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Letter from the Chairman

The Board will be very busy with rulemaking during 2006. In January, we made significant decisions in two dockets, as described below.

R04-26 (Interim Phosphorus Effluent Standards): On January 19, 2006, the Board adopted an interim phosphorus effluent standard in docket R04-26. This rulemaking docket opened on May 14, 2004, when the Illinois Environmental Protection Agency (IEPA) proposed an effluent standard to limit higher concentrations of phosphorus that may result in detrimental levels of plant and algae growth in waters of the state.

The interim rule established a phosphorus effluent limit of 1.0 milligram per liter (mg/L) as a monthly average. The rule only applies to new or expanded discharges from wastewater treatment plants with either a design average flow of more than 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. However, the 1.0 mg/L effluent limit does not apply if the source can demonstrate that phosphorus is not the limiting nutrient in the receiving water or alternative phosphorus effluent limits are warranted by the aquatic environment in the receiving water.

The IEPA is currently developing a broad proposal for numeric water quality nutrient standards in consultation with numerous stakeholders. The IEPA expects to file that proposal with the Board in 2007. The interim phosphorus effluent limit is intended to sunset when the Board adopts a numeric water quality phosphorus standard in the context of the broader rulemaking.

R04-22(B), 23(B) (Regulation of Leaking Underground Storage Tanks (UST)): On January 5, 2006, the Board adopted for public comment a proposal in subdocket B of the underground storage tank rulemaking. The Board directed the hearing officer to expeditiously schedule at least one additional hearing in this proceeding. Specifically, the proposal seeks to establish a scope of work for activities associated with professional consulting services in the remediation of USTs and lump sum payment amounts for those services. The Board has received language regarding these issues from American Consulting Engineers Council of Illinois (ACECI), Professionals of Illinois for the Protection of the Environment, CW3M Company, and United Science Industries.

The proposed language in subdocket B is based on a recommendation by the *Ad Hoc* Work Group formed by ACECI and Illinois Petroleum Marketer's Association at IEPA's request. The Board published the proposed language for the purpose of discussion, to clarify the positions of the parties, and to narrow the issues for further hearings in this proceeding. The Board invites comments on all portions of the proposal for public comments.

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 "G. Tanner Girard". The signature is written in a cursive, flowing style.

G. Tanner Girard, Ph.D.
Acting Chairman

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Federal Update

United States Environmental Protection Agency Adopts Amendments to the National Primary Drinking Water Regulations Under the Safe Drinking Water Act to Implement the Stage 2 Disinfectants and Disinfection Byproducts Rule

On January 4, 2006 (71 Fed. Reg. 387) the United States Environmental Protection Agency (USEPA) adopted amendments to the National Primary Drinking Water Regulations to implement the Stage 2 Disinfectants and Disinfection Byproducts Rule (DBPR). The DBPR is intended to provide for increased protection against the potential risks for cancer and reproductive and developmental health effects associated with disinfection byproducts (DBPs). This increased protection results from reduction of peak and average levels of DBPs in drinking water supplies.

The Stage 2 DBPR applies to public water systems that are community water systems or nontransient noncommunity water systems that add a primary or residual disinfectant other than ultraviolet light or deliver water that has been treated with a primary or residual disinfectant other than ultraviolet light.

The final Stage 2 DBPR contains a) maximum contaminant level goals for chloroform, monochloroacetic acid and trichloroacetic acid; b) National Primary Drinking Water Regulations (which consist of maximum contaminant levels (MCLs) and monitoring, reporting, and public notification requirements for total trihalomethanes and haloacetic acids; and c) revisions to the reduced monitoring requirements for bromate. The rulemaking also specifies the best available technologies for the final MCLs, and lists USEPA approved additional analytical methods for the determination of disinfectants and DBPs in drinking water.

The final rule is effective on March 6, 2006.

For technical inquiries, contact Tom Grubbs, Standards and Risk Management Division, Office of Ground Water and Drinking Water (MC 4607M), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 564-5262; fax number: (202) 564-3767; e-mail address: grubbs.thomas@epa.gov. For general information, contact the Safe Drinking Water Hotline, Telephone (800) 426-4791. The Safe Drinking Water Hotline is open Monday through Friday, excluding legal holidays, from 10 a.m. to 4 p.m. Eastern Time.

The Board will include any necessary amendments to Board rules resulting from this federal action in a future SDWA identical in substance rulemaking pursuant to Sections 7.2 and 17.5 of the Environmental Protection Act (415 ILCS 5/7.2, 17.5(2004)).

United States Environmental Protection Agency Adopts Amendments to the National Primary Drinking Water Regulations Under the Safe Drinking Water Act for the Long Term 2 Enhanced Surface Water Treatment Rule

On January 5, 2006 (71 Fed. Reg. 653) the United States Environmental Protection Agency (USEPA) adopted amendments to the National Primary Drinking Water Regulations to implement the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR). USEPA's amendments to the National Primary Drinking Water Regulations require the use of treatment techniques, along with monitoring, reporting, and public notification requirements, for all public water systems that use surface water sources. The purposes of the LT2ESWTR are to 1) protect public health from illness due to *Cryptosporidium* and other microbial pathogens in drinking water and 2) address risk-risk trade-offs with the control of disinfection byproducts.

Key provisions in the LT2ESWTR include the following:

- 1) source water monitoring for *Cryptosporidium*, with a screening procedure to reduce monitoring costs for small systems;
- 2) risk-targeted *Cryptosporidium* treatment by filtered systems with the highest source water *Cryptosporidium* levels;
- 3) inactivation of *Cryptosporidium* by all unfiltered systems;
- 4) criteria for the use of *Cryptosporidium* treatment and control processes; and
- 5) covering or treating uncovered finished water storage facilities.

USEPA stated that it believes that implementation of the LT2ESWTR will significantly reduce levels of infectious *Cryptosporidium* in finished drinking water. This is intended to substantially lower rates of endemic cryptosporidiosis, the illness caused by *Cryptosporidium*, which can be severe and sometimes fatal in sensitive subpopulations (e.g., infants, people with weakened immune systems). In addition, the treatment technique requirements of this regulation will increase protection against other microbial pathogens like *Giardia lamblia*.

This final rule is effective on March 6, 2006.

For further information contact Daniel C. Schmelling, Standards and Risk Management Division, Office of Ground Water and Drinking Water (MC 4607M), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 564-5281; fax number: (202) 564-3767; e-mail address: schmelling.dan@epa.gov. For general information, contact the Safe Drinking Water Hotline, telephone number: (800) 426-4791. The Safe Drinking Water Hotline is open Monday through Friday, excluding legal holidays, from 9 a.m. to 5 p.m., Eastern Time.

The Board will include any necessary amendments to Board rules resulting from this federal action in a future SDWA identical in substance rulemaking pursuant to Sections 7.2 and 17.5 of the Environmental Protection Act (415 ILCS 5/7.2, 17.5(2004)).

United States Environmental Protection Agency Proposes Amendments Regulating Lead Exposure During Renovation, Repair, and Painting Activities Under the Toxic Substances Control Act

On January 10, 2006 (71 Fed. Reg. 1587) the United States Environmental Protection Agency (USEPA) proposed new requirements to reduce exposure to lead hazards created by renovation, repair, and painting activities that disturb lead-based paint. These requirements would apply in "target housing," defined in section 401 of the Toxic Substances Control Act (TSCA) as any housing constructed before 1978, except housing for the elderly or persons with disabilities (unless any child under age 6 resides or is expected to reside in such housing) or any dwelling without bedrooms.

USEPA stated that this rulemaking supports the attainment of the federal government's goal of eliminating childhood lead poisoning by 2010. The proposal seeks to establish requirements for training renovators and dust sampling technicians; certifying renovators, dust sampling technicians, and renovation firms; accrediting providers of renovation and dust sampling technician training; and for renovation work practices.

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Initially the rule would apply to all renovations for compensation performed in target housing where a child with an increased blood lead level resides, rental target housing built before 1960 and owner-occupied target housing built before 1960, unless, with respect to owner-occupied target housing, the person performing the renovation obtains a statement signed by the owner-occupant that the renovation will occur in the owner's residence and that no child under age 6 resides there. USEPA is proposing to phase in the applicability of this proposal to all rental target housing and owner-occupied target housing built in the years 1960 through 1977 where a child under age 6 resides. USEPA is also proposing to allow interested States, Territories, and Indian Tribes the opportunity to apply for and receive authorization to administer and enforce all of the elements of the new renovation provisions.

Comments must be received on or before April 10, 2006. Under the Paperwork Reduction Act, comments on the information collection provisions must be received by OMB on or before February 9, 2006.

Submit your comments, identified by Docket ID number EPA-HQ-OPPT-2005-0049, by one of the following methods:

1) Federal eRulemaking Portal: <http://www.regulations.gov/>. Follow the on-line instructions for submitting comments.

2) Mail: Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001. In addition, please mail a copy of your comments on the information collection provisions to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attn: Desk Officer for EPA, 725 17th St., NW., Washington, DC 20503.

For further information contact Colby Lintner, Regulatory Coordinator, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 554-1404; e-mail address: TSCA-Hotline@epa.gov.

For technical information contact: Mike Wilson, National Program Chemicals Division (7404T), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 566-0521; e-mail address: wilson.mike@epa.gov.

United States Environmental Protection Agency Gives Notice of its Adequacy Determination Under the Resource Reclamation and Recovery Act for the Illinois Municipal Solid Waste Landfill Program

On January 25, 2006 (71 Fed. Reg. 4142) the United States Environmental Protection Agency (USEPA) Region 5 approved a modification to Illinois' approved municipal solid waste landfill (MSWLF) permit program. The modification allows Illinois to issue research, development and demonstration (RD&D) permits to owners and operators of MSWLF units in accordance with its state law and regulations. USEPA had adopted the RD&D permit provisions on March 22, 2004, and the Board adopted the provisions as identical-in-substance rules in docket R05-1 on March 17, 2005.

Specifically, the RD&D rule allows an MSWLF to use operational practices that differ from the generally applicable rules in three narrow areas: (1) run-on and runoff control practices, (2) the prohibition against placement of non-containerized wastes in the fill, and (3) impermeable final cover requirements. The intent was to allow the use of a "bioreactor" landfill design that accelerates the decomposition of waste in the fill through the reintroduction of leachate into the fill. This allows more rapid stabilization of the fill and a shortened post-closure care period, saving expenses for the landfill owner and operator.

This final determination is effective January 25, 2006.

For further information contact Donna Twickler, Waste Management Branch (Mail code DW-8J), USEPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Appellate Update

Third District Affirms Board Order Upholding Permit Modification Denial in United Disposal of Bradley, Inc. & Municipal Trust & Savings Bank v. IPCB and IEPA, No. 3-04-0536 (January 13, 2006) (PCB 03-235)

In a January 13, 2006 published 15-page opinion and order, the Third District Appellate Court affirmed the Board's decision in United Disposal of Bradley, Inc. & Municipal Trust & Savings Bank v. IPCB and IEPA, No. 3-04-0536 (January 13, 2006). In the case before it, the Board granted summary judgment to the Illinois Environmental Protection Agency (IEPA), affirming the IEPA's denial of a permit modification. United Disposal of Bradley, Inc. & Municipal Trust & Savings Bank v. IEPA, PCB 03-235 (June 17, 2004). The case involves the permit for the waste transfer station operated in the Village of Bradley, Kankakee County by United Disposal of Bradley, Inc. (United Disposal). The primary issues raised concern interpretation of a 1994 permit condition, Sections 3.330, 39(c), and 39.2 of the Environmental Protection Act (Act), 415 ILCS5/3.330, 39(c), 39.2, and whether they violate the commerce clause of the United States Constitution (U.S. Const., art. I, sec. 8, cl. 3). United Disposal also argued that the 1994 permit condition was unconstitutionally vague.

By way of background, the court related that United Disposal's transfer station has had a condition in its permit since the development permit was first issued in September 1994: "No waste generated outside the municipal boundaries of the Village of Bradley may be accepted at this facility." United Disposal of Bradley, Inc. & Municipal Trust & Savings Bank v. IPCB and IEPA, No. 3-04-0536 (January 13, 2006) (hereinafter United Disposal) slip op. at 2. In 2003, United Disposal submitted an application for a permit modification with the IEPA, asking that the geographical restriction permit condition be removed. The IEPA denied the application and the Board affirmed the IEPA's permit denial on summary judgment. United Disposal, slip op. at 2-3, 6.

In its appeal to the Appellate Court for the Third District, United Disposal claimed the Board erred in not finding that the 1994 permit condition violated the Commerce Clause of the US Constitution. In support, United Disposal cited to an unpublished 1993 federal court decision Tennsv v. Gade, No. 92 503 WLB (S.D. Ill. July 8, 1993) finding unconstitutional under the commerce clause of the federal constitution the "statutory scheme which distinguishes between facilities located outside the geographic boundaries of a general purpose unit of government and those which are not so located." United Disposal, slip op. at 6, quoting Tennsv slip op at 2-3.

Under the Act as it existed in 1994, this permit condition limiting the service area allowed the transfer station to qualify as a "non-regional" or local pollution control facility. Because it was therefore not a "regional pollution control facility," the transfer station was exempt from the Act's requirement of local siting approval. *Id.* at 4-5. In response to Tennsv, in December 2004 the General Assembly eliminated from the Act any distinction between "regional" and "non-regional" facilities. Since the 1994 amendment to the Act, all "pollution control facilities" have had to get siting approval. United Disposal, slip op at 5-6.

The court explained that in 1994 when United Disposal submitted its application, the company "had a choice" between applying for a regional facility permit and obtaining siting or applying for a local facility permit and avoiding the Act's siting requirement. United Disposal, slip op at 5. United Disposal chose the latter and the court agreed with the Board that United Disposal's 2003 application was merely "an attempt to operate a regional pollution control facility without first obtaining the necessary siting approval required by the Act." *Id.* at 6-7. The court could not find the permit denial here to be the result of "unconstitutional economic protectionism." *Id.* at 7,10.

The court distinguished this case (where the company had a choice between local siting and local zoning) from cases striking down laws that banned or imposed higher fees on out-of-state waste. The court approvingly quoted from the Board's decision: "The Board ultimately found that, considering the statutory scheme which allows an entity to choose its service area, 'the slight burden the permit imposes on interstate commerce does not outweigh the benefits that the permittees and the Village of Bradley enjoyed when the facility was established.' We agree." United Disposal, slip op. at 9. The court further stated that

When a siting requirement applies evenhandedly, "and has only an incidental impact on interstate commerce, the relevant inquiry is whether or not it effects a legitimate public interest, and if so whether any burden on interstate commerce is 'clearly excessive in relation to the putative local benefits.'" *Id.* at 9 (emphasis in original, citations omitted).

The court found that, the proper standard of review for this quasi-judicial decision, the Board's decision would be upheld unless it was contrary to the "manifest weight of the evidence." United Disposal, slip op. at 10. The court reiterated its earlier conclusion that the case before it was not a case of "unconstitutional economic protectionism." The court agreed that the Board and the IEPA correctly refused to let United Disposal effectively be "grandfathered in to the new statutory scheme and allowed to ignore the siting process." *Id.* at 10-11.

The court next took up United Disposal's claim that the permit condition is unconstitutionally vague, violating the company's due process rights under the federal and Illinois Constitutions. The court quickly dispensed with United Disposal's argument that the permit condition fails to provide fair warning to the regulated community of what conduct is prohibited or adequate guidelines to the enforcing administrative body. The court stated that the condition "could not be more clear," adding:

As the Board notes, petitioners had no problem deciphering the condition for 10 years. Petitioners seemed to clearly understand the terms when they applied for a permit that did not require siting approval. Neither the term 'generated' nor the term 'municipal boundaries' is so perplexing as to leave one wondering what is prohibited." United Disposal, slip op. at 11-12.

The court also was unpersuaded by United Disposal's argument that no violation of the Act would have resulted if the requested permit modification had been granted. The court observed that this argument "piggybacks" the company's first argument about the original statutory scheme violating the Commerce Clause. *Id.* at 12. United Disposal argued that any restriction imposed under that scheme is void. In response, the court reiterated that it did not find the permit condition to be the result of unconstitutional economic protectionism. On the other hand, the court continued, granting the requested permit would, in the absence of siting approval, clearly violate the Act. *Id.* at 13.

Lastly, the court considered United Disposal's argument that the requested permit should have issued by operation of law because the IEPA failed to timely respond to the application. Board rules provide that if the IEPA fails to notify the permit applicant within 30 days after receiving the application that the application is incomplete and the reasons for that determination, "the application shall be deemed to have been filed on the date received by the Agency." United Disposal, slip op. at 13, citing 35 Ill. Adm. Code 807.205(f). The court noted the Board's finding that the IEPA was untimely, but agreed that the result of that untimeliness is not the automatic granting of the permit. *Id.* at 14. Even though the IEPA found the application "incomplete" and so performed no "technical review," the court concluded that nothing would be gained by remanding the matter to the IEPA because "[t]here is no doubt that the Act has always required siting approval to develop and operate the type of pollution control facility sought by petitioners." *Id.* at 14-15.

On February 6, 2006 United Disposal filed an affidavit in the Illinois Supreme Court of its intent to file a Petition for Leave to Appeal.

Fifth District Dismisses Appeal For Lack of Jurisdiction in John Prior d/b/a Prior Oil Co. v. Pollution Control Board and People of the State of Illinois, No. 5-04-0526 (Jan. 6, 2006) (PCB 02-177)

In a January 6, 2006 final 10-page unpublished order under Supreme Court Rule 23 (155 Ill.2d R. 23), the Fifth District Appellate Court dismissed, for lack of jurisdiction, an appeal filed by John Prior. John Prior d/b/a Prior Oil Co. v. Pollution Control Board and People of the State of Illinois, No. 5-04-0526 (5th Dist. Jan. 6, 2006). John Prior did not include in the caption of the appeal his co-respondent in the case before the Board: People of the State of Illinois v. John Prior d/b/a Prior Oil Company and James Mezo d/b/a Mezo Oil Company, PCB 02-177 (May 6, 2004). On August 19, 2004, the Board and the People filed a motion to dismiss the appeal for appellant Prior's failure to name all necessary parties of record pursuant to Supreme Court Rule 335. The court ordered that motion "to be taken with the case." After full briefing, oral argument on both jurisdiction and penalty was held on November 3, 2005. The court's January 6, 2006 order found the Board and Peoples' jurisdiction argument persuasive, and so did not rule on any of the arguments on the merits of Prior's appeal.

The Board's Decision

On April 19, 2002, the Office of the Attorney General, on behalf of the People of the State of Illinois (People), filed a sixteen-count complaint against respondent John Prior d/b/a Prior Oil Company (Prior) and respondent James Mezo d/b/a Mezo Oil Company (Mezo). Prior and Mezo are oil producers and distributors. The complaint alleged

that, at various places and times as early as 1996, the complainant's committed oil pollution of land and water at four sites in Washington County.

The four sites are known as the Gompers site, the Wamac City Park tank battery, the Mezo Oestreich tank battery, and the Morgan Kalberkamp tank battery. The Gompers site is used as a shop, office, and equipment storage facility, while the other three sites are part of oil well operations and are used to receive and store crude oil. Prior allegedly committed violations at all four sites. Mezo allegedly committed violations only at the Mezo Oestreich tank battery.

In the Board's May 6, 2004 opinion and order, the Board found respondents had committed some 26 violations of the Act and Board rules at the four sites. These included violations of Sections 12 (a), (d), 21 (a), (d), (e), (p) (1), and (p)(6) of the Environmental Protection Act (Act) (415 ILCS 5/100 *et seq.*) and various Board regulations including those at 35 Ill. Adm. Code 302.203, 722.111, 739.122(c),(d), 812.101(a), and 808.121.

The Board gave the following overview of its 40-page decision:

the Board finds that Prior violated the Act and Board regulations by dumping oil field waste and other wastes at the Gompers site without a permit, polluting the land. The Board also finds that Prior violated the Act and Board regulations by causing or allowing the release of crude oil at the Wamac City Park tank battery, the Mezo Oestreich tank battery, and the Morgan Kalberkamp tank battery, resulting in water pollution. In addition, the Board finds that Mezo violated the Act and Board regulations by allowing the release of crude oil at the Mezo Oestreich tank battery, resulting in water pollution. Both respondents committed other violations as well, all of which are discussed below.

Based on the factors of Section 33(c) of the Act (415 ILCS 5/33(c) (2002)), the Board finds that civil penalties against Prior and Mezo are warranted. After considering the factors of Section 42(h) of the Act (415 ILCS 5/42(h) (2002)), the Board imposes a \$300,000 civil penalty on Prior and a \$3,500 civil penalty on Mezo. In light of Prior's willful, knowing, and repeated violations, the Board also orders Prior to pay the People's attorney fees totaling \$6,600. People of the State of Illinois v. John Prior d/b/a Prior Oil Company and James Mezo d/b/a Mezo Oil Company, PCB 02-177 (May 6, 2004), slip op. at 2.

The Court's Decision

The court stated at the outset that Prior did not appeal "the Board's finding of guilt" but rather "only the penalty, arguing that it is excessive." John Prior d/b/a Prior Oil Co. v. Pollution Control Board and People of the State of Illinois, No. 5-04-0526 (5th Dist. Jan. 6, 2006), (hereinafter John Prior (5th Dist.)), slip op. at 1. The court then spent the rest of the order dealing exclusively with the issue of whether it had jurisdiction over the appeal, given that Prior failed to name Mezo in Prior's petition for review to the court. The court noted that on August 19, 2004, the Board and the People filed a motion to dismiss the appeal for this failure to name Mezo, but that the court ordered that motion "to be taken with the case." *Id.* at 1-2. The critical facts for the court's analysis were simply that Prior named the Board and the People as respondents in his petition for review but failed to name Mezo, "a party of record before the Board, who was named as such in the Board's final order." *Id.* at 2.

The court set forth the laws and rules that apply to petitions for direct review of administrative orders in the appellate court. Section 41(a) of the Act provides for appeals of Board decisions pursuant to the Administrative Review Law (735 ILCS 5/3-101), except that review is directly in appellate court rather than in circuit court. In turn, Section 3-113(b) of the Administrative Review Law states that "[t]he agency and all other parties of record shall be named respondents." *Id.* (quoting 735 ILCS 5/3-3-113(b)). That section of the Administrative Review Law further provides, the court noted with emphasis, that a court may grant leave to name an unnamed party of record, "but 'only if that party was not named by the administrative agency in its final order as a party of record.'" *Id.* (quoting 735 ILCS 5/3-3-113(b), emphasis by court). The court added that Supreme Court Rule 335 also provides that "the agency and all other parties of record shall be named respondents" in the petition for review. *Id.* at 2-3 (quoting 155 Ill. 2d R. 335(a)).

Prior made two arguments to the court concerning jurisdiction. First, Prior argued that he did not have to name Mezo because Mezo's interests are not "adverse" to Prior's. Second, Prior argued that if the court should find Mezo to be a necessary party, the court should grant Prior leave to amend his petition to add Mezo, since Mezo had timely received service of the petition for review. *Id.* at 2.

In rejecting Prior's first argument, the court cited various Illinois Supreme Court decisions for the proposition that "strict compliance" is required for the petition because the appellate court is exercising "special statutory jurisdiction" under the Administrative Review Law. John Prior (5th Dist.), slip op. at 3 (citing ESG Watts, Inc. v. PCB, 191 Ill.2d 26, 30 (2000); McGaughy v. Ill. Human Rights Comm'n, 165 Ill. 2d 1, 12 (1995), Lockett v. Chicago Police Board, 133 Ill 2d 349, 353 (1990); Cuny v. Annunzio, 411 Ill. 613, 617 (1952); and Winston v. Zoning Board of Appeals of Peoria County, 407 Ill. 588, 595 (1950)). Therefore, "technical defects in form are deemed fatal to a petition for review," precluding the appellate court from considering the appeal. John Prior (5th Dist.), slip op. at 3. "Substantial compliance," such as by merely serving the petition on the unnamed party, will not do. *Id.*

Prior argued that Mezo did not have to be named in reliance on the two oldest Illinois Supreme Court decisions cited by the court above. These cases, discussing a similar provision of the Administrative Review Law, used the term "adverse" parties when referring to parties of record required to be named. *See*, Winston, supra, 407 Ill. at 595 and Cuny, supra, 411 Ill. at 617-618. The Fifth District found, however, that neither decision turned on whether unnamed respondents' interests were "adverse" to the appellants', but rather "on the fact that the unnamed respondents had been parties of record to the administrative proceeding." John Prior (5th Dist.), slip op. at 5.

Prior's second argument was that he should be granted leave to amend his petition to add Mezo because of the purported "good-faith-effort" exception to the joinder requirement, citing Worthen v. Village of Roxana, 253 Ill. App. 3d (1993), and Bloom Township High School v. Ill. Commerce Comm'n., 309 Ill. App. 3d 163 (1999). John Prior (5th Dist.), slip op. at 6-7. Prior argued that: (1) there is "confusion in the law regarding whether a nonadverse party is a necessary party"; (2) he properly served Mezo with a copy of the petition; and (3) he promptly sought leave to amend. *Id.*

The Fifth District noted, however, that Worthen predated the December 15, 1995 change to the Administrative Review Law that "provides for an amendment of a petition for review to add a respondent only if the unnamed party had not been named as a party of record by the administrative agency in its final order." John Prior (5th Dist.), slip op at 8 (emphasis in original). The court added that since the change to the law, courts have consistently held that amending the petition is allowed only where the unnamed party was not named as a party of record in the administrative agency's final decision. *Id.* (citing, among other decisions, Vogue Tyre & Rubber Co. v. Office of the State Fire Marshall, 354 Ill. App. 3d 20 (2004), dismissed for failure to name the Board).

In finding Mezo's second argument unpersuasive, the court agreed with case authority holding that in amending the Administrative Review Law, the legislature intended to limit when the appellate court could grant leave to amend a petition to add an unnamed party, precluding application of a good-faith-effort exception. Accordingly, the court concluded that Prior could not be allowed to amend his petition to add Mezo. Because he failed to "strictly comply" with the Administrative Review Law requirement that the petition name "all other parties of record", the court dismissed the appeal. John Prior (5th Dist.), slip op. at 8-10.

Rule Update

Board Adopts Proposal for Public Comment in Proposed Amendments to Regulation of Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 732); In the Matter of: Regulation of Petroleum Leaking Underground Storage Tanks (Proposed new 35 Ill. Adm. Code 734) (R04-22(B)/R04-23(B) (cons.)).

On January 5, 2006, the Board adopted a proposal for public comment in Proposed Amendments to Regulation of Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 732); In the Matter of: Regulation of Petroleum Leaking Underground Storage Tanks (Proposed new 35 Ill. Adm. Code 734) (R04-22(B)/R04-23(B) (cons.)). This rulemaking is a subdocket of Proposed Amendments to Regulation of Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 732); In the Matter of: Regulation of Petroleum Leaking Underground Storage Tanks (Proposed new 35 Ill. Adm. Code 734) (R04-22/R04-23 (cons.)) which the Board sent to second notice at its December 1, 2005 meeting. As stated in the Board's December 1, 2005 opinion, the Board will address the issues pertaining to the professional consulting services provisions in this subdocket (B). Specifically, the Board will address issues concerning the scope of work associated with lump sum payments as well as the lump sum payment amounts proposed at first notice in Subdocket A. The Board has received alternate proposals addressing these

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issues from American Consulting Engineers Council of Illinois (ACECI), Professionals of Illinois for the Protection of the Environment (PIPE), CW³M Company (CW³M), and United Science Industries (USI). Additionally, when the original R04-22/23 rulemaking was considered at the January 18, 2006 Joint Committee Administrative Rules (JCAR) meeting, JCAR adopted a recommendation that the Board consider testimony in this subdocket (B) related to the payment for groundwater remediation and onsite remediation to other than Tier 2 TACO levels (as found at 35 Ill. Adm. Code 732.606(ddd) and (eee) and 35 Ill. Adm. Code 734.630(aaa) and (bbb)).

The regulated community expressed serious concern regarding the exclusion of scope of work associated with the proposed maximum lump sum payments from the initial hearings on the Illinois Environmental Protection Agency's (IEPA) proposal. While ACECI and PIPE submitted alternate proposals addressing the inclusion of scope of work in the rules prior to first notice, the Board received similar proposals from CW³M and USI during the first-notice comment period. In addition, CSD Environmental Services, Inc. submitted recommendations concerning scope of work.

As noted in the December 1, 2005 second-notice opinion (see December issue of the *Environmental Register* for a more complete summary), the Board found that inclusion of scope of work for tasks to be performed by professional consulting services pursuant to Sections 732/734.845 would be helpful in addressing participants' concerns regarding lump sum payment for professional consulting services. In this regard, the Board has reviewed the alternate proposals submitted by the participants in the R04-22/23 rulemaking. The participants presented two different approaches to incorporate scope of work for specific tasks under Sections 732/734.845. The first approach, proposed by ACECI, PIPE and CW³M, identifies the specific task for which the rules propose a lump sum payment amount and sets forth the work involved in completion of that task. The *Ad Hoc* Work Group used this approach to develop the scope of work for a number of tasks under Section 732.845/734.845 and PIPE's proposal adds scope of work for those tasks for which the *Ad Hoc* Work Group did not prepare one.

The second approach, proposed by USI, prescribes a task list, but specifies scope of work broadly as all products and services necessary and associated with investigative and remedial activities during a corrective action project. Although USI has proposed the inclusion of a task list which tracks the regulations under Parts 732/734 Subparts B, C, & D, the list does not provide any details about the work involved in completion of the tasks. While the Board recognizes that USI's proposal as a whole is conceptually different from the one proposed by the IEPA, the scope of work in USI's proposal is similar to the one proposed by the IEPA and adopted by the Board for first notice, *i.e.* the scope of work includes all work necessary to comply with the requirements of the regulations.

The Board found that the record clearly indicates that the regulated community is seeking more specificity regarding the actual work involved in completing tasks for which the IEPA has proposed maximum lump sum payments for professional consulting services. The regulated community has argued that lump sum payments for professional consulting services must include scopes of work, so that any work performed beyond the specified scope of work would be reimbursed in accordance with Sections 732.850, 732.860, 734.850, and 734.860. In this regard, the Board found that USI's proposal, which defines scope of work associated with professional consulting services in broad terms, did not address the participants' concerns. In light of this, the Board chose to consider the approach used by the *Ad Hoc* Work Group, PIPE and CW³M to revise the provisions of Sections 732.845/734.845. Moreover, the Board found this approach to be appropriate since the IEPA relied on the *Ad Hoc* Work Group's scope of work to determine the proposed maximum payment amounts for a number of tasks originally proposed under Sections 732.845/734.845.

The Board used the *Ad Hoc* Work Group's proposal as a starting point for developing scope of work for professional consulting services. In case of the tasks for which the *Ad Hoc* Work Group did not have a scope of work, the Board then relied on PIPE's proposal. As noted earlier, PIPE's proposal updates the *Ad Hoc* Work group's scope of work. The professional consulting services provisions proposed at first notice in Sections 732.845/734.845 specify lump sum payment amounts for various tasks. These tasks fall under three main stages of remediation: Early Action, Site Classification/ Investigation and Corrective Action.

The Board's proposal for public comment proposes the inclusion of scopes of work for all the tasks for which the *Ad Hoc* Work Group or PIPE have developed scope of work. In doing so, the Board noted that the main purpose of the proposed revisions is to seek additional comments and testimony from all the participants, including the IEPA, to develop a workable rule. In this regard, the Board noted that a few issues concerning scope of work still need to be resolved before the Board can finalize the revisions. These issues include adequacy of the proposed scope of work and whether scope of work should be part of the Board rules or the IEPA's implementation rules.

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The Board is in the process of scheduling at least one hearing in this rulemaking.

Copies of the Board's opinion and order in R04-22/23(B) 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 Marie Tipsord at 312/ 814-4925; email address tipsordm@ipcb.state.il.us.

Board Adopts Second Notice Opinion and Order in Two Dockets Amending 35 Ill. Adm. Code 201.146: Proposed Amendments to Exemptions from State Permitting Requirements (35 Ill. Adm. Code 201.146) (R05-19); and Proposed Amendments to Exemptions from State Permitting Requirements for Plastic Injection Molding Operations (35 Ill. Adm. Code 201.146) (R05-20)

On January 5, 2006 the Board adopted a second notice opinion and order in two dockets amending 35 Ill. Adm. Code 201.146: Proposed Amendments to Exemptions from State Permitting Requirements (35 Ill. Adm. Code 201.146) (R05-19), and Proposed Amendments to Exemptions from State Permitting Requirements for Plastic Injection Molding Operations (35 Ill. Adm. Code 201.146) (R05-20). The Board did not receive any comments on, or make any changes to, its first notice proposal in either docket. The Board has sent both rulemakings, pursuant to the Illinois Administrative Procedure Act (5 ILCS 100/1-1 *et seq.* (2004)), to the Joint Committee on Administrative Rules (JCAR) for review at the February 14, 2006 JCAR meeting.

R05-19

Docket R05-19 was opened for the February 22, 2005 joint proposal filed by the Illinois Environmental Protection Agency (IEPA) and Illinois Environmental Regulatory Group (IERG). The proponents stated that the purpose of this rulemaking is to eliminate permitting delays for minor projects having little environmental or regulatory impact. The Board held hearings on this proposal on April 12, 2005 in Chicago and on June 14, 2005 in Springfield October 7, 2005 at 29 Ill. Reg. 14738.

The Board's second notice proposal would add four new categories to the existing list of exemptions from state air permit requirements in Section 201.146 as follows:

Exemption for replacing or adding air pollution control equipment at existing emission units. The proposed exemption would only apply to existing units, which are permitted and have operated in compliance for the past year. The new pollution control equipment must maintain or improve air pollution control over the prior levels of target pollutants, and not result in a net increase in emissions of any collateral pollutant. This exemption would not apply if the installation or operation of the new or replacement pollution controls would trigger or change applicability of different regulatory requirements. Finally, required monitoring equipment must be carried over to the replacement control device and must incorporate current technology.

Exemption for sources with federally enforceable state operating permits (FESOP) having a low potential to emit. This provision would affect some projects at FESOP sources that do not fit under any of the existing listed exemptions under Section 201.146 and that are still insignificant from a permitting standpoint. Under this second exemption, permits would be unnecessary for projects at minor FESOP sources with a low potential to emit (less than 0.1 pound per hour or 0.44 tons per year) any regulated air pollutant absent air pollution equipment from the new or modified unit that have no outstanding compliance or enforcement issues. Also, raw materials and fuels that cause or contribute to emissions must not contain a hazardous air pollutant equal to or greater than 0.01 percent by weight. This exemption is not available to a source that must meet New Source Performance Standards (NSPS) and New Source Review (NSR) requirements under the Clean Air Act (CAA) or if outstanding compliance or enforcement issues exist.

Exemption for minor sources that are not subject to the Clean Air Act Permit Program (CAAPP) or FESOP requirements. This third exemption would be limited to sources with the low potential to emit any regulated air pollutant absent air pollution equipment from the new or modified unit that have no outstanding compliance or enforcement issues. This exemption would be available for minor sources that have a slightly greater potential to emit (up to 0.5 pounds per hour), so long as the facility notifies the IEPA of its intent to construct or install a new emissions unit or modification. Only after notification can the facility begin construction, installation, or modification. This provision would require permitting if the additional emissions from the project could change the

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sources' status with respect to its potential to emit. This exemption is also not available to a source that must meet NSPS and NSR requirements under the CAA.

Insignificant activities exemption. The proposal would create a list of permit exempt insignificant activities similar to those for CAAPP sources. See 35 Ill. Adm. Code 201.210 through 210.211. Owners or operators must notify the IEPA when they add insignificant activities. Facilities must still comply with otherwise applicable emission standards or other regulatory requirements.

R05-20

Docket R05-20 was opened for the April 19, 2005 proposal filed by the Chemical Industry Council of Illinois (CICI). The Board held two hearings on CICI's proposal; on July 1, 2005 in Chicago and on July 15, 2005 in Springfield. The Board's first notice proposal, adopted on September 15, 2005 was published in the *Illinois Register* on October 14, 2005 at 29 Ill. Reg. 15489.

The Board's second notice proposal does not differ from CICI's proposal. CICI stated the intent of this rulemaking is to clarify any confusion as to whether the existing exemption for plastic extruder operations also applies to PIM operations (35 Ill. Adm. Code 201.146(cc)). CICI also expected the proposed exemption will achieve efficiencies and cost savings for plastic injection molding operations as well as the State of Illinois.

The Board found, as urged by CICI, that the proposed exemption to Section 201.146 of the Board's regulations for PIM operations is justified based on the low emissions generated by these emission sources both individually and in the aggregate statewide. The Board also agreed with the IEPA that the proposed exemption does not threaten the public health or welfare.

Copies of the Board's opinion and order in R05-19 or R05-20 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 Amy Antonioli at 312/814-3665; e-mail address: antonioa@ipcb.state.il.us.

Board Adopts Final Opinion and Order 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 January 5, 2006, the Board adopted a final opinion and order in the consolidated docket 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. The Board made only minor, nonsubstantive changes to the proposal it adopted for public comment that was published in the November 4, 2005 issue of the *Illinois Register*, at 29 Ill. Reg. 16576 (Part 703), 16658 (Part 720), 16720 (Part 721), 16864 (Part 722), 16906 (Part 723), 16921 (Part 724), 17185 (Part 725), 17424 (Part 726), 17522 (Part 728), 17775 (Part 738), 17816 (Part 739), 17852 (Part 810), and 17857 (Part 811).

The Board received one comment on its October 20, 2005 proposal for public comment from the Illinois Environmental Protection Agency (IEPA). The IEPA requested clarification from the Board on the storage of waste pending the hazardous waste determination. Section 721.132(d)(5), as adapted from corresponding 40 C.F.R. 262.32(d)(5) in the federal regulations was proposed to read as follows:

Waste holding and handling. During the interim period, from the point of generation to completion of the hazardous waste determination, the generator must store the wastes appropriately. If the wastes are determined to be hazardous and the generator has not complied with the hazardous waste storage requirements of 35 Ill. Adm. Code 722.134 during the interim period, the generator could be subject to an enforcement action for improper hazardous waste management.

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The IEPA requested clarification as to what it means to “store the wastes appropriately,” and asked the Board to clarify whether the waste must be stored in accordance with 35 Ill. Adm. Code 722.134 or if some other standard would be used to determine what would be appropriate storage methods.

The Board found that it could not provide much more clarification in the context of this identical-in-substance proceeding than is provided by the text of the federal regulation. The Board opined that were it to clarify the storage requirements as suggested by the IEPA, the Board would likely render the Illinois regulations more stringent than the corresponding federal regulations. The Board concluded that the appropriate procedure for imposing more stringent requirements than those derived from USEPA is in the context of a Section 27 rulemaking pursuant to section 22.4(b) of the Act. 415 ILCS 5/22.4(b) and 27 (2004).

The Board’s adopted identical-in-substance amendments affect three distinct program areas:

- 1) Sections 7.2 and 13(c) of the Environmental Protection Act (Act) (415 ILCS 5/7.2 and 13(c) (2002)), require the Board to adopt regulations that are “identical in substance” to underground injection control (UIC) regulations that the United States Environmental Protection Agency (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) 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 municipal solid waste landfill (MSWLF) regulations adopted by the USEPA. These USEPA rules implement Subtitle D of the federal 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) 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 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. 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. Finally, 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 Proposal for Hearing in Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil, 35 Ill. Adm. Code 808.809 (R06-20)

On January 5, 2006, the Board accepted a proposal for hearing in Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil, 35 Ill. Adm. Code 808.809 (R06-20). The proposal was filed on December 13, 2005 by NORA, which states that it is an association of responsible recyclers formerly known as the National Oil Recycling Association. NORA seeks to amend the Board's regulations concerning special waste classifications and nonhazardous special waste hauling as they pertain to used oil recycling in Illinois.

In its proposal, NORA stated that the federal government in 1985 and 1992 promulgated rules governing management and transportation of used oil. NORA further stated that the Board adopted those rules in 1993 as Part 739 of its regulations through "identical in substance" rulemaking. See 415 ILCS 5/7.2 (2004); 35 Ill. Adm. Code 739; R93-4, RCRA Update, USEPA Regulations, July 1, 1992 through December 31, 1992, (Sept. 23, 1993). According to NORA, "most states have adopted the federal used oil recycling rules . . . as the sole regulatory requirements governing the management of used oil," and Part 739 should reflect 40 C.F.R. 279. However, because Illinois had adopted special waste rules before Part 739, NORA argued that state regulations are not genuinely "identical in substance" to the federal rules. Specifically, NORA stated that, by treating used oil as a special waste, Illinois requires actions such as manifesting used oil during transportation that are not required by federal regulations.

Finding these additional requirements "burdensome," NORA stated it has for several months discussed with the Illinois Environmental Protection Agency (IEPA) "making the Illinois program substantially equivalent to the

federal program.” NORA states that the IEPA “has agreed to eliminate the special waste hauling and manifesting requirements imposed on used oil as defined and managed under Part 739.” NORA further states that it and the IEPA substantially agree on the specific changes needed to accomplish that goal.

In reviewing the proposal for compliance with the rulemaking petition requirements of 35 Ill. Adm. Code 102.202, the Board identified some deficiencies in the proposal. First, under 35 Ill. Adm. Code 102.202(b), the Board found that the proposal has not described, “to the extent reasonably practicable, the universe of affected sources and facilities and the economic impact of the proposed rule.” 415 ILCS 5/27(a) (2004); 35 Ill. Adm. Code 102.202(b).

Second, the Board noted that the proposal stated only that NORA members “are available to testify if necessary and to present pre-filed testimony to the extent the Board deems such warranted.” While NORA describes that potential testimony as “consistent with the statement of reasons” and states that it would provide “further background concerning the history, intent, and purpose of the used oil regulations,” the Board finds that these statements do not constitute the required “synopsis of all testimony to be presented by the proponent at hearing.” 35 Ill. Adm. Code 102.202(c).

Third, NORA did not either address the applicability of or provide the information requested in the “published study or report” requirement of Section 102.202(e) of the Board’s procedural rules. 35 Ill. Adm. Code 102.202(e); *See also* 35 Ill. Adm. Code 102.202(k).

The Board is in the process of scheduling at least one hearing in this rulemaking. But, the Board requested NORA to address the noted deficiencies in writing prior to any hearing scheduled in this proceeding at such time as directed by the hearing officer.

Copies of the Board’s opinion and order in R06-20 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 Adopts Second Notice Opinion and Order in Proposed New and Updated Rules for Measurement and Numerical Sound Emissions Standards, Amendments to 35 Ill. Adm. Code 901 and 910; March 2004 Proposal Formally Withdrawn (R03-09)

On January 19, 2006, the Board adopted a second notice opinion and order in Proposed New and Updated Rules for Measurement and Numerical Sound Emissions Standards, Amendments to 35 Ill. Adm. Code 901 and 910; March 2004 Proposal Formally Withdrawn (R03-09). The proposal seeks to amend Parts 901 and 910 of its noise regulations found in 35 Ill. Adm. Code Subtitle H to update sound measurement definitions and techniques. The Board received comments on, and made changes to, its first notice proposal published in the *Illinois Register* on April 15, 2005 at 29 Ill. Reg. 5196 and 29 Ill. Reg. 5255. 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 (JCAR) for review at the February 14, 2006 JCAR meeting.

The Board received six comments during first notice, and held one additional hearing on September 1, 2005. (The Board held two hearings on this proposal prior to filing this first notice.) The Board has held six public hearings since the inception of this rulemaking. The Board received comments from Joseph R. Angleton, Office Director, Office of Mines and Minerals, Illinois Department of Natural Resources (IDNR), John Henriksen, Executive Director, Illinois Association of Aggregate Producers (IAPP), Dr. Paul Schomer, Schomer and Associates, Inc., Therese M. Dorigan, Bradburne, Brilller & Johnson, LLC, and the Village of Bridgeview.

Rule Contents.

The proposal that the Board adopted for second notice amends Part 901 replacing the existing 1965 Standard Land Use Coding Manual (SLUCM) codes with the Land-Based Classification Standards (LBSCS) codes, a consistent model for classifying land uses based on a multi-dimensional land use classification model based land classification. The proposed changes to Section 901.104 clarify that the impulsive sound standards are based on 1-hour A-weighted equivalent sound levels. The Board also proposes to revise the numeric standards to bring highly impulsive noise standards into conformity with the standards set forth in Sections 901.102 and 901.103 in terms of the effective community response. This proposal includes the revision of outdated numerical sound emission standards for property line noise sources found at 35 Ill. Adm. Code Parts 901

The proposed new Part 910 sets forth the measurement procedures for enforcing the Board's noise standards in Parts 900 and 901. These procedures are essentially based upon the Illinois Environmental Protection Agency's noise measurement protocols at 35 Ill. Adm. Code 951. In addition to the measurement techniques, the proposal contains general requirements and specific instrument requirements. The proposed Appendix A includes tables (obtained from extensive measurements) that can be used to determine the long-term background ambient noise levels in instances where direct measurements cannot be made.

Second Notice Changes

In its second notice opinion, the Board found that the testimony of IAAP and IDNR clearly demonstrated that IDNR has an extensive regulatory program in place that regulates the noise from blasting at facilities operated by aggregate producers and surface coal mines. Further, IDNR has an active staff that regularly oversees blasting and monitoring of the blasting at sites in Illinois. IDNR also has stringent enforcement tools for any violation of the regulations when blasting. Therefore, the Board found that the Board could appropriately defer the regulation of noise emissions from blasting at aggregate and surface coal mines to IDNR. The Board made changes to the rule under Sections 901.107 and 901.109 to reflect that deference. But, as IAAPP recommended, the Board limited the scope of the proposed exemption only to impulsive sound produced by explosive blasting activities, which are regulated by IDNR in accordance with Section 6.5 and Section 3.13 of the Surface Coal Mining Land Conservation and Reclamation Act (225 ILCS 715/6.5 and 3.13 (2004)).

The Board again declined to make previously-suggested changes adding sound monitoring personnel qualifications and sound measurement procedures for establishing nuisance noise violations. The Board found that the present regulatory structure, where the Board determines the validity of sound data on a case-by-case basis in noise enforcement cases, is a more prudent approach than prescribing vague qualification requirements, particularly absent a State approved noise licensing or certification process. Regarding the qualifications of individual supervising the measurement of emissions, the Board decided that it would continue to review the noise emission measurements on a case-by-case basis and make determination based on the evidence provided.

Copies of the Board's opinion and order in R03-9 may be obtained by calling Dorothy Gunn at 312-814-3620, or by downloading copies from the Board's Web site at www.ipcb.state.il.us.

For additional information contact the hearing officer, Marie Tipsord, at 312-814-4925; e-mail address tipsorm@ipcb.state.il.us.

Board Responds to JCAR Objection and Adopts Final Opinion and Order in Interim Phosphorus Effluent Standard, Proposed 35 Ill. Adm. Code 304.123 (g-k) (R04-26)

On January 19, 2006, the Board adopted a final opinion and order in Interim Phosphorous Standards, Proposed 35 Ill. Adm. Code 304.123 (g-k) (R04-26). The Board responded to the December 13, 2005 objection of the Joint Committee on Administrative Rules (JCAR) by respectfully declining to withdraw or change the rule the Board adopted at second notice. The adopted rulemaking limits effluent levels of phosphorus from new or expanded discharges from treatment works facilities. The rules set an interim phosphorus limit while the Illinois Environmental Protection Agency (IEPA) develops final State numeric nutrient standards. After filing its response to the JCAR objection (published on February 10, 2006 at 30 *Ill. Reg.* 1922), the Board filed the adopted rules with the Secretary of State's Index Department. The final rules will appear in the *Illinois Register* on February 17, 2006.

Rule Content

The adopted rules add 5 new subsections (g-k) to existing Section 304.123. The amendments set a monthly average limit of 1 mg/L for total phosphorus for any new or expanded discharges into general use waters. In response to public comments, the Board added at second notice a new subsection (k) that specifies that the averaging rules of Section 304.104 do not apply to permit limits established by the phosphorus effluent standards.

The final phosphorus limit applies only to discharges from treatment works with a design average flow of 1.0 million gallons per day or more receiving primarily municipal or domestic wastewater; or any treatment works, other than those treatments that are primarily municipal or domestic wastewater, with a total phosphorus effluent load of 25 pounds per day or more. Dischargers may be exempt from the permit limits if they can demonstrate that phosphorus from their treatment works is not the limiting nutrient in the receiving water. The amendments allow

the IEPA to impose alternative phosphorus effluent limits where the supporting information shows that alternative limits are warranted by the aquatic environment in the receiving stream.

JCAR Objection and Board Response

The Board sent the rulemaking to second notice on September 15, 2005. JCAR considered the rule on November 15, 2005, when it extended the second notice period an additional 45 days. At the December 13, 2005 meeting, JCAR issued a certification and statement of objection to the proposed rule. JCAR stated that it objected to the proposal because JCAR felt that the rulemaking imposes an undue economic and regulatory burden on the affected wastewater treatment facilities by requiring those facilities to meet interim standards for phosphorus discharges.

In its response to the JCAR action, the Board stated that its continued belief that the rule was economically reasonable and technically feasible. Based on the cost information in the record coupled with the fact that the proposed rule applies to only new or expanding larger facilities, the Board found that affected facilities can incorporate the additional cost of phosphorus control in their overall expansion plans with an economically reasonable impact. The Board found that the implementation of the phosphorus effluent standard would not impose an undue economic or regulatory burden. Additionally, the Board noted that the record amply demonstrated that control of phosphorus discharge from larger treatment plants would result in enhanced water quality in the state's receiving streams.

Copies of the Board's opinion and order in R04-26 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 John Knittle at 217/278-3111; e-mail address: knittlej@ipcb.state.il.us.

Board Adopts Proposal for Hearing in Organic Material Emission Standards and Limitations for the Chicago and Metro-East Areas: Proposed Amendments to 35 Ill. Code 218 and 219 (R06-21)

On January 19, 2006, the Board adopted a proposal for hearing in Organic Material Emission Standards and Limitations for the Chicago and Metro-East Areas: Proposed Amendments to 35 Ill. Code 218 and 219 (R06-21). The proposal, filed by the Illinois Environmental Protection Agency (IEPA) on December 22, 2005, seeks to amend Parts 218 and 219 of the volatile organic material (VOM) rules to allow for the use of add-on controls as a compliance option for printing operations using cold cleaning solvent degreasing. There is no deadline for Board completion of this rulemaking, since the proposal was filed under Section 27 of the Environmental Protection Act, 415 ILCS 5/27.

The IEPA's proposal seeks to revise the cold cleaning degreaser rules in the Chicago and Metro-East nonattainment areas by making parallel changes to 35 Ill. Adm. Code 218.182(c) and (d) and 219.182(c) and (d). IEPA is proposing to revise these rules rather than having the four companies identified as potentially affected file site-specific rules or variance requests.

The proposed revisions would allow for the sale or purchase of solvents with vapor pressure greater than 1.0mmHg in units greater than five gallons to or by sources that have valid permits, are in compliance with the add-on control requirements, or are exempt. The IEPA is also proposing control requirements to allow for the option of add-on controls. Subsections are being created that will require sources using solvents with vapor pressures greater than 1.0mmHg to control their emissions to an overall capture and control efficiency of no less than 95%.

The IEPA proposes provisions that allow for equivalent alternative emissions plans stipulating that emissions from a solvent with a vapor pressure of 1.0 mmHg shall be the basis for assessment of equivalent emissions for any proposed control plan and that the equivalent alternative control plans must have at least 95% reduction in VOM emissions. New provisions would also mandate the testing of add-on controls. Currently operating add-on controls must be tested by March 1, 2006, and newly constructed add-on controls shall be tested within 90 days after startup. The testing procedures, monitoring, and recordkeeping provisions for add-on controls and equivalent alternative control plans will be consistent with the provisions in Section 218.105 and Section 219.105, which require that the control devices be operated and maintained at the manufacturer's specifications and continuously monitored to assure that they are operating at the required compliance levels. All records must be kept for a minimum of three years.

The Board is in the process of scheduling a hearing on this proposal.

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Copies of the Board's opinion and order in R06-21 may be obtained by calling Dorothy Gunn at 312-814-3620, or by downloading copies from the Board's Web site at www.ipcb.state.il.us.

For additional information contact John Knittle at 217/278-3111; e-mail address: knittlej@ipcb.state.il.us.

Board Actions

January 5, 2006

**Via Videoconfernece
Chicago and Springfield, Illinois**

Rulemakings

R04-22(B)	<u>In the Matter of: Proposed Amendments to Regulation of Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 732); In the Matter of: Regulation of Petroleum Leaking Underground Storage Tanks (Proposed New 35 Ill. Adm. Code 734)</u> – The Board proposed for public comment language establishing a scope of work for activities associated with professional consulting services in the remediation of UST sites in Illinois. The Board invites comments on all portions of the proposal for public comments. In addition the Board directed the hearing officer to expeditiously schedule a least one additional hearing in this proceeding.	4-0
R04-23(B) (cons.)		R, Land
R05-19	<u>In the Matter of: Proposed Amendments to Exemptions From State Permitting Requirements (35 Ill. Adm. Code 201.146)</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board's air quality standards regulations.	4-0 R, Air
R05-20	<u>In the Matter of: Proposed Amendments to Exemptions from State Permitting Requirements for Plastic Injection Molding Operations (35 Ill. Adm. Code 201.146)</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board's air quality standards regulations.	4-0 R, Air
R06-5	<u>In the Matter of: UIC Corrections, USEPA Amendments (January 1, 2005 through June 30, 2005); RCRA Subtitle D Update, USEPA Amendments (January 1, 2005 through June 30, 2005 and August 1, 2005); RCRA Subtitle C Update, USEPA Amendments (January 1, 2005 through June 30, 2005 and August 1, 2005)</u> – The Board adopted a final opinion and in this consolidated "identical-in-substance" rulemaking which amends the Board's underground injection control, municipal solid waste landfill, and hazardous waste regulations.	4-0
R06-6		R, Land
R06-7 (cons.)		
R06-20	<u>In the Matter of: Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil, 35 Ill. Adm. Code 808.809</u> – The Board accepted for hearing petitioner's December 13, 2005 proposal to amend the Board's land pollution control regulations. The Board granted petitioner's motion to waive requirement to submit 200 signatures. The Board also requested that petitioner address the deficiencies noted in the order in writing prior to any	4-0 R, Land

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hearing scheduled in this proceeding at such time as directed by the hearing officer.

Administrative Citations

AC 06-14	<u>County of Jackson v. Rocky Lee Morse</u> – The Board dismissed respondent’s petition for review, finding it untimely filed. The Board found that this Jackson County respondent violated Sections 21(p)(1), (p)(3) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2004)), and ordered respondent to pay a civil penalty of \$4,500.	4-0
AC 06-16	<u>IEPA v. Rex D. Evans and Roy W. Evans, Jr.</u> – The Board accepted respondents’ petition for review and granted the motion to consolidate this administrative citation involving a Morgan County facility with AC 06-17. The Board denied the request to dismiss the alleged violations or consolidate the alleged violations into <i>one</i> administrative citation.	4-0
AC 06-17	<u>IEPA v. Rex D. Evans and Roy W. Evans, Jr.</u> – The Board accepted respondents’ petition for review and granted the motion to consolidate this administrative citation involving a Morgan County facility with AC 06-16. The Board denied the request to dismiss the alleged violations or consolidate the alleged violations into <i>one</i> administrative citation.	4-0

Decisions

PCB 05-99	<u>People of the State of Illinois v. James Zeller, Thomas Zeller, and Matthew Short</u> – In this air and land enforcement action concerning a Williamson 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 respondents to pay a total civil penalty of \$7,500, and to cease and desist from further violations.	4-0 A&L-E
PCB 05-103	<u>People of the State of Illinois v. Marc Realty, Inc. and 55 E. Jackson L.L.C.</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 respondents to pay a total civil penalty of \$15,000, and to cease and desist from further violations.	4-0 A-E
PCB 05-192	<u>People of the State of Illinois v. Bag Makers, Inc.</u> – In this air enforcement action concerning a McHenry 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 \$62,700, and to cease and desist from further violations.	4-0 A-E
PCB 05-214	<u>People of the State of Illinois v. Barry Hayden d/b/a Hayden Properties</u> – In this water enforcement action concerning a St. Clair County facility, the Board	4-0

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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 \$3,500, and to cease and desist from further violations. W-E

PCB 06-44 People of the State of Illinois v. Weis Builders, Inc. – In this public water supply enforcement action concerning a Will County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (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. 4-0
PWS-E

Motions and Other Matters

PCB 02-206 Home Oil Company v. IEPA – The Board granted this St. Clair County facility’s motion for voluntary dismissal of this underground storage tank appeal. 4-0
UST Appeal

PCB 04-7 People of the State of Illinois v. 4832 S. Vincennes, L.P. and Batteast Construction Company, Inc. – Upon receipt of a proposed stipulation and settlement agreement between complainant and Batteast Construction Company, Inc. only, and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice. No action was taken on complainant’s motion for summary judgment against 4832 S.Vincennes L.P. filed October 17, 2005. 4-0
A-E

PCB 05-66 People of the State of Illinois v. Petco Petroleum Corporation – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Fayette County facility, the Board ordered publication of the required newspaper notice. 4-0
W-E

PCB 05-157 Grand Pier Center L.L.C. American International Specialty Lines Insurance Co. as subrogee of Grand Pier Center L.L.C. v. River East L.L.C., Chicago Dock and Canal Trust, Chicago Dock and Canal Company, and Tronox L.L.C. (f/k/a Kerr-McGee Chemical L.L.C.) – The Board granted the motion of counter-complainant Tronox L.L.C. (f/k/a Kerr-McGee Chemical L.L.C.) (Kerr McGee) to withdraw certain affirmative defenses. The Board denied Kerr McGee’s motion to strike affirmative defenses, in part and granted the motion in part, striking the seventh and eighth alleged affirmative defenses. The Board also denied complainant Grand Pier Center L.L.C.’s motion to strike affirmative defenses. The Board found that the pleading contained sufficient specificity to allow the parties to proceed with the remaining affirmative defenses as alleged. The Board also granted Kerr McGee’s motion to dismiss the counterclaim as the counterclaim seeks relief pursuant to the Contribution Act and the Board is not authorized to grant such relief. 4-0
Citizens
L-E

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PCB 05-182	<u>U.S. Mineral, L.L.C. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Montgomery County facility.	4-0 P-A, Air
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 between complainant and Village of Cherry Valley only, 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 06-37	<u>Illinois State Toll Highway Authority (Lincoln Oasis)</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	4-0 UST Appeal
PCB 06-39	<u>Dalee Oil Company (Okawville)(SCCR) 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 Washington County facility.	4-0 UST Appeal
PCB 06-40	<u>Dalee Oil Company (Okawville) (SCWP/B) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Washington County facility.	4-0 UST Appeal
PCB 06-55	<u>Soyland Power Cooperative, Inc. v. IEPA</u> – The Board granted petitioner’s motion to stay the effectiveness of the provisions and conditions appealed in the Clean Air Act Permit Program permit.	4-0 P-A, Air
PCB 06-91	<u>Basic Wire & Cable Co. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	4-0 UST Appeal
PCB 06-92	<u>Marathon Ashland Petroleum, L.L.C., (Tank Seals) (Property Identification No. 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 (2004)).	4-0 T-C
PCB 06-93	<u>Marathon Ashland Petroleum, L.L.C. (Ultraformer Vent Gas Scrubber) (Property Identification No. 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 (2004)).	4-0 T-C

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PCB 06-94	<p><u>Marathon Ashland Petroleum, L.L.C. (DHT – Coker Naptha Project)</u> (Property Identification No. 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 (2004)).</p>	4-0 T-C
PCB 06-95	<p><u>Marathon Ashland Petroleum, L.L.C. (Low NO_x)</u> (Property Identification No. 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 (2004)).</p>	4-0 T-C
PCB 06-96	<p><u>Marathon Ashland Petroleum, L.L.C. (Cooling Tower Drift Eliminators)</u> (Property Identification No. 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 (2004)).</p>	4-0 T-C
PCB 06-97	<p><u>Marathon Ashland Petroleum, L.L.C. (Storage Tank Emission Reduction Project)</u> (Property Identification No. 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 (2004)).</p>	4-0 T-C
PCB 06-98	<p><u>Marathon Ashland Petroleum, L.L.C. (Platformer Net Hyrdogen Scrubber)</u> (Property Identification No. 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 (2004)).</p>	4-0 T-C
PCB 06-99	<p><u>Marathon Ashland Petroleum, L.L.C. (Mosc Tank)</u> (Property Identification No. 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 (2004)).</p>	4-0 T-C

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PCB 06-100	<u>Marathon Ashland Petroleum, L.L.C. (Pump Enhancements – Leak Detection and Repair) (Property Identification No. 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 (2004)).	4-0 T-C
PCB 06-101	<u>Marathon Ashland Petroleum, L.L.C. (Slop Oil Combustor (84F-7)) (Property Identification No. 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 (2004)).	4-0 T-C
PCB 06-103	<u>People of the State of Illinois v. First Rockford Group, Inc.</u> – The Board accepted for hearing this land enforcement action involving a site located in Winnebago County.	4-0 L-E
PCB 06-104	<u>People of the State of Illinois v. Moore Painting, an Illinois corporation, and Illinois-American Water Company, an Illinois corporation</u> – The Board accepted for hearing this air, land and water enforcement action involving a site located in Madison County.	4-0 A, L, W-E
PCB 06-105	<u>People of the State of Illinois v. Paul Monnier</u> – The Board accepted for hearing this water enforcement action involving a site located in Hancock County.	4-0 W-E
PCB 06-106	<u>Marathon Ashland Petroleum, L.L.C. (Floating Roof Tank No. 809)(Property Identification No. 51-34-21 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 (2004)).	4-0 T-C
PCB 06-107	<u>Marathon Ashland Petroleum, L.L.C. (Amine Unit No. 2) (Property Identification No. 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 (2004)).	4-0 T-C
PCB 06-108	<u>Marathon Ashland Petroleum, L.L.C. (LPG Merox Unit) (Property Identification No. 51-34-1-21 or portion thereof) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and	4-0 T-C

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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 (2004)).

PCB 06-109	<u>Marathon Ashland Petroleum, L.L.C. (Low Temperature Thermal Desorption Process) (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 (2004)).	4-0 T-C
PCB 06-110	<u>Marathon Ashland Petroleum, L.L.C. (Wastewater Treatment Plant and Benzene NESHAP Air Controls) (Property Identification No. 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 (2004)).	4-0 T-C
PCB 06-115	<u>People of the State of Illinois v. National City Environmental, L.L.C. and National City Recycling, L.L.C.</u> – The Board accepted for hearing this land and water enforcement action involving a site located in St. Clair County.	4-0 L, W-E
PCB 06-116	<u>People of the State of Illinois v. William Warren and Halleck Warren d/b/a Hickory Shores Resort, and Hickory Shores Recreations, Ltd.</u> – The Board accepted for hearing this water enforcement action involving a site located in Clinton County.	4-0 W-E
PCB 06-117	<u>People of the State of Illinois v. Saline County Landfill, Inc.</u> – The Board accepted for hearing this land enforcement action involving a site located in Saline County.	4-0 L-E
PCB 06-118	<u>Mahr’s Sales & 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 Fulton County facility.	4-0 UST Appeal 90-Day Ext.
PCB 06-119	<u>People of the State of Illinois v. Strata Geologic Services, Inc.</u> – The Board accepted for hearing this land enforcement action involving a site located in Rock Island County.	4-0 L-E
PCB 06-120	<u>Southern Illinois Power Cooperative (Wet Scrubber System) (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	4-0 T-C

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preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).

PCB 06-121	<u>Southern Illinois Power Cooperative (Selective Catalytic Reduction System) (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 (2004)).	4-0 T-C
PCB 06-122	<u>Southern Illinois Power Cooperative (Rothemuhle Electrostatic Precipitator) (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 (2004)).	4-0 T-C

January 19, 2006

Chicago, Illinois

Rulemakings

R03-9	<u>In the Matter of: Proposed New and Updated Rules for Measurement and Numerical Sound Emissions Standards Amendments to 35 Ill. Adm. Code 901 and 910</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s noise pollution regulations.	4-0 R, Noise
R04-26	<u>In the Matter of: Proposed 35 Ill. Adm. Code 304.123(g), 304.123(h), 304.123(i), 304.123(j), and 304.123(k)</u> – The Board adopted a response to the Joint Committee on Administrative Rules December 13, 2005 objection to this rulemaking, respectfully declining to withdraw the rule. The Board then adopted a final opinion and order in this rulemaking which amends the Board’s water quality standards regulations.	4-0 R, Water
R06-21	<u>In the Matter of: Organic Material Emissions Standards and Limitations for the Chicago and Metro-East Areas: Proposed Amendments to 35 Adm. Code 218 and 219</u> – The Board accepted for hearing the Illinois Environmental Protection Agency’s (IEPA) December 22, 2005 proposal to amend the Board’s air pollution control regulations. But, the Board also directed the IEPA to address the deficiencies noted in the order in writing prior to any hearing scheduled in this proceeding at such time as directed by the hearing officer.	4-0 R, Air

Administrative Citations

AC 06-18	<u>IEPA v. Maurice L. Thompson Trust</u> – The Board found that this Fulton County	4-0
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respondent violated Section 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.

AC 06-19 IEPA v. Maurice L. Thompson Trust – The Board found that this Fulton County respondent violated Section 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. 4-0

Decisions

PCB 04-192 People of the State of Illinois v. Smithfield Properties, L.L.C., Wooton Construction, Ltd., and Chicago Sun-Times, Inc. – In this land and water 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 as to the Chicago Sun-Times, Inc. only, and ordered the respondent to pay a total civil penalty of \$40,000, and to cease and desist from further violations. 4-0
L&W-E

Motions and Other Matters

PCB 04-201 People of the State of Illinois v. Southern Illinois Power Cooperative – 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 Williamson County facility, the Board ordered publication of the required newspaper notice. 4-0
A-E

PCB 05-154 McLean County Asphalt v. IEPA – The Board denied petitioner’s motion for summary judgment. 4-0
UST Appeal

PCB 05-181 People of the State of Illinois v. Pattison Associates LLC, an Illinois limited liability company, and 5701 South Calumet LLC, an Illinois limited liability company – The Board granted respondent’s motion to withdraw affirmative defenses. 4-0
A-E

PCB 05-201 People of the State of Illinois v. Illinois Tool Works, Inc. – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice. 4-0
A-E

PCB 05-207 People of the State of Illinois v. Precision Twist Drill Co. – 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. 4-0
A-E

PCB 06-11 Silbrico Corporation v. IEPA – The Board found that petitioner’s amended 4-0

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	petition did not meet the content requirements set forth in 35 Ill. Adm. Code 104.204 and dismissed it as deficient.	L-V
PCB 06-47	<u>Eaves Auto Repair v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Ford County facility.	4-0 UST Appeal
PCB 06-102	<u>Marathon Ashland Petroleum, L.L.C. (Selective Catalytic Reduction Unit) (Property Identification No. 51-34-1-21 or portion thereof) v. IEPA</u> – The Board granted the IEPA’s motion to withdraw its’ recommendation for tax certification, and dismissed the docket.	4-0 T-C
PCB 06-105	<u>People of the State of Illinois v. Paul Monnier</u> – The Board granted complainant’s motion for voluntary dismissal of this water enforcement action involving a Hancock County facility	4-0 W-E
PCB 06-123	<u>Marathon Ashland Petroleum, L.L.C. (Chloride Reduction-Debutanizer Net Gas Scrubber) (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 (2004)).	4-0 T-C
PCB 06-124	<u>Prairie Rivers Network and Sierra Club v. IEPA and Prairie State Generating Company, L.L.C.</u> – The Board accepted for hearing and on its own motion consolidated this permit appeal involving a Washington County facility with PCB 06-127.	4-0 P-A, NPDES Third Party
PCB 06-125	<u>Wareco Service, Inc. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Knox County facility.	4-0 UST Appeal 90-Day Ext.
PCB 06-126	<u>AmerenEnergy Resources Generating Company v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Peoria County facility.	4-0 P-A, Air
PCB 06-127	<u>American Bottom Conservancy and Dale Wojtkowski v. IEPA and Prairie State Generating Company, L.L.C.</u> – The Board accepted for hearing and on its own motion consolidated this permit appeal involving a Washington County facility with PCB 06-124.	4-0 P-A, NPDES Third Party
PCB 06-128	<u>Goodwin Mobil 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 Montgomery County facility.	4-0 UST Appeal 90-Day

Ext.

PCB 06-129 Vic Koenig Chevrolet 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 Jackson County facility. 4-0
UST Appeal
90-Day
Ext.

PCB 06-130 Arlyn's Service Center v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Randolph County facility. 4-0
UST Appeal
90-Day
Ext.

New Cases

January 5, 2006 Board Meeting

06-091 Basic Wire & Cable Co. v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.

06-092 Marathon Ashland Petroleum, L.L.C., (Tank Seals) (Property Identification No. 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 (2004)).

06-093 Marathon Ashland Petroleum, L.L.C. (Ultraformer Vent Gas Scrubber) (Property Identification No. 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 (2004)).

06-094 Marathon Ashland Petroleum, L.L.C. (DHT – Coker Naptha Project)) (Property Identification No. 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 (2004)).

06-095 Marathon Ashland Petroleum, L.L.C. (Low NO_x) (Property Identification No. 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 (2004)).

06-096 Marathon Ashland Petroleum, L.L.C. (Cooling Tower Drift Eliminators) (Property Identification No. 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 (2004)).

06-097 Marathon Ashland Petroleum, L.L.C. (Storage Tank Emission Reduction Project) (Property Identification No. 51-34-1-21 or portion thereof) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's

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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 (2004)).

06-098 Marathon Ashland Petroleum, L.L.C. (Platformer Net Hydrogen Scrubber) (Property Identification No. 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 (2004)).

06-099 Marathon Ashland Petroleum, L.L.C. (Mosc Tank) (Property Identification No. 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 (2004)).

06-100 Marathon Ashland Petroleum, L.L.C. (Pump Enhancements – Leak Detection and Repair) (Property Identification No. 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 (2004)).

06-101 Marathon Ashland Petroleum, L.L.C. (Slop Oil Combustor (84F-7)) (Property Identification No. 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 (2004)).

06-102 Marathon Ashland Petroleum, L.L.C. (Selective Catalytic Reduction Unit) (Property Identification No. 51-34-1-21 or portion thereof) v. IEPA – No action taken.

06-103 People of the State of Illinois v. First Rockford Group, Inc. – The Board accepted for hearing this land enforcement action involving a site located in Winnebago County.

06-104 People of the State of Illinois v. Moore Painting, an Illinois corporation, and Illinois-American Water Company, an Illinois corporation – The Board accepted for hearing this air, land and water enforcement action involving a site located in Madison County.

06-105 People of the State of Illinois v. Paul Monnier – The Board accepted for hearing this water enforcement action involving a site located in Hancock County.

06-106 Marathon Ashland Petroleum, L.L.C. (Floating Roof Tank No. 809)(Property Identification No. 51-34-21 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 (2004)).

06-107 Marathon Ashland Petroleum, L.L.C. (Amine Unit No. 2) (Property Identification No. 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 (2004)).

06-108 Marathon Ashland Petroleum, L.L.C. (LPG Merox Unit) (Property Identification No. 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 (2004)).

06-109 Marathon Ashland Petroleum, L.L.C. (Low Temperature Thermal Desorption Process) (Property Identification Number 51-34-1-21 or portion thereof) v. IEPA – Upon receipt of the Illinois Environmental

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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 (2004)).

06-110 Marathon Ashland Petroleum, L.L.C. (Wastewater Treatment Plant and Benzene NESHAP Air Controls) (Property Identification No. 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 (2004)).

06-111 Marathon Ashland Petroleum, L.L.C. (Reformulated Gasoline – Blending Process) (Property Identification No. 51-34-1-21 or portion thereof) v. IEPA – No action taken.

06-112 Marathon Ashland Petroleum, L.L.C. (Amine Expansion, Kerosene Treater, Crude Blending and Merichem Treater Revamp) (Property Identification No. 51-34-1-21 or portion thereof) v. IEPA – No action taken.

06-113 Marathon Ashland Petroleum, L.L.C. (Reverse Osmosis Degasifier Unit) (Property Identification Number 51-34-1-21 or portion thereof) v. IEPA – No action taken.

06-114 Marathon Ashland Petroleum, L.L.C. (Cooling Water Tower Automation and Control) (Property Identification Number 51-34-1-21 or portion thereof) v. IEPA – No action taken.

06-115 People of the State of Illinois v. National City Environmental, L.L.C. and National City Recycling, L.L.C. – The Board accepted for hearing this land and water enforcement action involving a site located in St. Clair County.

06-116 People of the State of Illinois v. William Warren and Halleck Warren d/b/a Hickory Shores Resort, and Hickory Shores Recreations, Ltd. – The Board accepted for hearing this water enforcement action involving a site located in Clinton County.

06-117 People of the State of Illinois v. Saline County Landfill, Inc. – The Board accepted for hearing this land enforcement action involving a site located in Saline County.

06-118 Mahr's Sales & 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 Fulton County facility.

06-119 People of the State of Illinois v. Strata Geologic Services, Inc. – The Board accepted for hearing this land enforcement action involving a site located in Rock Island County.

06-120 Southern Illinois Power Cooperative (Wet Scrubber System) (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 (2004)).

06-121 Southern Illinois Power Cooperative (Selective Catalytic Reduction System) (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 (2004)).

06-122 Southern Illinois Power Cooperative (Rothemuhle Electrostatic Precipitator) (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 (2004)).

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06-123 Marathon Ashland Petroleum, L.L.C. (Chloride Reduction-Debutanizer Net Gas Scrubber) (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

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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 (2004)).

06-124 Prairie Rivers Network and Sierra Club v. IEPA and Prairie State Generating Company, L.L.C. – The Board accepted for hearing and on its own motion consolidated this permit appeal involving a Washington County facility with PCB 06-127.

06-125 Wareco Service, Inc. v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Knox County facility.

06-126 AmerenEnergy Resources Generating Company v. IEPA – The Board accepted for hearing this permit appeal involving a Peoria County facility.

06-127 American Bottom Conservancy and Dale Wojtkowski v. IEPA and Prairie State Generating Company, L.L.C. – The Board accepted for hearing and on its own motion consolidated this permit appeal involving a Washington County facility with PCB 06-124.

06-128 Goodwin Mobil 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 Montgomery County facility.

06-129 Vic Koenig Chevrolet 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 Jackson County facility.

06-130 Arlyn's Service Center v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Randolph County facility.

06-131 Wesley Brazas, Jr. v. Mr. Jeff Magnussen, President Village of Hampshire and IEPA – No action taken.

AC 06-020 IEPA v. Georgia Shank and Steve Shank – The Board accepted an administrative citation against these Bond County respondents.

Provisional Variances

IEPA 06-07 City of Plano v. IEPA—On January 19, 2006, the Illinois Environmental Protection Agency granted the City of Plano a provisional variance from the daily maximum permit limits for ammonia nitrogen of National Pollution Discharge Elimination System Permit IL0020052 for the city's waste water treatment system. The provision variance is effect for the time period from January 13, 2006 to January 27, 2007.

IEPA 06-06 Salt Creek Sanitary District v. IEPA— On January 10, 2006, the Illinois Environmental Protection Agency amended the provisional variance that this DuPage County waste water treatment plant facility to include ammonia nitrogen. The provisional variance originally allowed the plant to exceed its daily maximum limits for Total Suspended Solids and for Carbonaceous Biochemical Oxygen Demand above the limits specified in its National Pollution Discharge Elimination System Permit for the time period from December 21, 2005 through February 4, 2006.

Public Act 93-0152 (Senate Bill 222) amended Sections 35-37 of the Illinois Environmental Act (415 ILCS 5/5(b) (2002)) so that provisional variances are issued by the Illinois Environmental Protection Agency (IEPA). If the IEPA grants a provisional variance, then the IEPA must file a copy of its written decision with the Board. The Board must maintain copies of the provisional variances for public inspection. Copies of provisional variances can be obtained by contacting the Clerk's Office at (312) 814-3620, or by visiting the Board's Website at www.ipcb.state.il.us. If the IEPA denies a provisional variance request, then the applicant may initiate a proceeding with the Board for a full variance.

Calendar

2/02/06	<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
2/16/06 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		Chicago James R. Thompson Center Conference Room 09-040 100 W. Randolph Street Chicago
2/22/06 10:00 AM	PCB 06-40	Dalee Oil Company (Okawville)(SCWP/B) v. IEPA	Washington County Courthouse Second Floor 101 E. St. Louis Street Nashville
3/1/06 10:00 AM	R06-19	In the Matter of: Clean Construction or Demolition Debris Fill Operations Under PA 94-272 (35 Ill. Adm. Code 1100)	Illinois State Museum Auditorium, Lower Level 502 South Spring Street Springfield
3/1/06 10:30 AM	R06-10	In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742)	IEPA North Entrance TQM Room 1000 E. Converse Springfield
3/2/06 9:00 AM	AC 05-40	IEPA v. Northern Illinois Service Company	State of Illinois Rockford Regional Office Conference Room A 4302 North Main Street Rockford
3/02/06	<u>Illinois Pollution Control Board Meeting</u>		Illinois Pollution Control Board Board Room, 1244 N 1021 N. Grand Avenue East Springfield
3/16/06 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		Chicago James R. Thompson Center Conference Room 09-040 100 W. Randolph Street Chicago
3/30/06 9:00 AM	PCB 04-88	DesPlaines River Watershed Alliance, Livable Communities Alliance, Prairie Rivers Network, and Sierra Club v. IEPA and Village of New Lenox	Village of Bolingbrook Board Room 375 W. Briarcliff Road Bolingbrook
3/31/06 9:00 AM	PCB 04-88	DesPlaines River Watershed Alliance, Livable Communities Alliance, Prairie Rivers Network, and Sierra Club v. IEPA and Village of New Lenox	Village of Bolingbrook Board Room 375 W. Briarcliff Road Bolingbrook

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<p>4/06/06</p>	<p><u>Illinois Pollution Control Board Meeting</u></p>	<p>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</p>
<p>4/20/06 11:00 AM</p>	<p><u>Illinois Pollution Control Board Meeting</u></p>	<p>Chicago James R. Thompson Center Conference Room 09-040 100 W. Randolph Street Chicago</p>

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, 2006.

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

PUBLIC WATER SYSTEM	EPA RGN	NATURE OF PROBLEM	POP SERVED	LISTING DATE
ALTERNATIVE BEHAVIOR TREATMENT CENTER - IL0977189	2	INADEQUATE PRESSURE TANK	50	6/15/1988
ALTO PASS WATER DISTRICT - IL1815150	7	DISINFECTION BY-PRODUCTS	1031	1/15/2005

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PUBLIC WATER SYSTEM	EPA RGN	NATURE OF PROBLEM	POP SERVED	LISTING DATE
ARLINGTON REHABILITATION LIVING CENTER - 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 PRESSURE TANK	700	12/15/1993
* BALCITIS PUMP CORP - IL2015100	1	INADEQUATE STORAGE	150	1/1/2006
BRADLEY HEIGHTS SUBDIVISION - IL2015050	1	INADEQUATE PRESSURE TANK	192	9/13/1985
BUCKINGHAM - IL0910250	2	INADEQUATE PRESSURE TANK	340	3/17/1989
CARROLL HEIGHTS UTILITIES COMPANY - IL0155200	1	INADEQUATE PRESSURE TANK	96	3/20/1981
CENTURY PINES APARTMENTS – IL0150020	1	INADEQUATE PRESSURE TANK	50	10/14/1990
* CHANDLERVILLE - IL0170200	5	INAD & UNAPPROVED STORAGE	704	1/1/2006
COOKSVILLE - IL1130400	4	TTHM & 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
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	TRICHALOMETHANE	197	9/15/2005
DOVER - IL0110350	1	INADEQUATE PRESSURE TANK	169	5/25/1981
EAST END WATER ASSOCIATION - IL1610140	1	INADEQUATE STORAGE CAPACITY	40	3/15/2002
EAST MORELAND WATER	2	INADEQUATE	135	3/15/1996

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PUBLIC WATER SYSTEM	EPA RGN	NATURE OF PROBLEM	POP SERVED	LISTING DATE
CORPORATION - IL1975640		PRESSURE TANK		
EASTMORELAND WTR SERVICE ASSN - IL1975600	2	INADEQUATE PRESSURE TANK	650	3/20/1981
EATON PWD - IL0335100	4	INADEQUATE SOURCE CAPACITY	920	3/15/2002
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
GARDEN STREET IMPROVEMENT ASSOCIATION - IL1975376	2	INADEQUATE PRESSURE TANK	54	9/15/1989
GOOD SHEPHERD MANOR - IL0915189	2	INADEQUATE PRESSURE TANK	25	3/17/1989
GREAT OAKS AND BEACON HILLS APARTMENTS - 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	200	9/15/1999

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PUBLIC WATER SYSTEM	EPA RGN	NATURE OF PROBLEM	POP SERVED	LISTING DATE
		PRESSURE TANK		
INGALLS PARK SUBDIVISION - IL1975880	2	INADEQUATE PRESSURE TANK	745	9/16/1983
IOLA - IL0250010	7	DISINFECTION BY-PRODUCTS	140	1/15/2005
KIRK WATER LINE INC - IL0330030	4	INADEQUATE SOURCE CAPACITY	72	3/15/2002
LAKE LYNWOOD WATER SYSTEM - IL0735330	1	INADEQUATE PRESSURE TANK	75	8/31/1981
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
LONDON MILLS - IL0574620	5	INADEQUATE PRESSURE TANK	447	12/14/1984
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
MOUND PWD - IL1635050	6	INADEQUATE PLANT CAPACITY	2200	6/17/1996
NORTHWEST BELMONT IMPROVEMENT 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

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PUBLIC WATER SYSTEM	EPA RGN	NATURE OF PROBLEM	POP SERVED	LISTING DATE
OSCO MUTUAL WATER SUPPLY COMPANY, INC. - IL0735200	1	INADEQUATE PRESSURE TANK	115	12/15/1989
PANAMA – IL0054720	6	TTHM, DBP, INAD STORAGE	380	1/1/2006
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 ASSOCIATION - IL0971160	2	INADEQUATE PRESSURE TANK	293	6/15/1999
PRAIRIE RIDGE ASSOCIATION – IL1115730	2	INADEQUATE PRESSURE TANK	130	10/1/2004
PRAIRIE VIEW WATER ASSOCIATION – IL 1795900	2	INADEQUATE PRESSURE TANK	40	3/20/1981
RIDGECREST NORTH SUBDIVISION – IL 0635250	2	INADEQUATE PRESSURE TANK	60	6/16/1993
RIDGEWOOD LEDGES WATER ASSOCIATION – IL 1615670	1	INADEQUATE PRESSURE TANK	370	3/20/1981
RIDGEWOOD SUBDIVISION – IL 1977650	2	INADEQUATE PRESSURE TANK	250	6/18/1982
ROBINSON-PALESTINE WATER COMMISSIONS – IL 0335030	4	INADEQUATE PLANT CAPACITY	11317	11/1/1981
SBDV WATER TRUST #1 – IL 0895300	2	INADEQUATE PRESSURE TANK	975	3/20/1981
SHAWNITA TRC WATER ASSOCIATION – IL 1977690	2	INADEQUATE PRESSURE TANK	125	9/17/1992
SILVIS HEIGHTS WATER CORP – IL 1615750	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
ST CHARLES COMMISSION WELLFUND 3 – IL0437040	2	INADEQUATE PRESSURE TANK	30	12/15/1989

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PUBLIC WATER SYSTEM	EPA RGN	NATURE OF PROBLEM	POP SERVED	LISTING DATE
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
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
WEST SHORE PARK SUBDIVISION – IL0977370	2	INADEQUATE PRESSURE TANK	528	6/15/2000
WEST SHORELAND SUBDIVISION- IL0977050	2	INADEQUATE PRESSURE TANK	189	6/14/1991
WESTERN WAYNE WATER DISTRICT – IL1910010	7	TRICHALOMETHANE	2262	9/15/2005
WIENEN ESTATES – IL0850030	1	INADEQUATE PRESSURE TANK	70	12/15/1997
WILLIAMSON – IL1191100	6	TRICHALOMETHANE	340	9/1/2005
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	240	6/15/1988

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PUBLIC WATER SYSTEM	EPA RGN	NATURE OF PROBLEM	POP SERVED	LISTING DATE
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PRESSURE TANK

WATER SYSTEMS REMOVED FROM PREVIOUS LIST

AQUA ILLINOIS-OAKVIEW	IL1977210
BIGGSVILLE	IL0710050
BRADFORD	IL1750050
BRYANT	IL0570200
BUSHNELL	IL1090150
CARBON HILL	IL0630100
COUNTRY SIDE ESTATES MHP	IL1795425
EDELSTEIN WATER COOP	IL1435150
GALVA	IL0730450
GARDNER	IL0630400
GLASFORD	IL1430350
HOPEWELL	IL1235150
KEWANEE	IL0730650
KINGSTON MINES	IL1430450
KNOXVILLE	IL0950300
LAKESWOOD SHORES IMPROVEMENT	IL1975930
LITTLE YORK	IL1870100
LOSTANT	IL0990450
MAPLETON	IL1430500
MONMOUTH	IL1870150
PRAIRIE OAKS ESTS HOMEOWNERS ASSN	IL0630060
SOUTH WILMINGTON	IL0630650
STANDARD	IL1550300
TOULON	IL1750150
VIOLA	IL1310450
WHISPERING LAKES WATER SYSTEM, INC.	IL0970220

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 that 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, 2006.

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

PUBLIC WATER SYSTEM	EPA R G N	NATURE OF PROBLEM	POP SERVED	LISTING DATE
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	INAD PLANT & SOURCE CAP	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
* CEDARVILLE - IL1770050	1	EMERGENCY POWER	800	1/1/2006
CLAYTON-CAMP-POINT WATER COMMISSION - IL0015200	5	INADEQUATE PUMPING CAPACITY	1800	9/15/1998
COLUMBIA - IL1330050	6	INADEQUATE PUMPING CAPACITY	8365	3/15/1998
* CROPPERS 1ST 4TH AND 5TH ADDITION - IL1615250	1	UNDERSIZED WATERMAINS	650	1/1/2006
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
* HAMEL - IL1190450	6	INADEQUATE STORAGE CAPACITY	650	1/1/2006
* HOLIDAY SHORES SD - IL1195110	6	INADEQUATE STORAGE CAPACITY	3192	1/1/2006
JOY - IL1310100	1	LOW SYSTEM PRESSURE	373	6/15/1999

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PUBLIC WATER SYSTEM	EPA RG N	NATURE OF PROBLEM	POP SERVED	LISTING DATE
LA MOILLE - IL0110500	1	INADEQUATE PLANT CAPACITY	750	6/15/1999
LA SALLE - IL0990300	1	INAD PLANT & SOURCE CAPACITY	9700	11/1/2004
* LACON - IL1230100	1	UNDERSIZED WATERMANS	1979	1/1/2006
LEE - IL1034600	1	INADEQUATE PRESSURE TANK	350	10/1/2004
* MALDEN - IL0110550	1	UNDERSIZED WATERMANS	370	1/1/2006
MARION – IL1990550	7	INADEQUATE SOURCE CAPACITY	14610	11/1/2001
* MASON CITY - IL1250350	5	INADEQUATE SOURCE CAPACITY	2558	1/1/2001
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 WATER CMSN - IL1675150	5	INADEQUATE SOURCE CAPACITY	1350	3/15/1998
* OTTER CREEK LAKE UTILITIES DISTRICT - IL2015320	1	INADEQUATE SOURCE CAPACITY	2753	1/1/2006
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 & UNDERSIZED WATERMANS	84201	1/1/2006
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	INAD PRESS STORAGE & LOW SYS PRES	924	9/14/1984
WALNUT HILL - IL1210600	6	LOW SYSTEM PRESSURE	1470	6/14/1985
WATERLOO - IL1330300	6	INADEQUATE STORAGE	7614	10/1/2004

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PUBLIC WATER SYSTEM	EPA R G N	NATURE OF PROBLEM	POP SERVED	LISTING DATE
* WORDEN - IL1191200	6	INADEQUATE STORAGE CAPACITY	906	1/1/2006

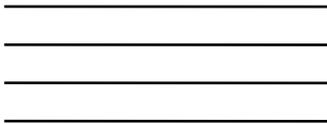
WATER SYSTEM REMOVED FROM PREVIOUS LIST

HIGHLAND HILLS SD IL0435560

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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