parties’ joint motion to dismiss respondents’ petition for review.      5-0

AC 05-34      County of LaSalle v. Earl Cazel – The Board found that this LaSalle County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2002)), and ordered respondent to pay a civil penalty of \$1,500.      5-0

AC 05-36      County of Sangamon v. Leland Cole – The Board vacated its order of January 6, 2005, finding violations as alleged in the administrative citation action involving a Sangamon County facility. In response to a late filed joint stipulation and settlement agreement, the Board found that respondent had 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. The Board also granted the parties’ joint motion to dismiss the alleged violation of 415 ILCS 5/21(p) (3) (2002).      5-0

AC 05-38      County of Macon, Illinois v. Terry Cripe and Donna Cripe – The Board on its own motion dismissed this administrative citation for lack of timely service on respondent.      5-0

AC 05-41      County of Macon, Illinois v. Blue Mound Plumbing – The Board on its own motion dismissed this administrative citation for lack of timely service on respondent.      5-0

AC 05-42      IEPA v. Knox County Landfill Committee and Greg Ingle – The Board found that these Knox County respondents violated Section 21(o)(5) of the Environmental Protection Act (415 ILCS 5/21(o)(5) (2002)), and ordered respondents to pay a civil penalty of \$500.      5-0

### Decisions

PCB 01-2      People of the State of Illinois v. National Material L.P. d/b/a National Lamination Company, and NM Holding – 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 respondents to pay a total civil penalty of \$50,000, as well as avoided permit      5-0  
A-E

## Environmental Register – January 2005

fees of \$7,750 and to cease and desist from further violations.

PCB 05-52	<u>People of the State of Illinois v. Safe Lock Storage 2, L.L.C.</u> – In this water enforcement action concerning a St. Clair 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 \$1,000 and to cease and desist from further violations.	5-0 W-E
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### Motions and Other Matters

PCB 01-43	<u>People of the State of Illinois v. Michael Stringini</u> – The Board denied this McHenry County respondent’s motion to reconsider the November 4, 2004 Board order finding violations of the Act and Board Rules and assessing a \$110,000 penalty.	5-0 L-E
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PCB 04-185	<u>Midwest Generation EME, L.L.C. v. IEPA</u> – The Board on its own motion stayed the trade secret appeal pending the outcome of the appeal pending before the Appellate Court.	5-0 T-S Appeal
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PCB 05-65	<u>Russ Taylor 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 Champaign County facility.	5-0 UST Appeal
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PCB 05-68	<u>Illinois State Toll Highway Authority (Lake Forest East CAP/B) 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 Lake County facility.	5-0 UST Appeal
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PCB 05-69	<u>Illinois State Toll Highway Authority (Lake Forest West CACR) 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 Lake County facility.	5-0 UST Appeal
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PCB 05-70	<u>Illinois State Toll Highway Authority (Lake Forest West CAP/B) 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 Lake County facility.	5-0 UST Appeal
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PCB 05-71	<u>Illinois State Toll Highway Authority (Lake Forest East CACR) 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 Lake County facility.	5-0 UST Appeal
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PCB 05-92	<u>People of the State of Illinois v. Specialty Promotions, Inc. d/b/a Specialty Printing 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	5-0 A-E
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## Environmental Register – January 2005

publication of the required newspaper notice.

PCB 05-96	<u>People of the State of Illinois v. Village of North City, Lawrence A. Lipe &amp; Associates, Inc., Altman-Charter Company, Inc., and Furlong Excavating, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this public water supply enforcement action involving a Franklin County facility, the Board ordered publication of the required newspaper notice as to Altman-Charter Company, Inc.	5-0 PWS-E
PCB 05-105	<u>Burroughs AG Service, Inc.-Lostant (Property Identification Number 31-27-307-000) v. IEPA</u> – Because the Board did not receive any petition for review of the Illinois Environmental Protection Agency’s (IEPA) recommendation to deny certification, consistent with the IEPA’s recommendation, the Board declined to certify that Burroughs AG Service, Inc. facilities are pollution control facilities and dismissed this matter.	5-0 T-C
PCB 05-107	<u>Burroughs AG Service, Inc.-Wyoming (Property Identification Number 05-29-300-007) v. IEPA</u> – Because the Board did not receive any petition for review of the Illinois Environmental Protection Agency’s (IEPA) recommendation to deny certification, consistent with the IEPA’s recommendation, the Board declined to certify that Burroughs AG Service, Inc. facilities are pollution control facilities and dismissed this matter.	5-0 T-C
PCB 05-123	<u>People of the State of Illinois v. Cunat, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in McHenry County.	5-0 W-E
PCB 05-124	<u>Mac’s Convenience Stores, L.L.C. 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 Sangamon County facility.	5-0 UST Appeal 90-Day Ext.
PCB 05-125	<u>Red Rooster Corporation f/k/a Clark Retail Enterprises, Inc. (Clark Oil #2086) 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 Peoria County facility.	5-0 UST Appeal 90-Day Ext.
PCB 05-126	<u>Red Rooster Corporation f/k/a Clark Retail Enterprises, Inc. (Clark Oil #2086) 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 Peoria County facility.	5-0 UST Appeal 90-Day Ext.

## New Cases

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### January 6, 2005 Board Meeting

**05-111** Mac's Convenience Stores, L.L.C. 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 Will County facility.

**05-112** Adair AF, L.L.C. (Adair) (Property Identification Number 14-000-131-05) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Adair AF, L.L.C. located in McDonough County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

**05-113** Spoon River FS, Inc. d/b/a Riverland FS, Inc. (Ellisville) (Property Identification Number 06-05-01-200-01) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Spoon River FS, Inc. d/b/a Riverland FS, Inc. located in Fulton County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

**05-114** Spoon River FS, Inc. d/b/a Riverland FS, Inc. (Williamsfield) (Property Identification Number 1223451001) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Spoon River FS, Inc. d/b/a Riverland FS, Inc. located in Knox County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

**05-115** Reed's 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 White County facility.

**05-116** Beckman 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 Marion County facility.

**05-117** People of the State of Illinois v. City of Cairo – The Board accepted for hearing this water enforcement action involving a site located in Alexander County.

**05-118** Illinois State Toll Highway Authority (Belvidere North Reimb.) 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 Boone County facility.

**05-119** Southern Illinois Power Cooperative (Low Sulfur Dioxide Emission Coal Fueled Device) (Property Identification Number 10-26-200-002) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Southern Illinois Power Cooperative located in Williamson County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

**05-120** Marathon Ashland Petroleum, L.L.C. (Selective Catalytic Reduction Unit) (Property Identification Number 51-34-1-21 or portion thereof) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Marathon Ashland Petroleum, L.L.C. located in Crawford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

**05-121** Marathon Ashland Petroleum, L.L.C. (FCCU Flue Gas Wet Scrubber System) (Property Identification Number 51-34-1-21 or portion thereof) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Marathon Ashland Petroleum, L.L.C. located in Crawford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

**05-122** Exxon Mobil Corporation (Ultra Low Sulfur Diesel Project) (Property Identification Number 1022-100-006-0010) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Exxon Mobil Corporation located in Will County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

**AC 05-044** IEPA v. Donald Eichen – The Board accepted an administrative citation against this Winnebago County respondent.

**January 20, 2005 Board Meeting**

**05-123** People of the State of Illinois v. Cunat, Inc. – The Board accepted for hearing this water enforcement action involving a site located in McHenry County.

**05-124** Mac’s Convenience Stores, L.L.C. 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 Sangamon County facility.

**05-125** Red Rooster Corporation f/k/a Clark Retail Enterprises, Inc. (Clark Oil #2086) 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 Peoria County facility.

**05-126** Red Rooster Corporation f/k/a Clark Retail Enterprises, Inc. (Clark Oil #2086) 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 Peoria County facility.

AC **05-045** IEPA v. Double S Masonry, Inc., Curtis R. Seei, and Ronald C. Seei – The Board accepted an administrative citation against these Henry County respondents.

AC **05-046** IEPA v. Lawrence Krueger – The Board accepted an administrative citation against this Fayette County respondent.

**Calendar**

2/1/05 9:00 AM	PCB 99-187	Gina Pattermann v. Boughton Trucking and Materials, Inc.	Bolingbrook Village Hall Boardroom 375 West Briar Cliff Road Bolingbrook
2/3/05 11:00 AM	Illinois Pollution Control Board Meeting		<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>
2/10/05 9:00 AM	PCB 05-55	Village of Lake Barrington, Cuba Township, Prairie Rivers Network, Sierra Club, Beth Wentzel and Cynthia Skrukud v. IEPA and Village of Wauconda (Consolidated: PCB 05-55, 58, and 59)	Village Hall 2nd Floor—Board Room 118 West Cook Libertyville
2/10/05 9:00 AM	PCB 05-58	Slocum Lake Drainage District of Lake County, Illinois v. Illinois Environmental Protection Agency and Village of Wauconda, Illinois (Consolidated: PCB 05-55, 58, and 59)	Village Hall 2nd Floor—Board Room 118 West Cook Libertyville

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2/10/05 9:00 AM	PCB 05-59	Al Phillips, Vern Meyer, Gayle DeMarco, Gabrielle Meyer, Lisa O'Dell, Joan Leslie, Michael Davey, Nancy Dobner, Mike Polito, Williams Park Improvement Association, Mat Schlueter, Mylith Park Lot Owners Association, Donald Krebs, Don Berkshire, Judy Brumme, Twin Pond Farms Homeowners Association, Julia Tudor, Christine Deviney v. Illinois Environmental Protection Agency and Village of Wauconda (Consolidated: PCB 05-55, 58, and 59)	Village Hall 2nd Floor—Board Room 118 West Cook Libertyville
2/11/05 9:00 AM	PCB 05-55	Village of Lake Barrington, Cuba Township, Prairie Rivers Network, Sierra Club, Beth Wentzel and Cynthia Skrukud v. IEPA and Village of Wauconda (Consolidated: PCB 05-55, 58, and 59)	Village Hall 2nd Floor—Board Room 118 West Cook Libertyville
2/11/05 9:00 AM	PCB 05-58	Slocum Lake Drainage District of Lake County, Illinois v. Illinois Environmental Protection Agency and Village of Wauconda, Illinois (Consolidated: PCB 05-55, 58, and 59)	Village Hall 2nd Floor—Board Room 118 West Cook Libertyville
2/11/05 9:00 AM	PCB 05-59	Al Phillips, Vern Meyer, Gayle DeMarco, Gabrielle Meyer, Lisa O'Dell, Joan Leslie, Michael Davey, Nancy Dobner, Mike Polito, Williams Park Improvement Association, Mat Schlueter, Mylith Park Lot Owners Association, Donald Krebs, Don Berkshire, Judy Brumme, Twin Pond Farms Homeowners Association, Julia Tudor, Christine Deviney v. Illinois Environmental Protection Agency and Village of Wauconda (Consolidated: PCB 05-55, 58, and 59)	Village Hall 2nd Floor—Board Room 118 West Cook Libertyville
<b>2/17/05 11:00 AM</b>	<b>Illinois Pollution Control Board Meeting</b>		<b>James R. Thompson Center Hearing Room 9-040 100 W. Randolph Street Chicago</b>
2/22/05 10:30 AM	R05-11	In the Matter of: Amendments to Emissions Reduction Market System, 35 Ill. Adm. Code 205 and 211	James R. Thompson Center Room 2-207 100 W. Randolph Street Chicago
2/24/05 9:00 AM	PCB 05-85	Citgo Petroleum Corporation and PDV Midwest Refining, LLC v. IEPA	James R. Thompson Center Room 11-512 100 W. Randolph Street Chicago
3/1/05 10:00 AM	R05-09	In the Matter of: Setback Zone for City of Marquette Heights Community Water Supply, New 35 Ill. Adm. Code 618	Pekin City Hall Council Chambers—2nd Floor 111 South Capitol Street Pekin

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3/2/05 10:30 AM	PCB 03-54	Freedom Oil Company v. IEPA (Consolidated: PCB 03-54, 56, 105, 179, and 04-02)	Illinois Pollution Control Board Hearing Room (North Entrance) 1021 North Grand Avenue East Springfield
3/2/05 10:30 AM	PCB 03-56	Freedom Oil Company v. IEPA (Consolidated: PCB 03-54, 56, 105, 179, and 04-02)	Illinois Pollution Control Board Hearing Room (North Entrance) 1021 North Grand Avenue East Springfield
3/2/05 10:30 AM	PCB 03-105	Freedom Oil Company v. IEPA (Consolidated: PCB 03-54, 56, 105, 179, and 04-02)	Illinois Pollution Control Board Hearing Room (North Entrance) 1021 North Grand Avenue East Springfield
3/2/05 10:30 AM	PCB 03-179	Freedom Oil Company v. IEPA (Consolidated: PCB 03-54, 56, 105, 179, and 04-02)	Illinois Pollution Control Board Hearing Room (North Entrance) 1021 North Grand Avenue East Springfield
3/2/05 10:30 AM	PCB 04-02	Freedom Oil Company v. IEPA (Consolidated: PCB 03-54, 56, 105, 179, and 04-02)	Illinois Pollution Control Board Hearing Room (North Entrance) 1021 North Grand Avenue East Springfield
3/3/05 11:00 AM	Illinois Pollution Control Board Meeting		<b>Illinois Pollution Control Board Hearing Room (North Entrance) 1021 North Grand Avenue East Springfield</b>
3/17/05 11:00 AM	Illinois Pollution Control Board Meeting		<b>James R. Thompson Center Hearing Room 9-040 100 W. Randolph Street Chicago</b>
4/5/05 10:00 AM	R05-09	In the Matter of: Setback Zone for City of Marquette Heights Community Water Supply, New 35 Ill. Adm. Code 618	James R. Thompson Center Room 2-025 100 W. Randolph Street Chicago

## Environmental Register – January 2005

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 January 1, 2005.

\* 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. SERVE D</u>	<u>LISTING DATE</u>
Acorn Acres Sbdv (Lake Co - 0975020)	2	Inadequate Pres Tank	250	12/16/83
Alternative Behavior Treatment Center (Lake Co - 0977189)	2	Inadequate Pres Tank	64	06/15/88
Arlington Rehab & Living Ctr (Lake Co – 0971110)	2	Inadequate Hydro Storage	180	12/01/03
Aurora Community Water Assn (Kane Co - 0895750)	2	Inadequate Pres Tank	150	12/16/88
Bahl Wtr Corp (Jo Daviess Co - 0855200)	1	Inadequate Pres Storage	700	12/15/93
Biggsville (Henderson Co - 0710050)	5	Adjusted Gross Alpha	350	03/15/98
Bonnie Lane Water Supply (Kendall Co - 0930010)	2	Inadequate Pres Tank	49	09/16/93
Bradford (Stark Co - 1750050)	1	Gross Alpha	650	06/15/98
Bradley Hts Sbdv (Winnebago Co - 2015050)	1	Inadequate Pres Tank	192	09/13/85
Bryant (Fulton Co - 0570200)	5	Adjusted Gross Alpha	310	03/15/98
Buckingham (Kankakee Co - 0910250)	2	Inadequate Pres Tank	330	03/17/89

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

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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>
Forest Lake Addn (Lake Co - 0975500)	2	Inadequate Pres Tank	180	12/16/83
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

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

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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
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
Sbdv Wtr Trust No #1 (Moecherville) (Kane Co - 0895300)	2	Inadequate Pres Tank	1,120	03/20/81
Shawnta Trc Wtr Assn (Will Co - 1977690)	2	Inadequate Pres Tank	125	09/17/92
Silvis Heights (Rock Island Co – 1615750)	1	Inadequate Hydro Storage	1,500	12/01/03
Skyview Sbdv (Kankakee Co - 0915526)	2	Inadequate Pres Tank	65	09/14/84
South Wilmington (Grundy Co - 0630650)	2	Adjusted Gross Alpha	698	10/15/02
St Charles Cmsn Wlfnd 3 (DuPage Co - 0437040)	2	Inadequate Pres Tank	30	12/15/89
Standard (Putnam Co - 1550300)	1	Adjusted Gross Alpha	300	03/14/01
Sturm Sbdv (Lake Co - 0977010)	2	Inadequate Pres Tank	63	03/16/84
Suburban Heights Sbdv (Rock Island Co - 1615800)	1	Inadequate Pres Tank	114	12/16/83
Summit Homeowners Assn (Lake Co - 0975280)	2	Inadequate Pres Tank	48	03/16/84
Sunny Hill Ests Sbdv (Henry Co - 0735300)	1	Inadequate Pres Tank	525	06/15/00
Sunnyland Sbdv (Will Co - 1977730)	2	Inadequate Pres Tank	350	09/16/83
Swedona Wtr Assn (Mercer Co - 1315200)	1	Inadequate Pres Tank	100	06/15/90

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

PUBLIC WATER SUPPLIES REMOVED FROM PREVIOUS LIST

**Brimfield (Peoria Co - 1430150)**

**Santa Fe Ests (Peoria Co - 1435490)**

**Trimble Wtr Co (Crawford Co - 0335200)**

## Environmental Register – January 2005

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 January 1, 2005.

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

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<u>NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY #</u>	<u>EPA RGN</u>	<u>NATURE OF PROBLEM</u>	<u>POP. SERVE D</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
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
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

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Joy (Mercer Co - 1310100)	1	Low System Pressure	495	06/15/99
* La Salle (La Salle Co - 0990300)	1	Inadequate Source & Plant Capacity	9,700	11/01/04
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
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

Evansville (Randolph Co - 1570250)

## Conference

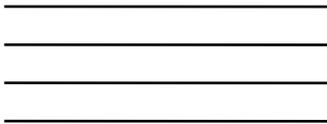
The Illinois Association of Water Pollution Control Operators will hold its 70th Annual Conference April 18-21, 2005 at the Crowne Plaza Convention Center, Springfield, Illinois. The 3 1/2 day conference includes a 2 1/2 day technical program with emphasis on wastewater treatment plant operations and maintenance, a first day wastewater treatment plant operations workshop on Phosphorus Removal Impacts, and IAWPCO Plant and Operator-of-the Year awards. For further information, contact Ralph E Pfister, Executive Director, IAWPCO, P.O. Box 175, Yorkville, Illinois 60560 or phone (630) 553-3418.



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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