
Environmental Register

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Letter from the Chairman

The Board continues to work on an ambitious rulemaking and contested case docket, while looking forward to even more rulemaking hearings in the months ahead. This month I'll bring to your attention two items representing these two major areas of Board decisions.

R 06-23: Water Well Surveys and Community Right-to-Know

On April 20, 2006, the Illinois Pollution Control Board adopted a proposal for first notice expanding the Board's regulations for potable water well surveys and for community relations activities in response to impacts or threats of soil and groundwater contamination. The rulemaking is docketed as In the Matter of: Standards and Requirements for Potable Water Well Surveys and for Community Relations Activities Performed in Conjunction with Agency Notices of Threats from Contamination (35 Ill. Adm. Code 1505) (R06-23). The Illinois Environmental Protection Agency (IEPA) filed this proposal on January 20, 2006, in response to Public Act 94-314, which added a new Title VI-D ("Right-To-Know") to the Environmental Protection Act (Act). Public Act 94-314 requires the Board to adopt well survey and community relations rules within 240 days of the effective date of P.A. 94-314, or no later than September 17, 2006.



Subpart B of the proposal sets forth well survey procedures, as well as minimum standards for the performance and documentation of surveys. The proposed well survey rules apply to response actions taken pursuant to Board rules requiring that a release of contaminants be addressed. Subpart B does not contain independent requirements to perform well surveys. Rather, when well surveys are required under the applicable Board rules, Subpart B requires compliance with the Subpart B minimum standards and requirements for those well surveys. The area of the potable water well survey should be expanded if measured or modeled groundwater contamination extends offsite, and exceeds standards (Class I or Class III) or activates the Board's antidegradation regulations.

Subpart C of the proposed rules sets forth two alternative levels of community relations activities depending on the severity of the offsite impacts. Subpart C also establishes requirements for document repositories (if applicable), fact sheets and community relations plans, and implementing community relations activities, compliance, and compliance monitoring. First-Notice publication of the proposal in the *Illinois Register* will begin a 45-day period during which interested persons to file public comments with the Board. For details on becoming involved in this rulemaking, please visit our website at www.ipcb.state.il.us.

Judicial Review of Board Decisions

The Illinois Supreme Court recently granted the Board's Petition for Leave to Appeal (PLA) the Third District Appellate Court's decision in Town & Country Utilities, Inc. and Kankakee Regional Landfill, LLC v. The Illinois Pollution Control Board; County of Kankakee; Edward D. Smith as State's Attorney of Kankakee County; The City of Kankakee, Illinois City Council; Byron Sandburg; and Waste Management of Illinois, Inc., 3d Dist., No. 3-03-0025; Supreme Ct. Nos. 101619, 101652. The Board, in PCB 03-31, 33, 35, reversed the City's decision to grant siting approval to Town & Country on January 9, 2003, based on siting criterion (ii) of Section 39.2(a) of the Act (protection of public health & safety). In a non-precedential order on September 7, 2005, the Third District Appellate Court, with one Justice dissenting, reversed the Board's decision, thereby reinstating the City of Kankakee's grant of landfill siting approval. The County also filed a PLA with regard to the Third District's decision to affirm the Board's ruling that the City proceeding was fundamentally fair. The Supreme Court also granted Kankakee County's PLA and consolidated the two appeals. We'll keep you posted on the results of this appeal. For copies of the Board's opinion, please visit our website. (www.ipcb.state.il.us).

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 Gives Final Notice of its Decision Under the Clean Air Act to Deny Reconsideration of Portions of the Rule To Reduce Interstate Transport of Fine Particulate Matter and Ozone (Clean Air Interstate Rule)

On April 28, 2006 (71 Fed. Reg. 25303) the United States Environmental Protection Agency (USEPA) published final notice of its decision to deny reconsideration of the “Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone” (Clean Air Interstate Rule or CAIR). The final CAIR was published in the *Federal Register* on May 12, 2005 at 70 Fed. Reg. 25161.

CAIR requires certain so-called “upwind” States, including Illinois, to reduce emissions of nitrogen oxides (NO_x) and/or sulfur dioxide (SO₂) that significantly contribute to nonattainment of, or interfere with maintenance by, “downwind” States with respect to the fine particle and/or 8-hour ozone national ambient air quality standards (NAAQS). Subsequently, USEPA received 12 petitions for reconsideration of the final rule. In December, 2005, USEPA published notices of its decision to grant reconsideration of five issues raised in the petitions for reconsideration, and granted an additional opportunity for public comment (*See* 70 Fed. Reg. 72268 and 70 Fed. Reg. 77101).

The petitions for reconsideration of the CAIR asked USEPA to reconsider several specific aspects of the final rule, and many of the petitions made similar requests. In the two December 2005 notices granting reconsideration, USEPA did not propose any modifications to the final CAIR. USEPA stated that it did not believe that any of the information that had been submitted demonstrated that USEPA's final decisions in the CAIR rulemaking were erroneous or inappropriate.

In this April action, USEPA announced its final decision on the five issues identified in the notices of reconsideration and responded to comments received during the reconsideration process. The first issue relates to analyses done by USEPA to address petitioner's claims regarding alleged inequities arising from the application of the SO₂ allowance allocation approach to be used by States choosing to participate in the USEPA-administered SO₂ trading program. The second issue relates to USEPA's use of specific fuel adjustment factors to establish NO_x budgets for each State. The third issue relates to modeling inputs used by USEPA to determine whether emissions from Minnesota should be included in the CAIR region for PM_{2.5}. The fourth issue relates to USEPA's determination that the State of Florida should be included in the CAIR region for ozone. The fifth issue raised relates to the potential impact of a recent judicial opinion, 413 F.3d 3 (D.C. Cir. 2005), a case decided on June 24, 2005--after the final CAIR was published but before the time for judicial review of the rule had elapsed. The case concerns certain analyses done for the CAIR relating to the identification of highly cost-effective controls and the timing of CAIR deadlines.

USEPA also addressed various other issues raised by the petitions for reconsideration of CAIR, including two requests to stay CAIR.

USEPA stated that it had carefully considered each of these requests for reconsideration and concluded that reconsideration of these issues is not warranted under section 307(d)(7)(B) of the Clean Air Act. USEPA therefore denied all remaining requests for reconsideration and denied the remaining requests to stay CAIR.

This reconsideration denial is effective June 27, 2006.

For general questions concerning this action, please contact Carla Oldham, USEPA, Office of Air Quality Planning and Standards, Air Quality Strategies and Standards Division, Mail Code C504-03, Research Triangle Park, NC 27711, phone number (919) 541-3347, e-mail address oldham.carla@epa.gov. For legal questions, please contact Sonja Rodman, USEPA, Office of General Counsel, Mail Code 2344A, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, telephone 202-564-4079, e-mail address rodman.sonja@epa.gov.

The Board expects that the Illinois Environmental Protection Agency will file a proposal with the Board under Section 28.5 of the Act to implement CAIR, perhaps as early as May or June 2006. The Board has reserved docket R06-26 for the anticipated rulemaking proposal.

Rule Update

Board Adopts Proposal for Public Comment in UIC Corrections, USEPA Amendments (July 1, 2005 through December 31, 2005; In the Matter of: RCRA Subtitle D Update, USEPA Amendments (July 1, 2005 through December 31, 2005 and August 1, 2005); In the Matter of: RCRA Subtitle C Update, USEPA Amendments (July 1, 2005 through December 31, 2005 and August 1, 2005) (R06-16, R06-17, R06-18 consolidated)

On April 6, 2006, the Board adopted a proposal for public comment in UIC Corrections, USEPA Amendments (July 1, 2005 through December 31, 2005; In the Matter of: RCRA Subtitle D Update, USEPA Amendments (July 1, 2005 through December 31, 2005 and August 1, 2005); In the Matter of: RCRA Subtitle C Update, USEPA Amendments (July 1, 2005 through December 31, 2005 and August 1, 2005) (R06-16, R06-17, R06-18 consolidated). This identical-in-substance rulemaking consists of three separate consolidated dockets. The rulemaking seeks to update the Illinois underground injection control, municipal solid waste landfill, and hazardous waste regulations to incorporate revisions to the federal regulations. The proposal was published at 30 Ill. Reg. 6675-7710. The Board will accept public comments on the proposal for 45 days, through June 5, 2006.

The federal amendments that prompted this action were made by the United States Environmental Protection Agency (USEPA) during the period of July 1, 2005 through December 31, 2005, as well as March 23, 2006 amendments affecting earlier hazardous waste amendments. This proceeding proposes amendments to 35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 733, 738, 810, and 811. It further proposes the addition of new 35 Ill. Adm. Code 727. The federal actions included in the proposal are summarized below.

Amendment of the “Universal Waste” Rule to Include Mercury-Containing Devices--Parts 703, 720, 721, 724, 725, 728, and 733

On August 5, 2005 (70 Fed. Reg. 45508), USEPA amended the Universal Waste Rule to include mercury-containing devices. Items that are designated “universal waste,” and which are managed in accordance with the Universal Waste Rule, are not subject to regulation as hazardous waste. USEPA explained that common mercury-containing equipment (MCE) includes thermostats, barometers, manometers, flow meters, pressure relief gauges, water treatment gauges, gas safety relays, and electronic mercury switches that are in common industrial, commercial, governmental, and household use.

The Board previously included MCE in the Universal Waste Rule in Standards for Universal Waste Management (35 Ill. Adm. Code 703, 720, 721, 725, 728, and 733), R05-8 (Apr. 7, 2005). The Board adopted that rule on a petition filed by the Illinois Environmental Protection Agency (IEPA) pursuant to Section 22.23b of the Act (415 ILCS 5/22.23b (2004)). That IEPA proposal was based on amendments to the Universal Waste Rule that USEPA proposed on June 12, 2002 (67 Fed. Reg. 40507) and that resulted in the federal amendments now under consideration by the Board.

Since the June 2002 proposal, USEPA modified aspects of the amendments. Principally, USEPA changed its definition of MCE to include thermostats, which were formerly a separate category of universal waste. USEPA also reworded segments of the definition to clarify its intent as to what is included as MCE. USEPA further made a series of minor changes in the MCE management and transportation requirements of the final rule. Important among these changes is a new definition of “ampule,” added provisions for MCE in which the mercury is not contained in an ampule, and standards for removal of the mercury-containing component from the MCE.

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The present amendments make the Illinois rules consistent with those now adopted by USEPA. The Board incorporated the August 5, 2005 federal amendments without substantive deviation from the corresponding federal text.

“Standardized Permits” for Hazardous Waste Management Facilities--Parts 702, 703, 705, 720, 721, and 727

The USEPA action of September 8, 2005 (70 Fed. Reg. 53420) modified the hazardous waste permit requirements. USEPA changed the federal permit rules to allow what it called a “standardized permit” for certain hazardous waste management facilities. The facilities eligible for coverage under the Standardized Permit Rule are facilities that are otherwise subject to the RCRA permit requirements and that generate and then store or non-thermally treat hazardous waste on-site in containers, tanks, or containment buildings. Also subject to the Standardized Permit Rule are facilities that receive waste for storage or treatment from a generator that is under the same ownership as the receiving facility. USEPA’s goal is to streamline the RCRA permit process to allow the subject facilities to more easily obtain and modify permits.

Amendments to the “Headworks” Exemption from the Definition of Hazardous Waste--Section 721.103

The USEPA action of October 4, 2005 (70 Fed. Reg. 59402) expanded an existing exemption from the definition of hazardous waste. The exemption, called the “headworks” exemption, relates to mixtures of listed hazardous waste (from subpart D of 40 CFR 261, which corresponds with Subpart D of 35 Ill. Adm. Code 721) and wastewater that go to a regulated wastewater treatment system. Certain concentration and other limits apply to the mixtures of waste in the wastewater. USEPA changed a few aspects of the headworks exemption rule, including the mixtures that are subject to the rule, the locations acceptable for sampling and measurement, and the scope of the *de minimis* exemption.

USEPA added benzene and 2-ethoxyethanol to the list of solvents whose mixtures with wastewater are exempted from the definition of hazardous waste. Certain limitations apply to the exemption of benzene-containing wastewater. Also exempted are scrubber waters from the combustion of any of the exempted solvents (including combustion of the solvents previously exempted). USEPA further amended the headworks exemption to allow measurement of solvent levels at the headworks of the wastewater treatment plant to determine the applicability of the exemption, provided that the wastewater treatment is subject to federal Clean Air Act standards and the generator submits an analysis plan for approval. Finally, USEPA broadened the applicability of the *de minimis* exemption to listed wastes beyond discarded commercial products and to non-manufacturing facilities.

Finalized Hazardous Waste Combustor Rule--Parts 703, 720, 724, 725, and 726

The USEPA action of October 12, 2005 (70 Fed. Reg. 59402) amended the Hazardous Waste Combustor Rule (HWC). The HWC Rule applies to various entities that burn hazardous waste as a fuel: incinerators; cement kilns; lightweight aggregate kilns; industrial, commercial, and institutional boilers and process heaters; and hydrochloric acid production furnaces. USEPA has identified these entities as major sources of hazardous air pollutants (HAPs), which makes them subject to the maximum achievable control technology (MACT) under national emission standards for hazardous air pollutants (NESHAPs) pursuant to section 112(d) of the federal Clean Air Act (42 U.S.C. 7412(d) (2003)). The amendments included Phase I replacement standards and Phase II standards. The substantive HWC Rule is a NESHAP codified by USEPA as subpart EEE of 40 C.F.R. 63. The hazardous waste regulations are a bridge to that NESHAP.

Cross-Media Electronic Reporting Rule--Parts 702 through 705, 720 through 728, 730, 733, and 739

The USEPA action of October 13, 2005 (70 Fed. Reg. 59848) established the Cross-Media Electronic Reporting Rule (CMERR). The CMERR sets standards for the filing of documents in various federal program areas in an electronic format. While the CMERR does not require the filing of documents in an electronic format, it does impose minimum requirements on documents that are filed in such a format and on the electronic document receiving systems used to receive them. The CMERR imposes requirements on electronic filings submitted to USEPA and on USEPA’s Central Data Exchange (CDX) that receives them, as well as on any electronic document filings submitted to the states and any systems used by the states to receive those filings.

The CMERR appears in a new part of the USEPA regulations, 40 C.F.R. 3. The object of the CMERR is to provide for filing of documents in an electronic format and to assure that documents filed in such a format have the same probative effect as a signed paper document. Thus, USEPA’s emphasis is on assuring the authenticity, dependability, and integrity of documents filed in an electronic format. To this end, the CMERR imposes

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requirements on six aspects of any electronic document receiving system used by a state: (1) system security; (2) the electronic signature method; (3) registration of persons submitting electronic documents; (4) the signature and certification scenario; (5) the generation of a transaction record; and (6) system archives. *See* 59 Fed. Reg. at 59855. USEPA included a listing for its bases for evaluation of a state electronic document receiving system in the amendments. (*See* 59 Fed. Reg. at 59867-73)

The Board has incorporated the new federal CMERR into two nearly identical provisions at 35 Ill. Adm. Code 720.104, of the hazardous waste and underground injection control regulations, and 35 Ill. Adm. Code 810.105, of the municipal solid waste landfill rules.

As to rules for filing documents with the Board or the IEPA, the rules repeat at Sections 720.111(d)(1) and 810.105(d)(1) that it is entirely up to the Board or the IEPA whether to set up procedures for electronic filing under the Sections. Federal 40 C.F.R. 3.10 sets forth the basic USEPA electronic document filing requirements: (1) the electronic document must be filed in a USEPA-approved electronic document receiving system; and (2) the electronic document must bear required electronic signatures. The rules provide at Sections 720.111(d)(1) and 810.105(d)(1) that any such procedures must meet the requirements of 40 C.F.R. 3.2 and 3.2000, as incorporated by reference, and must receive USEPA approval before they can be used. The Board has included a provision at Sections 720.104(a)(4) and 810.105(a)(4) that requires the Board or IEPA to publish notice of USEPA approval of any such electronic filing rules in the *Illinois Register*. The Board has also included in the rule language identical in substance to federal provisions in Sections 720.104(e) and 810.105(e) that make it clear that electronic filings will be treated in the same way as are properly signed paper filings.

To direct attention to the federally-derived electronic document filing requirements and further assure their applicability under all of the federally-derived segments of the rules for which the State must submit to USEPA for program authorization, the Board has added a brief requirement in each of Parts 702 through 705, 721 through 728, 730, 733, 738, and 739, in the hazardous waste rules, and in each of Parts 811 through 814, in the municipal solid waste landfill rules. The brief requirement states that the filing of any document pursuant to any provision of the Part as an electronic document is subject to 35 Ill. Adm. Code 720.104 or 810.105, as appropriate. The Board inserted these brief requirements as a separate Section in the general provisions of each Part, where possible. Alternatively, the Board inserted the brief requirement as a subsection of a statement of scope, purpose, and applicability of the Part. The only exception as to placement of this brief requirement is in Section 811.112(h). 35 Ill. Adm. Code 811.112 is derived from 40 C.F.R. 258.29. USEPA incorporated the CMERR into the municipal solid waste landfill regulations by the addition of a new subsection (d) to 40 C.F.R. 258.29. The Board added subsection (h) to Section 811.112 to more closely follow the federal structure.

In proposing these rules, the Board underscored that adoption of Sections 720.104 and 810.105 or any procedures to implement the Section is not intended to limit authority the Board or IEPA may have under the Act to accept electronic filings. For some time, the Board has been conducting a pilot program to develop sufficient information and experience to propose workable rules, and has reserved a procedural rule docket. [Amendments to the Board's Procedural Rules to Accommodate Electronic Filing: 35 Ill. Adm. Code 101-130, R04-8 \(Aug. 21, 2003\)](#). The Board presently has no projected date for issuance of a proposal, given the Board's heavy rulemaking docket for calendar year 2006.

Copies of the Board's opinion and order in R06-16/17/18 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 First Notice Opinion and Order in Clean Construction or Demolition Debris Fill Operations Under P.A. 94-272 (35 Ill. Adm. Code Part 1100) (R06-19)

On April 6, 2006, the Board adopted a first notice opinion and order in [Clean Construction or Demolition Debris Fill Operations Under P.A. 94-272 \(35 Ill. Adm. Code Part 1100\)](#) (R06-19).

This rulemaking proposes to add a new Part 1100 of the Board's regulations concerning clean construction or demolition debris fill operations. The Illinois Environmental Protection Agency (IEPA) proposed the amendments January 26, 2006, pursuant to Public Act 94-272, to allow the use of clean construction or demolition debris as fill

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material in current and former quarries, mines, and other excavations. Public Act 94-272 requires the Board to adopt rules no later than September 1, 2006.

The proposed amendments were published in the *Illinois Register* on April 21, 200 at 30 Ill. Reg. 7711. The Board will accept public comments on the proposal for a period of 45 days, or through June 5, 2006. All comments must be timely filed, as the Board cannot extend the public comment filing deadline. In order to meet the statutory adoption deadline, the Board anticipates adopting a second notice order on June 15, 2006 to allow for adoption of final rules no later than the Board's August 17, 2006 meeting.

Public Act 94-272 establishes that clean construction or demolition debris (CCDD) is not considered waste if it is separated and returned to the economic mainstream in the form of raw materials or products within 4 years of its generation, or if it is used as fill material within 30 days of its generation. P.A. 94-272 requires an IEPA permit to use CCDD as fill material in a current or former quarry, mine, or other excavation. According to proposed Section 1100.408, permits issued under Part 1100 will have a term of 10 years.

The majority of the fill sites for CCDD are in the Northeastern part of Illinois. There are also several sites in Southern Illinois. Of the 83 sites that have applied for interim authorization to use CCDD as fill in current or former mine, quarry, or other excavation, the IEPA stated at one of the hearings in this rulemaking that 24 accept less than 10,000 cubic yards per year, 28 accept an estimated 10,000 to 50,000 cubic yards of CCDD per year, and 31 accept more than 50,000 cubic yards. The proposed new Part 1100 establishes a permit program for the use of CCDD in former quarries, mines, or other excavations. Subpart A of the proposed Part 1100 establishes the scope of the regulation, provides definitions, and clarifies the applicability of the permit program. CCDD fill operations at facilities that are permitted as a landfill under Sections 35 Ill. Adm. Code 807, or 811 through 814 (municipal, chemical, or putrescible waste landfills) are exempt from the proposed Part 1100 CCDD permitting rules because the landfill permitting rules are more protective. Facilities permitted under Sections 807, or 811 through 814 can accept CCDD without obtaining a permit under the proposed Section 1100.

Subpart B sets forth the standards applicable to the operation of CCDD facilities, CCDD load inspections, closure and postclosure plans, including recordkeeping requirements and annual reports.

Subpart C identifies what information an applicant must include in the permit application, which includes notification to local and State government officials, location and facility maps, facility description, proof of ownership, surface water controls, and plans for closure and postclosure.

The procedural rules that both the IEPA and applicant must follow for permitting are contained in Subpart D. Subpart D proposes standards for approval and denial and provides the IEPA's deadlines for review of permit applications. The IEPA must make a final decision on an application within 90 days of receiving the application or the permit is deemed issued.

The Board held two public hearings on the proposal, the first on January 26, 2006 in Chicago and the second on March 1, 2006 in Springfield. The Board does not anticipate holding additional hearings, given the tight statutory adoption deadline.

Copies of the Board's opinion and order in R06-19 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 antonia@ipcb.state.il.us

Board Denies Illinois Environmental Regulatory Group's Motion for Expedited Consideration in: NO_x Trading Program: Amendments to 35 Ill. Adm. Code Part 217 (R06-22)

On April 20, 2006, the Board denied a motion for expedited review filed by the Illinois Environmental Regulatory Group (IERG) in NO_x Trading Program: Amendments to 35 Ill. Adm. Code Part 217 (R06-22). IERG seeks expedited review of the January 18, 2006 Illinois Environmental Protection Agency (IEPA) proposal. The IEPA proposes updates to 35 Ill. Adm. Code Part 217 to reflect recent rule amendments made by the United States Environmental Protection Agency concerning several test methods and procedures, as well as statutory amendments made by the Illinois General Assembly to Section 9.9 of the Environmental Protection Act (Act), 415 ILCS 5/9.9 (2004) concerning the sale of Nitrogen Oxide (NO_x) allowances and repeal of stay provisions. A summary of the

Board's acceptance of the IEPA proposal can be found on page 3 of the February 2006 issue of the *Environmental Register*.

In its March 13, 2006 motion for expedited review, IERG contended that since the initial proposal of Part 217 proceeded under the fast-track rulemaking provisions of Section 28.5 of the Act, 415 ILCS 5/28.5 (2006), the current amendments clarifying and updating Part 217 should also be expedited. IERG noted that no hearings had been set on the proposal, accepted by the Board for hearing on February 2, 2006. IERG asserted that expediting review of the amendments would not cause material prejudice to the IEPA, but would cause considerable prejudice to its members wishing to sell NO_x allowances during the pendency of this rulemaking. IERG argued that if the IEPA allocated NO_x allowances for 2007, 2008, and 2009 under the current rule, it might have to make an adjustment of the allocation to redistribute certain allowances, thus materially prejudicing the owners of the units involved since they would not be certain of the number of allowances that they could rely upon until some future date after the allocation.

In its March 27, 2006 response in opposition to any stay, the IEPA argued that it would in fact be materially prejudiced if the motion for expedited review were granted, and that no material prejudice would befall any affected source if the motion were denied. The IEPA argued that if it is required to divert already stretched technical and legal staff to handle this rulemaking on an expedited basis, that the shift in resources would adversely impact other proposed rulemakings in other dockets. The IEPA pointed to the recently-filed complex rulemaking concerning mercury emissions, which was filed under the State's fast-track rulemaking provisions. (See the summary of Proposed New 35 Ill. Adm. Code 225 Control of Emissions From Large Combustion Sources (Mercury), R06-25, as described in detail on page 12 of the March 2006 issue of the *Environmental Register*). IEPA stated that future proposed rules including the Clean Air Interstate Rule and the NO_x SIP Call Phase II Rule would also be filed under the fast-track provisions.

As to alleged harm to IERG members, IEPA contended that allocations for the 2006 season have already been made and cannot be undone, and that no confiscation of allowances that have already been allocated to source accounts can take place. Further, the IEPA argued that the Board should not grant a motion to expedite based on the speculation of the mindset of prospective out-of-state buyers.

The Board denied IERG's motion for expedited review. The Board was not convinced that material prejudice would result if expedited review were denied. While acknowledging that IERG member companies may suffer uncertainty about NO_x shares, the Board concluded that even considerable uncertainty does not rise to the level of material prejudice sufficient to allow the Board to grant IERG's request. The Board noted that, as a practical matter, its Spring 2006 hearing docket was already quite full. But, the Board stated that it would process the NO_x rule as quickly as possible.

Copies of the Board's opinion and order in R06-22 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 First Notice Opinion and Order in Standards and Requirements for Potable Water Well Surveys and for Community Relations Activities Performed in Conjunction with Agency Notices of Threats From Contamination (35 Ill. Adm. Code 1505) (R06-23)

On April 20, 2006, the Board adopted a first notice opinion and order in Standards and Requirements for Potable Water Well Surveys and for Community Relations Activities Performed in Conjunction with Agency Notices of Threats From Contamination (35 Ill. Adm. Code 1505), R06-23. The Illinois Environmental Protection Agency (IEPA) proposed this rule January 8, 2006 to implement requirements of Public Act 94-314. P.A. 94-314, effective July 25, 2005, added a new Title VI-D ("Right-To-Know") to the Environmental Protection Act (Act), 415 ILCS 5/1 *et seq.*, and requires the Board to adopt well survey and community relations rules September 17, 2006 (i.e. within 240 days of the Public Act's effective date).

The proposed amendments were published in the *Illinois Register* on May 5, 2006 at 30 Ill. Reg. 8051. The Board will accept public comments on the proposal for a period of 45 days, or through June 19, 2006. All comments must be timely filed, as the Board cannot extend the public comment filing deadline. In order to meet the statutory

adoption deadline, the Board anticipates adopting a second notice order on July 6, 2006 to allow for adoption of final rules no later than the Board's September 7, 2006 meeting.

The proposed new Part 1505 dictates that specified potable water well surveys and community relations activities must be taken in response to releases of contaminants that have impacted or may impact offsite groundwater or soil. The proposal includes minimum standards for the performance and documentation of water well surveys required under applicable Board rules. When water well surveys are required, Subpart B requires compliance with minimum standards during site investigations to ensure complete and accurate identification of the existence and location of potable water supply wells. Additionally, the proposal contains the standards and requirements for community relations activities to be developed and implemented when the responsible party agrees to take on the Illinois Environmental Protection Agency's (IEPA) notice obligations as part of IEPA-approved community relations activities.

The Board held one hearing in this rulemaking in Chicago on March 28, 2006 and has a second hearing scheduled for May 23, 2006 in Springfield. The Board does not anticipate holding additional hearings after May 23, given the tight statutory adoption deadline.

Copies of the Board's opinion and order in R06-23 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 antonia@ipcb.state.il.us

Board Denies Motion to Reject Fast Track Rulemaking Status in Proposed New 35 Ill. Adm. Code 225 Control of Emissions from Large Combustion Sources (Mercury) (R06-25)

On April 20, 2006, the Board denied three motions filed by (1) Dynegy, Midwest Generation, and SIPC, (2) Ameren Energy Generating Company, AmerenEnergy Generating Company, and Electric Energy Inc., and (3) Dominion Kincaid, Inc. (collectively, the "objectors") concerning the Board's pending mercury rulemaking. The gist of the motions was that the proposal should not be treated as a fast track rulemaking proposal. After considering participants' replies and response, the Board denied the motions. The result is that the docket will proceed under the timetables for hearing and decision set out in the Board and hearing officer orders of March 16, 2006. Proposed New 35 Ill. Adm. Code 225 Control of Emissions from Large Combustion Sources (Mercury), R06-25 (April 20, 2006).

The mercury proposal was previously discussed in detail on page 12 of the March 2006 issue of the *Environmental Register*. But, some knowledge of the proposal's background is necessary to an understanding of the motion. The Illinois Environmental Protection Agency filed the proposal March 14, 2006, stating that rulemaking authority was contained in Sections 9.10, 27, and 28.5 of the Environmental Protection Act (Act), 415 ILCS 5/9.10, 27 and 28.5 (2004). On March 15, 2006, objectors filed various motions requesting that the Board handle the proposal under the general rulemaking provisions of Section 27 of the Act, rather than the Section 28.5 Clean Air Act (CAA) fast track provisions. Because Section 28.5 requires the Board to adopt a first notice order within 14 days of receipt of an IEPA proposal citing Section 28.5 for authority, as is the Board's custom the Board adopted the proposal for first notice and hearing without commenting on the merits in its order of March 16, 2006. The Board reserved ruling on the objectors' March 15 motions; a hearing officer order allowed IEPA to file responses and objectors to file replies thereto.

The Board devoted the first portion of its 20-page April 20, 2006 order to summarizing the participants' filings. Proposed New 35 Ill. Adm. Code 225 Control of Emissions from Large Combustion Sources (Mercury), R06-25 (April 20, 2006), slip op. at 1-14. In the latter portion, the Board outlined its rationale for determining that the proceeding should properly be conducted as a Section 28.5 fast track proceeding. *Id.*, slip op at 14-20.

Board's authority to review a 28.5 proposal

The first issue concerned the Board's authority to review a proposal to determine if Section 28.5 of the Act (415 ILCS 5/28.5 (2004)) may properly be used to adopt a proposed rule. The Board concurred with objectors, over IEPA disagreement, that well-settled case law provides that an agency has authority to determine whether it has jurisdiction over a proceeding. See *Id.*, slip op at 14-16, citing among other authorities Metropolitan Distributors, Inc. v. Dept. of Labor, 114 Ill. App. 3d 1090 (1st Dist. 1983) and Shapiro v. Regional Bd. of School Trustees, 116 Ill. App. 3d 397 (1st Dist.1983).

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Meaning of Section 28.5 The primary issue for Board consideration revolved around the meaning of the language of Section 28.5 of the Act. Section 28.5 provides in pertinent part:

(a) This Section shall apply solely to the adoption of rules proposed by the Agency and required to be adopted by the State under the Clean Air Act as amended by the Clean Air Act Amendments of 1990 (CAAA).

* * *

(c) For purposes of this Section, a “fast-track” rulemaking proceeding is a proceeding to promulgate a rule that the CAAA requires to be adopted. For purposes of this Section, “requires to be adopted” refers only to those regulations or parts of regulations for which the United States Environmental Protection Agency is empowered to impose sanctions against the State for failure to adopt such rules. All fast-track rules must be adopted under procedures set forth in this Section, unless another provision of this Act specifies the method for adopting a specific rule.

(d) When the CAAA requires rules other than identical in substance rules to be adopted, upon request by the Agency, the Board shall adopt rules under fast-track rulemaking requirements.

* * *

(j) The Board shall adopt rules in the fast-track rulemaking docket under the requirements of this Section that the CAAA requires to be adopted, and may consider a non-required rule in a second docket that shall proceed under Title VII of this Act. 415 ILCS 5/28.5 (2004).

The Board synthesized the opposing arguments as follows:

The objectors argue that fast-track procedures cannot be used because the provisions of the CAA do not authorize USEPA to impose sanctions under Section 179 of the CAA (42 U.S.C. § 7509) for failure of Illinois to adopt a mercury emission rule. The arguments of the objectors focus on the word “sanctions” as that word is used in the CAA and the relationship of the CAA with Section 28.5 of the Act (415 ILCS 5/28/5 (2004)). The objectors and the IEPA do agree that any Illinois failure to adopt a mercury emission regulation will result in the federal plan becoming enforceable in Illinois. The objectors and the IEPA disagree on the characterization of a federal plan as a “sanction” pursuant to Section 28.5. Proposed New 35 Ill. Adm. Code 225 Control of Emissions from Large Combustion Sources (Mercury), R06-25 (April 20, 2006), slip op. at 16.

The Board’s holdings on the major points were:

The Board is cognizant of the interrelationship of Section 28.5 and the CAA; however, the Board disagrees with the arguments by objectors that the sanctions in Section 179 are the same as the sanctions referred to in Section 28.5. Section 28.5 of the Act states that: “requires to be adopted” refers only to those regulations or parts of regulations for which the United States Environmental Protection Agency is empowered to impose sanctions against the State for failure to adopt such rules.” 415 ILCS 5/28.5(c) (2004)). The Act does not state “impose sanctions as enumerated in Section 179 of the CAA” nor does the Act even state “impose sanctions as defined in the CAA.”

* * *

The Act does not define the term “sanction”. The plain language of Section 28.5 reads that the fast-track procedures may be used if the failure to adopt the rule will result in a sanction being imposed by the USEPA. The word “sanction” is defined in *Black’s Law Dictionary* (1996) as: “to punish (a person) by imposing a penalty such as a fine; to deter (conduct) by punishing the person who engages in it.” The *American Heritage Dictionary* Second College Edition (1985) defines “sanction” as “the penalty for noncompliance specified in a law or decree.” Clearly under the plain and ordinary meanings of “sanction,” the imposition of a federal plan for the failure of the state to act is a sanction. Whether or not the federal CAMR is a FIP or a federal plan, any USEPA imposition of the “one size fits all” federal requirements will limit the ability of Illinois to develop a plan for mercury emissions tailored to Illinois’ specific needs and conditions. The proposal before the Board proposes a mercury emission rule. The rule must be adopted by November 17, 2006, or CAMR may be implemented in Illinois. Therefore, the Board finds that the plain language of Section 28.5 authorizes the Agency to propose and the Board to process a mercury emission rulemaking proposal under the fast-track procedures. *Id.*, slip op. at 17.

On a lesser issue, the Board agreed with the objectors that provisions of a proposal that are not “required to be adopted” may be considered pursuant to Section 27 of the Act (415 ILCS 5/27 (2004)). However, having found that the proposal before the Board does include provisions which are appropriately proposed under Section 28.5 of the Act (415 ILCS 5/28.5 (2004)), the Board decided to proceed with the entire proposal under the fast track rulemaking provisions, as the record before the Board did not support any action by the Board to “separate out” those portions of the proposal which may not be appropriate to fast-track rulemaking. Participants were given leave to raise the issue again later. The Board also agreed with objectors that Section 9.10 offered no authority for the mercury proposal. *Id.*, slip op. at 18.

Public Participation Under Section 28.5

The last portion of the Board’s order addressed the “overriding theme” of the objectors that a rulemaking under Section 28.5 of the Act (415 ILCS 5/28.5 (2004)) somehow limits public participation. The Board disagreed. While acknowledging that Section 28.5 speaks to the timing of hearings and order of testimony concerning a proposal, the Board noted that Section 28.5 does not limit who may testify or comment, nor does Section 28.5 limit how long the testimony or comment may be. While Section 28.5 does limit the length of time between hearings, the time by which final comments are due, and the time by which the Board must proceed to second notice, the Board concluded that the Section does not specify the level of participation or the quality of that participation. Section 28.5 also does not limit the Board’s duties in developing a rule, when that rule is contested. The Board ended by saying that Section 28.5 of the Act is merely the process by which a rule is to be adopted, but does not affect the quality of the final rule.

Copies of the Board’s opinion and order in R06-25 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 Actions

April 6, 2006

**Via Videoconference
Chicago and Springfield, Illinois**

Rulemakings

R06-16	<u>In the Matter of: UIC Corrections, USEPA Amendments (July 1, 2005 through December 31, 2005; In the Matter of: RCRA Subtitle D Update, USEPA</u>	4-0
R06-17	<u>Amendments (July 1, 2005 through December 31, 2005 and August 1, 2005); In</u>	R, Land
R06-18 (cons.)	<u>the Matter of: RCRA Subtitle C Update, USEPA Amendments (July 1, 2005 through December 31, 2005 and August 1, 2005) – The Board adopted a proposal for public comment in this consolidated “identical-in-substance” rulemaking to amend the Board’s underground injection control, municipal solid waste landfill, and hazardous waste regulations.</u>	
R06-19	<u>In the Matter of: Clean Construction or Demolition Debris Fill Operations Under P.A. 94-272 (35 Ill. Adm. Code Part 1100) – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s land pollution control regulations.</u>	4-0 R, Land

Administrative Citations

AC 05-8	<u>IEPA v. Ted Harrison and Gerald S. Gill</u> – The Board denied respondent Harrison’s motion for summary judgment, and directed the case proceed to hearing.	4-0
AC 06-20	<u>IEPA v. Georgia Shank and Steve Shank</u> – The Board, with regard solely to Georgia Shank, accepted the March 20, 2006 petition for hearing. As to Georgia Shank, the Board denied the March 27, 2006 motion to dismiss as untimely. Because Steve Shank failed to contest the administrative citation by filing a timely petition for review, and because the Board has found that Steve Shank committed the violations alleged in the citation, the Board cannot consider the March 27, 2006 motion to dismiss with regard to him. The Board therefore found that Steve Shank violated sections 21(p)(1), (p)(3), and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), and (p)(7) (2004)), but will not assess the statutory penalties against him until the Board makes a final decision concerning Georgia Shank.	4-0
AC 06-24	<u>IEPA v. City of Freeport and Ryan Wilson</u> – The Board found that these Stephenson County respondents violated Section 21(o)(7) and (o)(9) of the Act (415 ILCS 5/21(o)(7), (o)(9) (2004)), and ordered respondents to pay a civil penalty of \$1,000.	4-0
AC 06-25	<u>County of Perry v. Ida Haberman</u> – The Board found that this Perry County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2004)), and ordered respondent to pay a civil penalty of \$1,500.	4-0

Decisions

PCB 04-134	<u>People of the State of Illinois v. Interstate Brands Corporation</u> – In this air enforcement action concerning a Cook County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2004)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$90,000, and to cease and desist from further violations.	4-0 A-E
PCB 05-91	<u>People of the State of Illinois v. Clean Harbor Services, Inc.</u> – In this air enforcement action concerning a Cook County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2004)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$95,000, and to cease and desist from further violations.	4-0 A-E
PCB 06-45	<u>People of the State of Illinois v. Ecolab, Inc. and Charles A. Winslett</u> – In this land and water enforcement action concerning a Tazewell 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 \$2,500, and to cease and desist from further violations.	4-0 L&W-E

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Respondents were also ordered to engage in a supplemental environmental project, which consists of the cash payment of \$10,000 for the restoration of a park and playground in South Pekin that was severely damaged by a tornado in May 2004.

PCB 06-48	<u>People of the State of Illinois v. STS Consultants, Ltd.</u> – 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 \$5,000, and to cease and desist from further violations.	4-0 PWS-E
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Motions and Other Matters

PCB 90-215	<u>Spraying Systems Co. v. IEPA</u> – The Board granted this DuPage County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 P-A, RCRA
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PCB 04-185	<u>Midwest Generation EME, L.L.C. v. IEPA</u> – The Board granted petitioner’s motion to stay this trade secret appeal in part. Specifically, PCB 04-185 is stayed for 120 days (<i>i.e.</i> , until August 4, 2006), unless the Board issues an order terminating the stay earlier.	4-0 T-S Appeal
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PCB 04-215	<u>Commonwealth Edison Company v. IEPA</u> – The Board granted petitioner’s motion to stay this trade secret appeal in part. Specifically, PCB 04-215 is stayed for 120 days (<i>i.e.</i> , until August 4, 2006), unless the Board issues an order terminating the stay earlier.	4-0 T-S Appeal
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PCB 04-216	<u>Midwest Generation EME, L.L.C. v. IEPA</u> – The Board granted petitioner’s motion to stay this trade secret appeal in part. Specifically, PCB 04-216 is stayed for 120 days (<i>i.e.</i> , until August 4, 2006), unless the Board issues an order terminating the stay earlier.	4-0 T-S Appeal
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PCB 05-51	<u>People of the State of Illinois v. Randy Oldenberger d/b/a Environmental Health & Safety Services</u> – The Board granted respondent’s motion for extension of time to file an amended response and accepted the amended response to the request to admit facts. The Board denied complainant’s motion to deem facts admitted and directed the hearing officer to proceed expeditiously to hearing.	4-0 A-E
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PCB 05-168	<u>People of the State of Illinois v. Home Depot U.S.A., Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this public water supply enforcement action involving a Will County facility, the Board ordered publication of the required newspaper notice.	4-0 PWS-E
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PCB 05-193	<u>Vernon and Elaine Zohfield v. Bob Drake, Wabash Valley Service Company, Michael J. Pfister, Noah D. Horton, and Steve Kinder</u> – The Board granted the respondents' motion for clarification and stated that, if it had intended to reverse any of its previous opinions or orders in its February 2, 2006 order, it would have done so explicitly.	Citizens A-E
PCB 05-220	<u>Kenneth E. Medema, Jr. v. TNT Logistics North America</u> – The Board granted complainant's motion for voluntary dismissal of this citizen noise enforcement involving a Will County facility.	4-0 Citizens N-E
PCB 06-1	<u>Robert F. Kassela, Jr. and Kellie R. Kassela v. TNT Logistics North America</u> - The Board granted complainants' motion for voluntary dismissal of this citizen noise enforcement involving a Will County facility.	4-0 Citizens N-E
PCB 06-25	<u>William Breuer v. IEPA</u> – The Board granted this Washington County facility's motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
PCB 06-84	<u>Cowden Oil 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 Shelby County facility.	4-0 UST Appeal
PCB 06-89	<u>Maryville Voice Newspaper Co. v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Madison County facility.	4-0 UST Appeal
PCB 06-90	<u>People of the State of Illinois v. Village of Volo and Smith Engineering Consultants, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this public water supply enforcement action involving a Lake County facility, the Board ordered publication of the required newspaper notice.	4-0 PWS-E
PCB 06-118	<u>Mahr's Sales & Service v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Fulton County facility.	4-0 UST Appeal
PCB 06-124 PCB 06-127	<u>Prairie Rivers Network and Sierra Club v. IEPA and Prairie State Generating Company, L.L.C.; American Bottom Conservancy and Dale Wojtkowski v. IEPA and Prairie State Generating Company, L.L.C.</u> – The Board granted petitioners' motions for voluntary dismissal of these consolidated permit appeals involving a site located in Washington County.	4-0 P-A, Water, Third Party
PCB 06-139	<u>Richard Gooden v. IEPA</u> – The Board granted this Ford County facility's motion for voluntary dismissal of this underground storage tank appeal.	4-0

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		UST Appeal
PCB 06-142	<u>Magie Bros./Penreco v. IEPA</u> – The Board granted this Cook County facility’s motion for voluntary dismissal of this permit appeal.	4-0 P-A, NPDES
PCB 06-147	<u>City of Kankakee 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 Kankakee County facility.	4-0 UST Appeal 90-Day Ext.
PCB 06-148	<u>Caterpillar Logistics, Inc. v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Tazewell County facility.	4-0 P-A, Air
PCB 06-149	<u>Kraft Foods 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 McHenry County facility.	4-0 UST Appeal 90-Day Ext.
PCB 06-150	<u>People of the State of Illinois v. Stoecker Farms, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in Macoupin County.	4-0 W-E
PCB 06-151	<u>People of the State of Illinois v. Big River Zinc Corporation and Allied Waste Transportation, Inc. d/b/a Midwest Waste</u> – The Board accepted for hearing this land enforcement action involving a site located in St. Clair County.	4-0 L-E

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Rulemakings

R06-22	<u>In the Matter of: NO_x Trading Program: Amendments to 35 Ill. Adm. Code Part 217</u> – The Board denied the Illinois Environmental Regulatory Group’s motion for expedited review.	4-0 R, Air
R06-23	<u>In the Matter of: Standards and Requirements for Potable Water Well Surveys and for Community Relations Activities Performed in Conjunction with Agency Notices of Threats from Contamination Under P.A. 94-134: New 35 Ill. Adm. Code Part 1505</u> – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s public water supply regulations.	4-0 R, PWS

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R06-25	<u>In the Matter of: Proposed New 35 Ill. Adm. Code 225 Control of Emissions from Large Combustion Sources (Mercury)</u> – The Board denied motions to reject the proposal pursuant to Section 28.5 of the Environmental Protection Act (Act) (415 ILCS 5/28 (2004)) and will proceed as set forth in the March 16, 2006 opinion and order. The Board granted James W. Ingram’s motion to appear <i>pro hac vice</i> .	3-1 Johnson dissented
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Adjusted Standards

AS 06-1	<u>In the Matter of: Petition of Lafarge Midwest, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 739.161 Pursuant to 35 Ill. Adm. Code 720.132 and 720.133</u> – The Board granted this Cook County petitioner an adjusted standard, with conditions, designating as an “industrial boiler” its slag dryer at its South Chicago Slag Grinding Plant located at 2150 East 130th Street in Chicago, Illinois.	4-0 Land
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Administrative Citations

AC 04-59	<u>IEPA v. Tim Walker</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Macon County facility, the Board found that respondent had violated Section 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(3) (2004)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondent’s petition for review, as well as the violation of 415 ILCS 5/21(p) (1) (2004) alleged in the administrative citation.	4-0
AC 04-77	<u>IEPA v. Frank Bencie</u> – The Board entered a final opinion and order requiring respondent to pay hearing costs of the Illinois Environmental Protection Agency and the Board in the amount of \$274.93 and a civil penalty of \$3,000. This order follows the Board’s interim order of February 16, 2006, which found that this respondent had violated Sections 21(p)(1) and (4) of the Environmental Protection Act. (415 ILCS 5/21(p)(1), (4) (2004)).	4-0
AC 06-26	<u>IEPA v. Marshall and Juanita Garrison</u> – The Board found that these Jefferson County respondents violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2004)), and ordered respondents to pay a civil penalty of \$1,500.	4-0
AC 06-27	<u>County of LaSalle v. Jerry Koetz</u> – The Board found that this LaSalle County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2004)), and ordered respondent to pay a civil penalty of \$1,500.	4-0
AC 06-28	<u>County of Macon, Illinois v. Onyx Valley View Landfill</u> – The Board found that this Macon County respondent violated Section 21(o)(5) and (o)(7) of the Act (415 ILCS 5/21(o)(5), (o)(7) (2004)), and ordered respondent to pay a civil penalty of \$1,000.	4-0
AC 06-29	<u>County of Macon, Illinois v. Onyx Valley View Landfill</u> – The Board found that	4-0

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this Macon County respondent violated Section 21(o)(5) and (o)(12) of the Act (415 ILCS 5/21(o)(5), (o)(12) (2004)), and ordered respondent to pay a civil penalty of \$1,000.

Decisions

PCB 05-168	<u>People of the State of Illinois v. Home Depot U.S.A.</u> – 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 \$15,000, and to cease and desist from further violations. Home Depot U.S.A. further agrees to pay a cash contribution in the amount of \$15,000 to the Village of Homer Glen, for use in constructing an off-road multi-use trail system and trailhead.	4-0 PWS-E
PCB 06-49	<u>People of the State of Illinois v. Premier Waste & Recycling, Inc.</u> – In this land enforcement action concerning a Cook County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2004)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$30,000, and to cease and desist from further violations.	4-0 L-E

Motions and Other Matters

PCB 97-193	<u>People of the State of Illinois v. Community Landfill Company, Inc.; People of the State of Illinois v. Edward Pruium and Robert Pruium</u> – The Board granted the Pruims' motion to file a reply. The Board denied the Pruims' motion for summary judgment and granted complainant's motion to dismiss counts III, XIV, XV, XVI, and XVIII in PCB 04-207, and directed the hearing officer to proceed to hearing on the remaining allegations.	4-0 L-E
PCB 04-207 (cons.)		
PCB 05-53	<u>People of the State of Illinois v. Clean Harbors Environmental Services, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Madison County facility, the Board ordered publication of the required newspaper notice.	4-0 L-E
PCB 06-41	<u>People of the State of Illinois v. Dot Packaging Group, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Kane County facility, the Board ordered publication of the required newspaper notice.	4-0 A-E
PCB 06-46	<u>People of the State of Illinois v. Osborn Development Company</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Madison County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E

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PCB 06-125	<u>Wareco Service, Inc. v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Knox County facility.	4-0 UST Appeal
PCB 06-130	<u>Arlyn D. Fisk d/b/a Arlyn Fisk’s Service Center v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Randolph County facility.	4-0 UST Appeal
PCB 06-153	<u>Midwest Petroleum Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a St. Clair County facility.	4-0 UST Appeal
PCB 06-154	<u>Quebecor World (Property Identification Number 08-27-201-003 and 08-27-228-003) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Quebecor World located in Ogle 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 06-155	<u>Northern States Financial Corporation v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Lake County facility.	4-0 UST Appeal 90-Day Ext.
PCB 06-156	<u>Midwest Generation, L.L.C. Will County Generating Station v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Will County facility, but reserved ruling on the request for stay of the contested conditions.	4-0 P-A, Air
PCB 06-157	<u>People of the State of Illinois v. Belvidere National Bank and Trust Company Trust Number 1600, a trust, and Cordray Brothers, Inc. as sole beneficiary of Trust No. 1600</u> – The Board accepted for hearing this water enforcement action involving a site located in Boone County.	4-0 W-E
PCB 06-158	<u>Memorial Hospital Belleville, Illinois v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this St. Clair County facility.	4-0 P-A, Air
PCB 06-159	<u>People of the State of Illinois v. Gary Simmons individually and Lawrence County Disposal Centre, Inc.</u> – The Board accepted for hearing this land enforcement action involving a site located in Lawrence County.	4-0 L-E

New Cases

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06-147 City of Kankakee 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 Kankakee County facility.

06-148 Caterpillar Logistics, Inc. v. IEPA – The Board accepted for hearing this permit appeal involving a Tazewell County facility.

06-149 Kraft Foods 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 McHenry County facility.

06-150 People of the State of Illinois v. Stoecker Farms, Inc. – The Board accepted for hearing this water enforcement action involving a site located in Macoupin County.

06-151 People of the State of Illinois v. Big River Zinc Corporation and Allied Waste Transportation, Inc. d/b/a Midwest Waste – The Board accepted for hearing this land enforcement action involving a site located in St. Clair County.

06-152 James Chew and Lynn Chew v. Dirk F. Borgsmiller and Sports Blast, L.L.C. – The Board held for a later duplicative/frivolous determination this citizens' noise enforcement action involving a Jackson County facility.

AC 06-030 IEPA v. Rick Linnabury – The Board accepted an administrative citation against this Douglas County respondent.

AC 06-031 Ogle County Solid Waste Management Department v. Wayne L. Fisher & Christina C. Fisher – The Board accepted an administrative citation against these Ogle County respondents.

AC 06-032 County of Jackson v. David Skidmore – The Board accepted an administrative citation against this Jackson County respondent.

AC 06-033 IEPA v. Johnny Kemper d/b/a Kemper Tree Service and Johnny Kemper – The Board accepted an administrative citation against these Edgar County respondents.

AC 06-034 IEPA v. Clifford Lawson – The Board accepted an administrative citation against this Macoupin County respondent.

AC 06-035 IEPA v. Jerry L. Watson – The Board accepted an administrative citation against this Williamson County respondent.

AC 06-036 IEPA v. Robert J. Kerker and Dale Kerker d/b/a Kerker Construction – The Board accepted an administrative citation against these Schuyler County respondents.

AS 06-003 In the Matter of: Petition of Lafarge Midwest, Inc. for Boiler Determination through Adjusted Standard Proceedings Pursuant to 35 Ill. Adm. Code 720.132 and 720.133 – Pending receipt of the certificate of publication, the Board held this Massac County facility's petition for an adjusted standard from the Board's hazardous waste operating requirements.

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06-153 Midwest Petroleum Company v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a St. Clair County facility.

06-154 Quebecor World (Property Identification Number 08-27-201-003 and 08-27-228-003) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Quebecor World located in Ogle 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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06-155 Northern States Financial Corporation v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Lake County facility.

06-156 Midwest Generation, L.L.C. Will County Generating Station v. IEPA – The Board accepted for hearing this permit appeal involving a Will County facility, but reserved ruling on the request for stay of the contested conditions.

06-157 People of the State of Illinois v. Belvidere National Bank and Trust Company Trust Number 1600, a trust, and Cordray Brothers, Inc. as sole beneficiary of Trust No. 1600 – The Board accepted for hearing this water enforcement action involving a site located in Boone County.

06-158 Memorial Hospital Belleville, Illinois v. IEPA – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this St. Clair County facility.

06-159 People of the State of Illinois v. Gary Simmons individually and Lawrence County Disposal Centre, Inc. – The Board accepted for hearing this land enforcement action involving a site located in Lawrence County.

AC 06-037 County of Jackson v. James Qualls – The Board accepted an administrative citation against this Jackson County respondent.

Calendar

5/4/06 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		Illinois Pollution Control Board Board Room, 1244 N 1021 N. Grand Avenue East Springfield
05/10/06 9:30 AM	AC 05-70	IEPA v. James Stutsman	County Board Room Mason County Courthouse 125 N. Plum Havana
05/15/06 9:00 AM	PCB 06-131	Wesley Brazas, Jr. v. Mr. Jeff Magnussen, President, Village of Hampshire and Illinois Environmental Protection Agency	Kane County Courthouse Room 250 100 South Third Street Geneva
05/16/06 9:00 AM	PCB 06-131	Wesley Brazas, Jr. v. Mr. Jeff Magnussen, President, Village of Hampshire and Illinois Environmental Protection Agency	Kane County Courthouse Room 250 100 South Third Street Geneva
05/17/06 9:00 AM	R06-21	In the Matter of: Organic Material Emissions Standards and Limitations for the Chicago and Metro-East Areas: Proposed Amendments to 35 Ill. Code 218 and 219	Madison County Administration Building Room 108 157 North Main Edwardsville
5/18/06 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		Chicago James R. Thompson Center Conference Room 09-040 100 W. Randolph Street Chicago

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5/23/06 10:00 AM	R06-23	In the Matter of: Standards and Requirements for Potable Water Well Surveys and for Community Relations Activities Performed in Conjunction with Agency Notices of Threats from Contamination Under PA 94-134: New 35 Ill. Adm. Code Part 1505	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East North Entrance Springfield
5/25/06 1:00 PM	R06-20	In the Matter of: Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil, Ill. Adm. Code 808, 809	IEPA Bureau of Air Conference Room North Entrance 1021 N. Grande Avenue East Springfield
6/1/06 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		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
06/12/06 1:00 PM	R06-25	In the Matter of: Proposed New 35 Ill. Adm. Code 225 Control of Emissions From Large Combustion Sources (Mercury) (to be continued day-to-day until business is completed or until June 23, 2006)	Illinois Environmental Protection Agency Office Building Training Room 1214 West 1021 N. Grand Avenue East, North Entrance Springfield
6/15/06 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		Chicago James R. Thompson Center Conference Room 09-040 100 W. Randolph Street Chicago
06/29/06 1:00 PM	R06-20	In the Matter of: Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil, Ill. Adm. Code 808, 809	Michael A. Bilandic Buiding Room N-502 160 LaSalle St. Chicago

Restricted Status/Critical Review

The Environmental Protection Act prohibits the Agency from issuing a construction permit that will cause or extend a violation. A construction permit to expand the distribution system cannot be granted when a water supply has a maximum contaminant level or treatment technique violation, an inadequate source of raw water supply, inadequate treatment plant capacity, finished water storage or distribution system pressure. A Restricted Status List is published quarterly in the Illinois Pollution Control Board Environmental Register to notify those persons considering expansion of a water supply distribution system of that status before large sums of money have been spent on items such as land acquisition, financing and engineering fees. A companion Critical Review List is published concurrently with the Restricted Status List and has the water supplies that are approaching a point where the supply could be placed on Restricted Status. A permit application from a supply on Critical Review will be examined carefully to ensure that the proposed construction will not cause a violation. Restricted Status and Critical Review are presented as a combined list with the status of the water supply denoted as either RS (Restricted Status) or CR (Critical Review). The current list reflects the status as of January 1, 2006. An asterisk, *, beside the water supply indicates public water supplies that have been added to the Restricted Status/Critical Review list since the previous publication.

Restricted Status List

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.

Critical Review List

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.

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Illinois Environmental Protection Agency
Division of Public Water Supplies
Restricted Status List - Public Water Supplies
April 2006

<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
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
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	12/14/1990
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

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<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
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
DONNELSON - 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 CORPORATION - IL1975640	2	INADEQUATE PRESSURE TANK	135	3/15/1996
EASTMORELAND WTR SERVICE ASSN - IL1975600	2	INADEQUATE PRESSURE TANK	650	3/20/1981
EATON PWD - IL0335100	4	INADEQUATE SOURCE CAPACITY	920	3/15/2002
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
HAWTHORN WOODS - IL0970450	2	INADEQUATE PRESSURE TANK	672	3/15/1995
HEATHERFIELD SUBDIVISION - IL0635150	2	INADEQUATE PRESSURE TANK	75	9/17/1982

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<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
HECKER - IL1330150	6	DISINFECTION BY-PRODUCTS	608	1/15/2005
HETTICK - IL1170500	5	TRICHALOMETHANE	182	6/15/2002
HIGHLAND SUBDIVISION - IL0895530	2	INADEQUATE PRESSURE TANK	60	9/16/1983
HILLVIEW SUBDIVISION - IL1975800	2	INADEQUATE PRESSURE TANK	100	3/15/1985
HOLY FAMILY VILLA - IL0310280	2	INADEQUATE PRESSURE TANK	200	9/15/1999
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

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<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
MOECHERVILLE WATER DISTRICT - IL0895300	2	INADEQUATE PRESSURE TANK	975	3/20/1981
MOUND PWD - IL1635050	6	INADEQUATE PLANT CAPACITY	2200	6/17/1996
NORTHWEST BELMONT IMPRV ASSN - IL0435900	2	INADEQUATE PRESSURE TANK	78	9/29/1981
OAK RIDGE SD - IL2035300	1	INADEQUATE PRESSURE TANK	240	3/20/1981
OLIVET NAZARENE UNIVERSITY - IL0915279	1	INADEQUATE PRESSURE TANK	0	3/15/1994
OPHIEM PWS - IL0735150	1	INADEQUATE PRESSURE TANK	100	6/18/1982
OSCO MUTUAL WATER SUPPLY COMPANY, INC. - IL0735200	1	INADEQUATE PRESSURE TANK	115	12/15/1989
PANAMA - IL0054720	6	TTHM, DBP, INAD STORAGE	380	1/1/2006
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
RIDGECREST NORTH SUBDIVISION - IL0635250	2	INADEQUATE PRESSURE TANK	60	9/16/1993
RIDGEWOOD LEDGES WATER ASSOCIATION - IL1615670	1	INADEQUATE PRESSURE TANK	370	3/20/1981
RIDGEWOOD SUBDIVISION - IL1977650	2	INADEQUATE PRESSURE TANK	250	6/18/1982
ROBINSON-PALESTINE WATER COMMISSION - IL0335030	4	INADEQUATE PLANT CAPACITY	11317	11/1/2001
SHAWNITA TRC WATER ASSOCIATION - IL1977690	2	INADEQUATE PRESSURE TANK	125	9/17/1992
SILVIS HEIGHTS WATER CORP - IL1615750	1	INADEQUATE HYDRO STORAGE	1600	12/1/2003

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<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
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
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

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<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
WILLIAMSON - IL1191100	6	TRICHALOMETHANE	340	9/15/2005
WONDER LAKE WATER COMPANY - IL1115750	2	INADEQUATE PRESSURE TANK	1442	6/16/1994
YORK CENTER COOP - IL0437550	2	INADEQUATE PRESSURE TANK	240	6/15/1988

**Illinois Environmental Protection Agency
Division of Public Water Supplies
Critical Review List - Public Water Supplies
April 2006**

<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
ANDALUSIA - IL1610050	1	INADEQUATE PRESSURE TANK	1050	12/1/2003
ARENZVILLE - IL0170050	5	INADEQUATE PRESSURE TANK	408	3/14/2001
BEASON CHESTNUT PWD - IL1075150	5	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

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<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
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
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 WATERMAINS	1979	1/1/2006
LEE - IL1034600	1	INADEQUATE PRESSURE TANK	350	10/1/2004
MALDEN - IL0110550	1	UNDERSIZED WATERMAINS	370	1/1/2006
MARION - IL1990550	7	INADEQUATE SOURCE CAPACITY	14610	11/1/2001
MASON CITY - IL1250350	5	INADEQUATE STORAGE CAPACITY	2558	1/1/2006
MATHERSVILLE - IL1310200	1	INADEQUATE SYSTEM PRESSURE	793	9/13/2000
MC HENRY SHORES WATER COMPANY - IL1115020	2	LOW SYSTEM PRESSURE	1813	9/17/1992

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<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
MECHANICSBURG-BUFFALO WTR CMSN - IL1675150	5	INADEQUATE SOURCE CAPACITY	1350	3/15/1998
OTTER CREEK LAKE UTILITIES DISTRICT - IL2015320	1	INADEQUATE STORAGE 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	8420	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 PRES STORAGE & LOW SYS	924	9/14/1984
WALNUT HILL - IL1210600	6	LOW SYSTEM PRESSURE	1470	6/14/1985
WATERLOO - IL1330300	6	INADEQUATE STORAGE	7614	10/1/2004
WORDEN - IL1191200	6	INADEQUATE STORAGE CAPACITY	906	1/1/2006

WATER SYSTEMS REMOVED FROM PREVIOUS LIST

PARK VIEW WATER CORPORATION - KANE CO - IL08795500

WOODSMOKE RANCH ASSN - LASALLE CO - IL0990030

PRAIRIE VIEW WTR ASSN - TAZEWELL CO - IL1795900

HARBOR LITES PISTAKEE FSHG CL - IL1110011

EDGINGTON WATER DISTRICT - IL1615550

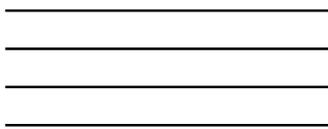
WATER SYSTEM NAME CHANGES SINCE PREVIOUS LISTS

Sbdv Water Trust #1 - IL0895300 - name changed to MOECHERVILLE WATER DISTRICT

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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Illinois Pollution Control Board
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