
Environmental Register

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Letter from the Chairman

June has been a very active month for rulemaking at the Board. We began holding hearings in R 06-25, In the Matter of: Proposed New 35 Ill. Adm. Code 225 Control of Emissions from Large Combustion Sources (Mercury). During two weeks of hearings in Springfield, the Illinois Environmental Protection Agency (IEPA) presented witnesses to support the Governor's proposal to reduce mercury emissions from coal-fired electrical generating units by 90%. Representatives from utilities, environmental groups, and the general public attended the hearings and questioned the IEPA's witnesses. The Board has reserved two more weeks for hearings beginning August 14, 2006, in Chicago at the James R. Thompson Center, 100 W. Randolph, Assembly Hall, Concourse Level. Details and deadlines for prefiling testimony for the August hearing can be found at Clerk's Office On-Line or "COOL" on the Board's website www.ipcb.state.il.us.



The Board also recently received two new air rule proposals, along with requests by the IEPA for expedited consideration. The first, R06-26 Proposed New Clean Air Interstate Rule (CAIR) SO₂, NO_x Annual and NO_x Ozone Season Trading Programs, 35 Ill. Adm. Code 225, Subparts A, C, D and E was accepted for hearing on June 15, 2006. The IEPA proposes to adopt the Clean Air Interstate Rule (CAIR) SO₂ trading program, the CAIR NO_x annual trading program and the CAIR NO_x ozone season trading program. The IEPA proposal intends to reduce intrastate and interstate transport of sulfur dioxide (SO₂) and nitrogen oxides (NO_x) emissions from fossil-fuel-fired electric generating units both on an annual basis and on an ozone season basis for each calendar year. The IEPA proposal would satisfy Illinois' obligations under the United States Environmental Protection Agency's Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone; Revisions to Acid Rain Program; Revisions to the NO_x SIP Call. The proposal also partly addresses the IEPA's obligation to meet Clean Air Act (CAA) requirements for the control of fine particulate matter (PM_{2.5}) and ozone in the Chicago and Metro East/St. Louis areas. The second new air rule, R06-27 Amendments to 35 Ill. Adm. Code 201 (New Section 201.501 PSD Construction Permits), was accepted by the Board at a special Board meeting on June 22, 2006. The IEPA's proposal would eliminate an automatic 30-day stay of the effectiveness of prevention of significant deterioration air quality permits.

Members of the public are welcome to participate in the Board's rulemaking process. The IEPA's proposal language, including statement of reasons and the full text of the proposed rule language, are available on the Board's Web site listed above. Details and deadlines for submitting testimony are given in the hearing officer orders associated with each rulemaking. Dates and locations of public hearings are also given on the website, and transcripts of past hearings are posted when received by the Board. In summary, the Board's website allows any citizen with internet access to follow the Board rulemaking process.

Sincerely,

A handwritten signature in black ink that reads "G. Tanner Girard". The signature is written in a cursive, slightly slanted style.

G. Tanner Girard, Ph.D.
Acting Chairman

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Federal Update

United States Environmental Protection Agency Publishes Final Decision on Petitions to Reconsider Two Final Clean Air Act Rules for Electric Utility Steam Generating Units: 1) the December 2000 Clean Air Act Section 112(n) Finding and 2) the Standards of Performance for New and Existing Stationary Sources (Clean Air Mercury Rule)

On June 9, 2006 (71 Fed. Reg. 33388), the United States Environmental Protection Agency (USEPA) published a notice of final action on reconsideration of certain aspects of two 2005 rules regulating electric utility steam generating units.

The first was the March 29, 2005 final rule entitled “Revision of December 2000 Regulatory Finding on the Emissions of Hazardous Air Pollutants From Electric Utility Steam Generating Units and the Removal of Coal- and Oil-Fired Electric Utility Steam Generating Units from the Section 112(c) List” (70 Fed. Reg. 15993). After considering the petitions for reconsideration and the comments received, USEPA chose not to revise the final Section 112(n) Revision Rule other than explaining in more detail what was meant by the effectiveness element in the term “necessary.”

The second rule was the May 18, 2005 final rule entitled “Standards of Performance for New and Existing Stationary Sources: Electric Utility Steam Generating Units” (Clean Air Mercury Rule; CAMR) (70 Fed. Reg. 28605). The only two substantive changes to CAMR in response to comments were revisions to the State mercury allocations, and to the new source performance standards. USEPA also finalized the regulatory text that clarifies the applicability of CAMR to municipal waste combustors and certain industrial boilers. Finally, USEPA denied the requests for reconsideration with respect to all other issues raised in the petitions for reconsideration submitted for both rules.

This final action is effective on June 9, 2006.

For general and technical information, contact Mr. William Maxwell, Emission Strategies Group, Sector Policies and Programs Division, Mailcode: D243-01, U.S. EPA, Research Triangle Park, NC 27711; telephone number: (919) 541-5430; fax number: (919) 541-5450; e-mail address: maxwell.bill@epa.gov.

The Board is currently considering a rulemaking proposal made by the Illinois Environmental Protection Agency in Proposed New 35 Ill. Adm. Code 225 Control of Emissions from Large Combustion Sources (Mercury) (R06-25) to satisfy Illinois' obligation to submit a State Implementation Plan to address the requirements of the Clean Air Mercury Rule. During the course of hearings, participants have discussed the relationship between the proposed state rule and the federal CAMR. The bulk of the R05-25 rulemaking proposal was published in the *Illinois Register* on May 19, 2006 at 30 Ill. Reg. 9281. Interested persons may request copies of the Board's opinion and order in R06-25 by calling Dorothy Gunn at 312-814-3620, or download from the Board's Web site at www.ipcb.state.il.us.

For more information on the Board's rulemaking contact Marie Tipsord at 312/814-4925 or email at tipsordm@ipcb.state.il.us.

United States Environmental Protection Agency Proposes Revised National Pollutant Discharge Elimination System Permit Regulation and Effluent Limitation Guidelines for Concentrated Animal Feeding Operations Under the Clean Water Act

On June 30, 2006 (71 Fed. Reg. 37743), the United States Environmental Protection Agency (USEPA) proposed amendments to revise the National Pollutant Discharge Elimination System (NPDES) permitting requirements and Effluent Limitations Guidelines and Standards for concentrated animal feeding operations (CAFOs). USEPA acted in response to the order issued by the Second Circuit Court of Appeals in Waterkeeper Alliance et al. v. EPA, 399 F.3d 486 (2nd Cir. 2005).

The proposal seeks to revise several aspects of USEPA's current regulations governing discharges from CAFOs. First, USEPA proposes to require only the owners and operators of those CAFOs that discharge or propose to discharge to seek coverage under a permit. Second, USEPA proposes to require CAFOs seeking coverage under a permit to submit their nutrient management plan (NMP) with their application for an individual permit or notice of intent to be authorized under a general permit. Permitting authorities would be required to review the plan and provide the public with an opportunity for meaningful public review and comment. Permitting authorities would also be required to incorporate terms of the NMP as NPDES permit conditions. Third, this rulemaking proposes to authorize permit writers, upon request by a CAFO, to establish best management, zero discharge effluent limitations when the facility demonstrates that it has designed an open containment system that will comply with the no discharge requirements.

USEPA stated that the proposed rule responds to the court order while furthering the statutory goal of restoring and maintaining the nation's water quality and effectively ensuring that CAFOs properly manage manure generated by their operations. According to USEPA, the proposed rule also responds to the court's remand order regarding water-quality based effluent limitations (WQBELs) and pathogens. USEPA proposes to clarify that WQBELs are available in permits with respect to production area discharges and non-precipitation related discharges from land application, but are statutorily unavailable in permits for Large CAFOs with respect to precipitation-related land application discharges because the only allowable discharge from a land application area is due to agricultural storm water which is by statute exempt from permitting requirements.

Finally, USEPA proposes to clarify its selection of Best Conventional Pollutant Control Technology (BCT) for pathogens (fecal coliform), and reaffirm its decision to set the BCT limitations for fecal coliform to be equal to the Best Practicable Control Technology Currently Available (BPT) limits established in the 2003 CAFO rule.

Comments on this proposed action must be received by USEPA on or before August 14, 2006. Submit your comments, identified by Docket ID No. EPA-HQ-OW-2005-0037 by one of the following methods:

- (1) <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.
- (2) E-mail: ow-docket@epa.gov, Attention Docket ID No. EPA-HQ-OW-2005-0037.
- (3) Mail: Send the original and three copies of your comments to: Water Docket, Environmental Protection Agency, Mail code 4203M, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attention Docket ID No. OW-2005-0037.

For additional information contact Kawana Cohen, Water Permits Division, Office of Wastewater Management (4203M), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 564-2345, e-mail address: cohen.kawana@epa.gov or Paul Shriner, Engineering and Analysis Division, Office of Science and Technology (4303T), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: 202-566-1076, e-mail address: shriner.paul@epa.gov.

As noted in the Board's July 2006 semi-annual regulatory agenda (see 30 Ill. Reg. 11895), the Illinois Environmental Protection Agency (IEPA) will prepare a rulemaking proposal for Board consideration relating to the USEPA's December 15, 2002 CAFO rules. Any IEPA proposal would be designed to ensure that the Board's rules remain consistent with the federal regulations and case law reviewing these regulations. The IEPA projects the proposal may be filed as early as Fall or Winter 2006.

Rule Update

Board Closes Docket 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/R04-23 B (cons.))

On June 1, 2006, the Board adopted a dismissal order 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/R04-23 B (cons.)). The Board found that the record in this rulemaking did not support proceeding with a rule to define the scope of work and to set maximum lump sum payment amounts.

The reason for opening Docket B in consolidated dockets R04-22/R04-23 was discussed in the Board's December 1, 2005 second notice opinion and order 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/R04-23 (cons.)). The Board proceeded with adoption of the main body of rules, but opened Docket B in a separate order on the same date to allow participants to present information to develop rules outlining scopes of work to be used in reimbursing professional consulting services in the remediation of underground storage tank (UST) sites in Illinois. The Board's December 1, 2005 orders in both Dockets A and B were reported in more detail in *Environmental Register* No. 618 (December 2005) at p.2-3.

In its December 1, 2005 discussions, the Board found that public comments had identified the lack of a clearly defined scope of work for the reimbursement rates of professional services as the source of undue economic hardship for the environmental consultants and the small businesses they serve. Subdocket B was also intended to examine issues surrounding the hourly payment amounts and hours of work for professional services. Additionally, the General Assembly's Joint Committee on Administrative Rules (JCAR) recommended at its January 18, 2006 meeting that the Board examine issues related to ineligible costs.

On January 5, 2006 the Board issued a proposal for public comment in Docket B. Based on information presented during the Docket A proceedings, the Board proposed draft language establishing a scope of work for activities associated with professional consulting services in the remediation of UST sites in Illinois. The Board invited comments and directed the hearing officer to expeditiously schedule a least one additional hearing. *Environmental Register* No. 619 (January 2006) at p.7-8.

The Board held a hearing on March 23, 2006, and received comments and testimony from various persons who had been active in the Docket A proceeding, including the Illinois Environmental Protection Agency (IEPA), CW3M, United Science Industries (USI), CSD Environmental Services, Inc. (CSD), Rapps Engineering & Applied Science (Rapps), and the Professionals for the Protection of the Environment (PIPE).

In its order dismissing Docket B, the Board found that the additional information that was provided was often repetitive and added very little new information to the record.

In response to the recommendations made by JCAR the Board specifically asked the participants to comment on the ineligible costs related to onsite cleanup above Tier 2 remediation levels (as delineated in 35 Ill. Adm. Code 742) and the remediation of groundwater when a groundwater ordinance in place. The Board found that the discussion of these issues at the hearing did not add any additional information to the record and declined to make any changes to those specific subsections of the rule.

Copies of the Board's opinion and order dismissing R04-22/23B 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 Order to Extend the Public Comment Period 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 June 1, 2006, the Board adopted an order extending the public comment deadline through June 30, 2006 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). The Board's proposal for public comment was published in the *Illinois Register* at 30 Ill. Reg. 6675 through 7711 (April 21, 2006). Accordingly, the public comment period was scheduled to close on June 5, 2006.

The Board extended the public comment deadline in response to a May 18, 2006 request made by the Illinois Environmental Protection Agency (IEPA). In its motion, the IEPA stated, "due to the large volume of the consolidated rulemaking and the fact that the new [35 Ill. Adm. Code 727] Part 727 Standardized Permit changes are far reaching, the Illinois EPA needs more time to evaluate how the new regulations are intertwined with the existing regulations."

The original due date for filing this rulemaking with the Secretary of State's Index department was August 5, 2006 (one year after the earliest federal action that is included in the identical-in-substance update). The Board calculated that the earliest date by which it can complete this proceeding, allow for receipt of any comments from the United States Environmental Protection Agency, and file the adopted amendments with the Office of the Secretary of State is September 14, 2006.

Because one result of extension of the comment period is that the Board could not meet its planned schedule for timely adoption and filing of the final rules, the Board also filed a "Notice of Public Information" with the Secretary of State's Index Department, as required under Section 7.2(b) of the Illinois Environmental Protection Act (Act), 415 ILCS 5/7.2(b) (2006), to explain that the grant of IEPA's extension request was the reason for the Board's extension of the deadline for adoption of final rules. The Notice of Public Information was published at 30 Ill. Reg. 11326 (June 23, 2006).

Copies of the Board's deadline extension 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 Order Granting Illinois Environmental Protection Agency Motion to Amend Its Proposal in Proposed New 35 Ill. Adm. Code 225 Control of Emissions from Large Combustion Sources (Mercury) (R06-25)

On June 15, 2006, the Board adopted an order granting the Illinois Environmental Protection Agency's (IEPA) motion to amend its original March 14, 2006 proposal in Proposed New 35 Ill. Adm. Code 225 Control of Emissions from Large Combustion Sources (Mercury) (R06-25). The Board accepted the amendment without comments on its merits, and will cause the amendment's publication in the *Illinois Register*. In its order, the Board observed that the IEPA has the burden to "provide information supporting the requested change" in its proposal to adopt regulations pursuant to the Environmental Protection Act (Act) (*see* 415 ILCS 5/27(a) (2004)). The Board noted that if the IEPA fails to provide support for the proposal or amended proposal, the IEPA will have failed to meet the statutory burden.

The IEPA's March 14, 2006 proposal was to add Subparts A and B to a new Part 225. The IEPA moved to amend its original proposal with supplemental rule text in Subpart B on May 23, 2006. The IEPA amendments proposed new Sections 225.234 and 225.238 for a Temporary Technology Based Standard (TTBS). The TTBS rules are intended to provide additional regulatory flexibility for compliance with the proposed rule. The TTBS, as proposed, addresses both new and existing sources with electrical generating units (EGUs). Those EGUs that satisfy specified

eligibility requirements can demonstrate compliance with control requirements for mercury emissions via the TTBS provisions for a specified, and limited, time frame.

IEPA related that it had earlier considered this concept and presented it at several of the stakeholder meetings preceding the March 14, 2006 proposal. After the filing of the original proposal, a number of stakeholders requested IEPA to again utilize the provisions of the TTBS. IEPA explained that further review by IEPA's staff and an expert retained by the Illinois EPA identified additional circumstances related to practices and configurations of sources in the State that warrant the proposal of the TTBS. On June 6, 2006, Dynegy and Midwest Generation (Dynegy), Ameren Energy Generation Company, AmerenEnergy Resources Generating Company, and Electric Energy, Inc. (Ameren), and Kincaid Generation, L.L.C. (Kincaid) all filed responses to the motion. In general the responses stated that they did not object to the motion; however, the responses asked that the Board direct the hearing officer to alter prefiling deadlines and redesignate the hearing scheduled to begin August 14, 2006. While the Board did grant the motion to amend the proposal, it declined to make any directives regarding prefiling deadlines and the hearing conduct.

These participants also made various requests to the Board concerning hearing conduct and deadlines. The Board found that it was premature for the Board to direct the hearing officer to change the order and conduct of the hearings. While the Board recognized the concerns raised by the participants; the Board stated that the hearing officer has the authority to alter the schedule and order of hearings (*see* 35 Ill. Adm. Code 102.416-102.424), and that any motions seeking a change in scheduling or the conduct of the hearing should be addressed to the hearing officer.

The Board held initial hearings in Springfield and received testimony from IEPA in support of both the proposal and the amended proposal on consecutive days from June 12 through 23, 2006. Additional hearings are scheduled to begin in Chicago on August 14 and to continue through August 25, 2006 as necessary. Other participants, including EGU's are scheduled to present their testimony in reaction to the proposal; IEPA may also present additional information as allowed by the hearing officer.

Copies of the Board's June 15, 2006 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 Accepts Proposal for Hearing in Proposed New Clean Air Interstate Rule (CAIR) SO₂, NO_x Annual and NO_x Ozone Season Trading Programs, 35 Ill. Adm. Code 225.Subparts A, C, D, and E (R06-26)

On June 15, 2006, the Board accepted for hearing a proposal in Proposed New Clean Air Interstate Rule (CAIR) SO₂, NO_x Annual and NO_x Ozone Season Trading Programs, 35 Ill. Adm. Code 225. Subparts A, C, D and E (R06-26). The proposal, filed by the Illinois Environmental Protection Agency (IEPA) on May 30, 2006, seeks to add Subparts A, C, D, and E in a new proposed Part 225. These rules are intended to reduce intrastate and interstate transport of sulfur dioxide (SO₂) and nitrogen oxides (NO_x) emissions from fossil fuel-fired electric generating units (affected units), on an annual basis and on an ozone season basis of each calendar year. The Board accepted the proposal for hearing, but reserved ruling on three motions accompanying it in order to allow interested persons time to respond to the motions.

The proposed CAIR rule contains five subparts. As proposed, Subpart A includes general provisions, Subpart C contains the CAIR SO₂ trading program, Subpart D details the CAIR NO_x Annual trading program, and Subpart E addresses the CAIR NO_x Ozone Season trading program. (The IEPA has proposed new Subparts A and B to new Section 225 in Proposed New 35 Ill. Adm. Code 225 Control of Emissions from Large Combustion Sources (Mercury) (R06-25), discussed in the story above.)

The IEPA asserted that its CAIR proposal is intended to satisfy Illinois' obligations under the United States Environmental Protection Agency's (USEPA) Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone; Revisions to Acid Rain Program; Revisions to the NO_x SIP Call, (CAIR), 70 *Fed. Reg.* 25162 (May 12, 2005). The proposal is also intended to meet the IEPA's obligation to meet Clean Air Act (CAA) requirements for the control of fine particulate matter (PM_{2.5}) and ozone in the Chicago and Metro East/St. Louis nonattainment areas.

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As earlier indicated, in order to allow interested persons time to respond, the Board reserved ruling on the following three motions IEPA filed with the proposal:

- (1) A motion for expedited decision requested that the rule be promulgated by April of 2007, and that the Board proceed to first notice without reaching a decision on the merits of the proposal. The IEPA asserted that the USEPA has adopted a CAIR Federal Implementation Plan (FIP) effective on June 27, 2006, and that the first "action of consequence" will be USEPA's making NOx allocations for the 2009 control period on July 30, 2007. The IEPA asserted that the rule needs to be adopted by April 2007 to allow Illinois to control the allocation for 2009, and to timely submit NOx allocations to avoid the USEPA start of a "FIP sanctions clock";
- (2) A motion to hold hearings in Springfield and Collinsville, which asserted that there are 229 electric generating units (EGU) that will be subject to the proposed rule, and the downstate hearing locations would accommodate the affected facilities and allow for a reduction in expenditures by the IEPA; and
- (3) A motion for waiver of certain filing requirements which asserted that the entire proposal consists of over 2,000 pages, and requested leave to file an original and four copies of the proposal plus five partial copies.

The Board's hearing officer is in the process of considering hearing dates, but will not schedule hearings until after the Board has ruled on the pending motions.

Copies of the Board's June 15, 2006 opinion and order in R06-26 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; email address knittlej@ipcb.state.il.us.

Board Adopts First Notice Opinion and Order, Without Commenting on the Merits of the Proposal, in Amendments to 35 Ill. Adm. Code 201 (New Section 201.501 PSD Construction Permits) (R06-27)

On June 22, 2006, at a special Board meeting, the Board adopted a first notice opinion and order in Amendments to 35 Ill. Adm. Code 201 (New Section 201.501 PSD Construction Permits), (R06-27). The Board sent the proposal, filed by the Illinois Environmental Protection Agency (IEPA) on June 20, 2006, to first notice without commenting on the merits. In so doing, the Board granted the IEPA's request to expedite consideration of this rulemaking. The amendments seek to add a new Section to the Board's air regulations that would eliminate an automatic 30-day stay of the effectiveness of prevention of significant deterioration of air quality (PSD) permits. The proposal was published in the July 7, 2006, issue of the *Illinois Register* at 30 Ill. Reg. 11506.

The amendments propose to add a new Subpart M to Part 201, the Board's general air permit provisions. The proposed new Section 201.501 in effect provides that PSD permits are effective upon issuance a) unless the permit states otherwise by its terms, or b) an appeal has been filed and a stay of the permit has been granted.

In its Statement of Reasons that accompanied the proposal the IEPA asserted that the PSD provisions of the Clean Air Act, 42 U.S.C. §7401 *et seq.*, were enacted in 1977 to regulate new major stationary sources and major modifications to existing sources. The PSD program applies in areas in the country that are deemed to be attainment or unclassifiable with respect to national ambient air quality standards (NAAQS). The IEPA administers the PSD program through a delegation agreement with the United States Environmental Protection Agency (USEPA). PSD involves a preconstruction permitting process in which an applicant for a major new source or modification must submit a permit application prior to commencing construction that demonstrates that emissions from the proposed facility will not cause or contribute to an exceedance of any applicable NAAQS or air quality increment, and that the proposed facility will employ the Best Available Control Technology for all pollutants for which the source is major.

The IEPA stated that an appeal of the PSD permit issued in Illinois is subject to the procedural requirements of the federal regulations at 40 CFR Part 124, which provide that final permits decisions are automatically stayed for 30 days after issuance. This rulemaking proposes to eliminate the automatic 30-day stay, thereby "leveling the playing field" between Illinois and surrounding states that have approved programs without the automatic stay. The IEPA's goal is to remove an economic disincentive to new development while not causing any adverse impact to the environment.

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The hearing officer will schedule two hearings on this proposal soon.

Copies of the Board's June 22, 2006 opinion and order in R06-27 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; email address knittlej@ipcb.state.il.us.

Board Actions

June 1, 2006

Via Videoconference Chicago and Springfield, Illinois

Rulemakings

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|---------------------------------------|--|----------------|
| R04-22(B)
R04-23(B)
(cons.) | <u>In the Matter of: Proposed Amendments to: Regulations of Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 732); In the Matter of: Proposed Amendments to Regulation of Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 734)</u> – The Board found that the record does not support proceeding with a rule defining the scope of work and setting maximum lump sum payment amounts and therefore dismissed the proposal and closed the docket in this consolidated rulemaking. | 4-0
R, UST |
| R06-16
R06-17
R06-18
(cons.) | <u>In the Matter of: UIC Update, 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); In the Matter of: RCRA Subtitle C Update, USEPA Amendments (July 1, 2005 through December 31, 2005 and March 23, 2006)</u> – The Board granted the Illinois Environmental Protection Agency's motion to extend the public comment period for all participants until June 30, 2006. The Board then extended the deadline for Board adoption of the amendments as provided in Section 7.2(b) of the Act, 415 ILCS 5/7.2(b) (2004) until September 14, 2006. | 4-0
R, Land |

Adjusted Standards

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|---------|--|------------|
| AS 06-3 | <u>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</u> – The Board granted this Massac County petitioner an adjusted standard, with conditions, designating as an “industrial boiler” each of the two raw mill dryers at it the Joppa Portland Cement Manufacturing Plant located at 2500 Portland Road, Grand Chain, Illinois. | 4-0
Air |
|---------|--|------------|

Administrative Citations

- | | | |
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| AC 06-34 | <u>IEPA v. Clifford Lawson</u> – The Board granted complainant's motion for voluntary dismissal of this administrative citation due to complainant's failure to make timely service. | 4-0 |
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Decisions

PCB 05-53	<u>People of the State of Illinois v. Clean Harbors Environmental Services, Inc.</u> – In this land enforcement action concerning a Madison County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2004)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$12,000, and to cease and desist from further violations. Clean Harbors Environmental Services further agrees to engage in a supplemental environmental project: over the next two years following adoption of this stipulation and settlement agreement, Clean Harbors Environmental will undertake hazardous waste disposal and related collection and transportation services having a fair market retail price up to \$18,000.	4-0 L-E
PCB 06-41	<u>People of the State of Illinois v. Dot Packaging Group, Inc.</u> – In this air enforcement action concerning a Kane County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2004)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$33,311, and to cease and desist from further violations.	4-0 A-E
PCB 06-46	<u>People of the State of Illinois v. Osborn Development Company</u> – In this water enforcement action concerning a Madison 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.	4-0 W-E

Motions and Other Matters

PCB 02-186	<u>People of the State of Illinois v. Perfetti Van Melle USA, Inc. f/k/a Van Melle USA, 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 Lake County facility, the Board ordered publication of the required newspaper notice.	4-0 A-E
PCB 03-191	<u>People of the State of Illinois v. Community Landfill Company, Inc. and the City of Morris</u> – The Board granted both respondents’ motions to reconsider with respect to the Board’s alleged misapplication of the law. The Board declined to modify the Board’s February 16, 2006 ruling granting summary judgment in favor of the complainant on the violations alleged in the complaint and directed the hearing officer to proceed to hearing on the issue of remedy.	4-0 L-E
PCB 05-56	<u>People of the State of Illinois v. Omron Automotive Electronics, 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

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PCB 06-137	<u>City of Springfield v. IEPA</u> – In response to the Board’s March 16, 2006 Order, petitioner filed an amended petition for variance which is currently under review for sufficiency; unless the Board or hearing officer orders otherwise the Illinois Environmental Protection Agency must file any amended recommendation by July 14, 2006. The Board granted petitioner's motion for expedited review, noting the amended petition restarts the Board’s decision time clock.	4-0 W-V
PCB 06-138	<u>Brenda George Bryant 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 Massac County facility.	4-0 UST Appeal
PCB 06-141	<u>Flagg Creek Water Reclamation District v. Village of Hinsdale, Metropolitan Water Reclamation District of Greater Chicago, Illinois Department of Transportation, and DuPage County</u> – The Board found that the complaint is not duplicative but frivolous, and granted the motion of the Metropolitan Water Reclamation District of Greater Chicago to strike and dismiss paragraphs 61 through 70 of count II of the complaint as frivolous and accepted the balance of the complaint for hearing as to all four respondents. The Board on its own motion also struck other portions of the complaint alleging violations of law or rule other than the Environmental Protection Act or the Board’s rules. The Board directed complainant to file an amended complaint on or before July 6, 2006.	3-0 Melas abstained W-E
PCB 06-163	<u>The Theodore Kosloff Trust (as formed by the Irrevocable Agreement of Trust of Theodore Kosloff, dated December 6, 1989, for Rachel Kosloff and Abigail Kosloff, a Pennsylvania trust) v. A&B Wireform Corporation</u> – The Board found that the complaint is neither duplicative or frivolous and accepted for hearing this citizen land enforcement action involving a site located in Cook County.	4-0 Citizens L-E
PCB 06-173	<u>People of the State of Illinois v. First Country Homes, L.L.C.</u> – The Board accepted for hearing this water enforcement action involving a site located in Will County.	4-0 W-E
PCB 06-174	<u>People of the State of Illinois v. Bob D. Stagner and Linda S. Stagner</u> – The Board accepted for hearing this water enforcement action involving a site located in Franklin County.	4-0 W-E
PCB 06-175	<u>People of the State of Illinois v. Tres Amigos Properties, L.L.C.</u> – The Board accepted for hearing this water enforcement action involving a site located in Sangamon County.	4-0 W-E
PCB 06-176	<u>Village of River Forest v. IEPA</u> – The Board directed respondent to file an amended petition for review correcting the noted deficiencies within 30 days, or the Board will dismiss this matter.	4-0 UST Appeal

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PCB 06-177	<u>People of the State of Illinois v. Sheridan Sand & Gravel Co.</u> – The Board accepted for hearing this water enforcement action involving a site located in LaSalle County.	4-0 L-E
PCB 06-178	<u>People of the State of Illinois v. Galena Hillside Homes, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in Jo Daviess County.	4-0 W-E, NPDES

June 15, 2006

Via Videoconference

Chicago and Springfield, Illinois

Rulemakings

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 participant’s request for issuance of Board directions to the hearing officer, finding such request premature. The Board instructed that any motions seeking change in scheduling or conduct of hearing should be first addressed to the hearing officer.	4-0 R, Air
R06-26	<u>In the Matter of: Proposed New Clean Air Interstate Rule (CAIR) SO₂, NO_x Annual and NO_x Ozone Season Trading Programs, 35 Ill. Adm. Code 225, Subparts A, C, D and E</u> – The Board accepted for hearing petitioner’s May 30, 2006 proposal to amend the Board’s air pollution control regulations. The Board reserved ruling on the motions for waiver of requirements, expedited review, and to hold required hearings in Springfield and Collinsville.	4-0 R, Air

Administrative Citations

AC 05-17	<u>IEPA v. Roger and Joan Miller</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Champaign County facility, the Board found that respondent Roger Miller had violated Section 21(p)(3) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(3) (2004)) and ordered this respondent to pay a civil penalty of \$1,500. The Board dismissed the alleged violations of Section 415 ILCS 5/21(p)(1), (p)(3), and (p)(7) (2002) of the Act as to Joan Miller. 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), (p)(7) (2004) alleged in the administrative citation.	4-0
AC 06-39	<u>City of Chicago Department of Environment v. Speedy Gonzalez Landscaping, Inc.</u> – The Board accepted for hearing this petition for review of an administrative citation against this Cook County respondent.	4-0

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AC 06-40	<u>City of Chicago Department of Environment v. Jose R. Gonzalez</u> – The Board accepted for hearing this petition for review of an administrative citation against this Cook County respondent.	4-0
AC 06-41	<u>City of Chicago Department of Environment v. 1601-1759 East 130th Street, L.L.C.</u> – The Board accepted for hearing this petition for review of an administrative citation against this Cook County respondent.	4-0

Decisions

PCB 03-183	<u>People of the State of Illinois v. Passavant Area Hospital</u> – In this air enforcement action concerning a Moregan 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 permanently cease operation of its hospital/medical/infectious waste incinerator by either removing it or rendering it inoperable. In addition, respondent must continue to take necessary actions to dispose of all hospital/medical/infectious waste. No civil penalty was requested or imposed.	4-0 A-E
PCB 03-215	<u>People of the State of Illinois v. Huck Store Fixture Co., Inc.</u> – In this air enforcement action concerning an Adams 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 \$20,000, and to cease and desist from further violations.	4-0 A-E
PCB 05-180	<u>People of the State of Illinois v. ACI Environmental Corporation</u> – In this air enforcement action concerning a DuPage County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2004)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$2,500, and to cease and desist from further violations.	4-0 A-E
PCB 06-2	<u>People of the State of Illinois v. Laidlaw Corporation</u> – Stipulation In this land enforcement action concerning a Massac 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 \$25,000, and to cease and desist from further violations.	4-0 L-E
PCB 06-172	<u>People of the State of Illinois v. The Carle Foundation Hospital</u> – In this land enforcement action concerning a Champaign 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 \$6,200, and to cease and desist from further violations. The Carle Foundation Hospital further agrees to undertake a supplemental environmental project,	4-0 L-E

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consisting of a mercury thermometer exchange and related disposal for up to 500 mercury thermometers.

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 Pruum and Robert Pruum</u> – The Board denied	4-0
PCB 04-207 (cons.)	respondents' motion for reconsideration of the Board's April 20, 2006 order. In that order, 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.	L-E
PCB 00-104	<u>People of the State of Illinois v. The Highlands, L.L.C., Murphy Farms, Inc. a/k/a Murphy Family Farms, and Bion Technologies, Inc.</u> – The Board denied	4-0 A-E
	complainant's motion to strike respondent Murphy Farms, Inc.'s amended affirmative defense.	
PCB 03-106	<u>Village of South Elgin v. Waste Management of Illinois, Inc.</u> – The Board	4-0
	granted complainant's motion for voluntary dismissal of this citizen land enforcement involving a Kane County facility.	L-E
PCB 04-9	<u>People of the State of Illinois v. Aargus Plastics, Inc.</u> – Upon receipt of a	4-0
	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.	A-E
PCB 04-19	<u>Paul and Donna Fredrickson v. Jeff Grelyak</u> – The Board granted complainant's	4-0
	motion for voluntary dismissal of this citizen air and noise enforcement involving a McHenry County facility.	A&N-E
PCB 04-193	<u>People of the State of Illinois v. Fellowes Manufacturing Company a/k/a Fellowes, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement	4-0
	and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a DuPage County facility, the Board ordered publication of the required newspaper notice.	A-E
PCB 06-33	<u>People of the State of Illinois v. J&S Companies, Inc. and First Choice Construction, Inc.</u> – The Board granted the complainant's motion for summary	3-1
	judgment and against J&S Companies, Inc. on Sections 415 ILCS 5/21(a), (d)(1), (e), (p)(1), and (7) (2004) of the Act as alleged in the two-count complaint. The Board directed the case to hearing on the remaining issues.	Johnson dissented L-E
PCB 06-148	<u>Caterpillar Logistics, Inc. v. IEPA</u> – The Board granted this Tazewell County	4-0
	facility's motion for voluntary dismissal of this permit appeal.	P-A, Air

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PCB 06-158	<u>Memorial Hospital v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was filed on behalf of this St. Clair County facility.	4-0 P-A, Air
PCB 06-179	<u>Illinois State Toll Highway Authority 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 Cook County facility.	4-0 UST Appeal 90-Day Ext.
PCB 06-180	<u>Marquis MTD, Inc.-Hennepin (Property Identification Number H01-10-204-000) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that certain agrichemical containment facilities of Marquis MTD, Inc. located in Putnam County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)). No action was taken on the recommendation to deny certification for the portion of the building over the dry fertilizer storage and two main areas in front of the dry fertilizer storage bins at the site.	4-0 T-C
PCB 06-181	<u>People of the State of Illinois v. Quad-County Ready Mix Corporation</u> – The Board accepted for hearing this air, land and water enforcement action involving a site located in St. Clair County.	4-0 A&L-E
PCB 06-182	<u>People of the State of Illinois v. Kirsea Builders, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in Will County.	4-0 W-E
PCB 06-183	<u>People of the State of Illinois v. Lazar Brothers Trucking, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in Kane County.	4-0 W-E
PCB 06-184	<u>Peoria Disposal Company v. Peoria County Board</u> – The Board accepted for hearing this pollution control facility siting appeal involving a Peoria County facility.	4-0 P-C-F-S-R

June 22, 2006

Special Meeting

Via Videoconference

Chicago and Springfield, Illinois

Rulemakings

R06-27

In the Matter of: Amendments to 35 Ill. Adm. Code 201, (New Section 201.501 PSD Construction Permits) – The Board directed the Clerk to cause publication of this rule in *Illinois Register* for first notice. The Board accepted for hearing Illinois Environmental Protection Agency’s June 20, 2006 proposal to amend the Board’s air permitting regulations. The Board also granted petitioner’s motion for expedited hearing and decision.

4-0
R, Air

New Cases

June 1, 2006 Board Meeting

06-173 People of the State of Illinois v. First Country Homes, L.L.C. – The Board accepted for hearing this water enforcement action involving a site located in Will County.

06-174 People of the State of Illinois v. Bob D. Stagner and Linda S. Stagner – The Board accepted for hearing this water enforcement action involving a site located in Franklin County.

06-175 People of the State of Illinois v. Tres Amigos Properties, L.L.C. – The Board accepted for hearing this water enforcement action involving a site located in Sangamon County.

06-176 Village of River Forest v. IEPA – The Board directed respondent to file an amended petition for review correcting the noted deficiencies within 30 days, or the Board will dismiss this matter.

06-177 People of the State of Illinois v. Sheridan Sand & Gravel Co. – The Board accepted for hearing this water enforcement action involving a site located in LaSalle County.

06-178 People of the State of Illinois v. Galena Hillside Homes, Inc. – The Board accepted for hearing this water enforcement action involving a site located in Jo Daviess County.

AC 06-044 County of LaSalle v. Paulette Metille – The Board accepted an administrative citation against this LaSalle County respondent.

AC 06-045 IEPA v. Waste Management of Illinois, Inc., Mark Batherson, and Dale Hoekstra – The Board accepted an administrative citation against these Will County respondents.

June 15, 2006 Board Meeting

06-179 Illinois State Toll Highway Authority 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 Cook County facility.

06-180 Marquis MTD, Inc.-Hennepin (Property Identification Number H01-10-204-000) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that certain agrichemical containment facilities of Marquis MTD, Inc. located in Putnam County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)). No action was taken on the recommendation to deny certification for the portion of the building over the dry fertilizer storage and two main areas in front of the dry fertilizer storage bins at the site.

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06-181 People of the State of Illinois v. Quad-County Ready Mix Corporation – The Board accepted for hearing this air, land and water enforcement action involving a site located in St. Clair County.

06-182 People of the State of Illinois v. Kirsea Builders, Inc. – The Board accepted for hearing this water enforcement action involving a site located in Will County.

06-183 People of the State of Illinois v. Lazar Brothers Trucking, Inc. – The Board accepted for hearing this water enforcement action involving a site located in Kane County.

06-184 Peoria Disposal Company v. Peoria County Board – The Board accepted for hearing this pollution control facility siting appeal involving a Peoria County facility.

AC 06-046 City of Chicago Department of Environment v. Mr. Bult's, Inc. – The Board accepted an administrative citation against this Cook County respondent.

AC 06-047 IEPA v. Landfill L.L.C. and Danny Bowman – The Board accepted an administrative citation against these Saline County respondents.

AC 06-048 IEPA v. Larry Payne, Sr. – The Board accepted an administrative citation against this Fulton County respondent.

AC 06-049 IEPA v. Michael Gruen and Jon Eric Gruen d/b/a Jon's Tree Service – The Board accepted an administrative citation against these Macoupin County respondents

AC 06-050 IEPA v. Marla Lewis Gates, Mark Gates, and Mark Kinsley Lewis – The Board accepted an administrative citation against these Logan County respondents.

R07-001 In the Matter of: Definition of VOM Update, USEPA Amendments (January 1, 2006 through June 30, 2006) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is January 1, 2006 through June 30, 2006.

R07-002 In the Matter of: SDWA Update, USEPA Amendments (January 1, 2006 through June 30, 2006) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is January 1, 2006 through June 30, 2006.

R07-003 In the Matter of: UIC Update, USEPA Amendments (January 1, 2006 through June 30, 2006) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is January 1, 2006 through June 30, 2006.

R07-004 In the Matter of: RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (January 1, 2006 through June 30, 2006) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is January 1, 2006 through June 30, 2006.

R07-005 In the Matter of: RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2006 through June 30, 2006) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is January 1, 2006 through June 30, 2006.

R07-006 In the Matter of: UST Update, USEPA Amendments (January 1, 2006 through June 30, 2006) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is January 1, 2006 through June 30, 2006.

R07-007 In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (January 1, 2006 through June 30, 2006) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is January 1, 2006 through June 30, 2006.

June 15, 2006 Board Meeting

R06-027 In the Matter of: Amendments to 35 Ill. Adm. Code 201, (New Section 201.501 PSD Construction Permits) – The Board directed the Clerk to cause publication of this rule in *Illinois Register* for first notice. The Board accepted for hearing Illinois Environmental Protection Agency’s June 20, 2006 proposal to amend the Board’s air permitting regulations. The Board also granted petitioner’s motion for expedited hearing and decision.

Calendar

7/5/06 11:00 AM	AC 06-32	County of Jackson v. David Skidmore	Jackson County Health Department Conference Room #1 415 Health Department Road Murphysboro
7/6/06 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
7/13/06 10:30 AM	PCB 05-154	McLean County Asphalt v. IEPA	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East (North Entrance) Springfield
7/19/2006 10:00 AM	AC 04-51	IEPA v. Michael Moreton	City Hall Council Chambers 208 N. 19th Street Mattoon
7/20/06 10:00 AM	PCB 06-153	Midwest Petroleum Company v. IEPA	City Hall Council Chambers 101 South Illinois Street Belleville
7/20/06 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		James R. Thompson Center Room 9-040 100 W. Randolph Street Chicago
8/3/06 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East (North Entrance) Springfield
8/09/06 10:00 AM	PCB 06-43	Sangamon Valley Farm Supply v. IEPA and Village of Saybrook	City Hall Council Chambers 109 E. Olive Street Bloomington

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8/14/06 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 August 25, 2006)	James R. Thompson Center Assembly Hall Concourse Level 100 W. Randolph Street Chicago
8/16/06 9:30 AM	PCB 03-54	Freedom Oil Company v. IEPA (Consolidated: PCB 03-54, 56, 105, 179, 04-02)	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East (North Entrance) Springfield
8/16/06 9:30 AM	PCB 03-56	Freedom Oil Company v. IEPA (Consolidated: PCB 03-54, 56, 105, 179, 04-02)	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East (North Entrance) Springfield
8/16/06 9:30 AM	PCB 03-105	Freedom Oil Company v. Illinois Environmental Protection Agency (Consolidated: PCB 03-54, 56, 105, 179, 04-02)	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East (North Entrance) Springfield
8/16/06 9:30 AM	PCB 03-179	Freedom Oil Company (June 30, 2002 to November 22, 2002) v. IEPA (Consolidated: PCB 03-54, 56, 105, 179, 04-02)	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East (North Entrance) Springfield
8/16/06 9:30 AM	PCB 04-02	Freedom Oil Company (March 1, 2002 to January 24, 2003) v. IEPA (Consolidated: PCB 03-54, 56, 105, 179, 04-02)	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East (North Entrance) Springfield
8/17/06 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		James R. Thompson Center Room 9-040 100 W. Randolph Street Chicago

ILLINOIS ENVIRONMENTAL PROTECTION
 DIVISION OF PUBLIC WATER SUPPLIES
 RESTRICTED STATUS AND CRITICAL REVIEW LIST
 PUBLIC WATER SUPPLIES

The Restricted Status List was developed to give additional notification to officials of public water supplies 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 Pubic 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, Subpart 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.

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

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

This list is continually being revised as new information becomes available, and therefore, specific inquiries as to the status of any public water supply should be directed to the Division of Public Water Supplies for final determination. This list reflects the status as of July 1, 2006.

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

<i>SYSTEM NAME</i>	<i>RS CR</i>	<i>RGN EPA</i>	<i>NATURE OF PROBLEM</i>	<i>SERVED POP</i>	<i>DATE LISTING</i>
ALTERNATIVE BEHAVIOR TREATMENT CENTER - IL0977189	RS	2	INADEQUATE PRESSURE TANK	50	15-Jun-88
ALTO PASS WATER DISTRICT - IL1815150	RS	7	DISINFECTION BY- PRODUCTS	1031	15-Jan-05
ANDALUSIA - IL1610050	CR	1	INADEQUATE PRESSURE TANK	1050	01-Dec-03
ARENZVILLE - IL0170050	CR	5	INADEQUATE PRESSURE TANK	408	14-Mar-01
ARLINGTON REHABILITATION LIVING CENTER - IL0971110	RS	2	INADEQUATE HYDRO STORAGE	180	01-Dec-03
AURORA COMMUNITY WATER ASSN - IL0895750	RS	2	INADEQUATE PRESSURE TANK	150	16-Dec-88

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<i>SYSTEM NAME</i>	<i>RS CR</i>	<i>RGN EPA</i>	<i>NATURE OF PROBLEM</i>	<i>SERVED POP</i>	<i>DATE LISTING</i>
BAHL WATER CORP - IL0855200	RS	1	INADEQUATE PRESSURE TANK	700	15-Dec-93
BALCITIS PUMP CORP - IL2015100	RS	1	INADEQUATE STORAGE	150	01-Jan-06
BEASON CHESTNUT PWD - IL1075150	CR	5	INAD PLANT & SOURCE CAP	600	15-Jun-04
BEECHER - IL1970050	CR	2	INADEQUATE STORAGE	2091	14-Mar-01
BLUFORD - IL0810100	CR	7	LOW SYSTEM PRESSURE	1587	20-Mar-81
BRADLEY HEIGHTS SUBDIVISION - IL2015050	RS	1	INADEQUATE PRESSURE TANK	192	13-Sep-85
BROWNING - IL1690050	CR	5	INADEQUATE SOURCE CAPACITY	175	15-Mar-98
BUCKINGHAM - IL0910250	RS	2	INADEQUATE PRESSURE TANK	340	17-Mar-89
CARROLL HEIGHTS UTILITIES COMPANY - IL0155200	RS	1	INADEQUATE PRESSURE TANK	96	20-Mar-81
CASEYVILLE - IL1630250	CR	6	INADEQUATE STORAGE	9900	01-Oct-04
CEDARVILLE - IL1770050	CR	1	EMERGENCY POWER	800	01-Jan-06
CENTURY PINES APARTMENTS - IL0150020	RS	1	INADEQUATE PRESSURE TANK	50	14-Dec-90
CHANDLERVILLE - IL0170200	RS	5	INAD & UNAPPROVED STORAGE	704	01-Jan-06
COLUMBIA - IL1330050	CR	6	INADEQUATE PUMPING CAPACITY	8365	15-Mar-98
COOKSVILLE - IL1130400	RS	4	TTHM & HALOACIDIC ACIDS INADEQUATE PRESSURE	300	15-Sep-05
COYNE CNTR COOP - IL1615150	RS	1	TANK	150	15-Dec-97
CROPPERS 1ST 4TH AND 5TH ADDITION - IL1615250	CR	1	UNDERSIZED WATERMAINS	650	01-Jan-06
CROPSEY COMMUNITY WATER - IL1135150	RS	4	INADEQUATE PRESSURE TANK	31	20-Mar-81
CRYSTAL CLEAR WATER COMPANY - IL1115150	RS	2	INADEQUATE PRESSURE TANK	885	16-Sep-88
D L WELL OWNERS ASSOCIATION - IL0975380	RS	2	INADEQUATE PRESSURE TANK	141	18-Mar-83
DE KALB UNIV DVL CORP - IL0375148	RS	1	INADEQUATE PRESSURE TANK	1050	16-Dec-92
DE PUE - IL0110300	CR	1	INADEQUATE TREATMENT PLANT	1729	15-Dec-93
DEERING OAKS SUBDIVISION - IL1115200	RS	2	INADEQUATE PRESSURE TANK	60	17-Dec-82

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<i>SYSTEM NAME</i>	<i>RS CR</i>	<i>RGN EPA</i>	<i>NATURE OF PROBLEM</i>	<i>SERVED POP</i>	<i>DATE LISTING</i>
DONNELLSON - IL0054360	RS	6	TRICHALOMETHANE	197	15-Sep-05
DOVER - IL0110350	RS	1	INADEQUATE PRESSURE TANK	169	25-May-81
EAST END WATER ASSOCIATION - IL1610140	RS	1	INADEQUATE STORAGE CAPACITY	40	15-Mar-02
EAST MORELAND WATER CORPORATION - IL1975640	RS	2	INADEQUATE PRESSURE TANK	135	15-Mar-96
EASTMORELAND WTR SERVICE ASSN - IL1975600	RS	2	INADEQUATE PRESSURE TANK	650	20-Mar-81
EATON PWD - IL0335100	RS	4	INADEQUATE SOURCE CAPACITY	920	15-Mar-02
EFFINGHAM - IL0490250	CR		INADEQUATE DISINFECTION	12400	01-Jun-06
ELIZABETH - IL0850150	CR	1	LOW SYSTEM PRESSURE	682	15-Jun-99
EVANSVILLE - IL1570250	RS	6	TRICHALOMETHANE	740	15-Jun-02
EVERGREEN VILLAGE SUBDIVISION - IL1615310	RS	1	INADEQUATE PRESSURE TANK	130	20-Mar-81
EXETER-MERRITT WATER COOP - IL1710010	CR	5	INADEQUATE PRESSURE TANK	428	01-Oct-04
FAHNSTOCK COURT SUBDIVISION - IL1435200	RS	5	INADEQUATE PRESSURE TANK	35	25-May-81
FAIR ACRES SUBDIVISION - IL1975680	RS	2	INADEQUATE PRESSURE TANK	156	19-Oct-81
FOREST LAKE ADDITION - IL0975500	RS	2	INADEQUATE PRESSURE TANK	204	16-Dec-83
GALENA - IL0850200	CR	1	LOW SYSTEM PRESSURE	3640	15-Jun-99
GARDEN STREET IMPROVEMENT ASSOCIATION - IL1975376	RS	2	INADEQUATE PRESSURE TANK	54	15-Sep-89
GOOD SHEPHERD MANOR - IL0915189	RS	2	INADEQUATE PRESSURE TANK	25	17-Mar-89
GREAT OAKS AND BEACON HILLS APARTMENTS - IL2015488	RS	1	INADEQUATE PRESSURE TANK	2420	17-Dec-82
HAMEL - IL1190450	CR	6	INADEQUATE STORAGE CAPACITY	650	01-Jan-06
HAWTHORN WOODS - IL0970450	RS	2	INADEQUATE PRESSURE TANK	672	15-Mar-95
HEATHERFIELD SUBDIVISION - IL0635150	RS	2	INADEQUATE PRESSURE TANK	75	17-Sep-82
HECKER - IL1330150	RS	6	DISINFECTION BY- PRODUCTS	608	15-Jan-05
HETTICK - IL1170500	RS	5	TRICHALOMETHANE	182	15-Jun-02

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HIGHLAND SUBDIVISION - IL0895530	RS	2	INADEQUATE PRESSURE TANK	60	16-Sep-83
HILLVIEW SUBDIVISION - IL1975800	RS	2	INADEQUATE PRESSURE TANK	100	15-Mar-85
HOLIDAY SHORES SD - IL1195110	CR	6	INADEQUATE STORAGE CAPACITY	3192	01-Jan-06
HOLY FAMILY VILLA - IL0310280	RS	2	INADEQUATE PRESSURE TANK	200	15-Sep-99
INGALLS PARK SUBDIVISION - IL1975880	RS	2	INADEQUATE PRESSURE TANK	745	16-Sep-83
JOY - IL1310100	CR	1	LOW SYSTEM PRESSURE	373	15-Jun-99
KIRK WATER LINE INC - IL0330030	RS	4	INADEQUATE SOURCE CAPACITY	72	15-Mar-02
LA MOILLE - IL0110500	CR	1	INADEQUATE PLANT CAPACITY	750	15-Jun-99
LA SALLE - IL0990300	CR	1	INAD PLANT & SOURCE CAPACITY	9700	01-Nov-04
LACON - IL1230100	CR	1	UNDERSIZED WATERMAINS	1979	01-Jan-06
LAKE LYNWOOD WATER SYSTEM - IL0735330	RS	1	INADEQUATE PRESSURE TANK	75	31-Aug-81
LARCHMONT SUBDIVISION - IL2015290	RS	1	INADEQUATE PRESSURE TANK	64	17-Jun-83
LARSON COURT APARTMENTS - IL1615728	RS	1	INADEQUATE PRESSURE TANK	58	14-Jan-82
LEE - IL1034600	CR	1	INADEQUATE PRESSURE TANK	350	01-Oct-04
LEGEND LAKES WATER ASSOCIATION - IL2015300	RS	1	INADEQUATE PRESSURE TANK	283	14-Mar-91
LIBERTY PARK HOMEOWNERS ASSOCIATION - IL0435600	RS	2	INADEQUATE PRESSURE TANK	837	17-Sep-92
LINDENWOOD WATER ASSOCIATION - IL1415300	RS	1	INADEQUATE PRESSURE TANK	50	13-Jan-82
LISBON NORTH, INC. - IL0631000	RS	2	INADEQUATE PRESSURE TANK	30	14-Sep-90
LONDON MILLS - IL0574620	RS	5	INADEQUATE PRESSURE TANK	447	14-Dec-84
LYNN CENTER - IL0735100	RS	1	INADEQUATE PRESSURE TANK	100	15-Mar-95
LYNNWOOD WATER CORPORATION - IL0995336	RS	1	INADEQUATE PRESSURE TANK	110	18-Mar-83
M C L W SYSTEM, INC. - IL1315150	RS	1	INADEQUATE SOURCE	98	20-Mar-81
MALDEN - IL0110550	CR	1	UNDERSIZED WATERMAINS	370	01-Jan-06

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MARION - IL1990550	CR	7	INADEQUATE SOURCE CAPACITY	14610	01-Nov-01
MASON CITY - IL1250350	CR	5	INADEQUATE STORAGE CAPACITY	2558	01-Jan-06
MATHERSVILLE - IL1310200	CR	1	INADEQUATE SYSTEM PRESSURE	793	13-Sep-00
MC HENRY SHORES WATER COMPANY - IL1115020	CR	2	LOW SYSTEM PRESSURE	1813	17-Sep-92
MECHANICSBURG-BUFFALO WATER COMMISSION - IL1675150	CR	5	INADEQUATE SOURCE CAPACITY	1350	15-Mar-98
MOECHERVILLE WATER DISTRICT - IL0895300	RS	2	INADEQUATE PRESSURE TANK	975	20-Mar-81
MOUND PWD - IL1635050	RS	6	INADEQUATE PLANT CAPACITY	2200	17-Jun-96
NAUVOO - IL0670500	CR	5	INADEQUATE DISINFECTION	1071	01-Jun-06
NORTHWEST BELMONT IMPROVEMENT ASSOCIATIO - IL0435900	RS	2	INADEQUATE PRESSURE TANK	78	29-Sep-81
OAK RIDGE SD - IL2035300	RS	1	INADEQUATE PRESSURE TANK	240	20-Mar-81
OLIVET NAZARENE UNIVERSITY - IL0915279	RS	1	INADEQUATE PRESSURE TANK	0	15-Mar-94
OPHIEM PWS - IL0735150	RS	1	INADEQUATE PRESSURE TANK	100	18-Jun-82
OSCO MUTUAL WATER SUPPLY COMPANY, INC. - IL0735200	RS	1	INADEQUATE PRESSURE TANK	115	15-Dec-89
OTTER CREEK LAKE UTILITIES DISTRICT - IL2015320	CR	1	INADEQUATE STORAGE CAPACITY	2753	14-Oct-05
OTTER LAKE WATER CMSN (ADGPTV) - IL1175200	CR	5	INAD PLANT & SOURCE CAP	1251	01-Jun-06
PANAMA - IL0054720	RS	6	TTHM, DBP, INAD STORAGE INADEQUATE PLANT	380	01-Jan-06
PATOKA - IL1210400	RS	6	CAPACITY	731	15-Mar-97
PITTSFIELD - IL1490750	RS	5	DISINFECTION BY- PRODUCTS	4250	15-Jan-05
POLO DR AND SADDLE RD SUBDIVISION - IL0437000	RS	2	INADEQUATE PRESSURE TANK	90	17-Dec-82
PORTS SULLIVAN LAKE OWNERS ASSOCIATION - IL0971160	RS	2	INADEQUATE PRESSURE TANK	293	15-Jun-99
PRAIRIE RIDGE ASSOCIATION - IL1115730	RS	2	INADEQUATE PRESSURE TANK	130	01-Oct-04
RIDGECREST NORTH SUBDIVISION - IL0635250	RS	2	INADEQUATE PRESSURE TANK	60	16-Sep-93
RIDGEWOOD LEDGES WATER ASSOCIATION - IL1615670	RS	1	INADEQUATE PRESSURE TANK	370	20-Mar-81

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RIDGEWOOD SUBDIVISION - IL1977650	RS	2	INADEQUATE PRESSURE TANK	250	18-Jun-82
ROBINSON-PALESTINE WATER COMMISSION - IL0335030	RS	4	INADEQUATE PLANT CAPACITY	11317	01-Nov-01
SCALES MOUND - IL0850400	CR	1	LOW SYSTEM PRESSURE INADEQUATE PLANT	400	15-Sep-97
SENECA - IL0991050	CR	1	CAPACITY	2053	15-Jun-99
SHAWNITA TRC WATER ASSOCIATION - IL1977690	RS	2	INADEQUATE PRESSURE TANK	125	17-Sep-92
SILVIS HEIGHTS WATER CORP - IL1615750	RS	1	INADEQUATE HYDRO STORAGE	1600	01-Dec-03
SKYVIEW SBDV - IL0915526	RS	2	INADEQUATE PRESSURE TANK	45	16-Mar-90
SMITHBORO - IL0050250	RS	6	DISINFECTION BY- PRODUCTS	200	15-Jan-05
SOUTH HIGHWAY PWD - IL0775400	CR	7	LOW SYSTEM PRESSURE & UNDERSIZED WATERMANS	8420	01-Jan-06
ST CHARLES COMMISSION WELLFUND 3 - IL0437040	RS	2	INADEQUATE PRESSURE TANK &	30	15-Dec-89
STOCKTON - IL0850450	CR	1	LOW SYSTEM PRESSURE	1871	15-Jun-84
STRATFORD WEST APARTMENTS - IL1095200	RS	5	INADEQUATE PRESSURE TANK	39	17-Dec-82
SUBURBAN HEIGHTS SUBDIVISION - IL1615800	RS	1	INADEQUATE PRESSURE TANK	82	16-Dec-83
SUMMIT HOMEOWNERS ASSOCIATION - IL0975280	RS	2	INADEQUATE PRESSURE TANK	39	16-Mar-84
SUMNER - IL1010300	CR	7	LOW SYSTEM PRESSURE	1481	13-Dec-85
SUNNY HILL ESTATES SUBDIVISION - IL0735300	RS	1	INADEQUATE PRESSURE TANK	525	15-Jun-00
SUNNYLAND SUBDIVISION - IL1977730	RS	2	INADEQUATE PRESSURE TANK	350	16-Sep-83
SWEDONA WATER ASSOCIATION - IL1315200	RS	1	INADEQUATE PRESSURE TANK	157	15-Jun-90
SYLVAN LAKE 1ST SUBDIVISION - IL0977100	RS	2	INADEQUATE PRESSURE TANK	210	14-Jun-91
TOWNERS SUBDIVISION - IL0977250	RS	2	INADEQUATE PRESSURE TANK	210	14-Jan-82
UTILITIES INC HOLIDAY HILLS - IL1115350	RS	2	INADEQUATE PRESSURE TANK	729	16-Sep-83
UTL INC-LAKE HOLIDAY - IL0995200	RS	1	INAD SOURCE & TREATMENT PLT	5460	15-Sep-98
UTL INC-LAKE MARIAN WATER CORPORATION - IL0895200	CR	2	INAD PRES STORAGE & LOW SYS PRES	924	14-Sep-84

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UTL INC-NORTHERN HILLS UTILITIES COMPANY - IL1775050	RS	1	INADEQUATE PRESSURE TANK	500	15-Mar-96
UTL INC-WALK-UP WOODS WATER COMPANY - IL1115800	RS	2	INADEQUATE PRESSURE TANK	654	17-Dec-82
WALNUT HILL - IL1210600	CR	6	LOW SYSTEM PRESSURE	1470	14-Jun-85
WATERLOO - IL1330300	CR	6	INADEQUATE STORAGE	7614	01-Oct-04
WEST SHORE PARK SUBDIVISION - IL0977370	RS	2	INADEQUATE PRESSURE TANK	528	15-Jun-00
WEST SHORELAND SUBDIVISION - IL0977050	RS	2	INADEQUATE PRESSURE TANK	189	14-Jun-91
WESTERN WAYNE WATER DISTRICT - IL1910010	RS	7	TRIHALOMETHANE INADEQUATE PRESSURE TANK	2262	15-Sep-05
WIENEN ESTATES - IL0850030	RS	1	INADEQUATE PRESSURE TANK	70	15-Dec-97
WILLIAMSON - IL1191100	RS	6	TRIHALOMETHANE	340	15-Sep-05
WONDER LAKE WATER COMPANY - IL1115750	RS	2	INADEQUATE PRESSURE TANK	1442	16-Jun-94
WORDEN - IL1191200	CR	6	INADEQUATE STORAGE CAPACITY	906	01-Jan-06
YORK CENTER COOP - IL0437550	RS	2	INADEQUATE PRESSURE TANK	240	15-Jun-88

WATER SYSTEMS REMOVED SINCE LAST QUARTER

IOLA IL0250010

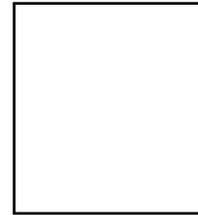
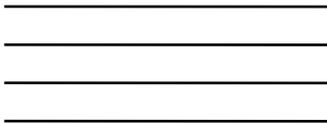
FORWARD SKYLINE PLANT IL0895030

CLAYTON CAMP POINT IL0015200

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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