
Environmental Register

October 2005 - Number 616

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

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Letter from the Chairman

During the fall, the Board has moved forward with a number of rulemaking dockets. I've described below recent activity in some of those. You can find much more information about the Board's activities through our Web site at www.ipcb.state.il.us. The Clerk's Office On-Line (COOL) provides 24-hour electronic access to the Board's case files and docket information.

R 04-26 (Interim Phosphorus Effluent Standards): On September 15, 2005, the Board sent to second notice a proposed interim phosphorus effluent standard. The Illinois Environmental Protection Agency (IEPA) proposed the interim phosphorus effluent standard to limit higher concentrations of phosphorus that may result in detrimental levels of plant and algae growth in waters of the state. Meanwhile, the IEPA and others are in the process of developing scientific information to support a proposal for numeric water quality nutrient standards. The IEPA expects to file a nutrient standards rulemaking proposal with the Board in 2007.



In this rulemaking, IEPA proposes a total phosphorus limit of 1.0 milligram per liter (mg/L) as a monthly average. Generally, the limit would apply to new or expanded discharges from wastewater treatment plants with either a design average flow over 1.0 million gallons per day receiving municipal or domestic waste water, or a total phosphorus effluent load of 25 pounds per day or more for treatment works other than those treating municipal or domestic wastewater. But, the limit would not apply to sources demonstrating that phosphorus is not the limiting nutrient in the receiving water or that alternative limits are warranted.

R 06-5, 06-06, 06-07 (USEPA Amendment): This consolidated identical-in-substance update includes federal amendments to the underground injection control (UIC), RCRA Subtitle D (municipal solid waste landfill (MSWLF)), and RCRA Subtitle C (hazardous waste) regulations.

During the update period, USEPA undertook three separate actions to amend the hazardous waste regulations (also affecting the UIC and MSWLF regulations as indicated). First, USEPA adopted a new hazardous waste listing for wastes from production of dyes; pigments; and food, drug, and cosmetic colorants. The amendments included land disposal and underground injection restrictions. Second, USEPA modified the hazardous waste manifest system. Third, USEPA amended the hazardous waste, municipal solid waste landfill, used oil, and hazardous waste combustion rules to allow the use of alternative methods to "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," which is also called "SW-846." The amendments will require the use of SW-846 methods only when there is no viable alternative method.

R 06-9 (Procedural Rules – Definition of "Pollution Control Facility"): On October 20, 2005, the Board sent to second-notice proposed amendments to its procedural rules to address three recent changes in the definition of "pollution control facility" in the Environmental Protection Act (Act). The Board simply proposes amending the definition of "pollution control facility" in its own rules to conform to Public Acts 93-0998, 94-0094, and 94-0249.

R 06-10 (Proposed Amendments to Tiered Approach to Corrective Action Objectives (TACO)): On October 20, 2005, the Board accepted for hearing the IEPA's proposed amendments to Tiered Approach to Corrective Action Objectives (TACO). Generally, the TACO rules, which were adopted by the Board in 1997, are used at sites being remediated in the Site Remediation Program (SRP), in the Leaking Underground Storage Tank (LUST) Program, and under Resource Conservation and Recovery Act (RCRA) Part B Permits and Closures. The Board has amended the TACO rules in the past. IEPA states that it has compiled these proposed revisions for the past five years. With this proposal, IEPA intends to improve procedures, adopt new standards established for various contaminants, update test methods, and adopt new toxicity criteria.

Information including Board opinions, proposed rules, hearing officer orders, and hearing transcripts, may be viewed on the Board's Website at www.ipcb.state.il.us or by contacting the Clerk's Office. I invite you to take a closer look at these proceedings and to assist us in the development of sound environmental policy for the people of Illinois.

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

United States Environmental Protection Agency Adopts Amendments Under the Clean Air Act to the Prevention of Significant Deterioration Regulations for Nitrogen Oxides

On October 12, 2005 (70 Fed. Reg. 59581) the United States Environmental Protection Agency (USEPA) adopted amendments to the regulations governing the Prevention of Significant Deterioration (PSD) of air quality from emissions of nitrogen oxides (NO_x). The amendments are based on a proposal published in the *Federal Register* on February 23, 2005 (70 Fed. Reg. 8880).

In this final action, USEPA retained the existing nitrogen dioxide (NO₂) increments as part of the PSD regulations. These regulations are designed to preserve the air quality in national parks and other areas that are meeting the national ambient air quality standards (NAAQS) for NO₂. USEPA reevaluated the original NO₂ increments in response to a 1990 court ruling that directed it to consider and harmonize the statutory criteria for establishing PSD regulations for NO_x contained in sections 166(c) and 166(d) of the Clean Air Act (CAA). USEPA also amended the PSD regulations to clarify that States otherwise meeting these requirements of the CAA may obtain approval to employ alternative approaches to the existing increments for NO₂.

In its February proposal, USEPA proposed three different approaches to amend the PSD regulations. The first option, which the USEPA has adopted, proposed to maintain the existing NO₂ increments along with other parts of the existing framework of pollutant-specific PSD regulations for NO₂. The options that were not adopted by the USEPA offered different approaches to controlling NO₂ through a cap and trade program (option 2), or by allowing States to adopt their own planning strategies to meet the requirements of the CAA (option 3).

While the USEPA did decide to continue the PSD program substantially as it is currently run, it also incorporated changes to the rules to make it clear that States may seek USEPA approval of State Implementation Plans (SIPs) that utilize an alternative approach to the NO₂ increments if the State can demonstrate that an alternative program satisfies the requirements of sections 166(c) and 166(d) of the CAA and prevents significant deterioration from emissions of NO₂. States have always had the option to submit alternative approaches in their SIPs that can be shown to be more effective than the minimum program elements established by USEPA; USEPA stated that it was simply making it clear in the regulations that States have the option to continue implementing the NO₂ increment program or to design an alternative approach as part of the SIPs and submit this program to USEPA for approval. This approach is intended to allow States the flexibility to submit any type of alternative for consideration on a case-by-case basis to determine if the alternative meets the requirements of sections 166(c) and 166(d) of the CAA. USEPA did not establish any additional regulatory criteria (such as planning goals or emissions inventory requirements) that would govern the review of such a program other than what is already contained within the CAA.

This final rule is effective on November 14, 2005.

For further information contact Mr. Dan deRoeck, Information Transfer and Program Integration Division (C339-03), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, telephone (919) 541-5593, fax (919) 541-5509, or e-mail at deroeck.dan@epa.gov.

If any amendments to the Illinois air rules become necessary, the Board would expect the Illinois Environmental Protection Agency to propose amendments using the Clean Air Act “fast-track” procedures at Section 28.5 of the Environmental Protection Act (415 ILCS 5/28.5 (2002)).

United States Environmental Protection Agency Adopts Amendments to the Pretreatment Regulations for Existing and New Sources of Pollution Under the Clean Water Act

On October 14, 2005 (70 Fed. Reg. 60133), the United States Environmental Protection Agency (USEPA) adopted amendments to streamline the general pretreatment requirements for, and oversight of, industrial users who introduce pollutants into Publicly Owned Treatment Works (POTWs). This final rule includes changes to make certain program requirements consistent with National Pollutant Discharge Elimination System (NPDES) requirements for direct dischargers to surface waters. USEPA stated that this rulemaking will reduce the regulatory burden on both industrial users and state and POTW control authorities without adversely affecting environmental protection and will allow states to better focus oversight resources on industrial users with the greatest potential for affecting POTW operations or the environment.

To comply with requirements under the federal Clean Water Act, industrial users of POTWs must comply with pretreatment standards prior to introducing pollutants into a POTW. POTWs are required to impose local limits to prevent pass through of, and interference from, the pollutants discharged into their systems. USEPA’s general pretreatment regulations include general prohibitions that forbid industrial users from causing pass through and interference, and specific prohibitions against the discharge of pollutants that cause problems at the POTW such as corrosion, fire or explosion, and danger to worker health and safety. USEPA has also developed national categorical pretreatment standards that apply numeric pollutant limits to industrial users in specific industrial categories. The general pretreatment regulations include reporting and other requirements.

This final rule:

- 1) Provides POTWs with the authority to grant monitoring waivers to industrial facilities that can document pollutants are not present at the facility or anywhere in the wastestream. USEPA noted that this authority is already available in the NPDES regulations for point sources discharging directly to surface waters.
- 2) Authorizes POTWs to use general control mechanisms (e.g., permits) to regulate multiple industrial dischargers that share common characteristics.
- 3) Clarifies that POTWs can use Best Management Practices (BMPs) as an alternative to numeric limits that are developed to protect the POTW, water quality, and sewage sludge.
- 4) Clarifies certain requirements regarding the frequency of on-site industrial facility inspections to evaluate the adequacy of controls for “Slug Discharges.”
- 5) Provides greater flexibility in the use of certain sampling techniques, and establishes greater consistency with the sampling protocols in other parts of USEPA’s regulations.
- 6) Provides the State with the discretion to authorize the use of equivalent concentration limits in lieu of mass limits for certain industrial categories, and allows the conditional use of equivalent mass limits in lieu of concentration-based limits where appropriate to facilitate adoption of new, water-conserving technologies.
- 7) Authorizes POTWs to establish alternative sampling, reporting, and inspection requirements for certain classes of categorical industrial users.
- 8) Clarifies the definition of significant noncompliance (SNC) as it applies to violations of instantaneous and narrative requirements, and late reports, and provides additional options for publishing lists of industrial facilities in SNC annually in the newspaper. The rule also retains existing rules and policies regarding the application of Technical Review Criteria and the use of the “rolling quarter” approach in determining SNC status.
- 9) Provides updated references relating to requirements that POTWs must meet to adjust removal credits for combined sewer overflows.

- 10) Makes other miscellaneous changes designed to maintain consistency with the NPDES regulations or to correct typographical errors necessary to implement these categorical standards (40 CFR 403.12 (b)).

The adopted amendments are effective on November 14, 2005.

For further information contact Jan Pickrel, Water Permits Division, Office of Wastewater Management, Office of Water, (4203), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 202-564-7904, e-mail address: pickrel.jan@epa.gov. Greg Schaner, Water Permits Division, Office of Wastewater Management, Office of Water, (4203), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 202-564-0721, e-mail address: schaner.greg@epa.gov.

The Board will include any necessary amendments to Board rules resulting from this federal action in a future wastewater pretreatment identical in substance rulemaking pursuant to Section 7.2 13, and 13.3, of the Environmental Protection Act (415 ILCS 5/7.2 13, and 13.3 (2004)).

Appellate Update

Third District Appellate Court Reverses Board Order Overturning Grant of Local Siting Approval for New Landfill in Town & Country Utilities, Inc. and Kankakee Regional Landfill, LLC v. Illinois Pollution Control Board, County of Kankakee, Edward D. Smith as State's Attorney of Kankakee County, the City of Kankakee, Illinois City Council, Byron Sandberg, and Waste Management of Illinois, Inc., No. 3-03-0025 (September 7, 2005)(petitions for rehearing denied October 19, 2005) (PCB 03-31, PCB 03-33, PCB 03-35 (cons.))

In a September 7, 2005 final unpublished 11-page order under Supreme Court Rule 23 (155 Ill.2d R. 23), one justice concurring and one dissenting, the Third District Appellate Court reinstated the grant by the City of Kankakee (City) of siting approval to the 2002 application for a new landfill made by Town and Country Utilities, Inc. and Kankakee Regional Landfill (collectively, Town and Country). Town & Country Utilities, Inc. and Kankakee Regional Landfill, LLC v. Illinois Pollution Control Board, County of Kankakee, Edward D. Smith as State's Attorney of Kankakee County, the City of Kankakee, Illinois City Council, Byron Sandberg, and Waste Management of Illinois, Inc., No. 3-03-0025 (September 7, 2005) (hereinafter Town and Country I). On October 19, 2005, the Third District denied separate petitions for rehearing filed by the Board, the County of Kankakee, and Waste Management of Illinois, Inc. The court also denied the County's motion to publish the decision, so that the Court's rationale and conclusions could serve as helpful precedents in future cases. The parties may petition the Supreme Court for leave to appeal on or before November 9, 2005.

In its decision in Town and Country I, the Court affirmed the Board's finding that the City had conducted a fundamentally fair siting procedure under Section 39.2 of the Environmental Protection Act (Act), 415 ILCS 5/39.2 (2004). But the Court reversed the Board's determination that the City's finding was against the manifest weight of the evidence as to criterion 2 of Section 39.2. In other words, the Court found the City properly found that the proposed "facility is so designed, located and proposed to be operated that the public health, safety, and welfare will be protected." 415 ILCS 5/39.2(a)(ii)(2004). In three consolidated third party appeals before it, the Board had concluded that the record lacked evidence as to whether the groundwater under the proposed site was an aquifer, rather than an aquitard. County of Kankakee and Edward D. Smith, States Attorney of Kankakee County v. City of Kankakee, Illinois, The City of Kankakee, Illinois City Council, Town and Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C.; Byron Sandberg v. City of Kankakee, Illinois, The City of Kankakee, Illinois City Council, Town and Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C.; Waste Management of Illinois v. City of Kankakee, Illinois, City Council, Town and Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C., PCB 03-31, PCB 03-33, PCB 03-35 (cons.) (January 1, 2003) (hereinafter Town and Country I, PCB 03-31, PCB 03-33, PCB 03-35 (cons.)).

The decisions of the Board and Court in Town and Country I are reported below. There then follows a brief report of a related appeal still pending before the Third District involving the same parties: third party appeals of the Board's 2004 decision affirming the City's grant of siting approval to Town and Country's subsequent application in 2003.

The Board's Decision in Town & Country I, PCB 03-31, PCB 03-33, PCB 03-35 (cons.)

Town and Country first applied to the City for siting approval for a proposed landfill on March 13, 2002. The proposed landfill consisted of approximately 400 acres located in Otto Township within the City's municipal boundaries. The County of Kankakee, Waste Management of Illinois, Inc. and Byron Sandberg each filed separate petitions for review as allowed by Section 40.1 (b) of the Act. Petitioners variously alleged that (1) the City lacked jurisdiction over the siting application due to alleged deficiencies in Town and Country's service of notice of the application as required by Section 39.2(b) of the Act; (2) the procedures used by the city to assess the application were fundamentally unfair; and (3) that the City's decision was against the manifest weight of the evidence as to three of the nine siting criteria listed in Section 39.2 of the Act.

In its 31-page July 9, 2003 opinion and order, for reasons that will not be summarized here, the Board found that the City did have jurisdiction over the application and that its procedures were fundamentally fair. The Board affirmed the City's decisions that the applicant had satisfied two out of the three challenged criteria: that the operation plan minimized danger to the surrounding area, and that the facility was consistent with the County's solid waste management plan. 415 ILCS 5/39.2 (v) and (viii) (2004).

But, the Board reversed the City of Kankakee's decision that Town and Country had satisfied criterion ii of Section 39.2(a): that the proposed "facility is so designed, located and proposed to be operated that the public health, safety, and welfare will be protected". 415 ILCS 5/39.2(a)(ii)(2004). The Board found an absence of evidence in the local siting record addressing the potential vertical flow of contaminants at the site or the prospect that groundwater under the landfill is an aquifer rather than the assumed aquitard. The Board therefore held that the City's decision on criterion ii was against the manifest weight of the evidence, concluding in summary that

Town & Country failed to address research indicating that the Silurian dolomite, upon which the proposed landfill would rest, is an aquifer. Town & Country also failed to consider well log data with a 2-mile radius of the site that indicated area wells draw water from the Silurian dolomite aquifer. The evidence belies the findings of the tests on the single boring taken from the 236-acre waste footprint. Town & Country's scientifically unjustified assumption regarding the identity of the Silurian dolomite resulted in the use of inaccurate information in its modeling and groundwater impact evaluation. Consequently, Town & Country did not present sufficient details to show that the landfill was designed, located and proposed to be operated to protect public health, safety, and welfare. The evidence Town & Country did present was unreliable. Therefore, the Board finds it is clearly evident that the City's determination that Town & Country met the requirements of criterion (ii) of Section 39.2 of the Act is against the manifest weight of the evidence. Town and Country I, PCB 03-31, PCB 03-33, PCB 03-35 (cons.), slip op. at 27-28.

The Third District's Order in Town and Country I

After a recitation of the facts of the case Town and Country I, slip op. at 1-4, the Third District's order first addresses the issue of fundamental fairness. The Court first noted that it held in Land & Lakes v. Pollution Control Board, 319 Ill. App. 3d 41, 48 (2000) that "Board determinations that the siting hearing proceedings were fundamentally fair are subject to *de novo* review. But, the Court went on to acknowledge the Board's argument that this analysis was no longer effective since the decision of the Illinois Supreme Court in AFM Messenger, Inc. v. Dept. of Employment Security, 198 Ill. 2d 380 (2001), where the more deferential "clearly erroneous" standard was applied to a mixed question of law and fact. The court then stated that "[p]ursuant to AFM Messenger, we will affirm the Board's decision unless it is against the manifest weight of the evidence." *Id.*, slip op. at 5. The court considered arguments that several circumstances caused fundamental unfairness, including various alleged deficiencies in the conduct of the hearing, and *ex parte* contacts. The court concluded that "[o]n the issue of fundamental fairness, we find no basis upon which to overturn the decision of the [City] Council." *Id.*, slip op. at 5.

The court begins its analysis of the issues involving the statutory criteria by citing a statement in Concerned Adjoining Owners v. Pollution Control Board, 288 Ill. App. 3d 565, 576. (1997) that "[o]n review, the court is limited to a determination of whether the siting authority's decision was contrary to the manifest weight of the evidence." *Id.*, slip op. at 7-8. The court then concluded that "[I]t is clear by this statement that the court is not reviewing the decision of the PCB." *Id.*, slip op. at 8. In a lengthy footnote following this remark, the court suggests

There is some dispute as to the standard of review an appellate court will apply to the ruling of the PCB. *See, Turlek v. Pollution Control Board*, 274 Ill. App. 3d 244, 249 (1995) ("On review, we

are to determine whether the Board's decision is against the manifest weight of the evidence.”): File v. D&L Landfill, Inc., 219 Ill. App. 3d 897, 901 (1991) (“Standard of review to be exercised by the [PCB] and this court is whether, respectively, the decision of the county board and [PCB] are contrary to the manifest weight of the evidence.”). But *see* Concerned Adjoining Owners v. Pollution Control Board, 288 Ill. App. 3d 565 (1997); Waste Management of Illinois v. Pollution Control Board, 160 Ill. App. 3d 434 (1987); City of Rockford v. Pollution Control Board, 125 Ill. App. 3d 384 (1984). The manifest weight of the evidence standard of review is applicable to a tribunal with an adjudicatory function that is called upon to weigh evidence. It is not applicable to a tribunal which reviews the decision of an adjudicatory body. If an appellate court were to review both the local body and the PCB under manifest weight of the evidence standard of review, it might have to affirm two contradictory decision (sic). A situation could arise where both the decision of the local body and the decision of the PCB were each supported by evidence. Indeed the hallmark of the manifest weight of the evidence standard of review is that the evidence could support two opposite conclusions, and only when an opposite conclusion to that reached by the adjudicatory body is clearly apparent is the decision against the manifest weight of the evidence. *Id.*, slip op. at 8, n.1.

In reviewing the parties' arguments as to the statutory criteria, the court does not evaluate any of the Board's rationale for decision. Instead, the court appears to go on to review the City's decision directly, using a "manifest weight of the evidence" standard, as if there were no Board decision.

As to criterion two, the court stated

In the instant matter, extensive expert testimony came before the [City] Council, both in favor of and in opposition to the proposed site. Ultimately, a dispute developed over whether the site was an aquifer or an aquitard, and the public health consequences of the answer. On appeal, the parties expend much effort to explain why one expert or the other was more credible and ask this court to actually determine wither the site was an aquifer or an aquitard. In the final analysis, however, the decision belongs to the [City] Council, and nothing in the record would support a conclusion that the Council's finding was against the manifest weight of the evidence. *Id.*, slip op. at 9-10.

The court reached a similar result as to criterion 8, finding that “it cannot be said that the conclusion of the Council on this criterion [consistency with the county solid waste management plan] was against the manifest weight of the evidence.” *Id.*, slip op. at 9-10.

The ultimate conclusion of the court then was that the City's decision approving siting

was fundamentally fair and not contrary to the manifest weight of the evidence. Accordingly, the order of the Illinois Pollution Control Board overturning the decision of the city council is reversed and the decision of the city council is reinstated. *Id.*, slip op. at 11.

Dissenting opinion. In his short, written dissent, Justice Barry observes that the appeal was brought under Section 41(b) of the Act. Under that section,

“any final order of the Board shall be based solely on the evidence in the record of the particular proceeding involved, and an such final order for permit appeals shall be invalid if it is against the manifest weight of the evidence. 415 ILCS 5/41(b)(West 2000). As recognized by our Supreme Court in Environmental Protection Agency v. Pollution Control Board (115 Ill.2d 65, 70, 503 N.E. 2d 343, 345-46 (1986)), it is the duty of this court, under the plain language of section 41(b), to evaluate all the evidence in the record to determine if the Pollution Control Board's findings were contrary to the manifest weight of the evidence.

Parties' Post-Decision Filings

On September 28, 2005, the Board filed a petition for rehearing with the Third District, requesting that it revisit the issue of the standard of review to be applied consistent with Section 41(b) of the Act. As previously stated, other parties also requested further review of this and other issues. On October 19, 2005, the Third District denied all petitions for rehearing, as well as the County's motion for publication of the Rule 23 order.

Under Supreme Court Rule 315(b), any petitions for leave to appeal must be filed with the Illinois Supreme Court on or before November 9, 2005 (i.e. within 21 days after denial of the petitions for rehearing). The Board is considering this option.

Related Appeal Pending before the Third District: Town and Country II

The Court's decision in Town and Country I may resolve a still-pending related appeal before it. Town & Country Utilities, Inc. and Kankakee Regional Landfill, LLC v. Illinois Pollution Control Board, County of Kankakee, Edward D. Smith as State's Attorney of Kankakee County, the City of Kankakee, Illinois City Council, Byron Sandberg, and Waste Management of Illinois, Inc., No. 3-04-0285 (hereinafter Town and Country II). Town and Country II involves petitions for review of the Board's affirmance of the City's 2004 decision to approve Town & Country's subsequent, 2003 siting application. n Byron Sandberg v. City of Kankakee, Illinois, The City of Kankakee, Illinois City Council, Town and Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C.; Waste Management of Illinois v. City of Kankakee, Illinois, City Council, Town and Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C.; County of Kankakee and Edward D. Smith, States Attorney of Kankakee County v. City of Kankakee, Illinois, The City of Kankakee, Illinois City Council, Town and Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C., PCB 04-33, PCB 04-34, PCB 04-35 (cons.) (March 18, 2004) In its 2003 reapplication, Town & Country addressed the groundwater evaluation shortcomings identified by the Board in Town & Country I. In 2003, Town & Country characterized the site as sitting atop an aquifer and modeled for groundwater impacts from the vertical flow of contaminants.

The parties are still in the process of briefing the Town & Country II appeal, and considering the effects on it of the court's decision in Town & Country I.

Rule Update

Board Adopts Consolidated Proposal for Public Comment in UIC Correction, USEPA Amendments (January 1, 2005 through June 30, 2005); RCRA Subtitle D Update, USEPA Amendments (January 1, 2005 through June 30, 2005); RCRA Subtitle C Update, USEPA Amendments (January 1, 2005 through June 30, 2005) (R06-5/R06-6/R06-7) consolidated

On October 20, 2005, the Board adopted a consolidated proposal for public comment in UIC Correction, USEPA Amendments (January 1, 2005 through June 30, 2005); RCRA Subtitle D Update, USEPA Amendments (January 1, 2005 through June 30, 2005); RCRA Subtitle C Update, USEPA Amendments (January 1, 2005 through June 30, 2005) (R06-5/R06-6/R06-7) consolidated. This identical-in-substance rulemaking consists of three separate consolidated dockets and proposes amendments to update the Illinois underground injection control (UIC), municipal solid waste landfill (MSWLF), and hazardous waste regulations. The United States Environmental Protection Agency (USEPA) adopted the amendments prompting the Board's action during the period of January 1, 2005, through June 30, 2005. This rulemaking proposes identical-in-substance amendments to 35 Ill. Adm. Code 720 through 725, 728, and 738, and also makes a series of non-substantive corrections and stylistic revisions. The Board filed the proposed amendments with the Secretary of State's Index Department for publication in the November 4, 2005 issue of the *Illinois Register*. The Board will accept comments on this proposal for 45 days, through December 19, 2005.

The Board's October 20, 2005 opinion and the related order propose identical-in-substance amendments in three distinct program areas:

- 1) Under Sections 7.2 and 13(c) of the Environmental Protection Act (Act) (415 ILCS 5/7.2 and 13(c) (2002)), the Board proposes amendments to the Illinois regulations that are "identical in substance" to underground injection control regulations that the USEPA adopted to implement Section 1421 of the federal Safe Drinking Water Act (SDWA) (42 U.S.C. § 300h (2003)). The federal UIC regulations are found at 40 C.F.R. 144 through 148.
- 2) Under Sections 7.2 and 22.40(a) of the Environmental Protection Act (Act) (415 ILCS 5/7.2 and 22.4(a) (2002)) require the Board to adopt regulations that are "identical in substance" to MSWLF regulations adopted by the USEPA. These USEPA rules implement Subtitle D of the federal

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Resource Conservation and Recovery Act of 1976 (RCRA Subtitle C) (42 U.S.C. §§ 6941 *et seq.* (2003)). The federal RCRA Subtitle D MSWLF regulations are found at 40 C.F.R. 258.

- 3) Under Sections 7.2 and 22.4(a) of the Environmental Protection Act (Act) (415 ILCS 5/7.2 and 22.4(a) (2002)) require the Board to adopt regulations that are “identical in substance” to hazardous waste regulations adopted by the USEPA. These USEPA rules implement Subtitle C of the federal Resource Conservation and Recovery Act of 1976 (RCRA Subtitle C) (42 U.S.C. §§ 6921 *et seq.* (2003)). The federal RCRA Subtitle C hazardous waste management regulations are found at 40 C.F.R. 260 through 266, 268, 270, 271, 273, and 279.

Sections 13(c), 22.40(a), and 22.4(a) also provide that Title VII of the Act and Section 5 of the Administrative Procedure Act (5 ILCS 100/5-35 and 5-40 (1998)) do not apply to the Board’s adoption of identical-in-substance regulations.

The Board found that, due to the closely related nature of the three identical-in-substance dockets, consolidation of the three dockets would allow for the most expeditious and efficient implementation of all sets of amendments. The docket R06-5 amendments are the UIC aspects of the hazardous waste-related actions in the RCRA Subtitle C update docket R06-7, and the docket R06-6 actions are the MSWLF aspects of the hazardous waste-related actions in the RCRA Subtitle C update docket R06-7.

The Board acted on federal amendments published on February 24, 2005 (70 Fed. Reg. 9138), March 4, 2005 (70 Fed. Reg. 10776), June 14, 2005 (70 Fed. Reg. 34538), June 14, 2005 (70 Fed. Reg. 34538), June 16, 2005 (70 Fed. Reg. 35032), June 16, 2005 (70 Fed. Reg. 35034), and August 1, 2005 (70 Fed. Reg. 44150)

USEPA amended the federal UIC regulations once during the period January 1, 2005, through June 30, 2005. On February 24, 2005 (70 Fed. Reg. 9138), USEPA adopted a new hazardous waste listing for wastes from production of dyes, pigments, and food, drug, and cosmetic colorants (K181 wastes). The amendments included land disposal and underground injection restrictions. This action also applied to the RCRA Subtitle C regulations.

The RCRA Subtitle D regulations were amended on June 14, 2005 (70 Fed. Reg. 34538). USEPA amended the hazardous waste, municipal solid waste landfill, used oil, and hazardous waste combustion rules to allow the use of alternative methods to “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” which is also called “SW-846.” The amendments require the use of SW-846 methods only when there is no viable alternative method. USEPA included a series of clarifications and technical corrections to the rules. This action also applied to the RCRA Subtitle C regulations.

The RCRA Subtitle C regulations were amended an additional three times during the period January 1, 2004 through June 30, 2004. On March 4, 2005 (70 Fed. Reg. 10776) USEPA modified the hazardous waste manifest system. On June 16, 2005 (70 Fed. Reg. 35032), USEPA issued corrections to typographic errors in its February 24, 2005 (70 Fed. Reg. 9138) hazardous waste listing for wastes from production of dyes, pigments, and food, drug, and cosmetic colorants. Finally, on June 16, 2005 (70 Fed. Reg. 35034) USEPA issued non-substantive corrections to its March 4, 2005 (70 Fed. Reg. 10776) modifications to the hazardous waste manifest system.

The Board engages in ongoing monitoring of federal actions, and had identified one other USEPA action since June 30, 2005 that further amended the RCRA Subtitle D MSWLF and RCRA Subtitle C hazardous waste rules in a way that would require immediate Board attention. On August 1, 2005 (70 Fed. Reg. 44150) USEPA issued non-substantive corrections to its June 14, 2005 (70 Fed. Reg. 34538) amendments (which allowed the use of alternative methods to SW-846). Because this correction directly affects amendments that are being considered in this consolidated docket, the Board included the corrections in the current round of amendments.

In addition to the amendments to the federal UIC, RCRA Subtitle D MSWLF, and RCRA Subtitle C regulations, USEPA amendments to certain other federal regulations occasionally have an effect on the Illinois hazardous waste rules. Most notably, 35 Ill. Adm. Code 720.111 includes several incorporations of federal regulations by reference. The incorporated regulations include segments of various USEPA environmental regulations and United States Department of Transportation hazardous materials transportation regulations that USEPA has incorporated into the federal hazardous waste rules.

The latest available version of the *Code of Federal Regulations* is now the 2004 edition (issued January 1, 2005) for Title 10 (Nuclear Regulatory Commission (NRC)), the 2005 edition (issued July 1, 2005) for Titles 33 (U.S. Coast Guard (Coast Guard)) and 40 (USEPA), and the 2004 edition (issued October 1, 2004) for Title 49 (U.S.

Department of Transportation (USDOT)). Each of these is incorporated by reference in Section 720.111 of the hazardous waste regulations. Title 40 is also incorporated by reference in Section 810.104 of the non-hazardous waste landfill regulations. The Board amended the incorporations of these federal regulations by reference to include those editions of the *Code*. This will assure that all USDOT amendments through September 30, 2004, all NRC regulations through December 31, 2004, and all Coast Guard and USEPA amendments through June 30, 2005, will be included in the incorporations of the pertinent regulations by reference.

The hazardous waste regulations also incorporate segments of federal statutes by reference. The Board's review included a search for the latest version of each federal statute that is incorporated. The latest version of Section 11 of the Atomic Energy Act of 1954 (42 USC 2014) includes amendments through January 23, 2000. The latest version of Sections 201(v), 201(w), and 512(j) of the Federal Food, Drug, and Cosmetic Act (21 USC 321(v), 321(w), and 360b(j)) includes amendments through January 2, 2001. The latest version of Section 1412 of the Department of Defense Authorization Act of 1986 (50 USC 1521(j)(1)) includes amendments through January 24, 2000. The present amendments assure that the incorporations of segments of the *United States Code* by reference include these latest versions of the text.

Copies of the Board's opinion and order in R06-5 may be obtained by calling Dorothy Gunn at 312-814-3620, or by downloading copies from the Board's Web site at www.ipcb.state.il.us.

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

Board Adopts Second Notice Opinion and Order in Amendments to the Procedural Rules - "Pollution Control Facility" Definition Under P.A. 93-0998, P.A. 94-0094, and P.A. 94-0249 (35 Ill. Adm. Code 101.202) (R06-09)

On October 20, 2005, the Board adopted a second notice opinion and order in Amendments to the Procedural Rules - "Pollution Control Facility" Definition Under P.A. 93-0998, P.A. 94-0094, and P.A. 94-0249 (35 Ill. Adm. Code 101.202) (R06-09). This rulemaking was opened by the Board solely to amend the definition of "pollution control facility" to incorporate recent statutory changes. The Board did not receive any comments on its first notice proposal, published in the *Illinois Register* on August 26, 2005 at 29 Ill. Reg. 13174, and made no changes to the first notice proposal. The Board has sent the rulemaking, pursuant to the Illinois Administrative Procedure Act (5 ILCS 100/1-1 *et seq.* (2004)), to the Joint Committee on Administrative Rules for its review at the November 15, 2005 JCAR meeting.

The statutory changes that were covered in this rulemaking were as follows:

Public Act 93-0998 (P.A. 93-0998, eff. Aug. 23, 2004) added a 14th exception to the definition of "pollution control facility" that excludes the portion of a site or facility that accepts, separates, and processes uncontaminated broken concrete, provided that the materials are not stored for more than one year at the site and that they are recycled back to useable form.

Public Act 94-0094 (P.A. 94-0094, eff. July 1, 2005) also amended the Act's definition of "pollution control facility." Specifically, P.A. 94-0094 amended the existing exemption from that definition for "the portion of a site or facility accepting exclusively general construction or demolition debris, located in a county with a population over 700,000, and operated and located in accordance with Section 22.38 of this Act" 415 ILCS 5/3.330(a)(13) (2004). P.A. 94-0094 limits that exemption to counties that had reached the population threshold of 700,000 "as of January 1, 2000."

Public Act 94-0249 (P.A. 94-0249, eff. July 19, 2005) added a 15th exception to the definition of "pollution control facility" to include:

the portion of a site or facility located in a county with a population over 3,000,000 that has obtained local siting approval under Section 39.2 of this Act for a municipal waste incinerator on or before July 1, 2005 and that is used for a non-hazardous waste transfer station.

The Board is incorporating these statutory changes by adding the new exceptions to the definition of "pollution control facility" in Section 101.202. No other changes were proposed in this rulemaking. Because this proposal

amends only a definition contained in the Board's procedural rules, the Board did not hold a hearing on this matter. *See* 415 ILCS 5/26 (2004).

Copies of the Board's opinion and order in R06-09 may be obtained by calling Dorothy Gunn at 312-814-3620, or by downloading copies from the Board's Web site at www.ipcb.state.il.us.

For additional information contact Tim Fox at 312-814-6085; e-mail address foxt@ipcb.state.il.us

Board Accepts Proposal for Hearing in Proposed Amendments to Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742) (R06-10)

On October 20, 2005, the Board accepted for hearing a proposal filed by the Illinois Environmental Protection Agency (IEPA) on September 30, 2005. The proposal seeks to amend the Board's Tiered Approach to Corrective Action Objectives (TACO) regulations to update and make clarifications to the existing rules. Additionally, the IEPA stated that technical documents that were used in drafting the rules have been updated, necessitating amendments to the rules.

The IEPA explained in its Statement of Reasons that the proposal includes amendments that originated from several different sources, including comments from the regulated community to improve procedures to new standards established for various contaminants. The amendments also seek to incorporate updated test methods, and new toxicity criteria. IEPA stated that the purpose of the proposed amendments is to update and improve standards and procedures so that end users of the rules can achieve accurate data results that are protective of human health.

The TACO regulations are standards that are used to develop remediation objectives based on various risks to human health posed by environmental conditions at a site. These regulations are most commonly used at sites undergoing remediation through the Site Remediation Program, the Leaking Underground Storage Tank (LUST) Program, and through the Resource Conservation and Recovery Act Part B Permits and Closures.

Prior to filing the proposal with the Board, IEPA stated that it sent a draft of the proposed amendments to the Illinois Environmental Regulatory Group and the Site Remediation Advisory Committee for comment. The IEPA believed that the proposal was well received by the regulated community.

The Board has assigned a hearing officer, who is in the process of scheduling hearings.

Copies of the Board's opinion and order in R06-10 may be obtained by calling Dorothy Gunn at 312-814-3620, or by downloading copies from the Board's Web site at www.ipcb.state.il.us.

For additional information contact Richard McGill at 312-814-6983; e-mail address mcgillr@ipcb.state.il.us

Board Actions

October 6, 2005

Springfield, Illinois

Administrative Citations

AC 04-78

IEPA v. Daniel Pauley – In response to a joint stipulation and settlement agreement in this administrative citation action involving a St. Clair County facility, the Board found that respondent had violated Section 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(3) (2004)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties' joint motion to dismiss respondent's petition for review and the alleged violations of 415 ILCS 5/21(p) (1), (p)(4) (2004).

4-0

Environmental Register – October 2005

AC 05-2	<u>IEPA v. Lester Smith</u> – The Board granted respondent’s motion to withdraw his August 17, 2004 petition for review. The Board found that this Massac County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2004)), and ordered respondent to pay a civil penalty of \$1,500.	4-0
AC 05-29	<u>IEPA v. Charles L. Riggins</u> – The Board granted respondent’s motion to withdraw his November 3, 2004 petition for review. The Board found that this Mason County respondent violated Sections 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2004)), and ordered respondent to pay a civil penalty of \$1,500.	4-0
AC 05-74	<u>IEPA v. Linda Holmes</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation.	4-0
AC 06-4	<u>County of Perry v. Charles Tilley</u> – The Board found that this Perry County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2004)), and ordered respondent to pay a civil penalty of \$1,500.	4-0
AC 06-5	<u>County of Perry v. Debbie Melvin</u> – The Board found that this Perry County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2004)), and ordered respondent to pay a civil penalty of \$1,500.	4-0
AC 06-6	<u>County of Perry v. Joseph Gassell</u> – The Board found that this Perry County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2004)), and ordered respondent to pay a civil penalty of \$1,500.	4-0
AC 06-7	<u>County of Perry v. William Campbell, Jr.</u> – The Board found that this Perry County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2004)), and ordered respondent to pay a civil penalty of \$1,500.	4-0

Decisions

PCB 04-84	<u>People of the State of Illinois v. Paramount Developers, Inc.</u> – In this water enforcement action concerning a DuPage 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) (2004)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$12,000, and to cease and desist from further violations.	4-0 W-E
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Environmental Register – October 2005

PCB 05-149	<u>People of the State of Illinois v. Truserv Corporation d/b/a True Value Manufacturing Company</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) (2004)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$30,000, and to cease and desist from further violations.	4-0 A-E
PCB 05-221	<u>People of the State of Illinois v. Ron Freeman individually and d/b/a Harbor Lites-Pistakee Fishing Club</u> – In this public water supply enforcement action concerning a Lake County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2004)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$3,000, and to cease and desist from further violations.	4-0 PWS-E
PCB 06-5	<u>People of the State of Illinois v. GKN Aerospace North America, Inc.</u> – In this land 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) (2004)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$22,000, and to cease and desist from further violations.	4-0 L-E
Motions and Other Matters		
PCB 99-134	<u>People of the State of Illinois v. Peabody Coal Company, L.L.C.</u> – The Board granted respondent’s motion to substitute party.	4-0 W-E
PCB 02-64	<u>McNeill Twins Oil Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Whiteside County facility.	4-0 UST Appeal
PCB 02-105	<u>Board of Trustees of Southern Illinois University Governing Southern Illinois University, Edwardsville v. IEPA</u> – The Board denied respondent’s motion for reconsideration of its August 4, 2005 Board order, ordering the IEPA to issue an NPDES permit, subject to condition.	4-0 P-A, NPDES
PCB 02-158	<u>Village of Findlay v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Shelby County facility.	4-0 P-A, NPDES
PCB 04-10 PCB 04-11 (cons.)	<u>Illinois State Toll Highway Authority (Belvidere North CACR) v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of these consolidated underground storage tank appeals involving a Boone County facility.	4-0 UST Appeal
PCB 05-28	<u>People of the State of Illinois v. Color Communications, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request	4-0

Environmental Register – October 2005

	relief from the hearing requirement in this air enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.	A-E
PCB 05-36	<u>Bunker Hill Amoco v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Macoupin County facility.	4-0 UST Appeal
PCB 05-95	<u>People of the State of Illinois v. Wienmar, 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.	4-0 A-E
PCB 05-208	<u>Robert Bennett 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.	4-0 UST Appeal
PCB 05-209	<u>Larry’s Automotive Service 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 Madison County facility.	4-0 UST Appeal
PCB 05-215	<u>People of the State of Illinois v. First Rockford Group, Inc., Village of Cherry Valley, Heritage Engineering, Ltd, and Schlichting & Sons 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 Winnebago County facility, the Board ordered publication of the required newspaper notice.	4-0 PWS-E
PCB 06-18	<u>Gold Star FS, Inc. (Lyndon Facility) (Property Identification No. 15-15-302-006) v. IEPA</u> – Because the Board did not receive any petition for review of the IEPA’s recommendation to deny certification, consistent with the IEPA’s recommendation, the Board declined to certify that certain Gold Star FS, Inc. facilities are pollution control facilities and dismissed this matter.	4-0 T-C
PCB 06-21	<u>Gold Star FS, Inc. (Erie Facility) (Property Identification No. 20-05-152-005) v. IEPA</u> – Because the Board did not receive any petition for review of the IEPA’s recommendation to deny certification, consistent with the IEPA’s recommendation, the Board declined to certify that certain Gold Star FS, Inc. facilities are pollution control facilities and dismissed this matter.	4-0 T-C
PCB 06-23	<u>Okawville Farmers Elevator Co. (Property Identification No. 12-06-20-478-013) v. IEPA</u> – Because the Board did not receive any petition for review of the IEPA’s recommendation to deny certification, consistent with the IEPA’s recommendation, the Board declined to certify that certain Okawville Farmers Elevator Co. facilities are pollution control facilities and dismissed this matter.	4-0 T-C

Environmental Register – October 2005

PCB 06-25	<u>William Breuer v. IEPA</u> – The Board granted petitioner’s motion to amend his petition for review of final IEPA Leaking Underground Storage Tank Decision and accepted the amended petition.	4-0 UST Appeal
PCB 06-42	<u>People of the State of Illinois v. Waste Management of Illinois, Inc.</u> – The Board accepted for hearing this land enforcement action involving a site located in Lee County.	4-0 L-E
PCB 06-43	<u>Sangamon Valley Farm Supply v. IEPA and Village of Saybrook, Illinois</u> – The Board accepted for hearing this petition for water well setback exception involving a site located in McLean County.	4-0 WWS
PCB 06-44	<u>People of the State of Illinois v. Weis Builders, Inc.</u> – The Board accepted for hearing this public water supply enforcement action involving a site located in Will County.	4-0 PWS-E
PCB 06-45	<u>People of the State of Illinois v. Ecolab, Inc. and Charles A. Winslett</u> – The Board accepted for hearing this land and water enforcement action involving a site located in Tazewell County.	4-0 L&W-E
PCB 06-46	<u>People of the State of Illinois v. Osborne Homes, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in Madison County.	4-0 W-E
PCB 06-47	<u>Eaves Auto Repair 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 Ford County facility.	4-0 UST Appeal 90-Day Ext.

October 20, 2005

Chicago, Illinois

Rulemakings

R06-5	<u>In the Matter of: UIC Corrections, USEPA Amendments (January 1, 2005 through June 30, 2005); In the Matter of: RCRA Subtitle D Update, USEPA</u>	5-0
R06-6	<u>Amendments (January 1, 2005 through June 30, 2005); In the Matter of: RCRA</u>	R, Land
R06-7 (cons.)	<u>Subtitle C Update, USEPA Amendments (January 1, 2005 through June 30, 2005)</u> – The Board adopted a proposal for public comment in this consolidated “identical-in-substance” rulemaking to amend the Board’s underground injection control, municipal solid waste landfill, and hazardous waste regulations.	
R06-9	<u>In the Matter of: Amendments to the Procedural Rules – “Pollution Control Facility” Definition Under P.A. 93-0998, P.A. 94-0094, and P.A. 94-0249 (35</u>	5-0

Environmental Register – October 2005

Ill. Adm. Code 101.202) – The Board adopted for second notice its own proposal to amend its procedural rules. The proposed rules will reflect three recent amendments to the definition of “pollution control facility” in the Environmental Protection Act (Act) (415 ILCS 5/1 *et seq.* (2004)).

R, Proc.
Rules

R06-10 In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742) – The Board accepted for hearing the Illinois Environmental Protection Agency September 30, 2005 proposal to amend the Board’s land pollution control regulations.

5-0
R, Land

Adjusted Standards

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 – The Board granted this DuPage County petitioner an adjusted standard, with conditions, from the chloride Class I groundwater quality standard.

5-0
PWS

AS 06-1 In the Matter of: Petition of Lafarge Midwest, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 739.161 Pursuant to 35 Ill. Adm. Code 720.132 and 720.133 – The Board directed petitioner to file an amended petition to cure noted deficiencies within 45 days from the date of this order, or the Board will dismiss this matter.

5-0
Land

Administrative Citations

AC 05-20 IEPA v. John Groff – The Board entered an interim opinion and order finding respondent violated Section 21(p)(1), (p)(3) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2004)) and assessing a penalty of \$4,5000. 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. The Board will then issue a final order assessing hearing costs.

5-0

AC 06-8 County of Ogle v. Thomas Ray Ramando d/b/a Oregon Iron Metal Reclaimers, Inc. – The Board found that this Ogle County respondent violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2004)), and ordered respondent to pay a civil penalty of \$3,000.

5-0

Decisions

PCB 05-28 People of the State of Illinois v. Color Communications, Inc. – In this air enforcement action concerning a Cook County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2004)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$90,000 and to cease and desist from further violations.

5-0
A-E

Environmental Register – October 2005

PCB 05-95	<u>People of the State of Illinois v. Wienmar, Inc d/b/a Marble Works</u> – In this air enforcement action concerning a Kane 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) (2004)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$55,000 and to cease and desist from further violations.	5-0 A-E
PCB 05-200	<u>People of the State of Illinois v. Greg Rudeen individually and d/b/a Rock River Townhomes and d/b/a Rudeen and Associates</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) (2004)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$8,000 and to cease and desist from further violations.	5-0 W-E
PCB 06-4	<u>People of the State of Illinois v. Leonard Foster d/b/a Rivercrest Mobile Home Park</u> – In this public water supply enforcement action concerning a Kankakee 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) (2004)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$10,000 and to cease and desist from further violations.	5-0 PWS-E

Motions and Other Matters

PCB 00-104	<u>People of the State of Illinois v. The Highlands, L.L.C. and Murphy Farms, Inc.</u> – The Board granted respondent Murphy Farms leave to withdraw the alleged statutes of limitations defense. The Board granted complainant’s motion to strike Murphy Farms’ alleged affirmative defense that the odor air pollution claims in count III are unconstitutionally vague. Finally, the Board directed Murphy Farms to file an amended pleading by November 19, 2005, or the Board will strike the affirmative defense of <i>laches</i> .	5-0 A-E
PCB 04-13	<u>People of the State of Illinois v. Intermatic Incorporated</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 McHenry County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E
PCB 04-226	<u>People of the State of Illinois v. P&J Super Auto Body Shop, Inc. and Julio Gallegos</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.	5-0 L-E

Environmental Register – October 2005

PCB 05-49	<u>Morton F. Dorothy v. Flex-N-Gate Corporation</u> – The Board granted summary judgment in favor of respondent on counts II through VI of the complaint. The Board denied both parties’ motions for summary judgment on count I of the complaint. The Board also granted respondent’s motion to strike and admonish, but denied complainant’s motion to strike and admonish. The Board directed the hearing officer to resolve the remaining outstanding motions relating to discovery and to proceed expeditiously to hearing on count I of the complaint.	5-0 A&L-E
PCB 05-74	<u>Hartford Working Group v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Madison County facility.	5-0 P-A, Air
PCB 05-84	<u>Gateway FS, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Randolph County facility.	5-0 UST Appeal
PCB 05-128	<u>A&R, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility.	5-0 UST Appeal
PCB 05-186	<u>Midwest Petroleum Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a St. Clair County facility.	5-0 UST Appeal
PCB 06-10	<u>Kane Illinois Properties 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
PCB 06-11	<u>Silbrico Corporation v. IEPA</u> – The Board granted petitioner’s motion for extension of time to file an amended petition until October 24, 2005.	5-0 L-V
PCB 06-29 PCB 06-31	<u>Carroll Scientific, Inc. (Operating Permit) v. IEPA and Carroll Scientific, Inc. (Construction Permit) v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of these consolidated permit appeals involving a Cook County facility.	5-0 P-A, Air
PCB 06-48	<u>People of the State of Illinois v. STS Consultants, Ltd.</u> – The Board accepted for hearing this public water supply enforcement action involving a site located in Will County.	5-0 PWS-E
PCB 06-49	<u>People of the State of Illinois v. Premier Waste & Recycling, Inc.</u> – The Board accepted for hearing this land enforcement action involving a site located in Cook County.	5-0 L-E

Environmental Register – October 2005

PCB 06-51	<u>People of the State of Illinois v. CSX Transportation, Inc.</u> – The Board accepted for hearing this air, land and water enforcement action involving a site located in Edwards County.	5-0 A,L,W-E
PCB 06-52	<u>Knapp Oil Company, Don's 66 v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Richland County facility.	5-0 UST Appeal

New Cases

October 6, 2005 Board Meeting

- 06-042** People of the State of Illinois v. Waste Management of Illinois, Inc. – The Board accepted for hearing this land enforcement action involving a site located in Lee County.
- 06-043** Sangamon Valley Farm Supply v. IEPA and Village of Saybrook, Illinois – The Board accepted for hearing this petition for water well setback exception involving a site located in McLean County.
- 06-044** People of the State of Illinois v. Weis Builders, Inc. – The Board accepted for hearing this public water supply enforcement action involving a site located in Will County.
- 06-045** People of the State of Illinois v. Ecolab, Inc. and Charles A. Winslett – The Board accepted for hearing this land and water enforcement action involving a site located in Tazewell County.
- 06-046** People of the State of Illinois v. Osborne Homes, Inc. – The Board accepted for hearing this water enforcement action involving a site located in Madison County.
- 06-047** Eaves Auto Repair 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 Ford County facility.
- R06-010** In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742) – No action taken.

October 20, 2005 Board Meeting

- 06-048** People of the State of Illinois v. STS Consultants, Ltd. – The Board accepted for hearing this public water supply enforcement action involving a site located in Will County.
- 06-049** People of the State of Illinois v. Premier Waste & Recycling, Inc. – The Board accepted for hearing this land enforcement action involving a site located in Cook County.
- 06-050** E&L Trucking Company v. IEPA – No action taken.
- 06-051** People of the State of Illinois v. CSX Transportation, Inc. – The Board accepted for hearing this air, land and water enforcement action involving a site located in Edwards County.
- 06-052** Knapp Oil Company, Don's 66 v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Richland County facility.
- AC 06-010** IEPA v. Guiffre II, L.L.C. – The Board accepted an administrative citation against this Winnebago County respondent.
- AC 06-011** IEPA v. Paul Freeman and Freeman Environmental Services, Inc. – The Board accepted an administrative citation against these Williamson County respondents.
- AC 06-012** IEPA v. Beardstown Truck Wash, L.L.C. – The Board accepted an administrative citation against this Cass County respondent.

Calendar

11/02/05 10:00 AM	AC 05-63	IEPA v. John R. Malloch	City Hall Council Chambers 102 N. Neil Street Champaign
11/03/05 9:00 AM	PCB 04-19	Paul and Donna Fredrickson v. Jeff Grelyak	McHenry County Courthouse/ Government Center, Room A-140 2200 N. Seminary Street Woodstock
11/3/05 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		Videconference Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago And 1021 N. Grand Avenue East Oliver Holmes Conference Room 2012 N Springfield
11/17/05 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		James R. Thompson Center Hearing Room 09-040 100 W. Randolph Street Chicago
11/17/05 10:30 AM	AC 04-77	IEPA v. Frank Bencie	Benton City Hall Council Chambers 500 W. Main Street Benton
11/17/05 1:30 PM	AC 05-18	IEPA v. William Shrum	Perry County Court House First Floor Court Courtroom Pinckneyville
12/01/05 10:30 AM	PCB 05-73	City of Sullivan v. IEPA	Illinois Pollution Control Board Hearing Room 1021 N. Grand Avenue East Springfield
12/01/05 10:30 AM	PCB 06-25	William Breuer v. IEPA	Illinois Pollution Control Board Hearing Room 1021 N. Grand Avenue East Springfield
12/01/05 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		Videconference Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago And 1021 N. Grand Avenue East Oliver Holmes Conference Room 2012 N Springfield
12/05/05 12:00 PM	PCB 04-36	Michael A. Petrosius and Darla G. Petrosius v. The Illinois State Toll Highway Authority	James R. Thompson Center 08-031 100 W. Randolph Street Chicago

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12/06/05 9:00 PM	PCB 04-36	Michael A. Petrosius and Darla G. Petrosius v. The Illinois State Toll Highway Authority	James R. Thompson Center Room 08-031 100 W. Randolph Street Chicago
12/07/05 9:00 PM	PCB 04-36	Michael A. Petrosius and Darla G. Petrosius v. The Illinois State Toll Highway Authority	James R. Thompson Center Room 08-031 100 W. Randolph Street Chicago

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Illinois Environmental Protection Agency
Division of Public Water Supplies
Restricted Status List -- Public Water Supplies

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

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

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

This list is continually being revised as new information becomes available, and therefore, specific inquiries as to the status of any public water supply should be directed to the Division of Public Water Supplies for final determination. This list reflects the status as of October 1, 2005.

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

<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
ALTERNATIVE BEHAVIOR TREATMENT CTR - IL0977189	2	INADEQUATE PRESSURE TANK	50	6/15/1988
ALTO PASS WATER DISTRICT - IL1815150	7	DISINFECTION BY- PRODUCTS	1031	1/15/2005
AQUA ILLINOIS-OAKVIEW - IL1977210	2	INADEQUATE PRESSURE TANK	309	3/20/1981
ARLINGTON REHABILITATION LIVING CTR - IL0971110	2	INADEQUATE HYDRO STORAGE	180	12/1/2003
AURORA COMMUNITY WATER ASSN - IL0895750	2	INADEQUATE PRESSURE TANK	150	12/16/1988
BAHL WATER CORP - IL0855200	1	INADEQUATE PRES STORAGE	700	12/15/1993
BIGGSVILLE - IL0710050	5	ADJUSTED GROSS ALPHA	350	3/15/1998

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<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
BRADFORD - IL1750050	1	ADJUSTED GROSS ALPHA	810	6/15/1998
BRADLEY HEIGHTS SUBDIVISION - IL2015050	1	INADEQUATE PRESSURE TANK	192	9/13/1985
BRYANT - IL0570200	5	ADJUSTED GROSS ALPHA	310	3/15/1998
BUCKINGHAM - IL0910250	2	INADEQUATE PRESSURE TANK	340	3/17/1989
BUSHNELL - IL1090150	5	ADJUSTED GROSS ALPHA	3300	3/14/2001
CARBON HILL - IL0630100	2	ADJUSTED GROSS ALPHA	392	3/14/2001
CARROLL HEIGHTS UTILITIES COMPANY - IL0155200	1	INADEQUATE PRESSURE TANK	96	3/20/1981
CENTURY PINES APARTMENTS - IL0150020	1	INADEQUATE PRESSURE TANK	50	12/14/1990
* COOKSVILLE - IL1130400	4	TRIHALOMETHANE & HALOACIDIC ACIDS	300	9/15/2005
COYNE CNTR COOP - IL1615150	1	INADEQUATE PRESSURE TANK	150	12/15/1997
CROPSEY COMMUNITY WATER - IL1135150	4	INADEQUATE PRESSURE TANK	31	3/20/1981
CRYSTAL CLEAR WATER COMPANY - IL1115150	2	INADEQUATE PRESSURE TANK	885	9/16/1988
CRYSTAL HEIGHTS ASSOCIATION - IL1115100	2	INADEQUATE PRESSURE TANK	100	6/17/1996
D L WELL OWNERS ASSOCIATION - IL0975380	2	INADEQUATE PRESSURE TANK	141	3/18/1983
DE KALB UNIV DVL CORP - IL0375148	1	INADEQUATE PRESSURE TANK	1050	12/16/1992
DEERING OAKS SUBDIVISION - IL1115200	2	INADEQUATE PRESSURE TANK	60	12/17/1982
* DONNELLSON - IL0054360	6	TRIHALOMETHANE	197	9/15/2005
DOVER - IL0110350	1	INADEQUATE PRESSURE TANK	169	5/25/1981
EAST END WATER ASSOCIATION - IL1610140	1	INAD STORAGE CAPACITY	40	3/15/2002
EAST MORELAND WATER CORPORATION - IL1975640	2	INADEQUATE PRESSURE TANK	135	3/15/1996
EASTMORELAND WTR SERVICE ASSN - IL1975600	2	INADEQUATE PRESSURE TANK	650	3/20/1981
EATON PWD - IL0335100	4	INADEQUATE SOURCE CAPACITY	920	3/15/2002

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<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
EDELSTEIN WATER COOP - IL1435150	5	ADJUSTED GROSS ALPHA	125	3/15/1998
EDGINGTON WATER DISTRICT - IL1615550	1	INADEQUATE PRESSURE TANK	485	3/20/1981
EVANSVILLE - IL1570250	6	TRICHALOMETHANE	740	6/15/2002
EVERGREEN VILLAGE SUBDIVISION - IL1615310	1	INADEQUATE PRESSURE TANK	130	3/20/1981
FAHNSTOCK COURT SUBDIVISION - IL1435200	5	INADEQUATE PRESSURE TANK	35	5/25/1981
FAIR ACRES SUBDIVISION - IL1975680	2	INADEQUATE PRESSURE TANK	156	10/19/1981
FOREST LAKE ADDITION - IL0975500	2	INADEQUATE PRESSURE TANK	204	12/16/1983
FRWRD-SKYLINE PLANT - IL0895030	2	INADEQUATE PRESSURE TANK	700	9/19/1986
GALVA - IL0730450	1	ADJUSTED GROSS ALPHA	2700	3/14/2001
GARDEN STREET IMPROVEMENT ASSN - IL1975376	2	INADEQUATE PRESSURE TANK	54	9/15/1989
GARDNER - IL0630400	2	ADJUSTED GROSS ALPHA	1406	3/14/2001
GLASFORD - IL1430350	5	ADJUSTED GROSS ALPHA	1076	12/15/1997
GOOD SHEPHERD MANOR - IL0915189	2	INADEQUATE PRESSURE TANK	25	3/17/1989
GREAT OAKS AND BEACON HILLS APTS - IL2015488	1	INADEQUATE PRESSURE TANK	2420	12/17/1982
HARBOR LITES-PISTAKEE FSHG CL - IL1110011	2	INADEQUATE PRESSURE TANK	100	3/14/2001
HAWTHORN WOODS - IL0970450	2	INADEQUATE PRESSURE TANK	672	3/15/1995
HEATHERFIELD SUBDIVISION - IL0635150	2	INADEQUATE PRESSURE TANK	75	9/17/1982
HECKER - IL1330150	6	DISINFECTION BY-PRODUCTS	608	1/15/2005
HETTICK - IL1170500	5	TRICHALOMETHANE	182	6/15/2002
HIGHLAND SUBDIVISION - IL0895530	2	INADEQUATE PRESSURE TANK	60	9/16/1983
HILLVIEW SUBDIVISION - IL1975800	2	INADEQUATE PRESSURE TANK	100	3/15/1985
HOLY FAMILY VILLA - IL0310280	2	INADEQUATE PRESSURE TANK	200	9/15/1999
HOPEWELL - IL1235150	1	ADJUSTED GROSS	375	3/14/2001

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<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
		ALPHA		
INGALLS PARK SUBDIVISION - IL1975880	2	INADEQUATE PRESSURE TANK	745	9/16/1983
IOLA - IL0250010	7	DISINFECTION BY-PRODUCTS	140	1/15/2005
KEWANEE - IL0730650	1	ADJUSTED GROSS ALPHA	12900	3/14/2001
KINGSTON MINES - IL1430450	5	ADJUSTED GROSS ALPHA	259	3/14/2001
KIRK WATER LINE INC - IL0330030	4	INADEQUATE SOURCE CAPACITY	72	3/15/2002
KNOXVILLE - IL0950300	5	ADJUSTED GROSS ALPHA	3243	3/15/1998
LAKE LYNWOOD WATER SYSTEM - IL0735330	1	INADEQUATE PRESSURE TANK	75	8/31/1981
LAKESWOOD SHORES IMPV ASSN - IL1975930	2	ADJUSTED GROSS ALPHA	868	3/14/2001
LARCHMONT SUBDIVISION - IL2015290	1	INADEQUATE PRESSURE TANK	64	6/17/1983
LARSON COURT APARTMENTS - IL1615728	1	INADEQUATE PRESSURE TANK	58	1/14/1982
LEGEND LAKES WATER ASSOCIATION - IL2015300	1	INADEQUATE PRESSURE TANK	283	3/14/1991
LIBERTY PARK HOMEOWNERS ASSOCIATION - IL0435600	2	INADEQUATE PRESSURE TANK	837	9/17/1992
LINDENWOOD WATER ASSOCIATION - IL1415300	1	INADEQUATE PRESSURE TANK	50	1/13/1982
LISBON NORTH, INC. - IL0631000	2	INADEQUATE PRESSURE TANK	30	9/14/1990
LITTLE YORK - IL1870100	5	ADJUSTED GROSS ALPHA	296	3/14/2001
LONDON MILLS - IL0574620	5	INADEQUATE PRESSURE TANK	447	12/14/1984
LOSTANT - IL0990450	1	ADJUSTED GROSS ALPHA	486	3/14/2001
LYNN CENTER - IL0735100	1	INADEQUATE PRESSURE TANK	100	3/15/1995
LYNNWOOD WATER CORPORATION - IL0995336	1	INADEQUATE PRESSURE TANK	110	3/18/1983
M C L W SYSTEM, INC. - IL1315150	1	INADEQUATE SOURCE	98	3/20/1981
MAPLETON - IL1430500	5	ADJUSTED GROSS ALPHA	350	3/15/1998
MONMOUTH - IL1870150	5	ADJUSTED GROSS	9841	3/14/2001

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<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
		ALPHA		
MOUND PWD - IL1635050	6	INADEQUATE PLANT CAPACITY	2200	6/17/1996
NORTHWEST BELMONT IMPRV ASSN - IL0435900	2	INADEQUATE PRESSURE TANK	78	9/29/1981
OAK RIDGE SD - IL2035300	1	INADEQUATE PRESSURE TANK	240	3/20/1981
OLIVET NAZARENE UNIVERSITY - IL0915279	1	INADEQUATE PRESSURE TANK	0	3/15/1994
OPHIEM PWS - IL0735150	1	INADEQUATE PRESSURE TANK	100	6/18/1982
OSCO MUTUAL WATER SUPPLY CO, INC. - IL0735200	1	INADEQUATE PRESSURE TANK	115	12/15/1989
PANAMA - IL0054720	6	TRICHALOMETHANE & DISINFECTION BY-PRODUCTS	380	1/15/2005
PARK VIEW WATER CORPORATION - IL0895500	2	INADEQUATE PRESSURE TANK	150	12/17/1982
PATOKA - IL1210400	6	INADEQUATE PLANT CAPACITY	731	3/15/1997
PITTSFIELD - IL1490750	5	DISINFECTION BY-PRODUCTS	4250	1/15/2005
POLO DR AND SADDLE RD SUBDIVISION - IL0437000	2	INADEQUATE PRESSURE TANK	90	12/17/1982
PORTS SULLIVAN LAKE OWNERS ASSN - IL0971160	2	INADEQUATE PRESSURE TANK	293	6/15/1999
PRAIRIE OAKS ESTS HOMEOWNERS ASSN - IL0630060	2	ADJUSTED GROSS ALPHA	99	10/15/2002
PRAIRIE RIDGE ASSOCIATION - IL1115730	2	INADEQUATE PRESSURE TANK	130	10/1/2004
PRAIRIE VIEW WATER ASSOCIATION - IL1795900	2	INADEQUATE PRESSURE TANK	40	3/20/1981
RIDGECREST NORTH SUBDIVISION - IL0635250	2	INADEQUATE PRESSURE TANK	60	9/16/1993
RIDGEWOOD LEDGES WATER ASSN - IL1615670	1	INADEQUATE PRESSURE TANK	370	3/20/1981
RIDGEWOOD SUBDIVISION - IL1977650	2	INADEQUATE PRESSURE TANK	250	6/18/1982
ROBINSON-PALESTINE WATER CMSN - IL0335030	4	INADEQUATE PLANT CAPACITY	11317	11/1/2001
SBDV WATER TRUST #1 - IL0895300	2	INADEQUATE PRESSURE TANK	975	3/20/1981
SHAWNITA TRC WATER ASSOCIATION	2	INADEQUATE	125	9/17/1992

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<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
- IL1977690		PRESSURE TANK		
SILVIS HEIGHTS WATER CORP - IL1615750	1	INADEQUATE HYDRO STORAGE	1600	12/1/2003
SKYVIEW SBDV - IL0915526	2	INADEQUATE PRESSURE TANK	45	3/16/1990
SMITHBORO - IL0050250	6	DISINFECTION BY-PRODUCTS	200	1/15/2005
SOUTH WILMINGTON - IL0630650	2	ADJUSTED GROSS ALPHA	621	10/15/2002
ST CHARLES COMMISSION WELLFUND 3 - IL0437040	2	INADEQUATE PRESSURE TANK	30	12/15/1989
STANDARD - IL1550300	1	ADJUSTED GROSS ALPHA	300	3/14/2001
STRATFORD WEST APARTMENTS - IL1095200	5	INADEQUATE PRESSURE TANK	39	12/17/1982
SUBURBAN HEIGHTS SUBDIVISION - IL1615800	1	INADEQUATE PRESSURE TANK	82	12/16/1983
SUMMIT HOMEOWNERS ASSOCIATION - IL0975280	2	INADEQUATE PRESSURE TANK	39	3/16/1984
SUNNY HILL ESTATES SUBDIVISION - IL0735300	1	INADEQUATE PRESSURE TANK	525	6/15/2000
SUNNYLAND SUBDIVISION - IL1977730	2	INADEQUATE PRESSURE TANK	350	9/16/1983
SWEDONA WATER ASSOCIATION - IL1315200	1	INADEQUATE PRESSURE TANK	157	6/15/1990
SYLVAN LAKE 1ST SUBDIVISION - IL0977100	2	INADEQUATE PRESSURE TANK	210	6/14/1991
TOULON - IL1750150	1	ADJUSTED GROSS ALPHA	1350	12/12/1999
TOWNERS SUBDIVISION - IL0977250	2	INADEQUATE PRESSURE TANK	210	1/14/1982
UTILITIES INC HOLIDAY HILLS - IL1115350	2	INADEQUATE PRESSURE TANK	729	9/16/1983
UTL INC-LAKE HOLIDAY - IL0995200	1	INAD SOURCE & TREATMENT PLT	5460	9/15/1998
UTL INC-NORTHERN HILLS UTILITIES COMPANY - IL1775050	1	INADEQUATE PRESSURE TANK	500	3/15/1996
UTL INC-WALK-UP WOODS WATER COMPANY - IL1115800	2	INADEQUATE PRESSURE TANK	654	12/17/1982
VIOLA - IL1310450	1	ADJUSTED GROSS ALPHA	950	10/15/2002
WEST SHORE PARK SUBDIVISION - IL0977370	2	INADEQUATE PRESSURE TANK	528	6/15/2000

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<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
WEST SHORELAND SUBDIVISION - IL0977050	2	INADEQUATE PRESSURE TANK	189	6/14/1991
WHISPERING LAKES WATER SYSTEM, INC. - IL0970220	2	ADJUSTED GROSS ALPHA	375	3/14/2001
WIENEN ESTATES - IL0850030	1	INADEQUATE PRESSURE TANK	70	12/15/1997
WONDER LAKE WATER COMPANY - IL1115750	2	INADEQUATE PRESSURE TANK	1442	6/16/1994
WOODSMOKE RANCH ASSOCIATION - IL0990030	1	INADEQUATE PRESSURE TANK	450	6/15/1990
YORK CENTER COOP - IL0437550	2	INADEQUATE PRESSURE TANK	240	6/15/1988

WATER SYSTEMS REMOVED FROM PREVIOUS RESTRICTED STATUS LIST

- 2ND STREET WATER ASSOCIATION – IL0971140
- ACORN ACRES SUBDIVISION – IL0975020
- BONNIE LANE WATER SUPPLY – IL0930010
- DE WIT COUNTY NURSING HOME – IL0395129
- GLENWOOD – OUTBACK – IL0990080
- HARDINVILLE WATER COMPANY – IL0330020
- LAKEVIEW HILLS WATER SUPPLY COMPANY – IL1955150
- OBLONG - IL0330150
- OLIVET NAZARENE UNIVERSITY – IL0915279
- PARK ROAD WATER ASSOCIATION – IL1977330
- RIVERWOODS SPECIAL SERVICE DISTRICT 3 – IL0971451
- STURM SBDV – IL0977010

PUBLIC WATER SUPPLY NAME CHANGE

STRATFORD WEST APTS (IL1095200) FORMERLY EMMETT UTL INC.

AQUA ILLINOIS-OAKVIEW (IL1977210) FORMERLY OAKVIEW AVENUE WTRWKS

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Illinois Environmental Protection Agency
 Division of Public Water Supplies
 Critical Review List -- Public Water Supplies

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

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

This list is continually being revised as new information becomes available, and therefore, specific inquiries as to the status of any public water supply should be directed to the Division of Public Water Supplies for final determination. This list reflects the status as of October 1, 2005.

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

<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
ANDALUSIA - IL1610050	1	INADEQUATE PRESSURE TANK	1050	12/1/2003
ARENZVILLE - IL0170050	5	INADEQUATE PRESSURE TANK	408	3/14/2001
BEASON CHESTNUT PWD - IL1075150	5	INADEQUATE PLANT & SOURCE	600	6/15/2004
BEECHER - IL1970050	2	INADEQUATE STORAGE	2091	3/14/2001
BLUFORD - IL0810100	7	LOW SYSTEM PRESSURE	1587	3/20/1981
BROWNING - IL1690050	5	INADEQUATE SOURCE CAPACITY	175	3/15/1998
CASEYVILLE - IL1630250	6	INADEQUATE STORAGE	9900	10/1/2004
CLAYTON-CAMP-POINT WATER COMMISSION - IL0015200	5	INADEQUATE PUMPING CAPACITY	1800	9/15/1998
COLUMBIA - IL1330050	6	INADEQUATE PUMPING CAPACITY	8365	3/15/1998
DE PUE - IL0110300	1	INADEQUATE TREATMENT PLANT	1729	12/15/1993
ELIZABETH - IL0850150	1	LOW SYSTEM PRESSURE	682	6/15/1999
EXETER-MERRITT WATER COOP - IL1710010	5	INADEQUATE PRESSURE TANK	428	10/1/2004
GALENA - IL0850200	1	LOW SYSTEM PRESSURE	3640	6/15/1999

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<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
HIGHLAND HILLS SD - IL0435560	2	INADEQUATE PRESSURE TANK	1375	9/17/1992
JOY - IL1310100	1	LOW SYSTEM PRESSURE	373	6/15/1999
LA MOILLE - IL0110500	1	INADEQUATE PLANT CAPACITY	750	6/15/1999
LA SALLE - IL0990300	1	INAD PLANT & SOURCE CAPACITY	9700	11/1/2004
LEE - IL1034600	1	INADEQUATE PRESSURE TANK	350	10/1/2004
MARION - IL1990550	7	INADEQUATE SOURCE CAPACITY	14610	11/1/2001
MATHERSVILLE - IL1310200	1	INADEQUATE SYSTEM PRESSURE	793	9/13/2000
MC HENRY SHORES WATER COMPANY - IL1115020	2	LOW SYSTEM PRESSURE	1813	9/17/1992
MECHANICSBURG-BUFFALO WTR CMSN - IL1675150	5	INADEQUATE SOURCE CAPACITY	1350	3/15/1998
SCALES MOUND - IL0850400	1	LOW SYSTEM PRESSURE	400	9/15/1997
SENECA - IL0991050	1	INADEQUATE PLANT CAPACITY	2053	6/15/1999
SOUTH HIGHWAY PWD - IL0775400	7	LOW SYSTEM PRESSURE	8420	6/15/1992
STOCKTON - IL0850450	1	LOW SYSTEM PRESSURE	1871	6/15/1984
SUMNER - IL1010300	7	LOW SYSTEM PRESSURE	1481	12/13/1985
UTL INC-LAKE MARIAN WATER CORPORATION - IL0895200	2	INADEQUATE PRESSURE STORAGE AND LOW SYSTEM PRESSURE	924	9/14/1984
WALNUT HILL - IL1210600	6	LOW SYSTEM PRESSURE	1470	6/14/1985
WATERLOO - IL1330300	6	INADEQUATE STORAGE	7614	10/1/2004

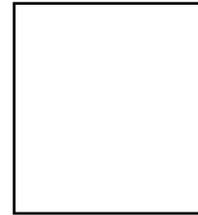
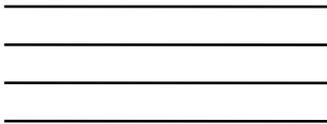
WATER SYSTEM REMOVED FROM PREVIOUS LIST

MAHOMET - IL0190450

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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Environmental Register Coordinator
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