
Environmental Register

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G. Tanner Girard, Acting Chairman

Board Members:

Thomas E. Johnson, Nicholas J. Melas, Andrea S. Moore

Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601
(312) 814-3620
(312) 814-6032 TDD

Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
(217) 524-8500

Web Site: <http://www.ipcb.state.il.us>

Letter from the Chairman

On July 20, 2006, the Illinois Pollution Control Board adopted amendments to the Board's administrative rules at 2 Ill. Adm. Code 2175. The administrative rules address the Board's organization, types of Board proceedings, how to pay filing and copying fees, and how the public may access information regarding the Board's caseload. Three major factors made these changes to the Board's administrative rules necessary.

First, amendments to statutes, including the Environmental Protection Act (Act) (415 ILCS 5 (2004)), have affected the Board. Those amendments include Public Act 93-509 (eff. Aug. 11, 2003) that amended the Act by reducing the number of Board Members from seven to five. 415 ILCS 5/5(a). Public Act 93-523 (eff. Jan. 1, 2004) amended the Open Meetings Act to require that public bodies keep a "verbatim record of all their closed meetings in the form of an audio or video recording." 5 ILCS 120/2.06(a). The Board complies with this new requirement by audio taping its closed deliberative sessions held pursuant to Section 2(c)(4) of the Open Meetings Act (5 ILCS 120/2(c)(4) (2004)). Other new provisions of the Open Meetings Act, brought about by Public Act 94-28 (eff. Jan. 1, 2006), impose various Web site posting requirements on certain public bodies.

Second, the Board adopted an entirely new set of procedural rules in 2000, and the Board now cross-references them in its administrative rules. *See* Revision of the Board's Procedural Rules: 35 Ill. Adm. Code 101-130, R00-20 (Dec. 21, 2000). The Board developed the new procedural rules to more efficiently and effectively implement the Act and other laws and to make public to participation in Board proceedings easier.

Third, the amended administrative rules update information about the Board. The Board's Web site (www.ipcb.state.il.us) has continued to evolve, including the creation of COOL (Clerk's Office On Line) and electronic filing. Other developments at the Board, reflected in these amendments, are as basic as noting a new address for the Board's Springfield office. The rules also show that the Board now conducts meetings by videoconference between Chicago and Springfield. In addition, the Board's organizational chart has been updated.

We believe that the amended administrative rules will assist citizens and affected parties participate in Board activities. I am also confident that Illinois citizens will be able to more easily access information about the Board and our caseload.



Sincerely,

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

G. Tanner Girard, Ph.D.
Acting Chairman

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Federal Update

United States Environmental Protection Agency Adopts Final Standards of Performance for Stationary Compression Ignition Internal Combustion Engines Under the Clean Air Act

On July 11, 2006 (71 Fed. Reg. 39153), the United States Environmental Protection Agency (USEPA) adopted a final rule setting standards of performance for stationary compression ignition (CI) internal combustion engines (ICE).

The standards implement section 111(b) of the Clean Air Act and are based on the USEPA's determination that stationary CI ICE cause, or contribute significantly to, air pollution that may reasonably be anticipated to endanger public health or welfare. USEPA stated that the intended effect of the standards is to require all new, modified, and reconstructed stationary CI ICE to use the best demonstrated system of continuous emission reduction, considering costs, non-air quality health, and environmental and energy impacts, not just with add-on controls, but also by eliminating or reducing the formation of these pollutants. The final standards will reduce nitrogen oxides by an estimated 38,000 tons per year (tpy), particulate matter by an estimated 3,000 tpy, sulfur dioxide by an estimated 9,000 tpy, non-methane hydrocarbons (NMHC) by an estimated 600 tpy, and carbon monoxide by an estimated 18,000 tpy in the year 2015.

The final rule is effective on September 11, 2006.

For further information contact Mr. Jaime Pagan, Energy Strategies Group, Sector Policies and Programs Division (D243-01), U.S. EPA, Research Triangle Park, North Carolina 27711; telephone number (919) 541-5340; facsimile number (919) 541-5450; electronic mail address pagan.jaime@epa.gov.

If any amendments to the Illinois air rules become necessary, the Board would expect the Illinois Environmental Protection Agency to propose amendments using the Clean Air Act "fast-track" procedures at Section 28.5 of the Environmental Protection Act (415 ILCS 5/28.5 (2006)).

United States Environmental Protection Agency Proposes "Significant New Use Rule" for Mercury Switches in Motor Vehicles Under the Toxic Substances Control Act

On July 11, 2006 (71 Fed. Reg. 39035), the United States Environmental Protection Agency (USEPA) proposed a "significant new use rule" under section 5(a)(2) of the Toxic Substances Control Act for elemental mercury used in convenience light switches, anti-lock braking system switches, and active ride control system switches in certain motor vehicles.

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The proposed amendments would require persons who intend to manufacture, import, or process mercury for these uses, including when mercury is imported or processed as part of an article, to notify USEPA at least 90 days before commencing such activity.

USEPA stated that it believes that this action is necessary because manufacturing, processing, use, or disposal of mercury switches may produce significant changes in human and environmental exposures. The required notice would provide USEPA with the opportunity to evaluate the use of mercury in these switches, and, if necessary, to prohibit or limit such activity before it occurs to prevent unreasonable risk of injury to human health or the environment.

Comments must be received on or before September 11, 2006. Comments should be submitted, identified by docket identification (ID) number EPA-HQ-OPPT-2005-0036, by one of the following methods:

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

2) Mail: Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

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

United States Environmental Protection Agency Adopts Amendments to the Hazardous Waste Management System for Cathode Ray Tubes Under the Resource Conservation and Recovery Act

On July 28, 2006 (71 Fed. Reg. 42927), the United States Environmental Protection Agency (USEPA) adopted amendments to the Hazardous Waste Management System regulations under the Resource Conservation and Recovery Act (RCRA) to exclude from the definition of solid waste used cathode ray tubes (CRTs) that are recycled. A CRT is the glass video display component of an electronic device (usually a computer or television monitor). USEPA imposed conditions on the exclusion to ensure management of used CRTs as commodities, rather than as wastes.

In this rule, USEPA is amending its RCRA regulations to streamline management requirements for recycling of used CRTs and glass removed from CRTs. CRTs contain heavy metals of concern; the principal concern is lead, which is generally present in levels high enough to render CRTs hazardous waste for toxicity. Mercury, cadmium, and arsenic are also present, but usually in levels lower than the toxicity characteristic. The amendments exclude these materials from the RCRA definition of solid waste if certain conditions are met. USEPA stated that this rule is intended to encourage recycling and reuse of used CRTs and CRT glass. USEPA proposed this rule on June 12, 2002 (67 FR 40508).

The final rule is effective on January 29, 2007.

For further information contact Ms. Marilyn Goode, Office of Solid Waste, Mail Code 5304W, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, (703) 308-8800, email: goode.marilyn@epa.gov.

The Board will include any additional necessary amendments to Board rules resulting from this federal action in a future RCRA identical in substance rulemaking pursuant to Section 7.2 and 22.4 of the Environmental Protection Act (415 ILCS 5/7.2 and 22.4 (2006)).

Rule Update

Board Adopts Second 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 July 6, 2006, the Board adopted a second 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). The Board made some changes to its first notice proposal in response to comments received during the first notice period. Additionally, the Board made several changes to the text of the rule as it was published in the *Illinois Register* (April 21, 2006 at 30 Ill. Reg. 7711) to make the text match the Board's first notice order. The Board sent this rulemaking, as required by the Illinois Administrative Procedure Act (5 ILCS 100/1-1 *et seq.* (2004)), to the Joint Committee on Administrative Rules (JCAR) for review at its August 8, 2006 meeting.

This rulemaking proposes to add a new Part 1100 of the Board's regulations concerning clean construction or demolition debris (CCDD) 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 material in current and former quarries, mines, and other excavations. The statutory deadline for Board adoption of CCDD rules is September 1, 2006, and the Board anticipates adopting a final order at its meeting August 17, 2006, assuming JCAR has no objection to the rules as proposed.

The majority of the fill sites for CCDD are in the Northeastern part of Illinois. There are also several sites in Southern Illinois. Eighty-three sites have applied for interim authorization to use CCDD as fill in current or former mine, quarry, or other excavations. The IEPA stated that, of these, 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 applicants 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.

According to proposed Section 1100.408, permits issued under Part 1100 will have a term of 10 years.

The Board received comments on its first notice proposal that touched on the following six general topics in the proposed rule language. Description of the Board's response follows the description of the comments:

The Definition of “Uncontaminated” Debris

Vulcan Materials Company, Land Reclamation Services, Inc., and Rockford Sand and Gravel, Inc. (RSG) requested additional clarification of the term “Uncontaminated Debris.” The comments stated that the term was too broad and ambiguous, and questioned how the Board’s use of “uncontaminated” would be reconciled with the Illinois Department of Transportation’s (IDOT) definition of the term. RSG pointed out the IDOT use of “uncontaminated” allows for a field PID reading of up to ten units above background levels before the load is considered contaminated, while the Board’s first notice regulations require that readings at the CCDD disposal site be at or below background levels. The IEPA stated in its comments that the Environmental Protection Act, not IDOT specifications, must be the guide in determining the status of CCDD.

The Office of the Attorney General (AG) suggested that the Board include a list of items typically found in demolition debris that should be prohibited from entering a CCDD site.

The Board found that no new language was required to clarify the definition of “uncontaminated.” The Board noted that the load-checking requirements of the proposed Section 1100.205 allow either a facility-designated inspector or an IEPA inspector to reject any load resulting in a contaminant reading above background levels. Accordingly, because each load must be checked and may be rejected if produces readings above background levels of contamination, the Board found that the proposed Section 1100.205 was adequately instructive. The Board also noted that the rules place the liability for complying with the Part 1100 rules on the owners and operators of a CCDD site, which should serve as an incentive for those owners and operators to ensure that they are only accepting waste that is suitable for their sites.

IDOT Specifications

RSG requested that the Board provide clarification on the applicability of IDOT specifications for the use of CCDD from an IDOT project when those standards are different from the ones established by the Board. The IEPA pointed out that to ensure that the material hauled from an IDOT project can be accepted at a CCDD fill site, an IDOT contractor should not analyze the material under IDOT specifications. Rather, an IDOT contractor should consider whether the material will pass the screening process for CCDD fill operations. The IEPA emphasizes, however, that the burden of determining what is acceptable for use as fill at a CCDD site ultimately lies with the owner or operator of the CCDD fill operation.

The Board found that the rules, as proposed, were clear as to the requirements of what standards were applicable in the treatment of CCDD.

Instrument Calibration and Load-Checking Program

The AG was opposed to calibrating load checking devices (such as the photo ionization detector (PID) and flame ionization detector (FID) devices) to background levels. Additionally, the AG requested that the Board require that facilities that accept CCDD use an X-ray fluorescence (XRF) analyzer to test for the presence of metals, at an estimated \$35,000 per XRF analyzer. The AG also recommended that the load-checking program include a requirement that the facility visually inspect for asbestos-containing materials. The Illinois Association of Aggregate Producers (IAAP) argued that the AG’s proposal to check every load for metals using X-ray fluorescence analyzers would produce frequent false positives because the tests would detect naturally occurring metals in the soil.

The Board did not add an XRF analyzer requirement to the rule, finding that it was an overly expensive option, and that the statutory definition of CCDD itself precluded fill contaminated with metals. The Board noted that the rule language does currently require all facility personnel to be trained in identifying material that is not CCDD, including asbestos.

Leachate and Contingent Groundwater Sampling Requirements

The AG proposed that the Board include groundwater monitoring or leachate sampling and analysis in the rule, stating that the first notice proposal includes lead checking only for volatile organic compounds, yet inappropriate substances such as metals will also be present in incoming loads. The IAAP disagreed that operators should perform leachate sampling and groundwater monitoring at CCDD fill sites and argues that the AG relied on other states' C&D regulations as the basis for this comment and proposal. L&LC supported the IAAP's position.

The Board noted that several post first-notice public comments confused CCDD with a broader category of materials known generally as construction and demolition (C&D) debris. C&D debris sites, known in Illinois as inert waste landfills, are allowed to accept a much broader range of demolition debris including wood, roofing material, cardboard, and wall board. All of these items are excluded from the statutory definition of CCDD. The Board did not make changes to the rule inconsistent with the statutory definition. The Board declined to include leachate testing and contingent groundwater sampling requirements.

“Required Signatures”

The AG suggested that the Board add a subsection to Section 1100.303 “Required Signatures” requiring a member to sign for a member-managed limited liability company (LLC) and a manager or member to sign for a manager-managed LLC to ensure that the IEPA will be able to identify the responsible party.

The Board added a new subsection to 1100.303(b) to require signatures on permit applications on behalf of LLCs. The Board added signatories for LLCs to the list of duly authorized agents of the owner or operator.

IEPA Clarifications

The IEPA requested that the Board make changes to the text of the rule, as it was published in the *Illinois Register*, to make the text match the Board's first notice order. The Board made the recommended changes.

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.

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 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 Under P.A. 94-314 (35 Ill. Adm. Code 1600) (R06-23)

On July 6, 2006, the Board adopted a second 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 Under P.A. 94-314 (35 Ill. Adm. Code 1600) (R06-23). The Board made several changes to its first notice proposal, published in the *Illinois Register* on May 5, 2006 at 30 Ill. Reg. 8061. These included changing the Part number of the proposed new Part from 1505 to 1600. The Board sent this rulemaking, as required by the Illinois Administrative Procedure Act (5 ILCS 100/1-1 *et seq.* (2004)), to the Joint Committee on Administrative Rules (JCAR) for review at its August 8, 2006 meeting.

Public Act 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.*). Public Act 94-314 requires the Board to adopt well survey and community relations rules within 240 days of its effective date. The

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Illinois Environmental Protection Agency (IEPA or Agency) proposed the amendments January 20, 2006 to set up a "voluntary approach to community relations activities and to keep the emphasis on the Agency notices" of contamination to certain members of the public under certain circumstances as established in P.A. 94-314. The statutory deadline for Board adoption of these rules is September 17, 2006, and the Board anticipates adopting a final order at its meeting August 17, 2006, assuming JCAR has no objection to the rules as proposed.

Public Act 94-314 directed the IEPA to propose rules requiring potable water well surveys and community relations activities in response to releases of contaminants that have impacted or may impact offsite groundwater or soil. In response, the IEPA has proposed a new Part that codifies procedures currently followed by the IEPA in conducting potable water supply well surveys when those surveys are required under the Act or Board rules. Also required by Public Act 94-314, the proposed new Part defines how the IEPA, or any party authorized by the IEPA, must conduct community relations activities in response to releases of contaminants that have impacted or may impact offsite potable water supply wells. The regulations governing community relations activities are in addition to, not in lieu of, any existing reporting and notification requirements.

The proposed new Part 1600 contains three subparts. Subpart A contains general information. Subpart B contains the procedures for performing potable water well surveys as part of response actions taken to address releases of contaminants. Subpart C contains the standards and requirements for community relations activities to be developed and implemented when the authorized party agrees to take on the IEPA's notice obligations as part of IEPA-approved community relations activities.

The proposed new Part 1600 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 IEPA notice obligations as part of IEPA-approved community relations activities.

The Board received comments on its first notice proposal that touched on the following five general topics in the proposed rule language. Description of the Board's response follows the description of the comments:

IEPA's Errata Sheet

The IEPA filed a second errata sheet after first notice publication with suggested rule language changes to provide clarification to the proposed new Part. The IEPA proposed that the Board change the phrase "measured and modeled" to "measured or modeled" in Sections 1600.210(c)(2)(A), (B), and (e)(2). According to the IEPA, characterization of groundwater contaminant concentrations will usually require both measured and modeled data, but there are exceptions.

In the original proposal, the IEPA proposed two levels of community relations activities, but required authorized parties to create community relations plans (CRP) only in situations with greater contamination impacts. To be consistent with statutory requirements, the IEPA proposed that the Board revise Section 1600.310(b) so that authorized parties must create CRPs in situations of both lesser and greater contamination.

The IEPA also requested that the Board revise Section 1600.310(b) to clarify that notice is separate from the fact sheet and to incorporate the statutory language for the required contents of the notice.

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The IEPA proposed language in Section 1600.320 to clarify that a website repository is mandatory in all cases, and a physical repository is an additional requirement under certain conditions if requested by the public.

In its errata sheet, the IEPA proposed deleting Section 1600.335(b)(2), regarding IEPA monitoring of an authorized party's implementation of community relations activities. The IEPA stated that this section is discretionary and that the types of monitoring discussed are implicit in the IEPA's statutory authority to investigate violations of the Act. The IEPA stated it would, for example, attend all public meetings scheduled by the authorized party.

The Board agreed with the IEPA's suggestions in its errata sheet and made the proposed changes to the rule text. Additionally, the Board has changed the Part number of the proposed new Part from 1505 to 1600 to more clearly differentiate the Subpart O rules from the existing Subpart N regulations.

Fact Sheets Content

Citizens Against Ruining the Environment (CARE) stated that the rule should require authorized parties to distribute a fact sheet under Section 1600.310, where a release affects five or fewer wells. CARE insisted that fact sheets notify recipients of their right under §1600.320 to request a document repository at a physical location since many recipients may be without a computer. CARE also requested that the fact sheet contain verification that the information contained in the sheet is approved by the IEPA and notice that the fact sheet is not junk mail. Moreover, CARE believes that either the IEPA or the authorized party should include information to fact sheet recipients about the availability of Toxicological Profiles, frequently asked questions about hazardous substances (ToxFAQs), and other resources freely provided by the federal Agency for the Toxic Substances and Disease Registry.

The Board found that CARE's suggestion that fact sheets distributed under Section 1600.310 must provide responses to key community concerns was well reasoned. The Board amended the text to require fact sheets distributed pursuant to Section 1600.315(b)(3)(G), where a release affects more than five wells or properties, must contain responses to key community concerns. The Board also made changes to the text to require that these responses should also be required where a release affects five or fewer wells or properties. The Board did not make CARE's suggested change that fact sheets additionally inform recipients of their right to request a document repository at a physical location. The Board did not believe that this was warranted since Section 1600.315(b)(3)(H) and (I) require fact sheets to include the Internet address of the document repository, and information about how to obtain copies. The Board also declined to make CARE's suggested change that fact sheets contain information about the availability of Toxicological Profiles, ToxFAQs, or other resources provided by the United States Environmental Protection Agency for the Toxic Substances and Disease Registry because the standards in Section 1600.315(b)(3)(A) already require fact sheets to include the *nature and extent* of the contaminants identified at 35 Ill. Adm. Code 1600.315(b)(3)(A). Because the rules as currently drafted require fact sheets to contain contact information of an IEPA designated staff person, and a statement that additional information may be available by contacting that staff person, the rules do not need to have additional information requirements.

Website Repository

Illinois Environmental Regulatory group (IERG) stated that according to the current Section 1600.320, upon request of one individual, the authorized party must provide the individual with a copy of the complete document repository. If further requests are made, the authorized party must establish a physical repository at a public location. IERG contended that the two-tiered approach of providing physical documents is inefficient and potentially burdensome. IERG recommended that a physical repository in a public location should be made upon the initial request.

CARE suggested that the rule limit the content of the online document repository to prevent authorized parties from including advertisements or information unapproved by the IEPA.

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The Board agreed with IERG's recommendation that a physical repository be made in a public location upon the initial request. The Board did not add an explicit requirement that the online document repository be limited to prevent authorized parties from including advertisements, since the IEPA's oversight authority is already adequate to prevent authorized parties from including such materials.

Replacing Term "Responsible Party" With "Authorized Party"

Several participants recommended deleting or defining the term "responsible party" from the proposed rule language. Instead of defining the "responsible party" for the purposes of Part 1600, the IEPA proposed to define and use the phrase "authorized party" when describing any party authorized by the IEPA to provide notice in lieu of the IEPA. The IEPA also proposed to revise the rule so there is consistent use of the term "authorized party" throughout Subpart C. IERG supported using the term "authorized party" to replace the term "responsible party."

CARE requested that the Board amend the proposed Section 1600.305 to allow the IEPA discretion to choose one authorized party among several candidates or allow multiple authorized parties to work cooperatively to avoid disputes and resulting delays.

The Board agreed with the IEPA that the replacement of the term "responsible party" with "authorized party" throughout the proposal is a positive change because it eliminates potential liability connotations that the public may associate with the IEPA's cost recovery rules. The Board also agreed that by defining the term "authorized party" in Subpart A, references to persons authorized by the IEPA to provide notice are more consistent throughout the remainder of the proposal. In response to CARE's comments, the Board amended the definition of "authorized party." By changing the definition to read that "authorized party," means "a" person rather than "the" person, the definition allows the IEPA to authorize more than one party.

Notification of Occupants "to the Extent Reasonably Practicable"

Mrs. Dinschel and Ms. Muniz, who participated in the hearings and filed comments in this rulemaking, both expressed concern that the language requiring identification of occupants "to the extent reasonably practicable" creates a loophole that authorized parties may use to avoid notifying occupants. Mrs. Dinschel and Ms. Muniz requested clarification of what "to the extent reasonably practicable" means. CARE was concerned that the proposed rule does not list specific methods for identification of occupants. IERG identified the difficulties associated with notifying occupants and reiterated IERG's concern that an absolute requirement exposes the regulated community to enforcement actions even if the authorized party has made a good faith effort to notify all occupants. The IEPA stated that the community relations concept includes more than affected property owners and more than simple notice, and the new requirements in Public Act 94-314 indicates that the community relations activities adopted by the Board must foster and maintain a dialogue with the community. As such, the IEPA stated that it would use its oversight of the program to ensure that the authorized parties make a full effort to contact occupants of a potentially affected building.

The Board did not make any changes to add a listing of specific methods for identification of occupants for purposes of notification. The Board agreed that the IEPA's oversight functions would allow the IEPA to advise the authorized party on how to make the proper notifications. Failing that, the IEPA can take action on its own volition. The IEPA must review the authorized party's contact list and whether that list adequately identifies occupants to the extent reasonably practicable and whether the authorized party has included the methods used to identify the occupants. If an authorized party fails to adequately notify occupants, the IEPA will provide notice and then seek cost recovery from the authorized party.

The Board held one hearing in this rulemaking in Chicago on March 28, 2006 and a second hearing on May 23, 2006 in Springfield.

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.

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For additional information contact Amy Antonioli at 312-814-3665; e-mail address antonia@ipcb.state.il.us

Board Adopts Opinion and Order Directly Adopting Final Amendments to its Administrative Rules in Amendments to the Board's Administrative Rules: 2 Ill. Adm. Code 2175 (R04-9)

On July 20, 2006, the Board adopted an opinion and order that adopted amendments to its administrative rules at 2 Ill. Adm. Code 2175. Pursuant to procedures for required rulemaking under Section 5-15 of the Illinois Administrative Procedure Act (5 ILCS 100/5-15), the Board adopted the rules without proceeding through the first and second notice stages of a regular rulemaking. The adopted amendments were filed with the Secretary of State's Index Department for publication in the August 11, 2006 issue of the *Illinois Register*.

In this rulemaking, the Board is updating its Part 2175 rules to describing the Board's organization, the types of Board proceedings, how to pay filing and copying fees, and how the public may access information. The adopted amendments encompass three different topics: (1) statutory changes affecting the Board; (2) Board procedural rule changes; and (3) various developments at the Board, such as the public availability of Clerk's Office online (COOL) as an "electronic file cabinet" on the Board's Web site.

Statutory changes

Recent amendments to the Environmental Protection Act (Act) (415 ILCS 5 (2004)) and the Open Meetings Act (5 ILCS 120 (2004)) have impacted the Board. For example, Public Act 93-509 (eff. Aug. 11, 2003) amended the Act, reducing the number of Board Members from seven to five. This, in turn, lowered the number of affirmative votes needed for Board action from four to three. These statutory changes are reflected in the amendments at Sections 2175.105(b) (Board membership) and 2175.120(b) (approval of majority of members required for Board decisions). Public Act 93-523 (eff. Jan. 1, 2004) amended the Open Meetings Act to require that public bodies keep a "verbatim record of all their closed meetings in the form of an audio or video recording." The Board complied with this new requirement by audio-taping its closed deliberative sessions, held pursuant to Section 2(c)(4) of the Open Meetings Act (5 ILCS 120/2(c)(4) (2004)). Verbatim recording is now covered in Section 2175.135 of the Board's administrative rules. Other new provisions of the Open Meetings Act, brought about by Public Act 94-28 (eff. Jan. 1, 2006), impose Web site posting requirements on certain public bodies. Under Section 2.02 of the Open Meetings Act (5 ILCS 120/2.02), a public body with a Web site maintained by a full-time staff must post its regular meeting agendas and annual meeting schedule on its Web site. Under Section 2.06(b) of the Open Meetings Act (5 ILCS 120/2.06(b)), such a public body must also post the regular open meeting minutes of the public body on the Web site within seven days after approving the minutes. The Board has full-time staff dedicated to its Web site maintenance, and has made changes to address the new Web site posting requirements in Sections 2175.125, 2175.130, and 2175.135 of the administrative rules.

Procedural Rule Changes

The Board adopted an entirely new set of procedural rules in 2000, repealing its then-current procedural rules and replacing them and all Board procedural resolutions. See Revision of the Board's Procedural Rules: 35 Ill. Adm. Code 101-130, R00-20 (Dec. 21, 2000). The new procedural rules took effect January 1, 2001. The adopted amendments update the cross-references to the new procedural rules in the administrative rules. The Board also added to the administrative rules descriptions of various Board proceedings that had been lacking, such as of Clean Air Act "Fast-Track" rulemaking. See, e.g., Sections 2175.550, 2175.555, and 2175.600.

New Developments

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Finally, the Board made various changes to the administrative rules to reflect changes to COOL, the Board's electronic docketing system for rulemakings and adjudicatory cases, and to update the addresses of the Board offices.

Copies of the Board's opinion and order in R04-9 may be obtained by calling Dorothy Gunn at 312-814-3620, or by downloading copies from the Board's Web site at www.ipcb.state.il.us.

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

Board Adopts First Notice Opinion and Order in Proposal of Vaughan & Bushnell Manufacturing Company of Amendment to a Site-Specific Rule 35 Ill. Adm. Code 901.121 (R06-11)

On July 20, 2006, the Board adopted a first notice opinion and order in Proposal of Vaughan & Bushnell Manufacturing Company of Amendment to a Site-Specific Rule 35 Ill. Adm. Code 901.121 (R06-11). The Vaughan & Bushnell Manufacturing Company (V&B) seeks to amend its existing site-specific noise rule to allow V & B to lawfully extend the operational levels of its forging facility located at the intersection of Davis and Main Streets, Bushnell in McDonough County. The proposed amendments will allow V&B to operate 24-hours a day. The Board will file the proposed rulemaking with the Secretary of State's Index Department for first notice publication in the August 11, 2006 issue of the *Illinois Register*.

The proposal is based on V&B's October 20, 2005 request. In its proposal for the rulemaking and at the hearing in this rulemaking, V&B stated that it needed an extension on its operational hours to allow it to operate a third shift at its facility. V&B stated that it produces hammers, hatchets, heavy striking tools, and pry bars, and has contracts with distributors that require timely delivery of its products. V&B asserted that the predominate industrial character of the area surrounding the facility creates heavy truck, vehicle and train traffic that combine to create an abundance of noise far in excess of the noise created by V&B at its facility.

The Board held a hearing in this rulemaking on March 7, 2006 in the City Hall of Bushnell. V&B provided testimony at the hearing to explain why it was technically and economically not feasible to equip its facility with additional noise abatement technology. V&B stated that it is the largest employer in the city of Bushnell and last year paid \$137,000,000 for water, gas and electricity, as well as \$39,000 in property taxes.

The mayor of Bushnell, Steve Russell, stated at hearing that he and the Bushnell city council unanimously were in favor of the request of V&B's proposed increase in production hours to meet demand for their products. Additionally, the Board received comments in support of the rule from the president of the Bushnell Economic Development Corporation; the State Representative for the city of Bushnell, Richard P. Myers; the Chairman and Chief Executive Officer for Farmers & Merchants Bank of Bushnell; the president of the Bushnell Chamber of Commerce; employees of V&B; and various residents of Bushnell.

In its July 20, 2006 first notice order, the Board considered the character of the surrounding areas and land uses, among other things. The Board found that the V&B facility is appropriately located in an area that is heavily industrial in nature, and that the proposed amendments would not have an adverse environmental impact on the area.

The Board will accept public comments on the first notice proposal for a period of 45-days after the proposal is published in the *Illinois Register*.

Copies of the Board's opinion and order in R06-11 may be obtained by calling Dorothy Gunn at 312-814-3620, or by downloading copies from the Board's Web site at www.ipcb.state.il.us.

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

Board Adopts Proposal for Public Comment in SDWA Update, USEPA Amendments (July 1, 2005 through December 31, 2005) (R06-15)

On July 20, 2006, the Board adopted a proposal for public comment in SDWA Updates, USEPA Amendments (July 1, 2005 through December 31, 2005) (R06-15). The rulemaking proposes amendments to the Illinois regulations that are “identical in substance” to drinking water regulations adopted by the United States Environmental Protection Agency (USEPA). The USEPA rules implement Sections 1412(b), 1414(c), 1417(a), and 1445(a) of the federal Safe Drinking Water Act (SDWA) (42 U.S.C. §§ 300g-1(a), 300g-3(c), 300g-6(a), and 300j-4(a) (2002)). The Board will accept public comment for 45 days following the proposal’s publication in the *Illinois Register*. The rules will be adopted and filed no later than October 13, 2006, assuming no complications arise to require Board extension of the deadline pursuant to Section 7.2(b) of the Act (415 ILCS 5/7.2(b) (2004)).

This rulemaking incorporates one federal action on October 13, 2005 (70 Fed. Reg. 59848). In the October 13, 2005 action the USEPA established the Cross-Media Electronic Reporting Rule (CROMERR). The CROMERR sets standards for the filing of documents in various federal program areas in an electronic format. While the CROMERR 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 CROMERR 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.

Only those filings and electronic document receiving systems approved in advance by USEPA qualify under the CROMERR. Any state system used to receive electronic documents must obtain USEPA approval before the state may use it, except that a state may continue to use an existing electronic document receiving system, provided that it was in existence on October 13, 2005, until October 15, 2007, pending USEPA review and approval. USEPA is clear that any filing of documents in an electronic format is voluntary, and not compulsory, and the CROMERR creates no right or privilege to file any document in an electronic format.

CROMERR imposes 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.

As to rules for filing documents with the Board or the Illinois Environmental Protection Agency (IEPA), the proposed amendments repeat at Section 611.105(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 proposed amendments provide at Section 611.105(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 Section 611.105(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 Section 611.105(e) that make it clear that electronic filings will be treated in the same way as are properly signed paper filings.

In proposing these rules, the Board underscored that adoption of these proposed amendments or any procedures to implement the CROMERR regulations 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).

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The Board presently has no projected date for issuance of a proposal, given the Board's heavy rulemaking docket for calendar year 2006.

The federally-authorized programs to which the CROMERR applies are all state-implemented aspects of the Clean Air Act (all conventional and hazardous air pollutant aspects), Clean Water Act (National Pollutant Discharge Elimination System, wastewater pretreatment, and sludge management aspects), Safe Drinking Water Act (national primary drinking water standards and underground injection control aspects), Resource Conservation and Recovery Act (hazardous waste, municipal solid waste landfill, and underground storage tank aspects), and the Lead-Based Paint Exposure Abatement Act programs. The Board has proposed amendments 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) to update its hazardous waste, underground injection control, and municipal solid waste landfill rules to include the CROMERR standards. The Board's April 6, 2006 opinion and order was reported in more detail in the *Environmental Register* No. 622 (April 2006) at p.2-4. Additionally, in response to a request of the IEPA, on June 1, 2006 the Board extended the public comment in the R06-16/17/18 docket. The Board's June 1, 2006 opinion and order was reported in more detail in the *Environmental Register* No. 624 (June 2006) at p.4.

Copies of the Board's opinion and order in R06-15 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 Grants Expedited Review of Dynegy and Midwest Generation Motion, but Denies the Motion to Strike the Testimony of Dr. Gerald Keeler in Proposed New 35 Ill. Adm. Code 225 Control of Emissions from Large Combustion Sources (Mercury) (R06-25)

On July 20, 2006, the Board granted the request for expedited review made by Dynegy and Midwest Generation (Dynegy) on July 12, 2006, but denied the motion filed with the request for expedited review. The motion filed by Dynegy sought to strike the testimony of Dr. Gerald Keeler, presented at the first hearing in this proceeding, Proposed New 35 Ill. Adm. Code 225 Control of Emissions from Large Combustion Sources (Mercury) (R06-25).

In brief, the Illinois Environmental Protection Agency (IEPA) filed this proposal for rulemaking March 14, 2006. The proposal addresses the control of emissions from coal-fired electric generating units beginning in July 2009. The rulemaking is intended to meet obligations of the State under the federal Clean Air Act (42 U.S.C. § 7401 *et seq.*) to submit a state implementation plan (SIP) to address the requirements of Clean Air Mercury Rule (CAMR) (*see* 70 Fed. Reg. 28606 (May 18, 2005)) and Section 9.10 of the Act.

The Board held the first round of hearings in this docket June 12-23, 2006 in Springfield, at which the IEPA presented testimony in support of its proposal. In support of its proposition that mercury emitted by power plants in Illinois is deposited in Illinois, the IEPA relied upon the written and oral testimony of Dr. Gerald Keeler. In its motion to strike Dr. Keeler's testimony Dynegy stated that Dr. Keeler's testimony discussing the deposition of mercury relied heavily on a study performed near Steubenville, Ohio (Steubenville Study), and that the IEPA had testified that the Steubenville Study could not be released until the publication release date in late July or early August. Dynegy argued that without the Steubenville Study and related comments, Dynegy would be unable to fully examine the scope of the study and to cross-examine Dr. Keeler on the study. Additionally, Dynegy maintained that the IEPA presented no other deposition evidence and thus the Steubenville Study was the basis for a very basic pillar of the IEPA's proposal. Alternatively, Dynegy asked that the Board consider rescheduling the second hearing and the

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prefiling deadline until 30 days after the date that the Steubenville Study becomes available. Dynegy argued that the Board should require Dr. Keeler to appear at that second hearing to be cross-examined on the content of the Steubenville Study.

The IEPA stated in its response that it had no objection to the Board granting the request for expedited decision; however, the IEPA opposed the motion to strike. The IEPA presented several arguments in opposition to striking the testimony. First, the IEPA argued that ample opportunity was afforded Dynegy and other participants at the first hearing to cross-examine Dr. Keeler. Further, the IEPA insisted that the results of the Steubenville Study “are known” and Dr. Keeler had made several presentations on those results. The IEPA maintained that Dr. Keeler is an “internationally renowned authority” on mercury deposition with numerous peer-reviewed papers and studies that have been published. The IEPA further maintained that Dr. Keeler’s testimony stands on its own and was well supported with exhibits and the substance of the testimony. The IEPA argued that Dr. Keeler’s testimony was based not on one single study but the sum total of his experience in the field.

Regarding the motion to strike Dr. Keeler’s testimony, the Board noted that the rules of evidence in rulemakings differ from those in a contested case. In a rulemaking “[a]ll information that is relevant and not repetitious or privileged will be admitted by the hearing officer.” 35 Ill. Adm. Code 102.426. Thus, the Board found that Dr. Keeler’s testimony was admissible. The Board also pointed out that Dr. Keeler’s testimony included testimony regarding other studies of the deposition of mercury performed in Detroit, Michigan, South Florida, and Vermont.

The Board did not agree with Dynegy’s assertion that the opponents are unfairly prejudiced and irreparably harmed because of an inability to review the Steubenville Study and cross-exam Dr. Keeler on the conclusions of the Steubenville Study. Dr. Keeler’s initial testimony was filed several months ago and in addition to several prefiled questions for Dr. Keeler, numerous questions were asked of Dr. Keeler over a two-day period (June 15 and 16) at the first hearing concerning the preliminary findings and results of the Steubenville Study.

The Board pointed out that it would make its decision based on the entire record in this rulemaking, and that as a technically qualified Board (*see* 415 ILCS 5/5(a) (2004)), the Board can assign proper weight to the different types of testimony and comments entered into the record.

The Board also recognized that the finalized Steubenville Study report would not be available until the completion of the peer review process. However, the Board stated that it expects the IEPA to submit a copy into the record as soon as the report is released either by the United States Environmental Protection Agency or the University of Michigan. Further, the Board noted that Dr. Keeler stated at the first hearing that the Steubenville Study results would be published in a scientific journal for which the deadline for submission of the final version of the paper is July 1, 2006. Therefore, the Board directed the IEPA to submit a copy of Dr. Keeler’s scientific journal paper concerning the Steubenville Study as soon as possible.

The Board’s second round of hearings in this docket is scheduled for August 14, 2006 (to be continued day to day until business is complete or August 25, 2006) at 1:00 pm, Assembly Hall, Concourse Level, James R. Thompson Center, 100 W. Randolph, Chicago, IL. The Board will accept testimony in response to the IEPA proposal, presented at the first round of hearings held June 12-23, 2006 in Springfield. A pre-hearing conference was held July 31, 2006 to discuss various procedural aspects concerning the order of testimony and other details.

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 Grants Motion to Expedite Rulemaking but Denies Motion to Hold Hearings in Springfield and Collinsville in Proposed New Clean Air Interstate Rules (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 July 20, 2006, the Board granted a motion filed by the Illinois Environmental Protection Agency (IEPA) on May 30, 2006, to expedite the consideration of the proposed amendments in Proposed New Clean Air Interstate Rules (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). At the same time the Board denied the IEPA's motion to hold the required two hearings in Springfield and Collinsville.

This rulemaking seeks to add additional Subparts to the proposed new Part 225 that is the subject of the rulemaking in Proposed New 35 Ill. Adm. Code 225 Control of Emissions from Large Combustion Sources (Mercury) (R06-25) (see above). The amendments to Part 225 in the CAIR rulemaking 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 IEPA proposed the adoption of the CAIR SO₂ trading program, the CAIR NO_x Annual trading program and the CAIR NO_x Ozone Season trading program to accomplish this objective. The IEPA asserted that its May 30, 2006 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 (CAIR); Revisions to the NO_x SIP Call, (Federal CAIR), 70 *Fed. Reg.* 25162 (May 12, 2005). The proposal is also intended to address, in part, 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.

The motion for expedited review requested that the rule be promulgated by April 2007, and that the Board proceed to first notice without reaching a decision on the merits of the proposal. In support of its motion, 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 NO_x 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 NO_x allocations to avoid the USEPA start of a "FIP sanctions clock."

In response to the motion to expedite, the Dynegy Midwest Generation, Inc. and Midwest Generation, L.L.C. (participants) asserted that the IEPA has stated that the USEPA has already proposed FIPs for those states that fail to submit state implementation plans (SIPs) providing for compliance with the emissions budgets set forth in the Federal CAIR by September 11, 2006. The participants argued that, even had the IEPA submitted this proposal as a fast-track rulemaking on May 30, 2006, the Board could not possibly have adopted any rule in time for the IEPA to submit a SIP by September 11, 2006. According to the participants, the IEPA will have to accept a FIP until such a time as it submits a rule adopted by the Board as a replacement for the FIP. The movants asserted that the Board will gain neither time nor efficiency by proceeding to First Notice prior to considering the merits of the proposal. Finally, the movants objected to expediting the scheduling of hearings in this rulemaking should they occur concurrently or back-to-back with the hearings currently scheduled in the R06-25 mercury rule docket, because the movants have limited environmental staff, only a few of whom are available for assignment to these regulatory matters.

As to hearing locations, the IEPA motion to hold hearings in Springfield and Collinsville asserted that there are 229 electric generating units (EGU) that will be subject to the proposed rule. The IEPA argued that the city of Springfield is not only an affected area, but is centrally located for all the affected areas of the State and is an appropriate first hearing location pursuant to Section 102.412 (a) of the Board's procedural rules. The IEPA contended that state administrative and

financial constraints favor a Springfield forum for the first hearing in that both the Board and the IEPA maintain offices in Springfield, and a large number of the IEPA's technical staff located in Springfield will be testifying and providing technical assistance in the rulemaking. The IEPA asserted that the city of Collinsville is an appropriate location for the second hearing as it is located with respect to affected units in the Southern portion of the state. The IEPA stated that, as Collinsville is a reasonable commute from Springfield, it would also conserve resources for the Board and the IEPA.

In response, the movants requested that at least one hearing be held in Chicago. Additionally, the participants requested that the hearings not be scheduled concurrently or back-to-back with the hearings in R06-25, and that at least one hearing be held in Chicago during which the Board anticipates that participants could present witnesses.

The Board granted the IEPA's motion for expedited review in part, but determined not to publish first notice of the proposal prior to hearing. In light of the federal deadlines referenced by the IEPA, the Board chose to expedite review of this matter to the extent feasible given the Board's available resources and decision deadlines. The Board made it clear that it intends to move this proceeding along as early as it can practicably do so, but that it would have to work within an already heavily scheduled calendar in the upcoming months.

The Board denied the IEPA's motion to hold hearings in Springfield and Collinsville. The Act requires that hearings in state-wide regulations must be held in at least two concerned areas of the state. 415 ILCS 5/28(a) (2004). While both Collinsville and Springfield meet this requirement, the Board found that they are not in demographically diverse areas of the state and would not provide for a hearing in the northern part of the state or in the most populous area of the state. The Board found that holding at least one hearing in Chicago would be administratively acceptable and beneficial to the public. Hearings have been scheduled for October 10, 2006 to be continued day to day until completed or until October 20, 2006, in Springfield and for November 28, 2006 to be continued day to day until completed or until December 8, 2006, in Chicago.

Copies of the Board's 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, e-mail address knittlej@ipcb.state.il.us.

Board Actions

July 6, 2006

**Via Videoconference
Chicago and Springfield, Illinois**

Rulemakings

R06-19 In the Matter of: Clean Construction or Demolition Debris Fill Operations
Under P.A. 94-272 (35 Ill. Adm. Code 1100) – The Board adopted a second notice opinion and order in this statutorily required rulemaking to amend the Board's land pollution control regulations. 4-0
R, Land

R06-23 In the Matter of: Standards and Requirements for Potable Water Well Surveys 4-0

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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 – The Board adopted a second notice opinion and order in this statutorily required rulemaking to amend the Board’s public water supply regulations.

R, PWS

Administrative Citations

AC 06-11	<u>IEPA v. Paul Freeman and Freeman Environmental Services, Inc.</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Williamson County facility, the Board found that respondents had violated Sections 21(p)(3) and (7) of the Environmental Protection Act (415 ILCS 5/21(p)(3) and (7) (2004)) and ordered respondents to pay a civil penalty of \$3,000. The Board also granted the parties’ joint motion to dismiss respondents’ petition for review.	4-0
AC 06-31	<u>Ogle County Solid Waste Management Department v. Wayne L. Fisher & Christina C. Fisher</u> – The Board dismissed respondents’ petition for review for failure to file an amended petition as ordered by the Board on May 18, 2006. The Board found that these Ogle County respondents violated Sections 21(p)(1), (p)(3) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2004)), and ordered respondents to pay a civil penalty of \$4,500.	4-0
AC 06-35	<u>IEPA v. Jerry L. Watson</u> – The Board accepted respondent’s amended petition for review for hearing.	4-0
AC 06-38	<u>County of Wayne v. Mr. William Slane</u> – The Board found that this Wayne 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 06-42	<u>County of LaSalle v. Bill Shawback</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 06-43	<u>County of LaSalle v. Bill Shawback</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 06-44	<u>County of LaSalle v. Paulette Metille</u> – The Board dismissed respondent’s petition for review, finding it untimely filed. 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 06-49	<u>IEPA v. Michael Gruen and Jon Eric Gruen d/b/a Jon’s Tree Service</u> – The Board accepted for hearing this petition for review of an administrative citation against these Macoupin County respondents.	4-0

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Decisions

PCB 02-186	<u>People of the State of Illinois v. Perfetti Van Melle U.S.A, Inc. f/k/a Van Melle U.S.A., Inc.</u> – In this air enforcement action concerning a Lake County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2004)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$120,000, and to cease and desist from further violations. Perfetti Van Melle further agrees to pay \$60,909.39 for purchase of allotment trading units from the Illinois Environmental Protection’s Alternative Compliance Market Account for the 2000 and 2001 emissions seasons, and \$1,800 for the avoided 2004 annual air pollution site fee.	4-0 A-E
PCB 05-56	<u>People of the State of Illinois v. Omron Automotive Electronics, 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 \$95,000, and to cease and desist from further violations.	4-0 A-E
PCB 06-30	<u>People of the State of Illinois v. Heneghan & Associates, P.C.</u> – In this public water supply enforcement action concerning a Calhoun 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
PCB 06-131	<u>Wesley Brazas, Jr. v. Mr. Jeff Magnussen, President, Village of Hampshire and IEPA</u> – The Board affirmed the December 9, 2005 determination of the Illinois Environmental Protection Agency’s granting modification of National Pollutant Discharge Elimination System permit No. IL 0020281 to the Village of Hampshire.	4-0 P-A, NPDES
PCB 06-143	<u>People of the State of Illinois v. Astec Mobile Screens, Inc.</u> – In this Resources Conservation Recovery Act enforcement action concerning a Whiteside 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 \$13,000, and to cease and desist from further violations.	4-0 L-E

Motions and Other Matters

PCB 03-16	<u>King’s 66 Service Station v. IEPA</u> – The Board granted this Madison County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
PCB 03-156 PCB 03-157	<u>Swearingin Amoco v. IEPA</u> – The Board granted this Jersey County facility’s motion for voluntary dismissal of these consolidated underground storage tank	4-0 UST Appeal

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PCB 03-158	appeals.	
PCB 04-151		
PCB 04-152		
PCB 04-153		
PCB 04-154		
(cons.)		
PCB 04-7	<u>People of the State of Illinois v. 4832 S. Vincennes, L.P.</u> – Upon receipt of a proposed stipulation and settlement agreement as to 4832 S. Vincennes, L.P. only, and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.	4-0 A-E
PCB 05-12	<u>Lake in the Hills Sanitary District v. IEPA</u> – The Board granted this Lake County facility’s motion for voluntary dismissal of this permit appeal.	4-0 P-A, Water
PCB 05-181	<u>People of the State of Illinois v. Pattison Associates L.L.C. and 5701 South Calumet L.L.C.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.	4-0 A-E
PCB 05-198	<u>Basic Wire & Cable Co. v. IEPA</u> – The Board granted this Cook County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
PCB 05-215	<u>People of the State of Illinois v. Schlichting & Sons Excavating, Inc.; People of the State of Illinois v. First Rockford Group, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement between complainant and Schlichting & Sons Excavating, Inc. only, and an agreed motion to request relief from the hearing requirement in this public water supply enforcement action involving a Winnebago County facility, the Board ordered publication of the required newspaper notice.	4-0 PWS-E
PCB 06-103 (cons.)		
PCB 06-13	<u>St. Francis Pet Crematory & Kennels, Inc. v. IEPA</u> – The Board granted this Winnebago County facility’s motion for voluntary dismissal of this permit appeal.	4-0 P-A, Land
PCB 06-91	<u>Basic Wire & Cable Co. v. IEPA</u> – The Board granted this Cook County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
PCB 06-147	<u>City of Kankakee 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 facility in Kankakee County.	4-0 UST Appeal

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PCB 06-164	<u>Village of Caseyville, Illinois v. IEPA</u> – The Board granted this St. Clair County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 P-A, Water
PCB 06-176	<u>Village of River Forest v. IEPA</u> – The Board granted this Cook County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
PCB 06-185	<u>D&L Landfill, Inc. v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Bond County facility.	4-0 P-A, Air
PCB 06-186	<u>American National Bank & Trust Co. – Land Trust 124234-06 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 06-187	<u>Omni Bioenergy, L.L.C. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Madison County facility.	4-0 P-A, Air
PCB 06-188	<u>People of the State of Illinois v. Karam Toor and Surjit Toor, individuals d/b/a Toor Car and Truck Plaza and Singh Inc. of Illinois d/b/a Toor Car and Truck Plaza</u> – The Board accepted for hearing this water enforcement action involving a site located in Lake County.	4-0 W-E NPDES
PCB 06-189	<u>L. Keller Oil Properties/Farina (Incident No. 20060153) v. IEPA</u> – The Board granted petitioner’s motion to consolidate this enforcement action with PCB 06-190 and accepted for hearing this underground storage tank appeal involving a Fayette County facility.	4-0 UST Appeal
PCB 06-190	<u>L. Keller Oil Properties/Farina (Incident No. 20051539) v. IEPA</u> – The Board granted petitioner’s motion to consolidate this enforcement action with PCB 06-189 and accepted for hearing this underground storage tank appeal involving a Fayette County facility.	4-0 UST Appeal
PCB 06-191	<u>People of the State of Illinois v. Louie’s Trenching Service, Inc. and City of Galena</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 Jo Daviess County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E
PCB 06-192	<u>People of the State of Illinois v. Larry Bielfeldt</u> – The Board accepted for hearing this water enforcement action involving a site located in McLean County.	4-0 W-E

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PCB 06-193	<u>People of the State of Illinois v. Ron Fisher Motorsports, Inc. d/b/a F&L Salvage</u> – The Board accepted for hearing this land and water enforcement action involving a site located in Washington County.	4-0 L&A-E
PCB 06-194	<u>Dynegy Midwest Generation, Inc. (Vermilion Power Station) v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Vermilion County facility.	4-0 P-A, Air 90-Day Ext.

July 20, 2006

Chicago, Illinois

Rulemakings

R04-9	<u>In the Matter of: Amendments to the Board’s Administrative Rules: 2 Ill. Adm. Code 2175</u> – The Board adopted a final opinion and order in this rulemaking which amends the Board’s administrative regulations.	4-0 R, Proc.
R06-11	<u>In the Matter of: Proposal of Vaughan & Bushnell Manufacturing Company of Amendment to a Site-Specific Rule 35 Ill. Adm. Code 901.121</u> – The Board adopted a first notice opinion and order in this rulemaking to amend an existing site-specific noise rule, as requested.	4-0 R, Noise
R06-15	<u>In the Matter of: SDWA Update, USEPA Amendments (July 1, 2005 through December 31, 2005)</u> – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s drinking water regulations.	4-0 R, PWS
R06-25	<u>In the Matter of: Proposed New 35 Ill. Adm. Code 225 Control of Emissions from Large Combustion Sources (Mercury)</u> – Expediting its review of the motion filed by Dynegy Midwest Generation, Inc. and Midwest Generation, L.L.C.’s, the Board denied the motion to strike the testimony of Dr. Gerald Keeler.	4-0 Moore 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 granted, in part, the Illinois Environmental Protection Agency’s motion to expedite, decided to hold the hearings in Chicago and Springfield or Collinsville, and granted the motion to waive certain filing requirements.	4-0 R, Air

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Administrative Citations

AC 05-15	<u>IEPA v. C. John Blickhan</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation.	4-0
AC 06-45	<u>IEPA v. Waste Management of Illinois, Inc., Mark Batherson, and Dale Hoekstra</u> – The Board found that these Will County respondents violated Section 21(o)(5) of the Act (415 ILCS 5/21(o)(5) (2004)), and ordered respondents to pay a civil penalty of \$500.	4-0
AC 06-46	<u>City of Chicago Department of Environment v. Mr. Bult’s, Inc.</u> – The Board found that this Cook 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 06-47	<u>IEPA v. Landfill L.L.C. and Danny Bowman</u> – The Board found that these Saline County respondents violated Section 21(o)(5) and (o)(12) of the Act (415 ILCS 5/21(o)(5), (o)(12) (2004)), and ordered respondents to pay a civil penalty of \$1,000.	4-0
AC 06-48	<u>IEPA v. Larry Payne</u> – The Board found that this Fulton County respondent violated Sections 21(p)(1), (p)(3) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2004)). Because there are three violations of Section 21(p) and these violations are subsequent offenses, respondent was ordered to pay a civil penalty of \$9,000.	4-0

Decisions

PCB 04-9	<u>People of the State of Illinois v. Aargus Plastics, 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 \$125,000, and to cease and desist from further violations.	4-0 A-E
PCB 04-193	<u>People of the State of Illinois v. Fellowes Manufacturing Company a/k/a Fellowes, Inc.</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 \$189,250, and \$10,750 for the avoided 1986 through 2001 annual air pollution site fees, and to cease and desist from further violations.	4-0

Motions and Other Matters

PCB 06-54	<u>People of the State of Illinois v. Webb AG, Inc.</u> – Upon receipt of a proposed	4-0
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	stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Fulton County facility, the Board ordered publication of the required newspaper notice.	L-E
PCB 06-136	<u>People of the State of Illinois v. D&L Landfill, 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 Bond County facility, the Board ordered publication of the required newspaper notice.	4-0 L-E
PCB 06-149	<u>Kraft Foods 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 facility located in McHenry County.	4-0 UST Appeal
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> – Upon receipt of a proposed stipulation and settlement agreement between complainant and Big River Zinc Corporation only, and an agreed motion to request relief from the hearing requirement in this Resources Conservation Recovery Act enforcement action involving a St. Clair County facility, the Board ordered publication of the required newspaper notice.	4-0 L-E
PCB 06-155	<u>Northern States Financial Corporation 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 facility located in Lake County.	4-0 UST Appeal
PCB 06-156	<u>Midwest Generation, L.L.C..Will County Generating Station v. IEPA</u> – The Board granted petitioner’s motion for a partial stay consistent with the edited permit filed, as modified by this order. The Board also granted petitioner’s motion for leave to file reply and respondent motion for leave to file surreply.	4-0 P-A, Air
PCB 06-180	<u>Marquis MTD, Inc.-Hennepin (Property Identification Number H01-10-204-000) v. IEPA</u> – Because the Board did not receive any petition for review of the Illinois Environmental Protection Agency’s (IEPA) recommendation to deny certification, consistent with the IEPA’s recommendation, the Board declined to certify that certain Marquis MTD, Inc.-Hennepin facilities are pollution control facilities and dismissed this matter.	4-0 T-C
PCB 06-184	<u>Peoria Disposal Company v. Peoria County Board</u> – The Board granted in part respondent’s motion for leave to file the administrative record on disk, but required the filing of one paper copy.	4-0 P-C-F-S-R
PCB 07-1	<u>People of the State of Illinois v. Kurt Carlson</u> – The Board accepted for hearing this water enforcement action involving a site located in Winnebago County.	4-0 W-E

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PCB 07-2	<u>People of the State of Illinois v. Meijer Stores Limited Partnership and Rockford Construction Co.</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 DuPage County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E
PCB 07-3	<u>People of the State of Illinois v. East Lynn Community Water System, Inc.</u> – The Board accepted for hearing this public water supply enforcement action involving a site located in Vermilion County.	4-0 PWS-E

Other Items

The Board granted the Chairman's Motion under Section 2.06(c) of the Open Meetings Act (5 ILCS 120/2.06(c)) to continue to preserve only written minutes of closed Board deliberative sessions occurring on or before January 1, 2005 and to approve destruction of verbatim tape recordings of meetings held: July 15 and July 24; August 12 and August 26; September 9, September 23, and September 30; October 14 and October 28; November 10 and November 24; December 9 and December 23.

The Board granted the Chairman's Motion under Section 2.06(d) of the Open Meetings Act (5 ILCS 120/2.06(d)) to continue to keep confidential minutes of closed Board meetings occurring between January 1, 2006 and June 30, 2006.

The Board granted the Chairman's motion to change the August 3, 2006 Meeting to August 4, 2006 at 1:30 p.m. via videoconference from locations in Chicago and Springfield.

New Cases

July 6, 2006 Board Meeting

06-185 D&L Landfill, Inc. v. IEPA – The Board accepted for hearing this permit appeal involving a Bond County facility.

06-186 American National Bank & Trust Co. – Land Trust 124234-06 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.

06-187 Omni Bioenergy, L.L.C. v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Madison County facility.

06-188 People of the State of Illinois v. Karam Toor and Surjit Toor, individuals d/b/a Toor Car and Truck Plaza and Singh Inc. of Illinois d/b/a Toor Car and Truck Plaza – The Board accepted for hearing this water enforcement action involving a site located in Lake County.

06-189 L. Keller Oil Properties/Farina (Incident No. 20060153) v. IEPA – The Board granted petitioner's motion to consolidate this enforcement action with PCB 06-190 and accepted for hearing this underground storage tank appeal involving a Fayette County facility.

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06-190 L. Keller Oil Properties/Farina (Incident No. 20051539) v. IEPA – The Board granted petitioner’s motion to consolidate this enforcement action with PCB 06-189 and accepted for hearing this underground storage tank appeal involving a Fayette County facility.

06-191 People of the State of Illinois v. Louie’s Trenching Service, Inc. and City of Galena – 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 Jo Daviess County facility, the Board ordered publication of the required newspaper notice.

06-192 People of the State of Illinois v. Larry Bielfeldt – The Board accepted for hearing this water enforcement action involving a site located in McLean County.

06-193 People of the State of Illinois v. Ron Fisher Motorsports, Inc. d/b/a F&L Salvage – The Board accepted for hearing this land and water enforcement action involving a site located in Washington County.

06-194 Dynegy Midwest Generation, Inc. (Vermilion Power Station) v. IEPA – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Vermilion County facility.

AC 06-051 IEPA v. Clifford Lawson – The Board accepted an administrative citation against this Macoupin County respondent.

AC 06-052 IEPA v. Charles L. Riggins – The Board accepted an administrative citation against this Mason County respondent.

AC 06-053 County of Ogle v. George C. Heal – The Board accepted an administrative citation against this Ogle County respondent.

AC 06-054 City of Chicago Department of Environment v. Mr. Bult’s, Inc. – The Board accepted an administrative citation against this Cook County respondent.

AC 06-055 I County of Wayne v. Mr. Julian Buchanan – The Board accepted an administrative citation against this Wayne County respondent.

AC 06-056 IEPA v. Lake Wildwind Park, L.L.C. – The Board accepted an administrative citation against this Woodford County respondent.

AC 06-057 IEPA v. Ron Lawyer – The Board accepted an administrative citation against this Fulton County respondent.

AC 06-058 County of Ogle v. Francis Case – The Board accepted an administrative citation against this Ogle County respondent.

AC 06-059 City of Chicago Department of Environment v. Mr. Built’s, Inc. – The Board accepted an administrative citation against this Cook County respondent.

July 20, 2006 Board Meeting

07-001 People of the State of Illinois v. Kurt Carlson – The Board accepted for hearing this water enforcement action involving a site located in Winnebago County.

07-002 People of the State of Illinois v. Meijer Stores Limited Partnership and Rockford Construction Co. – 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 DuPage County facility, the Board ordered publication of the required newspaper notice.

07-003 People of the State of Illinois v. East Lynn Community Water System, Inc. – The Board accepted for hearing this public water supply enforcement action involving a site located in Vermilion County.

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AC 07-001 IEPA v. John Spoede – The Board accepted for hearing this petition for review of an administrative citation against this Tazewell County respondent.

AC 07-002 IEPA v. Norbert and Wilma Adams – The Board accepted for hearing this petition for review of an administrative citation against these Woodford County respondents.

AC 07-003 County of Perry v. Mike Tilley – The Board accepted for hearing this petition for review of an administrative citation against this Perry County respondent.

Adjusted Standards

LISTINGS OF ADJUSTED STANDARDS AND COMBINED SEWER OVERFLOW EXCEPTIONS GRANTED BY THE BOARD DURING FISCAL YEAR 2006

Section 28.1(d)(3) of the Environmental Protection Act (Act) (415 ILCS 5/28.1(d)(3) (2006)) requires the Board to annually publish in the *Illinois Register* and *Environmental Register* a listing of all determinations made pursuant to Section 28.1 at the end of each fiscal year. This notice sets forth all adjusted standard and combine sewer overflow exception determinations made by the Board during the fiscal year 2006 (July 1, 2005, through June 30, 2006).

Final Actions Taken by the Pollution Control Board in Adjusted Standards Proceedings During Fiscal Year 2006 (July 1, 2005 through June 30, 2006)

Docket/Docket Title

In the Matter of: Petition of SCA Tissue North America, L.L.C. for an Adjusted Standard from 35 Ill. Adm. Code 218.301 and 218.302(c) (AS 05-04), August 4, 2005

In the Matter Of: Petition of Ford Motor Company for an Adjusted Standard from 35 Ill. Adm. Code 218.586 (AS 05-05), September 1, 2005

In the Matter of: Petition of the Village of Bensenville for an Adjusted Standard from 35 Ill. Adm. Code 620.410 Regarding Chlorine (AS 05-02), October 20, 2005

In the Matter of: Petition of Waste Management of Illinois, Inc. for RCRA Waste Delisting Under 35 Ill. Adm. Code 720.122 for Solid Treatment Residual for CID Recycling and Disposal Facility

Final Determination

The Board granted the request for an adjusted standard from the Board's volatile organic material (VOM) air emission standards made by this Alsip, Cook County recycler of magazines into tissue and toweling products. The adjusted standard allows the facility to continue to implement process and operational changes to reduce its VOM emissions in place of requiring add-on controls to the facility.

The Board granted the request of the Ford Motor Company (Ford) for an adjusted standard from the Board's organic material emission standards. The adjusted standard exempts Ford's Cook County facility from the Illinois Stage II recovery regulations, recognizing that the facility meets federal vapor recovery requirements through its use of onboard refueling vapor recovery (ORVR) systems.

The Board granted the Village of Bensenville, in DuPage County, an adjusted standard from the Board's groundwater quality standards for chlorine, subject to certain conditions. The site involved is the Village's former landfill, now used as a public golf course. The adjusted standard changes the water quality standard from 200 milligrams per liter (mg/L) total chloride to 728.963 mg/L dissolved chloride.

The Board denied the petition of Waste Management of Illinois, Inc (WMII) for a Resource Conservation and Recovery Act (RCRA) hazardous waste delisting. The waste involved is lime conditioned filter cake

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Biological Liquid Treatment Center (AS 05-07)
December 15, 2005

from the treatment of hazardous and non-hazardous leachates and wastewaters at the facility in Calumet City, Cook County. The Board found that WMII's petition did not meet the statutory level of justification for the adjusted standard.

In the Matter of: Petition of BP Products North America, Inc. for an Adjusted Standard Pursuant to 35 Ill. Adm. Code 721.122 (AS 06-02) March 2, 2006

BP Products North America sought an adjusted standard delisting as RCRA waste the leachate generated from its landfill at its Madison County refinery. The Board dismissed the petition because BP failed to timely publish the newspaper notice required by Section 28.1(d)(1) of the Act. (BP refiled the petition on July 27, 2006, and it is still pending as AS 07-01.)

In the Matter of: Petition of Lafarge Midwest, Inc. for Boiler Determination Pursuant to 35 Ill. Adm. Code 720.132 and 720.133 (AS 06-01) April 20, 2006

The Board granted this request by LaFarge Midwest Inc. for a determination that a slag dryer at its Cook County facility is a "boiler" for purposes of burning off-specification used oil. The Board, in its first boiler determination, found that Lafarge had met the six criteria under the Board's RCRA rules.

In the Matter of: Petition of Lafarge Midwest, Inc. for Boiler Determination Pursuant to 35 Ill. Adm. Code 720.132 and 720.133 (AS 06-03) June 1, 2006

The Board granted this request by LaFarge Midwest Inc. for a determination that two raw mill dryers at its Massac County facility are "boilers" for purposes of burning off-specification used oil. The Board found that Lafarge had met the six criteria under the Board's RCRA rules.

Final Actions Taken by the Pollution Control Board in Combine Sewer Overflow Exception Proceedings During Fiscal Year 2006 (July 1, 2005 through June 30, 2006)

The Board took no action in combined sewer overflow exception proceedings during fiscal year (FY) 2006, as none were filed with the Board or pending during FY 2006.

Address **written comments or request copies**, noting the appropriate docket number, to:

Name: Dorothy Gunn, Clerk
Address: Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-3620

Address **questions** concerning this notice, noting the appropriate docket number, to:

Name: Erin Conley
Address: Pollution Control Board
1021 North Grand Avenue East
Springfield, Illinois 62794-9274
Telephone: 217-782-2471
email: conleye@ipcb.state.il.us

Provisional Variances

IEPA 07-1 Marathon Pipe Line LLC v. IEPA—On July 5, 2006, the Illinois Environmental Protection Agency granted Marathon Pipe Line LLC a provisional variance, subject to conditions, from permit condition 8 of its air permit, as well as the applicable requirements of 35 Ill. Adm.

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Code Section 219.762 (control requirements), Section 219.768 (testing and monitoring), and Section 219.770 (recordkeeping and reporting). The provisional variance pertains to gasoline and gasoline loadout at Marathon's facility at (INSERT). Relief is granted until such time as barge loading operations have concluded or through August 4, 2006, whichever occurs first.

IEPA 07-02 Springfield Metro Sanitary District (Sugar Creek Plant) v. IEPA – On July 20, 2006, the Illinois Environmental Protection Agency granted the Springfield Metro Sanitary District (SMSD) a 45-day provisional variance subject to conditions for its Sugar Creek Wastewater Treatment facility located at 3300 Mechanicsburg Road, Springfield, Sangamon County. The provisional variance allows the discharge of all flows through Outfall 010 subject to conditions. The provisional variance is needed while SMSD cleans its tertiary pond.

IEPA 07-03 Exelon Generation Company, L.L.C (Quad Cities Nuclear Power Station) v. IEPA – On July 19, 2006, the Illinois Environmental Agency granted Exelon Generation Company LLC's request for a provisional variance, subject to conditions, from Special Condition 6B of its NPDES permit. The provisional variance begins the day Exelon's current 87.6 excursions hours are utilized to continue operation of its Quad Cities Nuclear Power Station located on the Mississippi River at river Mile 506.8 near Cordova. The provision variance period will run for 45 days or until the additional 100 excursion hours are utilized, whichever occurs first.

IEPA 06-04 Shell Oil Products US v. IEPA – On July 25, 2006, the Illinois Environmental Protection Agency granted Shell Oil Products' request for a provisional variance from 35 Ill. Adm. Code Part 180 as it applies to gasoline and/or ethanol blend gasoline in St. Clair, Madison, and Monroe counties. The provisional variance will allow the sale or offer for sale; dispensing; supply or offer for supply; or transport of such gasoline products exceeding the regulatory limitations for Reid vapor pressure without the required vapor collection and control system designed to control volatile organic material emissions. The provisional variance is for the time period of July 25, 2006 until such time as this supply of gasoline and/or ethanol blend gasoline is exhausted, or through August 4, 2006, whichever occurs first.

IEPA 06-05 Illinois Petroleum Marketers Association v. IEPA – On July 25, 2006, the Illinois Environmental Protection Agency granted petroleum marketers located in St. Clair, Madison, and Monroe counties a provisional variance from the applicable requirements of 35 Ill. Adm. Code Sections 219.585(b) and (c). The provisional variance will allow the sale or offer for sale; dispensing; supply or offer for supply; or transport of gasoline and/or ethanol blend gasoline exceeding the regulatory limitations for Reid vapor pressure without the required vapor collection and control system designed to control volatile organic material emissions. The relief is granted through August 4, 2006.

IEPA 06-6 BP Products North America v. IEPA – On July 25, 2006, the Illinois Environmental Protection Agency granted BP relief from applicable requirements of 35 Ill. Adm. Code Sections 219.585(b) and (c). The provisional variance will allow the sale or offer for sale; dispensing; supply or offer for supply; or transport of gasoline and/or ethanol blend gasoline exceeding the regulatory limitations for Reid vapor pressure without the required vapor collection and control system designed to control volatile organic material emissions. The provisional variance is for the time period of July 25, 2006 until such time as this supply of gasoline and/or ethanol blend gasoline is exhausted, or through August 4, 2006, whichever occurs first.

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

Calendar

<p>8/4/06 1:30 PM</p>	<p><u>Illinois Pollution Control Board Meeting</u></p>		<p>Videoconference Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago And 1021 N. Grand Avenue East Oliver Holmes Conference Room 2012 N Springfield</p>
<p>8/09/06 10:00 AM</p>	<p>PCB 06-43</p>	<p>Sangamon Valley Farm Supply v. IEPA and Village of Saybrook</p>	<p>City Hall Council Chambers 109 E. Olive Street Bloomington</p>
<p>8/14/06 1:00 PM</p>	<p>R06-25</p>	<p>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)</p>	<p>James R. Thompson Center Assembly Hall Concourse Level 100 W. Randolph Street Chicago</p>
<p>8/16/06 9:30 AM</p>	<p>PCB 03-54</p>	<p>Freedom Oil Company v. IEPA (Consolidated: PCB 03-54, 56, 105, 179, 04-02)</p>	<p>Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East (North Entrance) Springfield</p>
<p>8/16/06 9:30 AM</p>	<p>PCB 03-56</p>	<p>Freedom Oil Company v. IEPA (Consolidated: PCB 03-54, 56, 105, 179, 04-02)</p>	<p>Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East (North Entrance) Springfield</p>
<p>8/16/06 9:30 AM</p>	<p>PCB 03-105</p>	<p>Freedom Oil Company v. Illinois Environmental Protection Agency (Consolidated: PCB 03-54, 56, 105, 179, 04-02)</p>	<p>Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East (North Entrance) Springfield</p>
<p>8/16/06 9:30 AM</p>	<p>PCB 03-179</p>	<p>Freedom Oil Company (June 30, 2002 to November 22, 2002) v. IEPA (Consolidated: PCB 03-54, 56, 105, 179, 04-02)</p>	<p>Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East (North Entrance) Springfield</p>
<p>8/16/06 9:30 AM</p>	<p>PCB 04-02</p>	<p>Freedom Oil Company (March 1, 2002 to January 24, 2003) v. IEPA (Consolidated: PCB 03-54, 56, 105, 179, 04-02)</p>	<p>Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East (North Entrance) Springfield</p>
<p>8/17/06 11:00 AM</p>	<p><u>Illinois Pollution Control Board Meeting</u></p>		<p>James R. Thompson Center Room 9-040 100 W. Randolph Street Chicago</p>

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<p>9/7/06 11:00 AM</p>	<p><u>Illinois Pollution Control Board Meeting</u></p>		<p>Videoconference Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago And 1021 N. Grand Avenue East Oliver Holmes Conference Room 2012 N Springfield</p>
<p>9/12/06 11:00 AM</p>	<p>AC 06-21</p>	<p>County of Jackson v. Dan Kimmel</p>	<p>Jackson County Health Department Conference Room #1 415 Health Department Road Murphysboro</p>
<p>9/21/06 11:00 AM</p>	<p><u>Illinois Pollution Control Board Meeting</u></p>		<p>Michael A. Bilandic Building Second Floor, Room N-505 160 N. LaSalle Street Chicago</p>
<p>10/5/06 11:00 AM</p>	<p><u>Illinois Pollution Control Board Meeting</u></p>		<p>Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East (North Entrance) Springfield</p>
<p>10/19/06 11:00 AM</p>	<p><u>Illinois Pollution Control Board Meeting</u></p>		<p>James R. Thompson Center Room 9-040 100 W. Randolph Street Chicago</p>
<p>11/2/06 11:00 AM</p>	<p><u>Illinois Pollution Control Board Meeting</u></p>		<p>Videoconference Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago And 1021 N. Grand Avenue East Oliver Holmes Conference Room 2012 N Springfield</p>
<p>11/2/06 1:30 PM</p>	<p>R04-25</p>	<p>In the Matter of: Proposed Amendments to Dissolved Oxygen Standard 35 Ill. Adm. Code 302.206</p>	<p>Illinois Environmental Protection Agency North Entrance TQM Room 1000 E. Converse Springfield</p>
<p>11/3/06 10:00 AM</p>	<p>R04-25</p>	<p>In the Matter of: Proposed Amendments to Dissolved Oxygen Standard 35 Ill. Adm. Code 302.206</p>	<p>Illinois Environmental Protection Agency North Entrance TQM Room 1000 E. Converse Springfield</p>

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<p>11/16 /06 11:00 AM</p>	<p><u>Illinois Pollution Control Board Meeting</u></p>	<p>James R. Thompson Center Room 9-040 100 W. Randolph Street Chicago</p>
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****Corrected****

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>EPA WATER SYSTEM NAME/SYSTEM #</i>	<i>RS/CR</i>	<i>REGIO N</i>	<i>NATURE OF PROBLEM</i>	<i>POPULATION N</i>	<i>LISTING DATE</i>
ALTERNATIVE BEHAVIOR TREATMENT CENTER - IL0977189	RS	2	INADEQUATE PRESSURE TANK	50	6/15/1988
ALTO PASS WATER DISTRICT - IL1815150	RS	7	DISINFECTION BY-PRODUCTS	1,031	1/15/2005
AMERICAN MHP - IL2015125	RS	1	INADEQUATE PRESSURE TANK	240	12/17/1982
ANDALUSIA - IL1610050	CR	1	INADEQUATE PRESSURE TANK	1,050	12/1/2003
ANNS MHP - IL2015225	RS	1	INADEQUATE PRESSURE TANK	58	6/18/1982
ARENZVILLE - IL0170050	CR	5	INADEQUATE PRESSURE TANK	408	3/14/2001
ARLINGTON REHABILITATION LIVING CENTER - IL0971110	RS	2	INADEQUATE HYDRO STORAGE	180	12/1/2003

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AURORA COMMUNITY WATER ASSN - IL0895750	RS	2	INADEQUATE PRESSURE TANK	150	12/16/1988
BAHL WATER CORP - IL0855200	RS	1	INADEQUATE PRESSURE TANK	700	12/15/1993
BALCITIS PUMP CORP - IL2015100	RS	1	INADEQUATE STORAGE	150	1/1/2006
BEASON CHESTNUT PWD - IL1075150	CR	5	INAD PLANT & SOURCE CAP	600	6/15/2004
BEECHER - IL1970050	CR	2	INADEQUATE STORAGE	2,091	3/14/2001
BILL-MAR HEIGHTS MHP - IL2015345	RS	1	INADEQUATE PRESSURE TANK	160	3/18/1983
BILLS MHP - IL0915165	RS	2	INADEQUATE PRESSURE TANK	55	9/16/1983
BLUFORD - IL0810100	CR	7	LOW SYSTEM PRESSURE	1,587	3/20/1981
BRADLEY HEIGHTS SUBDIVISION - IL2015050	RS	1	INADEQUATE PRESSURE TANK	192	9/13/1985
BROWNING - IL1690050	CR	5	INADEQUATE SOURCE CAPACITY	175	3/15/1998
BUCKINGHAM - IL0910250	RS	2	INADEQUATE PRESSURE TANK	340	3/17/1989
BUSY BEE MHP - IL1975195	RS	2	INADEQUATE PRESSURE TANK	35	3/18/1983
CAPRON MHP - IL0075105	RS	1	INADEQUATE PRESSURE TANK	98	3/18/1983
CARROLL HEIGHTS UTILITIES COMPANY - IL0155200	RS	1	INADEQUATE PRESSURE TANK	96	3/20/1981
CASEYVILLE - IL1630250	CR	6	INADEQUATE STORAGE	9,900	10/1/2004
CEDARVILLE - IL1770050	CR	1	EMERGENCY POWER	800	1/1/2006
CENTURY PINES APARTMENTS - IL0150020	RS	1	INADEQUATE PRESSURE TANK	50	12/14/1990
CHAIN-O-LAKES MHP - IL0975165	RS	2	INADEQUATE PRESSURE TANK	89	12/15/1989
CHANDLERVILLE - IL0170200	RS	5	INAD & UNAPPROVED STORAGE	704	1/1/2006
CLARKS MHP - IL2015425	RS	1	INADEQUATE PRESSURE TANK	80	12/16/1991
COLUMBIA - IL1330050	CR	6	INADEQUATE PUMPING CAPACITY	8,365	3/15/1998
COOKSVILLE - IL1130400	RS	4	TTHM & HALOACIDIC ACIDS	300	9/15/2005

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COUNTRY ACRES MHP (WHITESIDE COUNTY) - IL1955135	RS	1	INADEQUATE PRESSURE TANK	265	9/17/1982
COUNTRY VIEW ESTS MHP - IL0195625	RS	4	INADEQUATE PRESSURE TANK	97	12/17/1982
COUNTRYSIDE MOBILE HOME ESTATES MHP - IL0915265	RS	2	INADEQUATE PRESSURE TANK	200	3/19/1984
COYNE CNTR COOP - IL1615150	RS	1	INADEQUATE PRESSURE TANK	150	12/15/1997
CRISWELL COURT MHP - IL1975105	RS	2	INADEQUATE PRESSURE TANK	146	12/15/1989
CROPPERS 1ST 4TH AND 5TH ADDITION - IL1615250	CR	1	UNDERSIZED WATERMAINS	650	1/1/2006
CROPSEY COMMUNITY WATER - IL1135150	RS	4	INADEQUATE PRESSURE TANK	31	3/20/1981
CRYSTAL CLEAR WATER COMPANY - IL1115150	RS	2	INADEQUATE PRESSURE TANK	885	9/16/1988
D L WELL OWNERS ASSOCIATION - IL0975380	RS	2	INADEQUATE PRESSURE TANK	141	3/18/1983
DATTIS MHP - IL0995225	RS	1	INADEQUATE PRESSURE TANK	115	3/18/1983
DE KALB UNIV DVL CORP - IL0375148	RS	1	INADEQUATE PRESSURE TANK	1,050	12/16/1992
DE PUE - IL0110300	CR	1	INADEQUATE TREATMENT PLANT	1,729	12/15/1993
DEARBORN MHP - IL0895185	RS	2	INADEQUATE PRESSURE TANK	26	6/16/1989
DEERING OAKS SUBDIVISION - IL1115200	RS	2	INADEQUATE PRESSURE TANK	60	12/17/1982
DES PLAINES MHP - IL0317775	RS	2	INAD PRESSURE & SOURCE OF SUPPLY	340	3/16/1984
DIAMOND LAKE MHP - IL0975185	RS	2	INADEQUATE PRESSURE TANK	189	12/16/1983
DONNELSON - IL0054360	RS	6	TRIHALOMETHANE	197	9/15/2005
DOVER - IL0110350	RS	1	INADEQUATE PRESSURE TANK	169	5/25/1981
EAST END WATER ASSOCIATION - IL1610140	RS	1	INADEQUATE STORAGE CAPACITY	40	3/15/2002
EAST MORELAND WATER CORPORATION - IL1975640	RS	2	INADEQUATE PRESSURE TANK	135	3/15/1996
EASTMORELAND WTR SERVICE ASSN - IL1975600	RS	2	INADEQUATE PRESSURE TANK	650	3/20/1981
EATON PWD - IL0335100	RS	4	INADEQUATE SOURCE CAPACITY	920	3/15/2002

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* EFFINGHAM - IL0490250	CR	4	INADEQUATE DISINFECTION	12,400	6/1/2006
EHLERS MHP - IL0195645	RS	4	INADEQUATE PRESSURE TANK	112	12/17/1982
ELIZABETH - IL0850150	CR	1	LOW SYSTEM PRESSURE	682	6/15/1999
EVANSVILLE - IL1570250	RS	6	TRICHALOMETHANE	740	6/15/2002
EVERGREEN VILLAGE SUBDIVISION - IL1615310	RS	1	INADEQUATE PRESSURE TANK	130	3/20/1981
EXETER-MERRITT WATER COOP - IL1710010	CR	5	INADEQUATE PRESSURE TANK	428	10/1/2004
EXPRESSWAY MHP - IL0015545	RS	5	INADEQUATE PRESSURE TANK	116	3/19/1984
FAHNSTOCK COURT SUBDIVISION - IL1435200	RS	5	INADEQUATE PRESSURE TANK	35	5/25/1981
FAIR ACRES SUBDIVISION - IL1975680	RS	2	INADEQUATE PRESSURE TANK	156	10/19/1981
FOREST LAKE ADDITION - IL0975500	RS	2	INADEQUATE PRESSURE TANK	204	12/16/1983
GALENA - IL0850200	CR	1	LOW SYSTEM PRESSURE	3,640	6/15/1999
GARDEN STREET IMPROVEMENT ASSOCIATION - IL1975376	RS	2	INADEQUATE PRESSURE TANK	54	9/15/1989
GOOD SHEPHERD MANOR - IL0915189	RS	2	INADEQUATE PRESSURE TANK	25	3/17/1989
GRANDVIEW MHP - IL1795365	RS	5	INADEQUATE PRESSURE TANK	300	3/18/1983
GREAT OAKS AND BEACON HILLS APARTMENTS - IL2015488	RS	1	INADEQUATE PRESSURE TANK	2,420	12/17/1982
GREEN ACRES MHP - IL1035165	RS	1	INADEQUATE PRESSURE TANK	168	6/15/2000
HAMEL - IL1190450	CR	6	INADEQUATE STORAGE CAPACITY	650	1/1/2006
HAWTHORN WOODS - IL0970450	RS	2	INADEQUATE PRESSURE TANK	672	3/15/1995
HEATHERFIELD SUBDIVISION - IL0635150	RS	2	INADEQUATE PRESSURE TANK	75	9/17/1982
HECKER - IL1330150	RS	6	DISINFECTION BY-PRODUCTS	608	1/15/2005
HETTICK - IL1170500	RS	5	TRICHALOMETHANE	182	6/15/2002
HIATTS HIDEAWAY MHP - IL1795495	RS	5	INADEQUATE PRESSURE TANK	150	9/15/1989

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HIGHLAND SUBDIVISION - IL0895530	RS	2	INADEQUATE PRESSURE TANK	60	9/16/1983
HILLSDALE MHP - IL1615530	RS	1	INADEQUATE PRESSURE TANK	55	3/18/1983
HILLVIEW SUBDIVISION - IL1975800	RS	2	INADEQUATE PRESSURE TANK	100	3/15/1985
HOLIDAY SHORES SD - IL1195110	CR	6	INADEQUATE STORAGE CAPACITY	3,192	1/1/2006
HOLLY HOCK HILL MHP - IL0975245	RS	2	INADEQUATE PRESSURE TANK	52	12/16/1983
HOLY FAMILY VILLA - IL0310280	RS	2	INADEQUATE PRESSURE TANK	200	9/15/1999
IMPERIAL MHP - IL1975225	RS	2	INADEQUATE PRESSURE TANK	0	9/16/1983
INGALLS PARK SUBDIVISION - IL1975880	RS	2	INADEQUATE PRESSURE TANK	745	9/16/1983
JOY - IL1310100	CR	1	LOW SYSTEM PRESSURE	373	6/15/1999
KERSHAW MHP - IL0735345	RS	1	INADEQUATE PRESSURE TANK	265	9/17/1982
KINGS MOBILE COURT MHP - IL0995445	RS	1	INADEQUATE PRESSURE TANK	0	6/15/2000
KIRK WATER LINE INC - IL0330030	RS	4	INADEQUATE SOURCE CAPACITY	72	3/15/2002
LA MOILLE - IL0110500	CR	1	INADEQUATE PLANT CAPACITY	750	6/15/1999
LA SALLE - IL0990300	CR	1	INAD PLANT & SOURCE CAPACITY	9,700	11/1/2004
LACON - IL1230100	CR	1	UNDERSIZED WATERMAINS	1,979	1/1/2006
LAKE LYNWOOD WATER SYSTEM - IL0735330	RS	1	INADEQUATE PRESSURE TANK	75	8/31/1981
LAKEVIEW MHP - IL1415145	RS	1	INADEQUATE PRESSURE TANK	55	3/18/1983
LARCHMONT SUBDIVISION - IL2015290	RS	1	INADEQUATE PRESSURE TANK	64	6/17/1983
LARSON COURT APARTMENTS - IL1615728	RS	1	INADEQUATE PRESSURE TANK	58	1/14/1982
LEE - IL1034600	CR	1	INADEQUATE PRESSURE TANK	350	10/1/2004
LEGEND LAKES WATER ASSOCIATION - IL2015300	RS	1	INADEQUATE PRESSURE TANK	283	3/14/1991
LIBERTY PARK HOMEOWNERS ASSOCIATION - IL0435600	RS	2	INADEQUATE PRESSURE TANK	837	9/17/1992

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LINDENWOOD WATER ASSOCIATION - IL1415300	RS	1	INADEQUATE PRESSURE TANK	50	1/13/1982
LISBON NORTH, INC. - IL0631000	RS	2	INADEQUATE PRESSURE TANK	30	9/14/1990
LONDON MILLS - IL0574620	RS	5	INADEQUATE PRESSURE TANK	447	12/14/1984
LYNN CENTER - IL0735100	RS	1	INADEQUATE PRESSURE TANK	100	3/15/1995
LYNNWOOD WATER CORPORATION - IL0995336	RS	1	INADEQUATE PRESSURE TANK	110	3/18/1983
M C L W SYSTEM, INC. - IL1315150	RS	1	INADEQUATE SOURCE	98	3/20/1981
MALDEN - IL0110550	CR	1	UNDERSIZED WATERMAINS	370	1/1/2006
MANCUSO VILLAGE PARK MHP - IL2015545	RS	1	INADEQUATE PRESSURE TANK	500	6/18/1982
MANTENO MHP - IL0915385	RS	2	INADEQUATE PRESSURE TANK	144	12/14/1990
MARION - IL1990550	CR	7	INADEQUATE SOURCE CAPACITY	14,610	11/1/2001
MASON CITY - IL1250350	CR	5	INADEQUATE STORAGE CAPACITY	2,558	1/1/2006
MATHERSVILLE - IL1310200	CR	1	INADEQUATE SYSTEM PRESSURE	793	9/13/2000
MC HENRY SHORES WATER COMPANY - IL1115020	CR	2	LOW SYSTEM PRESSURE	1,813	9/17/1992
MECHANICSBURG-BUFFALO WATER COMMISSION - IL1675150	CR	5	INADEQUATE SOURCE CAPACITY	1,350	3/15/1998
MOECHERVILLE WATER DISTRICT - IL0895300	RS	2	INADEQUATE PRESSURE TANK	975	3/20/1981
MORTON MOBILE HOME PARK - IL1795345	RS	5	INADEQUATE PRESSURE TANK	250	3/18/1983
MOUND PWD - IL1635050	RS	6	INADEQUATE PLANT CAPACITY	2,200	6/17/1996
* NAUVOO - IL0670500	CR	5	INADEQUATE DISINFECTION	1,071	6/1/2006
NEARTOWN MHP - IL2015565	RS	1	INADEQUATE PRESSURE TANK	85	6/17/1983
NORTHWEST BELMONT IMPROVEMENT ASSOCIATION - 0435900	RS	2	INADEQUATE PRESSURE TANK	78	9/29/1981
OAK GROVE MHP - KANE COUNTY - IL0895365	RS	2	INADEQUATE PRESSURE TANK	0	6/15/1988
OAK GROVE MHP - ROCK ISLAND COUNTY - IL1617785	RS	1	INADEQUATE PRESSURE TANK	70	6/18/1982

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OAK LAWN MHP - IL0075275	RS	1	INADEQUATE PRESSURE TANK	433	12/17/1982
OAK RIDGE SD - IL2035300	RS	1	INADEQUATE PRESSURE TANK	240	3/20/1981
OAKBROOK ESTATES MHP - IL1115125	RS	2	INADEQUATE PRESSURE TANK	310	6/16/1989
OASIS MHP - IL0315185	RS	2	INADEQUATE PRESSURE TANK	1,797	3/14/1991
OLIVET NAZARENE UNIVERSITY - IL0915279	RS	1	INADEQUATE PRESSURE TANK	0	3/15/1994
OPHIEM PWS - IL0735150	RS	1	INADEQUATE PRESSURE TANK	100	6/18/1982
OSCO MUTUAL WATER SUPPLY COMPANY, INC. - IL0735200	RS	1	INADEQUATE PRESSURE TANK	115	12/15/1989
OTTER CREEK LAKE UTILITIES DISTRICT - IL2015320	CR	1	INADEQUATE STORAGE CAPACITY	2,753	10/14/2005
* OTTER LAKE WATER CMSN (ADGPTV) - IL1175200	CR	5	INAD PLANT & SOURCE CAP	1,251	7/1/2006
PANAMA - IL0054720	RS	6	TTHM, DBP, INAD STORAGE	380	1/1/2006
PARADISE MANOR MHP - IL1617665	RS	1	INADEQUATE PRESSURE TANK	193	2/19/1982
PARADISE MHP - IL0310010	RS	2	INADEQUATE PRESSURE TANK	700	6/15/1990
PARK MEADOWLAND WEST MHP - IL0075235	RS	1	INADEQUATE PRESSURE TANK	100	3/18/1982
PATOKA - IL1210400	RS	6	INADEQUATE PLANT CAPACITY	731	3/15/1997
PAULS MHP - IL0975485	RS	2	INADEQUATE PRESSURE TANK	51	12/16/1983
PERRYS SOUTH TERRACE MHP - IL1855125	RS	7	INADEQUATE PRESSURE TANK	34	3/18/1983
PITTSFIELD - IL1490750	RS	5	DISINFECTION BY-PRODUCTS	4,250	1/15/2005
PLEASANT PLAINS MHP - IL0195845	RS	4	INADEQUATE PRESSURE TANK	59	9/17/1982
PLEASANT RIDGE MHP - IL0435945	RS	2	INADEQUATE PRESSURE TANK	355	6/15/1984
POLO DR AND SADDLE RD SUBDIVISION - IL0437000	RS	2	INADEQUATE PRESSURE TANK	90	12/17/1982
PORTS SULLIVAN LAKE OWNERS ASSOCIATION - IL0971160	RS	2	INADEQUATE PRESSURE TANK	293	6/15/1999
PRAIRIE RIDGE ASSOCIATION - IL1115730	RS	2	INADEQUATE PRESSURE TANK	130	10/1/2004

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PRAIRIE VIEW ESTATES MHP - IL0195865	RS	4	INADEQUATE PRESSURE TANK	120	12/17/1982
RAINBOW LANE MHP - IL2015645	RS	1	INADEQUATE PRESSURE TANK	85	6/17/1983
RIDGECREST NORTH SUBDIVISION - IL0635250	RS	2	INADEQUATE PRESSURE TANK	60	9/16/1993
RIDGEWOOD LEDGES WATER ASSOCIATION - IL1615670	RS	1	INADEQUATE PRESSURE TANK	370	3/20/1981
RIDGEWOOD SUBDIVISION - IL1977650	RS	2	INADEQUATE PRESSURE TANK	250	6/18/1982
RIVER OAKS MHP - IL1617945	RS	1	INADEQUATE PRESSURE TANK	135	2/19/1982
RIVER ROAD MHP - IL1775185	RS	1	INADEQUATE PRESSURE TANK	282	6/17/1983
RIVERCREST MHP - IL0915445	RS	2	INADEQUATE PRESSURE TANK	40	9/14/1984
RIVERSIDE ESTATES MHP - IL1955165	RS	1	INADEQUATE PRESSURE TANK	270	12/13/1993
RIVERVIEW MHP (HENRY COUNTY) - IL0735425	RS	1	INADEQUATE PRESSURE TANK	65	9/17/1982
RIVERVIEW MHP (WINNEBAGO) - IL2015655	RS	1	INADEQUATE PRESSURE TANK	214	6/17/1983
ROBINSON-PALESTINE WATER COMMISSION - IL0335030	RS	4	INADEQUATE PLANT CAPACITY	11,317	11/1/2001
ROCKLAND MHP - IL0975585	RS	2	INADEQUATE PRESSURE TANK	74	12/16/1983
ROLLING GREEN ESTATES MHP - IL1415245	RS	1	INADEQUATE PRESSURE TANK	191	6/14/1985
ROLLING MEADOWS MHP - IL1415265	RS	1	INADEQUATE PRESSURE TANK	275	6/14/1985
ROYAL OAKS MHP - IL1115145	RS	2	INADEQUATE PRESSURE TANK	114	6/17/1983
SCALES MOUND - IL0850400	CR	1	LOW SYSTEM PRESSURE	400	9/15/1997
SENECA - IL0991050	CR	1	INADEQUATE PLANT CAPACITY	2,053	6/15/1999
SHANGRI-LA MHP - IL1415285	RS	1	INADEQUATE PRESSURE TANK	444	9/16/1983
SHAWNITA TRC WATER ASSOCIATION - IL1977690	RS	2	INADEQUATE PRESSURE TANK	125	9/17/1992
SILVIS HEIGHTS WATER CORP - IL1615750	RS	1	INADEQUATE HYDRO STORAGE	1,600	12/1/2003
SIX OAKS MHP - IL2015685	RS	1	INADEQUATE PRESSURE TANK	48	6/18/1982

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SKYVIEW SBDV - IL0915526	RS	2	INADEQUATE PRESSURE TANK	45	3/16/1990
SMITHBORO - IL0050250	RS	6	DISINFECTION BY-PRODUCTS	200	1/15/2005
SOUTH HIGHWAY PWD - IL0775400	CR	7	LOW SYSTEM PRESSURE & UNDERSIZED	8,420	1/1/2006
SPRING LAKES MHP - IL0315145	RS	2	INADEQUATE PRESSURE TANK	788	9/19/1986
ST CHARLES COMMISSION WELLFUND 3 - IL0437040	RS	2	INADEQUATE PRESSURE TANK	30	12/15/1989
STEPHENSON MOBILE ESTATES - IL1775235	RS	1	INADEQUATE PRESSURE TANK	223	6/17/1983
STOCKTON - IL0850450	CR	1	LOW SYSTEM PRESSURE	1,871	6/15/1984
STRATFORD WEST APARTMENTS - IL1095200	RS	5	INADEQUATE PRESSURE TANK	39	12/17/1982
SUBURBAN HEIGHTS SUBDIVISION - IL1615800	RS	1	INADEQUATE PRESSURE TANK	82	12/16/1983
SUMMIT HOMEOWNERS ASSOCIATION - IL0975280	RS	2	INADEQUATE PRESSURE TANK	39	3/16/1984
SUMNER - IL1010300	CR	7	LOW SYSTEM PRESSURE	1,481	12/13/1985
SUNNY ACRES MHP - IL0915545	RS	2	INADEQUATE PRESSURE TANK	376	3/15/1994
SUNNY HILL ESTATES SUBDIVISION - IL0735300	RS	1	INADEQUATE PRESSURE TANK	525	6/15/2000
SUNNYLAND SUBDIVISION - IL1977730	RS	2	INADEQUATE PRESSURE TANK	350	9/16/1983
SUNSET MHP - IL0310080	RS	2	INADEQUATE PRESSURE TANK	1,290	6/15/1988
SWEDONA WATER ASSOCIATION - IL1315200	RS	1	INADEQUATE PRESSURE TANK	157	6/15/1990
SYLVAN LAKE 1ST SUBDIVISION - IL0977100	RS	2	INADEQUATE PRESSURE TANK	210	6/14/1991
TALL PINES MHP - IL1955225	RS	1	INADEQUATE PRESSURE TANK	73	9/17/1982
THE GROVE MHP - IL0115525	RS	1	INADEQUATE PRESSURE TANK	100	12/16/1991
TIMBER RIDGE MOBILE ESTATES - IL1775255	RS	1	INADEQUATE PRESSURE TANK	150	6/17/1996
TOUHY MHP - IL0317765	RS	2	INADEQUATE PRESSURE TANK	1,088	6/17/1983
TOWNERS SUBDIVISION - IL0977250	RS	2	INADEQUATE PRESSURE TANK	210	1/14/1982

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UTILITIES INC HOLIDAY HILLS - IL1115350	RS	2	INADEQUATE PRESSURE TANK	729	9/16/1983
UTL INC-LAKE HOLIDAY - IL0995200	RS	1	INAD SOURCE & TREATMENT PLT	5,460	9/15/1998
UTL INC-LAKE MARIAN WATER CORPORATION - IL0895200	CR	2	INAD PRES STORAGE & LOW SYS PRES	924	9/14/1984
UTL INC-NORTHERN HILLS UTILITIES COMPANY - IL1775050	RS	1	INADEQUATE PRESSURE TANK	500	3/15/1996
UTL INC-WALK-UP WOODS WATER COMPANY - IL1115800	RS	2	INADEQUATE PRESSURE TANK	654	12/17/1982
VIETZEN MHP - IL0437245	RS	2	INADEQUATE PRESSURE TANK	198	6/17/1983
WALNUT HILL - IL1210600	CR	6	LOW SYSTEM PRESSURE	1,470	6/14/1985
WATERLOO - IL1330300	CR	6	INADEQUATE STORAGE	7,614	10/1/2004
WEST SHORE PARK SUBDIVISION - IL0977370	RS	2	INADEQUATE PRESSURE TANK	528	6/15/2000
WEST SHORELAND SUBDIVISION - IL0977050	RS	2	INADEQUATE PRESSURE TANK	189	6/14/1991
WEST SIDE MHP - IL0395225	RS	4	INADEQUATE PRESSURE TANK	103	12/17/1982
WESTERN WAYNE WATER DISTRICT - IL1910010	RS	7	TRICHALOMETHANE	2,262	9/15/2005
WESTWIND ESTATES - IL1135265	RS	4	INADEQUATE PRESSURE TANK	105	12/17/1982
WHISPERING PINES MHP - IL0990060	RS	1	INADEQUATE PRESSURE TANK	250	6/15/1999
WIENEN ESTATES - IL0850030	RS	1	INADEQUATE PRESSURE TANK	70	12/15/1997
WILDLIFE MHP - IL0995425	RS	1	INADEQUATE PRESSURE TANK	73	9/17/1982
WILDWOOD COMMUNITIES - IL0995265	RS	1	INADEQUATE PRESSURE TANK	1,001	12/15/1989
WILLIAMSON - IL1191100	RS	6	TRICHALOMETHANE	340	9/15/2005
WILLOWAY TERRACE MHP - IL0317595	RS	2	INAD PRES & SOURCE CAPACITY	450	6/15/1984
WONDER LAKE WATER COMPANY - IL1115750	RS	2	INADEQUATE PRESSURE TANK	1,442	6/16/1994
WOODLAND A AND B MHP - IL1617925	RS	1	INADEQUATE PRESSURE TANK	490	9/16/1983
WORDEN - IL1191200	CR	6	INADEQUATE STORAGE CAPACITY	906	1/1/2006

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YORK CENTER COOP - IL0437550 RS 2 INADEQUATE PRESSURE TANK 240 6/15/1988

WATER SYSTEMS REMOVED SINCE LAST QUARTER

IOLA IL0250010
 FORWARD SKYLINE PLANT IL0895030
 CLAYTON CAMP POINT IL0015200

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
 DIVISION OF WATER POLLUTION CONTROL
 RESTRICTED STATUS LIST

In order to comply with 35 Illinois Administrative Code Section 306.401, Illinois Pollution Control Board Regulations, the Illinois EPA has prepared the following list of facilities which are on Restricted Status. Restricted Status is defined as the Agency determination that a sewer or lift station has reached hydraulic capacity or that a sewage treatment plant has reached design capacity, such that additional sewer connection permits may no longer be issued without causing a violation of the Act or Regulations. Please note that the list is continually being revised to reflect the current situation. Therefore, if you have any questions on the capability of a treatment facility or transport system, please contact this Agency for a final determination. This listing reflects the status as of June 30, 2006.

Facility names followed by an asterisk (*) indicates that construction is underway to ultimately alleviate problems, which resulted in imposition of Restricted Status. Facilities followed by a double asterisk (**) are additions to the list.

<u>FACILITY NAME</u>	<u>RESPONSIBLE AUTHORITY</u>	<u>COUNTY</u>	<u>REMAINING CAPACITY</u>
Alhambra STP	Village of Alhambra	Madison	0
Bonnie Brae Forest Manor SD STP	Bonnie Brae Forest Manor SD	Will	0
Bourbonnais (Belle Aire Subd.)	Village of Bourbonnais	Kankakee	0

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Camelot Utilities Wastewater Collection System	Camelot Utilities	Will	0
Camp Point (a portion mh 60-68)	Village of Camp Point	Adams	0
Clearview S.D.	Clearview S.D.	McLean	0
Davis Junction	Village of Davis Junction	Ogle	0
East Alton	City of East Alton	Madison	0
Farmington	City of Farmington	Fulton	0
Harvard WWTP	City of Harvard	McHenry	0
Hurst & Blairville Collection SYSTEM	City of Hurst	Williamson	0
Lockport Heights SD STP	City of Lockport	Will	0
Port Byron STP	Village of Port Byron	Rock Island	0
Richmond WWTP	Village of Richmond	McHenry	0
Rosewood Heights S.D.- Ninth Street LS	Rosewood Heights S.D.	Madison	0
Saint Elmo	City of Saint Elmo	Fayette	0
South Palos Twp. SD	South Palos Twp.	South Palos Twp.	0
Sundale Utilities – Washington Estates STP	Sundale Utilities Corporation	Tazewell	0
Taylorville-Shawnee Ave. PUMP STATION	City of Taylorville	Christian	0
Utilities Unlimited	Utilities Unlimited	Will	0
Washington (Rolling Meadows)	City of Washington	Tazewell	0

Deletions from previous quarterly report: None

Additions from previous quarterly report: None

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY DIVISION OF WATER POLLUTION CONTROL CRITICAL REVIEW LIST

In order to comply with 35 Illinois Administrative Code Section 306.401, Illinois Pollution Control Board Regulations, the Illinois Environmental Protection Agency has prepared the following list of facilities which are on Critical Review. Critical Review as defined as the Agency determination that a sewer or lift station is approaching hydraulic capacity or that a sewage treatment plant is approaching design capacity such that additional sewer connection permit applications will require close scrutiny to determine whether issuance would result in a violation of the Act or Regulations. Please note that these lists are continually being revised to reflect the current situation. Therefore, if you have any questions on the capability of a treatment facility or transport system, please contact the Agency for a final determination. This listing reflects the status as of June 30, 2006.

Facility names followed by a double asterisk (**) are additions to the list.

FACILITY	RESPONSIBLE		REMAINING	PE ADDED
<u>NAME</u>	<u>AUTHORITY</u>	<u>COUNTY</u>	<u>CAPACITY</u>	<u>LAST LIST</u>
Algonquin	Village of Algonquin	Kane	629	0
Aqua Illinois, Inc.	Aqua Illinois, Inc.	Will	2,320	145

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University Park				
Antioch STP	Village of Antioch	Lake	421	0
Beardstown SD	City of Beardstown	Cass	1,731	
Benton-Southeast STP	City of Benton	Franklin	60	0
Bethalto (L.S. #1)	Village of Bethalto	Madison	87	0
Carrier Mills	Village of Carrier Mills	Saline	836	0
Carrollton	City of Carrollton	Greene	140	0
Citizens Utilities Co. of Ill.-	Citizens Utilities Co. of Ill.	Will	10	0
River Grange				
Charleston	City of Charleston	Coles	5,259	0
Downers Grove S.D.	Downers Grove S.D.	DuPage	2,124	72
East Dundee STP	Village of E. Dundee	Kane	550	0
Elkville	Village of Elkville	Jackson	6	0
Ferson Creek Utilities Co.	Utilities, Inc.	Will	70	0
LCPWD-Diamond-Sylvan STP	County of Lake Public Works Department	Lake	0	0
Lockport	City of Lockport	Will County	0	1355
Moline (North Slope)	City of Moline	Rock Island	1,151	0
Morris STP	City of Morris	Grundy	0	338
New Lenox STP 1***	Village of New Lenox	Will	0	533
Paris STP	City of Paris	Edgar	0	0
Rock Island (Main)	City of Rock Island	Rock Island	4,080	0
Streator	City of Streator	LaSalle/ Livingston	700	0
Wauconda – Remaining Collection System & Lakeview Villa LS	Village of Wauconda	Lake	***	
Wauconda WWTP	Village of Wauconda	Lake		7

Deletions from previous quarterly report: None

Additions from previous quarterly report: None

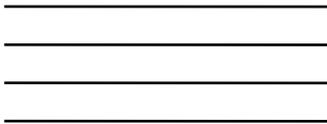
***Contact IEPA – Permit Section

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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
Environmental Register Coordinator
1021 N. Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274