
Environmental Register

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Letter from the Chairman

In July, the Board continued to move forward with three significant rulemaking dockets. On July 12, 2007, the Board adopted for first notice Proposed Amendments To Dissolved Oxygen Standard 35 Ill. Adm. Code 302.206, R04-25, and Proposed Amendments to Solid Waste Landfill Rules, 35 Ill. Adm. Code 810 and 811, R07-08. On July 26, 2007, the Board adopted for second notice Proposed New Clean Air Interstate Rules (CAIR) SO₂, NO_x Annual and NO_x Ozone Season Trading Programs, 35 Ill. Adm. Code 225, Control of Emissions From Large Combustion Sources, Subparts A, C, D, E, and F, R06-26.

In R04-25, the Board proposed amendments to Illinois' general use water quality standards for dissolved oxygen (DO). The amendments are based on the proposal filed by the Illinois Association of Wastewater Agencies and a joint proposal filed by the Illinois Department of Natural Resources and the Illinois Environmental Protection Agency (IEPA).

The Board proposes "two-season" numeric DO standards. The proposal divides the year into an "early life stages" season (March through July) and an "other life stages" season (August through February). The "early life stages" of fish (egg, embryo, larval, and recently-hatched juvenile) are more sensitive to low DO concentrations than later juvenile and adult stages, and therefore warrant greater protection. Additionally, the proposal designates approximately 8% of Illinois' 71,394 general use stream miles to receive "enhanced" numeric DO standards to protect DO-sensitive species present in meaningful amounts. The proposal also includes a narrative DO standard to protect quiescent and isolated sectors of general use waters where naturally-occurring DO concentrations cannot reasonably be expected to attain the numeric DO standards. The Board will accept written public comment on its first-notice proposal for 45 days after publication in the *Illinois Register*.

In R07-8, the Board proposed amendments to Parts 810 and 811 of the Board's regulations governing solid waste disposal and standards for new solid waste landfills. The Illinois Chapter of the National Solid Wastes Management Association filed the proposal with the Board on July 27, 2006. The amendments are intended primarily to update the Board's regulations to reflect practical experience and expanded technical and scientific knowledge achieved since the Board first adopted these standards in 1990.

Rulemaking R06-26 proposes reductions for intrastate and interstate transport of sulfur dioxide (SO₂) and nitrogen oxides (NO_x) emissions from fossil fuel-fired electric generating units. The proposal addresses Illinois' requirement to meet federal Clean Air Act requirements for controlling fine particulate matter (PM_{2.5}) and ozone in the greater Chicago and Metro East/St. Louis nonattainment areas. To address interstate transport, USEPA promulgated the federal CAIR, under which states like Illinois have the option of complying with emissions budgets set by USEPA, or, as proposed here by the Board, adopting federal "cap and trade" programs. R06-25 adopts the CAIR SO₂, CAIR NO_x annual, and CAIR NO_x ozone season trading programs.

The current status of these rulemakings and other Board cases may be determined by visiting the Board's website at www.ipcb.state.il.us. Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted through the Clerk's Office On-Line (COOL) on the Board's website. Documents may be downloaded from that website without charge. Hard copies may be obtained for \$.75 per page from the Clerk's office at 312-814-3629.



Sincerely,

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

Dr. G. Tanner Girard

Inside This Issue:

FEDERAL UPDATE	P. 1
RULE UPDATE	P. 2
APPELLATE UPDATE	P. 7
BOARD ACTIONS	P. 8
NEW CASES	P. 17
PROVISIONAL VARIANCES	P. 18
ADJUSTED STANDARDS	P. 19
BOARD CALENDAR	P. 20
RESTRICTED STATUS/CRITICAL REVIEW	P. 23

Federal Update

United States Environmental Protection Agency Proposes Amendments to the National Ambient Air Quality Standards for Ozone Under the Clean Air Act

On July 11, 2007 (72 Fed. Reg. 37817) the United States Environmental Protection Agency (USEPA) proposed amendments to the national ambient air quality standards (NAAQS) for ozone (O₃). The proposed changes are based on USEPA's review of the air quality criteria for O₃ and related photochemical oxidants and NAAQS for O₃.

USEPA proposes revisions to the primary and secondary NAAQS for O₃ to provide protection of public health and welfare, respectively, and to make corresponding revisions in data handling conventions for O₃. With regard to the primary standard for O₃, USEPA proposes to revise the level of the 8-hour standard to a level within the range of 0.070 to 0.075 parts per million (ppm). This is intended to provide increased protection for children and other "at risk" populations against an array of O₃-related adverse health effects that range from decreased lung function and increased respiratory symptoms to serious indicators of respiratory morbidity including emergency department visits and hospital admissions for respiratory causes, and possibly cardiovascular-related morbidity as well as total nonaccidental and cardiopulmonary mortality.

USEPA also proposed to specify the level of the primary standard to the nearest thousandth ppm, and requested comment on alternative levels down to 0.060 ppm and up to and including retaining the current 8-hour standard of 0.08 ppm (effectively 0.084 ppm using current data rounding conventions).

With regard to the secondary standard for O₃, USEPA proposed to revise the current 8-hour standard with one of two options to provide increased protection against O₃-related adverse impacts on vegetation and forested ecosystems. One option is to replace the current standard with a cumulative, seasonal standard expressed as an index of the annual sum of weighted hourly concentrations, cumulated over 12 hours per day (8a.m. to 8p.m.) during the consecutive 3-month period within the O₃ season with the maximum index value, set at a level within the range of 7 to 21 ppm-hours. The other option is to make the secondary standard identical to the proposed primary 8-hour standard. Again the USEPA requested comment its proposed amendments.

Written comments on this proposed rule must be received by October 9, 2007. And should be submitted, identified by Docket ID No. EPA-HQ-OAR-2005-0172, by one of the following methods:

- 1) <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.
- 2) E-mail: a-and-r-Docket@epa.gov.
- 3) Fax: 202-566-1741.

Environmental Register – July 2007

4) Mail: Docket No. EPA-HQ-OAR-2005-0172, Environmental Protection Agency, Mail code 6102T, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Please include a total of two copies.

USEPA intends to hold public hearings around the end of August to early September in several cities across the country, and will announce in a separate *Federal Register* notice the dates, times, and addresses of the public hearings on this proposed rule.

For further information contact Dr. David J. McKee, Health and Environmental Impacts Division, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Mail code C504-06, Research Triangle Park, NC 27711; telephone: 919-541-5288; fax: 919-541-0237; e-mail: mckee.dave@epa.gov.

United States Environmental Protection Agency Adopts National Emission Standards for Hazardous Air Pollutants for Area Sources Under the Clean Air Act

On July 16, 2007 (72 Fed. Reg. 38863) the United States Environmental Protection Agency (USEPA) adopted National Emission Standards for Hazardous Air Pollutants (NESHAP) standards for seven area source categories: acrylic and modacrylic fibers production, carbon black production, chemical manufacturing: chromium compounds, flexible polyurethane foam production and fabrication, lead acid battery manufacturing, and wood preserving.

The final emissions standards and associated requirements for two area source categories (Flexible Polyurethane Foam Production and Flexible Polyurethane Foam Fabrication) are combined in one subpart. These final rules include emission standards that reflect the generally available control technologies or management practices in each of these area source categories.

These final rules are effective on July 16, 2007.

For further information contact Ms. Sharon Nizich, Sector Policies and Programs Division, Office of Air Quality Planning and Standards (D243-02), Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number: (919) 541-2825; fax number: (919) 541-3207; e-mail address: nizich.sharon@epa.gov.

Pursuant to Section 9.1(b) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(b) (2006)), once adopted by the USEPA, NESHAP rules are applicable and enforceable under the Act without further action by the Board.

Rule Update

Board Adopts First Notice Opinion and Order in Proposed Amendments to Dissolved Oxygen Standard 35 Ill. Adm. Code 302.206 (R04-25)

On July 12, 2007, the Board adopted a first notice opinion and order in Proposed Amendments to Dissolved Oxygen Standard 35 Ill. Adm. Code 302.206 (R04-25). This rulemaking proposes amendments to the Board's general use water quality standard for dissolved oxygen or "DO." The Board's first-notice amendments are based on aspects of both the proposal filed by the Illinois Association of Wastewater Agencies (IAWA), and the joint proposal later filed by the Illinois Department of Natural Resources (DNR) and the Illinois Environmental Protection Agency (IEPA). The Board's first-notice proposal follows consideration of four sets of hearings (held on June 29, 2004, August 12, 2005, August 25, 2005, April 25, 2006, and November 2 through 3, 2006) and 110 public comments filed in the rulemaking. Further, the amendments proposed for first notice are consistent with the National Criteria Document or "NCD" for DO of the United States Environmental Protection Agency (USEPA), *Ambient Aquatic Life Water Quality Criteria for Dissolved Oxygen (Freshwater)* (USEPA, Chapman 1986). First notice of the amendments was published at 31 Ill. Reg. 11028 (August 3, 2007).

Environmental Register – July 2007

This proposal includes a two-season numeric DO standard with values based on daily minima and 7- and 30-day averages. The “early life stages” season of the proposed two-season numeric DO standard would run from March 1st through July 31st. The egg, embryo, larval, and recently-hatched juvenile life stages of fish are more sensitive to low DO concentrations than later juvenile and adult stages. Additionally, the proposal designates stream segments, approximately 8% of general use stream miles in Illinois, to receive “enhanced” numeric dissolved oxygen standards to protect DO-sensitive fish and macroinvertebrate species present in meaningful amounts. The proposal also includes a narrative DO standard to protect quiescent and isolated sectors of general use waters.

The first-notice proposal is expected to significantly improve the current DO standard by taking into account the varied DO requirements of aquatic communities and the diverse range of natural aquatic conditions present across Illinois, allowing both public and private resources to be focused on those waters most impacted by low DO.

Copies of the Board’s opinion and order in R04-25 may be obtained by calling the Clerk’s office 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 Grants Motion to Voluntarily Dismiss Proposal in Proposed Site Specific Perlite Waste Disposal Regulation Applicable to Silbrico Corporation (35 Ill. Adm. Code Part 810) (R06-8)

On July 12, 2007, the Board granted the July 2, 2007 motion to voluntarily dismiss this rulemaking filed by the proponent, Silbrico Corporation (Silbrico). Silbrico had been seeking a site-specific rule for its manufacturing facility located at 6300 River Road in Hodgkins, Cook County. Silbrico’s July 19, 2005 petition sought a rule allowing it to dispose of what it characterized as its nonhazardous, inert perlite waste at a “construction and demolition debris” facility.

The Board granted the voluntary motion and closed the docket.

Copies of the Board’s opinion and order in R06-8 may be obtained by calling the Clerk’s office at 312-814-3620, or by downloading copies from the Board’s Web site at www.ipcb.state.il.us.

Board Adopts First Notice Opinion and Order in Proposed Amendments to Solid Waste Landfill Rules, 35 Ill. Adm. Code 810 And 811 (R07-8)

On July 12, 2007, the Board adopted a first notice opinion and order in Proposed Amendments to Solid Waste Landfill Rules, 35 Ill. Adm. Code 810 And 811 (R07-8). This rulemaking proposes amendments to Parts 810 and 811 that are intended to update the Board’s solid waste disposal regulations to reflect practical experience gained through the implementation of those rules and expanded technical and scientific knowledge achieved since the Board first adopted these standards in 1990. This rulemaking is based on a proposal that was filed with the Board on July 27, 2006, by the Illinois Chapter of the National Solid Wastes Management Association (NSWMA) with the concurrence of the Illinois Environmental Protection Agency (IEPA). First notice of the proposal was published at 31 Ill. Reg. 11107 and 1112 (August 3, 2007).

NSWMA proposed substantive changes to the Board’s nonhazardous solid waste landfill rules. Those proposed changes pertain to issues including leachate monitoring, hydrogeologic site investigation, groundwater monitoring systems, and groundwater quality standards.

The amendments to the leachate monitoring include adding a list of 202 constituents to be monitored. The IEPA developed the list to represent constituents likely to be found in leachate from chemical and putrescible waste landfills. The amendments also propose a minimum number

Environmental Register – July 2007

of leachate monitoring locations at landfill units. For the first two years of landfill operation, the proposal changes the frequency of leachate monitoring frequency from quarterly to semi-annual monitoring. The proposal does not change the requirement that, after those first two years, monitoring continues on a semi-annual basis. The proposal also requires sampling from each monitoring location at least once every two years.

The proposal also seeks to replace the reference in the rules to “public or food processing water supply standard at 35 Ill. Adm. Code 302” with a reference to the groundwater standards found at 35 Ill. Adm. Code 620. This amendment replaces the list of constituents under public or food processing water supply standards with a more comprehensive list of constituents under the Board’s groundwater standards.

The amendments to the groundwater monitoring systems address the depth of monitoring wells. Specifically, the proposal requires an operator to measure the depth of groundwater monitoring wells that do not contain dedicated pumps on an annual basis. The amendments would also require that, at groundwater monitoring wells containing dedicated pumps, the operator must measure the depth of the well every five years or when the pump is serviced.

Additional amendments to monitoring requirements include adding a specific list of indicator constituents, adding a specific list of organic chemicals for which groundwater must be monitored, and increasing the frequency of the monitoring for the specified organic parameters. The amendments also propose several changes to the provisions for confirming monitored increases.

Proposed changes to the assessment monitoring provisions under Section 811.319(b) include specifying deadlines for submission and implementation of an assessment monitoring plan. Additionally, the proposed inclusion of constituents listed in 35 Ill. Adm. Code 620.410 makes the Board rules consistent with the federal regulations at 40 C.F.R. Part 258.

The amendments propose a number of changes to the groundwater quality standard provisions under Section 811.320. The proposed changes replace references to public water supply standards with references to groundwater standards, clarify the establishment of background concentrations, and update statistical analysis procedures.

Additionally, the proposal updates materials incorporated by reference in Part 810.

The Board held hearings in this rulemaking on January 29, 2007, in Chicago and on February 28, 2007, in Springfield.

Copies of the Board’s opinion and order in R07-8 may be obtained by calling the Clerk’s office at 312-814-3620, or by downloading copies from the Board’s Web site at www.ipcb.state.il.us.

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

Board Adopts Second Notice Opinion and Order in Proposed New 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, E, and F (R06-26)

On July 26, 2007, the Board adopted a second notice opinion and order 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, E, and F (R06-26). The Board made a number of changes to the first-notice rules as published at 31 Ill. Reg. 6769 (May 11, 2007). The Board sent this rulemaking, as required by the Illinois Administrative Procedure Act (5 ILCS 100/1-1 *et seq.* (2006)), to the Joint Committee on Administrative Rules (JCAR) for review at its August 14, 2007 meeting. If JCAR acts favorably on the rule at that time, the Board would hope to adopt a final rule August 26, 2007.

The changes in the rule are driven largely from the comments filed by the Illinois Environmental Protection Agency (IEPA). In its comments, the IEPA proposed a number of clarifications and

Environmental Register – July 2007

corrections to the first-notice rule language. According to the IEPA, the changes are of four types: (1) changed dates within the CAIR rule to avoid retroactive application; (2) changes based on comments received from USEPA; (3) previously proposed amendments that were inadvertently omitted from first notice; and (4) typos that need correction and some clarifications that need to be made. The Board has made all of the changes as suggested by the IEPA.

The IEPA and Southern Illinois Power Cooperative (SIPC) both pointed to changes that needed to be made to Sections 225.465(b)(5)(B) and 225.565(b)(5)(B) to incorporate language that both parties had agreed to in the text. The Board made these suggested changes.

Additionally, the Board made a number of nonsubstantive changes to the text of the rule to clarify the rule language and to ensure consistency within the rule and with the general style standards of the Board and the IAPA. The Board has also included amendments to Section 225.120, “Abbreviations and Acronyms,” to include some of the abbreviations and acronyms that are used in the proposed rule text. While this Section was not included in the first notice proposal, the IEPA’s comments point out that these nonsubstantive additions can ease the reading of the rule, which has numerous abbreviations and acronyms.

The majority of the comments in this rulemaking support the bulk of the rule as amended during this proceeding. However, public comments received following first notice indicate some areas of disagreement still exist.

The remaining areas of disagreement are: (1) determination of allocations for SIPC for 2009 – 2011; (2) allocations based on gross electrical output instead of heat input; (3) proposal to correct for “air in-leakage”; (4) fuel-weighting factors; (5) various aspects of the Clean Air Set-Aside (CASA) (size, availability, purpose, and economic impact); and (6) withholding allowances from the Compliance Supplement Pool (CSP). After considering all comments received in its second notice opinion and order, the Board found no changes to the first notice rules were warranted concerning these six issues.

Copies of the Board’s opinion and order in R06-26 may be obtained by calling the Clerk’s office 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 Final Rules in SDWA Update, USEPA Amendments (January 1, 2006 though June 30, 2006) R07-2; SDWA Update, USEPA Amendments (July 1, 2006 though December 31, 2006) R07-11 (consolidated)

On July 26, 2007 the Board adopted a final rules in its opinion and order in SDWA Update, USEPA Amendments (January 1, 2006 though June 30, 2006) R07-2; SDWA Update, USEPA Amendments (July 1, 2006 though December 31, 2006) R07-11 (consolidated). The Board made some substantive changes to its proposal for public comment in response to comments filed by the Illinois Environmental Protection Agency (IEPA). The IEPA requested, and the Board added, a handful of references to the Illinois Wellhead Protection Program. Additionally, the Board made other, minor nonsubstantive changes to the rulemaking. The final amendments were filed and effective July 27, 2007 effective date and published 31 Ill. Reg. 11757 (August 10, 2007). This action timely completed the rulemaking prior to the August 6, 2007, deadline the Board established in its April order extending the deadline in this rulemaking (See the April 2007 issue of the *Environmental Register* at page 5).

The R07-2 docket includes federal SDWA amendments that USEPA adopted in the periods January 1, 2006 though June 30, 2006, and the R07-11 docket includes federal SDWA amendments that USEPA adopted in the periods July 1, 2006 though December 31, 2006. The amendments incorporate into the Illinois regulations three related, significant new federal rules: the Stage 2 Disinfectants and Disinfection Byproducts Rule, the Long Term 2 Enhanced Surface Water Treatment Rule, and the Groundwater Rule.

Environmental Register – July 2007

January 4, 2006 (71 Fed. Reg. 388)

USEPA adopted the Stage 2 Disinfectants and Disinfection Byproducts Rule (DBPR). The DBPR regulates drinking water disinfection practices and the content of disinfection byproducts in drinking water. The Stage 2 DBPR is intended to further reduce the risks of cancer and reproductive and other adverse health effects associated with disinfection byproducts. The Stage 2 rule includes maximum contaminant level standards and monitoring, reporting, and public notification requirements for these contaminants. The Stage 2 rule applies to any community water supply or non-transient, non-community water system that adds a disinfectant other than ultraviolet light to drinking water.

Implementation of the Stage 2 DBPR occurs in phases, and the deadlines for completion of the various phases are staggered, depending on system size. The earliest compliance deadline, that for a supplier that serves 100,000 persons or more to submit an initial distribution system evaluation (IDSE) plan to the State, was October 1, 2006. The latest compliance deadline, which requires compliance with the monitoring requirements by a supplier that serves fewer than 10,000 persons of which *Cryptosporidium* monitoring is required, is October 1, 2014.

The Stage 2 DBPR is an extension of the existing Stage 1 DBPR, adopted by USEPA on December 16, 1998 (at 63 Fed. Reg. 69390) and by the Board on July 22, 1999 (in docket R99-12). The DBPR is a companion to the Enhanced Surface Water Treatment Rule (see the entry below for the January 5, 2006 USEPA action). The federal amendments include corrections to existing regulations and to the existing Stage 1 DBPR.

January 5, 2006 (71 Fed. Reg. 654)

USEPA adopted the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR). The LT2ESWTR requires the use of treatment techniques and imposes monitoring, reporting, and public notification requirements on all systems that use surface water as a source of raw water. USEPA intends that the rule protect against *Cryptosporidium* and other microbial contaminants, like *Giardia lamblia*.

Implementation of the LT2ESWTR occurs in phases, just as it does for the Stage 2 DBPR. The deadlines for completion of the various phases are staggered, also depending on system size. The earliest compliance deadline is for a supplier that serves 100,000 persons or more to begin its first round of monitoring was October 1, 2006. The latest compliance deadline, which requires a supplier that serves fewer than 10,000 persons which monitors for *Cryptosporidium* to begin a second round of monitoring, is April 1, 2019.

The LT2ESWTR is an extension of earlier rules pertaining to treatment of surface water that USEPA has adopted. USEPA adopted the Surface Water Treatment Rule (SWTR) and the Total Coliform Rule (TCR) on June 29, 1989 (at 54 Fed. Reg. 27486 and 27544, respectively), and the Board adopted the rules on May 24, 1990 (in docket R88-26). USEPA then adopted the Interim Enhanced Surface Water Treatment Rule (IESWTR) on December 16, 1998 (at 63 Fed. Reg. 69478), which the Board adopted together with the Stage 1 DBPR (see the entry for the USEPA action on July 4, 2006, above) on July 22, 1999 (in docket R99-12). Later, USEPA adopted the Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR) on January 14, 2002 (67 Fed. Reg. 1812), and the Board adopted it on December 19, 2002 (in docket R03-4). The LT2ESWTR is a companion to the Stage 2 DBPR (see the entry for the USEPA action of January 4, 2006, above).

January 27, 2006 (71 Fed. Reg. 4644) and June 29, 2006 (71 Fed. Reg. 37168)

USEPA corrected the January 4, 2006 Stage 2 DBPR.

January 30, 2006 (71 Fed. Reg. 4968) and February 6, 2006 (71 Fed. Reg. 6136)

USEPA corrected the January 5, 2006 LT2ESWTR.

R07-11: SDWA Update, USEPA Amendments July 1, 2006 through December 31, 2006

Environmental Register – July 2007

November 8, 2006 (71 Fed. Reg. 65574)

USEPA adopted the Ground Water Rule (GWR). Compliance with the federal GWR is required by December 1, 2009. The GWR is intended to increase protection against microbial pathogens in public water systems that use ground water sources. Under the GWR, disinfection is required as a treatment technique for all public water systems, including surface water systems and ground water systems, as necessary. The GWR targets ground water systems that are susceptible to fecal contamination, instead of requiring disinfection for all ground water systems. The GWR requires ground water systems that are at risk of fecal contamination to take corrective action to reduce cases of illnesses and deaths due to exposure to microbial pathogens.

November 21, 2006 (71 Fed. Reg. 67427)

USEPA corrected the references to analytical methods for use under GWR.

Copies of the Board's opinion and order in R07-2/11 may be obtained by calling the Clerk's office 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

Appellate Update

Fifth District Affirms Board Finding of Violation and Imposition of \$4500 Penalty and Hearing Costs in William Shrum v. Illinois Environmental Protection Agency and Illinois Pollution Control Board, No. 5-06-0310 (5th Dist. July 27, 2007) (affirming Board orders in AC 05-18 (March 16, 2006 interim order and May 18, 2006 final order)

On July 27, 2007, the Fifth District Appellate Court issued a Rule 23 order affirming the Board in William Shrum v. Illinois Environmental Protection Agency and Illinois Pollution Control Board, No. 5-06-0310 (5th Dist. July 27, 2007). In an administrative citation (AC) case, the Board had found that site-owner William Shrum "allowed" open dumping where Shrum controlled the site and did not clean up waste placed there by the previous owner. Illinois Environmental Protection Agency v. William Shrum, AC 05-18 (March 16, 2006 interim order and May 18, 2006 final order). Justice Chapman authored the court's six-page, non-precedential decision, with Justices Donovan and Spomer concurring.

Board Orders

On February 19, 2004, William Shrum purchased the site at issue, located north of the intersection of Shamrock and Corgan Roads approximately three and one-half miles northwest of Tamaroa, Perry County. The Illinois Environmental Protection Agency (IEPA) inspected the site July 2, 2004. The IEPA inspector observed waste materials covering an area approximately 90 feet wide by 75 feet long. The materials appeared to have been spread out to fill a low-lying area since a June 2004 inspection. In its August 4, 2004 AC, the IEPA alleged that Shrum violated Sections 21(p)(1) and (7) of the Act by causing or allowing the open dumping of waste resulting in litter and the deposition of general or clean construction or demolition debris.

Shrum filed a petition for review of the AC. In a March 16, 2006 interim opinion and order, the Board found that the undisputed facts adduced at hearing were that the waste materials had been placed on the site by a prior owner in 2000-2001. Illinois Environmental Protection Agency v. William Shrum, AC 05-18 (March 16, 2006 interim order) slip op. at 3. Shrum purchased the property in February 2004, and in fact removed some of the waste from the site. The dispute between the parties was whether Shrum "allowed" the open dumping under these facts. *Id.*

The Board found Shrum violated Sections 21(p)(1) and (7) of the Act as alleged. Consistent with long-standing Board precedent, the Board found that Shrum exercised control over the site as its

owner and “allowed” the open dumping by failing to remedy the prior waste disposal. Because Shrum had previously been found in violation of Section 21(p)(1), this second adjudicated violation of that provision required imposition of a \$3,000 civil penalty. The violation of Section 21(p)(7) required imposition of a \$1,500 civil penalty. *Id.* at 7-9. The interim opinion and order directed documentation of hearing costs, and gave Shrum leave to object to those costs.

Shrum did not respond to the hearing cost filings of the Board Clerk or the IEPA. On May 18, 2006, the Board issued its final opinion and order, incorporating by reference its findings of fact and conclusions of law from the interim opinion and order. In the final decision, the Board also assessed the \$4,500 civil penalty, along with the documented hearing costs totaling \$306.88. Illinois Environmental Protection Agency v. William Shrum, AC 05-18 (May 18, 2007 final order), slip op. at 1-2.

Court Decision

Initially, the court determined that the Board "was faced with a mixed question of law and fact," and therefore the court applied the "clearly erroneous" standard of review to the Board's decision. William Shrum v. Illinois Environmental Protection Agency and Illinois Pollution Control Board, No. 5-06-0310 (5th Dist. July 27, 2007), slip op. at 2 (citing Elementary School District 159 v. Schiller, 221 Ill.2d 130,143, 849 N.E.2d 349, 358 (2006)). (The court did not mention Section 41(b) of the Act, 415 ILCS 5/41(b) cited and argued in the Board brief for application of the more deferential "manifest weight" standard.)

The court declined the IEPA's invitation to construe Shrum's moving of the debris around on the site as "causing" open dumping. Shrum, slip op. at 4. Instead, the court focused on the meaning of "allowed," querying: "The question is simply whether Shrum allowed the waste to remain on his property. By purchasing property with waste present and by failing to remove that waste, is Shrum guilty of open dumping?" *Id.* The court noted that the Act does not define the term "allow" and that courts will consider the administrative agency's interpretation when the statutory language is "reasonably debatable." *Id.*

The court described relevant Board decisions as standing for the proposition that "passive conduct in failing to remediate the property" qualifies as the "requisite allowance." Shrum, slip op. at 4-5. The Court noted Illinois Supreme Court precedent on how knowledge or intent is not necessary to establish a violation of the Act. *Id.* at 5, citing People v. Fiorini, 143 Ill. 2d 318, 574 N.E.2d 612 (1991) and First of America Trust Co. v. Armstead, 171 Ill. 2d 282, 664 N.E.2d 36 (1996)(citing Meadowlark Farms v. IPCB, 17 Ill. App. 3d 851, 308 N.E.2d 829 (1974)), the court concluded: "The IEPA is not required to establish that Shrum intended to allow open dumping. Taking no steps to rectify the waste left behind by the previous landowner was sufficient to establish Shrum's guilt of allowing open dumping on his land." Shrum, slip op. at 5-6. The court therefore found that the Board's judgment was not clearly erroneous and affirmed the Board. *Id.* at 6.

Board Actions

July 12, 2007

Via Videoconference

Springfield and Chicago, Illinois

Rulemakings

R04-25

In the Matter of: Proposed Amendments to Dissolved Oxygen Standard – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s general use water quality standard for dissolved oxygen.

4-0

R, Water

Environmental Register – July 2007

R06-8	<u>In the Matter of: Proposed Site Specific Perlite Waste Disposal Regulation Applicable to Silbrico Corporation</u> – The Board granted petitioner’s motion to voluntarily dismiss this proposed rulemaking.	4-0 R, Land
R07-8	<u>In the Matter of: Proposed Amendments to Solid Waste Landfill Rules</u> – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s solid waste disposal regulations.	4-0 R, Land
R07-18	<u>In the Matter of: Fast-Track Rules Under Nitrogen Oxide (NOx) SIP Call Phase II: Amendments to 35 Ill. Adm. Code Section 201.146, Parts 211 and 217</u> – The Board granted the Illinois Environmental Protection Agency’s (IEPA) motion for leave to file reply to the response to the IEPA’s motion for reconsideration of the Board’s May 17, 2007 order.	4-0 R, Air
R07-19	<u>In the Matter of: Section 27 Proposed Rules for Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Parts 211 and 217</u> – The Board granted the Illinois Environmental Protection Agency’s (IEPA) motion for leave to file reply to the response to the IEPA’s motion for reconsideration of the Board’s May 17, 2007 order.	4-0 R, Air
R08-1	<u>UIC Update, USEPA Amendments (January 1, 2007 through June 30, 2007)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is January 1, 2007 through June 30, 2007.	
R08-2	<u>RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (January 1, 2007 through June 30, 2007)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is January 1, 2007 through June 30, 2007.	
R08-3	<u>RCRA Subtitle C (Mazardous Waste) Update, USEPA Amendments (January 1, 2007 through June 30, 2007)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is January 1, 2007 through June 30, 2007.	
R08-4	<u>UST Update, USEPA Amendments (January 1, 2007 through June 30, 2007)</u> – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is January 1, 2007 through June 30, 2007.	

Environmental Register – July 2007

- R08-5** Wastewater Pretreatment Update, USEPA Amendments (January 1, 2007 through June 30, 2007) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is January 1, 2007 through June 30, 2007.
- R08-6** Definition of VOM Update, USEPA Amendments (January 1, 2007 through June 30, 2007) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is January 1, 2007 through June 30, 2007.
- R08-7** SDWA Update USEPA Amendments (January 1, 2007 through June 30, 2007) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is January 1, 2007 through June 30, 2007.

Administrative Citations

- AC 07-53** IEPA v. Renee C. Lo – The Board denied respondent’s motion for reconsideration of the Board’s May 17, 2007 default order. 4-0
- AC 07-57** IEPA v. Bernard Kotter – The Board granted complainant’s motion to dismiss the administrative citation. 4-0
- AC 07-60** IEPA v. Joseph Combs – The Board found that this Greene County respondent violated Sections 21(p)(1), (3) and (7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (3) and (7) (2006)) and ordered respondent to pay a penalty of \$4,500. 4-0
- AC 07-61** IEPA v. Ben and Destiny Wyant – The Board found that these Williamson County respondents violated Sections (p)(1) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(7) (2006)), and ordered respondents to pay a civil penalty of \$3,000. 4-0
- AC 07-62** IEPA v. John A. & Kay E. Oldham – The Board accepted for hearing this petition for review of an administrative citation against these Clay County respondents. 4-0
- AC 07-72** IEPA v. Landfill 33 Ltd., Wendt Family Trust, Richard Deibel, and Brian Hayes – The Board accepted an administrative citation against these Effingham County respondents.

Environmental Register – July 2007

Decisions

PCB 05-93	<u>York High Neighborhood Committee, Janet Hodge, Fred Hodge, Patricia Bennett, David Bennett, Sheila Trant, Mike Trant, Joe Vosicky, Jean Conroy, Peter Conroy, Frank Soldano, Joseph Reamer, Elizaeth Laliberte, and Chrles Laliberte v. Elmhurst Public Schools, District 205</u> – In this citizens’ noise enforcement action concerning a DuPage County site, the Board granted the parties’ motion to supplement the March 19, 2007 stipulation and settlement agreement, accepted the stipulation and settlement agreement governing operation of respondent’s air chillers, and closed the docket.	4-0 N-E
PCB 05-215 PCB 06-103	<u>People of the State of Illinois v. First Rockford Group, Inc</u> – In this consolidated public water supply enforcement action concerning a Winnebago County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2006)), accepted a stipulation and settlement agreement, ordered respondent to pay a total civil penalty of \$35,000, and to cease and desist from further violations.	4-0 PWSE

Motions and Other Matters

PCB 04-88	<u>Des Plaines River Watershed Alliance, Livable Communities Alliance, Prairie Rivers Network, and Sierra Club v. IEPA and Village of New Lenox</u> – The Board affirmed its decision and denied the respondents’ motions to reconsider the April 19, 2007 opinion and order remanding the permit the Illinois Environmental Protection Agency for additional review.	4-0 P-A Water
PCB 05-98	<u>People of the State of Illinois v. Oasis Industries, Inc., an Illinois corporation</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Kane County facility, the Board ordered publication of the required newspaper notice.	4-0 Air-E
PCB 05-125 PCB 05-126 Cons.	<u>Red Rooster Corporation (f/k/a Clark Retail Enterprises, Inc.) (Clark Oil #2086) (12/30/04 IEPA Determination) v. IEPA</u> – The Board granted this Peoria County facility’s motion for voluntary dismissal of these consolidated underground storage tank appeals.	4-0 UST Appeal
PCB 05-219	<u>People of the State of Illinois v. Conair Corporation, a Delaware corporation</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 Champaign County facility, the Board ordered publication of the required newspaper notice.	4-0 Land-E
PCB 07-10	<u>Citgo Petroleum Corporation v. IEPA</u> – The Board granted this Will County facility’s motion for voluntary dismissal of this permit appeal.	4-0 P-A, Water

Environmental Register – July 2007

PCB 07-16	<u>People of the State of Illinois v. CSX Transportation, Inc.</u> – The Board granted the complainant’s motion for summary judgment and denied respondent’s motion for summary judgment. The Board found that respondent violated various sections of the Environmental Protection Act, but assessed no civil penalty or attorney fees or costs. The Board directed respondent to cease and desist from future violations.	4-0 W-E
PCB 07-27	<u>Village of Wilmette v. IEPA</u> – The Board granted respondent’s motion for summary judgment and affirmed the Illinois Environmental Protection Agency’s denial of the requested amendment. The Board denied petitioner’s motion for summary judgment and closed this docket.	3-1 Johnson dissent UST Appeal
PCB 07-102	<u>City of O’Fallon v. IEPA</u> – The Board dismissed this case for petitioner’s failure to file an amended petition to cure certain deficiencies.	4-0 P-A, Water
PCB 07-105	<u>Harley Frey v. IEPA</u> – The Board granted this Wayne County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 P-A, Land
PCB 07-113 PCB 07-116 Cons.	<u>Rochelle Waste Disposal, L.L.C. v. The City of Rochelle and The Rochelle City Council; Concerned Citizens of Ogle County v. The City of Rochelle, The City Council of the City of Rochelle, and Rochelle Waste Disposal, L.L.C.</u> – The Board granted Concerned Citizens of Ogle County (CCOC) motion to withdraw its petition, dismissed PCB 07-116, and closed that docket. The Board granted CCOC’s motion to file an amicus curiae brief in PCB 07-113, stating any brief filed by CCOC must consist only of argument, must not raise facts that are not in evidence, and must not delay the Board’s decision-making.	4-0 P-C-F-S-R 3rd Party
PCB 07-114	<u>Robert Habeeb v. The Coach House Restaurant</u> – The Board on its own motion dismissed this citizen noise enforcement action concerning a Cook County site as frivolous and closed the docket.	4-0 N-E Citizens
PCB 07-146	<u>Fox Moraine, LLC v. United City of Yorkville City Council</u> – The Board accepted for hearing this pollution control facility siting appeal involving a site in Kendall County.	4-0 P-C-F-S-R
PCB 07-147	<u>L. Keller Oil Properties, Inc./Farina v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Fayette County facility.	4-0 UST Appeal
PCB 07-148	<u>People of the State of Illinois v. Carlyle North Water Company, Inc.</u> – The Board accepted for hearing this public water supply enforcement action involving a site located in Clinton County.	4-0 PWS-E

Environmental Register – July 2007

PCB 08-1	<u>Independence Pork, LLC - Victor (Property ID No. 17-11-400-002) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Independence Pork, LLC, located in DeKalb County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).	4-0 T-C Water
PCB 08-2	<u>Hildebrandt Farms - South Beloit (Property ID No. 01-04-300-008, Log No. TC-04-02) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Hildebrandt Farms, located in Boone County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).	4-0 T-C Water
PCB 08-3	<u>Advantage Pork, LLC - Afton (Property ID No. 11-200-300-010) v. IEPA.</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Advantage Pork, LLC located in DeKalb County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).	4-0 T-C Water
PCB 08-4	<u>Hildebrandt Farms - South Beloit (Property ID No. 01-04-300-008, Log # TC-01-03) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Hildebrandt Farms, located in Boone County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).	4-0 T-C Water
PCB 08-5	<u>Dunn’s University BP 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 Coles County facility.	4-0 UST Appeal, 90-Day Extension
PCB 08-6	<u>Future Pork, LLC-Victor (Property ID No. 07-32-100-006 v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Future Pork, LLC located in Dekalb County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).	4-0 T-C Water

**July 26, 2007
Chicago, Illinois**

Rulemakings

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,</u>	4-0 R, Air
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Environmental Register – July 2007

Subparts A, C, D, E, and F – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s air pollution regulations.

R07-2	<u>In the Matter of: SDWA Update, USEPA Amendments (January 1, 2006 though June 30, 2006); In the Matter of: SDWA Update, USEPA Amendments (July 1, 2006 through December 31, 2006)</u> – The Board adopted a final opinion and order in this “identical-in-substance” consolidated rulemaking amending the Board’s drinking water regulations.	4-0 R, PWS
R07-11 (cons.)		
R07-18	<u>In the Matter of: Fast-Track Rules Under Nitrogen Oxide (NOx) SIP Call Phase II: Amendments to 35 Ill. Adm. Code Section 201.146, Parts 211 and 217</u> – The Board denied the Illinois Environmental Protection Agency’s motion for reconsideration of the Board’s May 17, 2007 order bifurcating dockets R07-18 and R07-19.	4-0 R, Air
R07-19	<u>In the Matter of: Section 27 Proposed Rules for Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Parts 211 and 217</u> – The Board denied the Illinois Environmental Protection Agency’s motion for reconsideration of the Board’s May 17, 2007 order bifurcating dockets R07-18 and R07-19.	4-0 R, Air

Adjusted Standards

AS 07-002	<u>In the Matter of: Proposed Extension of Adjusted Standard Applicable to Illinois-American Water Company’s Alton Public Water Supply Facility Discharge to the Mississippi River</u> – The Board on its own order set for hearing this request for an adjusted standard involving a Madison facility.	4-0 A,S, W
AS 07-007	<u>In the Matter of: Petition of Illinois Department of Transportation, District 8, for an Adjusted Standard from 35 Ill. Adm. Code 302.208(g) (NPDES Permit No. ILD0070955)</u> – The Board granted petitioner’s motion for withdrawal of its petition for adjusted standard.	4-0 Water

Administrative Citations

AC 06-22	<u>IEPA v. Harold Graves (Tower Hill/Graves-Ambrose)</u> – The Board granted respondent’s motion to withdraw his petition for review. The Board found that this Shelby County respondent violated Sections (p)(1) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(7) (2006)), and ordered respondent to pay a civil penalty of \$3,000, unless it has already been paid.	4-0
AC 07-34	<u>County of Jackson v. Alvin Valdez and Ruben J. Valdez</u> – The Board granted complainant’s motion to dismiss the administrative citation.	4-0
AC 07-64	<u>IEPA v. Marcelo Mendoza</u> – The Board found that this Champaign County respondent violated Sections (p)(1) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(7) (2006)), and ordered respondent to pay a civil	4-0

Environmental Register – July 2007

penalty of \$3,000.

AC 07-65	<u>IEPA v. Todd McKinney</u> – The Board granted complainant’s motion to dismiss the administrative citation.	4-0
AC 07-66	<u>Ogle County v. John and Angela Baker</u> – The Board found that these Ogle County respondents violated Section (p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(3) (2006)), and ordered respondents to pay a civil penalty of \$1,500.	4-0
AC 07-67	<u>Ogle County v. Harry Poggioli, Jr.</u> – The Board found that this Champaign County respondent violated Sections (p)(3) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(3), (p)(7) (2006)), and ordered respondent to pay a civil penalty of \$3,000.	4-0
AC 07-68	<u>IEPA v. Todd McKinney</u> – The Board granted complainant’s motion to dismiss the administrative citation.	4-0
AC 07-69	<u>County of Vermilion, Illinois v. Robert Martin</u> – The Board found that this Vermilion County respondent violated Sections (p)(1) and (p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3) (2006)), and ordered respondent to pay a civil penalty of \$3,000.	4-0

Motions and Other Matters

PCB 02-53	<u>E & L Trucking Company 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 05-15	<u>Bill Carter d/b/a Carter Convenience Store v. IEPA</u> – The Board granted this White County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
PCB 05-16	<u>Royer Oil (Sorrento Garage) v. IEPA</u> – The Board granted this Bond County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
PCB 05-21	<u>Randy’s Shell v. IEPA</u> – The Board granted this Piatt County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
PCB 05-62	<u>Keller Oil Co./Moweaqua v. IEPA</u> – The Board granted this Shelby County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
PCB 06-50	<u>E & L Trucking Company 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

Environmental Register – July 2007

PCB 06-119	<u>People of the State of Illinois v. Strata Geologic Services, Inc.</u> – The Board granted complainant’s motion for summary judgment. The Board found that respondent violated various sections of the Environmental Protection Act and the Board’s regulations. Respondent was ordered to pay a civil penalty of \$6,500.	4-0 L-E
PCB 07-48	<u>Village of Wilmette v. IEPA</u> – The Board granted respondent’s motion for summary judgment and affirmed the Illinois Environmental Protection Agency’s denial of the requested reimbursement. The Board denied petitioner’s motion for summary judgment and closed this docket.	4-0 Johnson concurred UST Appeal
PCB 07-66	<u>Ted’s Citgo v. IEPA</u> – The Board granted this Lake County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
PCB 07-96	<u>Kyle Nash v. Karen Sokolowski</u> – The Board found this citizen’s air water enforcement action involving a Cook County facility, neither duplicative nor frivolous and accepted the complaint for hearing.	4-0 Citizens N-E
PCB 07-97	<u>Kyle Nash v. Louis Jimenez</u> – The Board found this citizen’s air water enforcement action involving a Cook County facility, neither duplicative nor frivolous and accepted the complaint for hearing.	4-0 Citizens N-E
PCB 07-110	<u>City of Granite City 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 Madison County.	4-0 UST Appeal
PCB 07-149	<u>Biomedical Technology Solutions, Inc. v. IEPA</u> – The Board ordered petitioner to file an amended petition to cure noted deficiencies, accompanied by an attorney’s appearance on or before August 27, 2007, or the petition would be subject to dismissal.	4-0 A-V
PCB 08-07	<u>People of the State of Illinois v. Union Pacific Railroad Company</u> – The Board accepted for hearing this public water supply enforcement action involving a site located in Cook County.	4-0 PWS-E
PCB 08-08	<u>People of the State of Illinois v. Arona Corporation, d/b/a Aaron’s Sales & Lease Ownership</u> – The Board accepted for hearing this air enforcement action involving a site located in Winnebago County.	4-0 Air-E
PCB 08-09	<u>Midwest Generation, LLC, Will County Generating Station v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Will County facility. No action was taken on petitioner’s motion for stay of specified conditions in the permit.	4-0 P-A Air

New Cases

July 12, 2007 Board Meeting

07-145 Randy Grant, Donald Grant and Patricia Wallace v. Mach Mining (Pond Creek Mine #1) - The Board held for a later duplicative/frivolous determination this citizens' noise enforcement action involving a Williamson County facility.

07-146 Fox Moraine, LLC v. United City of Yorkville City Council – The Board accepted for hearing this pollution control facility siting appeal involving a site in Kendall County.

07-147 L. Keller Oil Properties, Inc./Farina v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Fayette County facility.

07-148 People of the State of Illinois v. Carlyle North Water Company, Inc. – The Board accepted for hearing this public water supply enforcement action involving a site located in Clinton County.

07-149 Biomedical Technology Solutions, Inc. v. IEPA – No action taken.

08-01 Independence Pork, LLC - Victor (Property ID No. 17-11-400-002) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Independence Pork, LLC, located in DeKalb County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).

08-02 Hildebrandt Farms - South Beloit (Property ID No. 01-04-300-008, Log No. TC-04-02) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Hildebrandt Farms, located in Boone County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).

08-03 Advantage Pork, LLC - Afton (Property ID No. 11-200-300-010) v. IEPA. – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Advantage Pork, LLC located in DeKalb County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).

08-04 Hildebrandt Farms - South Beloit (Property ID No. 01-04-300-008, Log # TC-01-03) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Hildebrandt Farms, located in Boone County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).

08-05 Dunn's University BP 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 Coles County facility.

08-06 Future Pork, LLC-Victor (Property ID No. 07-32-100-006 v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Future Pork, LLC located in DeKalb County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).

AC 07-069 County of Vermilion, Illinois v. Robert Martin – The Board accepted an administrative citation against this Vermilion County respondent.

AC 07-070 IEPA v. Curtis and Sherry Pelhum – The Board accepted an administrative citation against these Cass County respondents.

Environmental Register – July 2007

AC 07-071 IEPA v. Steve B. and Beth M. Segner – The Board accepted an administrative citation against these Williamson County respondents.

AC 07-072 IEPA v. Landfill 33 Ltd., Wendt Family Trust, Richard Deibel, and Brian Hayes – The Board accepted an administrative citation against these Effingham County respondents.

July 26, 2007 Board Meeting

08-07 People of the State of Illinois v. Union Pacific Railroad Company – The Board accepted for hearing this public water supply enforcement action involving a site located in Cook County.

08-08 People of the State of Illinois v. Arona Corporation, d/b/a Aaron's Sales & Lease Ownership – The Board accepted for hearing this air enforcement action involving a site located in Winnebago County.

08-09 Midwest Generation, LLC, Will County Generating Station v. IEPA – The Board accepted for hearing this permit appeal involving a Will County facility. No action was taken on petitioner's motion for stay of specified conditions in the permit.

AC 08-01 IEPA v. Carol G. Prieb – The Board accepted an administrative citation against this Union County respondent.

AC 07-02 IEPA v. Charles Stuller – The Board accepted an administrative citation against this Macoupin County respondent.

AC 07-03 IEPA v. Swami Oil Company – The Board accepted an administrative citation against this Iroquois County respondent.

Provisional Variances

IEPA 08-01 Marathon Pipe Line LLC v. IEPA – On July 26, 2007, the Illinois Environmental Protection Agency (IEPA) denied a request by Marathon Pipe Line (MPL) for a provisional variance to allow the barge loading and shipment of crude oil at Wood River Station located in Wood River without the required vapor collection and control system designed to control volatile organic material (VOM) emissions. MPL sought provisional variance from permit conditions 6(b) and 9(b) pertaining to gasoline or crude oil load out and VOM emissions limitations relative to barge loading operations respectively, contained within Federally Enforceable State Operating Permit number 73021451 and 35 Ill. Adm. Code Part 219 Subpart GG (Marine Terminals) volatility standards. The IEPA denied the request as the source failed to demonstrate that an arbitrary and unreasonable hardship would result in the event of a denial.

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.

Adjusted Standards

LISTINGS OF ADJUSTED STANDARDS AND COMBINED SEWER OVERFLOW EXCEPTIONS GRANTED BY THE BOARD DURING FISCAL YEAR 2007

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 2007 (July 1, 2006, through June 30, 2007).

Final Actions Taken by the Pollution Control Board in Adjusted Standards Proceedings During Fiscal Year 2007 (July 1, 2006 through June 30, 2007)

Docket/Docket Title

Final Determination

In the Matter of: Petition of Big River Zinc Corporation for an Adjusted Standard Under 35 Ill. Adm. Code 720.131(c) (AS 06-04), November 16, 2006

The Board granted the request of the Big River Zinc Corporation (BRZ) for an adjusted standard from the Board's solid waste regulations. The adjusted standard established that the electric arc furnace dust (EAFD) that this St. Clair County facility uses as a feedstock for its new zinc recycling process is not a solid waste, but is commodity-like as defined in 35 Ill. Adm. Code 720.101(c).

In the Matter of: Petition of BP Products North America, Inc. for RCRA Waste Delisting Under 35 Ill. Adm. Code 720.122 (AS 07-01), February 15, 2007

The Board denied BP Products North America, Inc.'s (BP) request for an adjusted standard from the Board's hazardous waste regulations. The Board found that the Madison County facility had failed to adequately address the proof requirements in 35 Ill. Ad. Code 720.122, that the petition failed to meet the required level of justification for a multi-year delisting of constituents of concern, and that BP had not followed the United States Environmental Protection Agency's guidance in completely identifying the constituents of concern.

In the Matter of: Petition of Cabot Corporation for an Adjusted Standard from 35 Ill. Adm. Code Part 738, Subpart B (AS 07-05), May 17, 2007

The Board dismissed the petition for an adjusted standard from the Board's underground injection control regulations filed by the Cabot Corporation (Cabot). Cabot sought a reissuance of a previously granted adjusted standard that allowed Cabot to dispose of leachate, purge water, and other restricted wastes into three wells. The Board dismissed the petition because BP failed to timely publish the newspaper notice required by Section 28.1(d)(1) of the Act. Cabot refiled its petition on May 29, 2007. That petition is still pending as AS 07-06.

Final Actions Taken by the Pollution Control Board in Combine Sewer Overflow Exception Proceedings During Fiscal Year 2007 (July 1, 2006 through June 30, 2007)

The Board took no action in combined sewer overflow exception proceedings during fiscal year 2007, as none were filed with the Board or pending during fiscal year 2007.

Request copies, noting the appropriate docket number, to:

Environmental Register – July 2007

Name: John Therriault, Assistant Clerk
 Address: Pollution Control Board
 100 West Randolph Street, Suite 11-500
 Chicago, Illinois 60601
 Telephone: 312-814-3629

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

Calendar

8/9/07 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		Illinois Pollution Control Board Board Room IEPA Office Building (North Entrance) 1021 North Grand Avenue East Springfield
8/9/07 1:00 PM	R07-17	In the Matter of: Amendments to the Board's Procedural Rules and Underground Storage Tank Rules to Reflect P.A. 94-0274, P.A. 94-0276 and P.A. 94-0824 (35 Ill. Adm. Code 101.202, 732.103, 732.702, 634.115, and 734.710	Illinois Pollution Control Board Conference Room IEPA Office Building (North Entrance) 1021 North Grand Avenue East Springfield
8/22/07 10:00 AM	PCB 07-147	L. Keller Oil Properties, Inc./Farina v. IEPA	Illinois Pollution Control Board Hearing Room North Entrance 1021 North Grand Avenue East Springfield
8/23/07 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		James R. Thompson Center Room 9-040 100 W. Randolph Street Chicago
8/23/07 9:00 AM	PCB 07-84	American Bottom Conservancy and Sierra Club v. City of Madison, Illinois and Waste Management of Illinois, Inc.	County Board Room 203 Madison County Administration Building 157 N. Main Street Edwardsville

Environmental Register – July 2007

8/24/07 9:00 AM	PCB 07-84	American Bottom Conservancy and Sierra Club v. City of Madison, Illinois and Waste Management of Illinois, Inc.	County Board Room 203 Madison County Administration Building 157 N. Main Street Edwardsville
8/28/07 9:30 AM	AS 07-02	In the Matter of: Proposed Extension of Adjusted Standard Applicable to Illinois-American Water Company's Alton Public Water Supply Facility Discharge to the Mississippi River	Madison County Administration Building County Board Room 203 157 N. Main Street Edwardsville
9/5/07 10:00 AM	R 07-20	In the Matter of: Procedures Required by PA 94-849 for Reporting Releases of Radionuclides at Nuclear Power Plants: New 35 Ill. Adm. Code Part 1010	James R. Thompson Center 2-025 100 West Randolph Street Chicago
9/6/07 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		Videoconference Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago And 1021 N. Grand Avenue East Oliver Holmes Conference Room 2012 N Springfield
9/18/07 9:00 AM	R07-19	In the Matter of: Section 27 Proposed Rules for Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendment to 35 Ill. Adm. Code Parts 211 and 217 (Continues as necessary or until September 28, 2007)	Training Room 1214 West IEPA Office Building 1021 N. Grand Ave. (North Entrance) Springfield
9/20/07 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		James R. Thompson Center Room 9-040 100 W. Randolph Street Chicago
10/2/07 1:00 PM	R 07-20	In the Matter of: Procedures Required by PA 94-849 for Reporting Releases of Radionuclides at Nuclear Power Plants: New 35 Ill. Adm. Code Part 1010	Training Room 1214 West IEPA Office Building 1021 N. Grand Ave. (North Entrance) Springfield
10/4/07 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		James R. Thompson Center Room 9-040 100 W. Randolph Street Chicago

Environmental Register – July 2007

<p>10/18/07 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>11/1/07 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>11/5/07 9:00 AM</p>	<p>R07-19</p>	<p>In the Matter of: Section 27 Proposed Rules for Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendment to 35 Ill. Adm. Code Parts 211 and 217 (Continues as necessary or until November 9, 2007)</p>	<p>James R. Thompson Center 2- 025 100 West Randolph Street Chicago</p>
<p>11/13/07 9:00 AM</p>	<p>R07-19</p>	<p>In the Matter of: Section 27 Proposed Rules for Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendment to 35 Ill. Adm. Code Parts 211 and 217 (Continues as necessary or until November 16, 2007)</p>	<p>James R. Thompson Center 11- 512 100 West Randolph Street Chicago</p>
<p>11/15/07 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>

Environmental Register – July 2007

Illinois Environmental Protection Agency
 Division of Public Water Supplies
 Restricted Status List - Public Water Supplies
 JULY 2007

<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
ALTERNATIVE BEHAVIOR TREATMENT CENTER - IL0977189	2	INADEQUATE PRESSURE TANK	50	6/15/1988
ARLINGTON REHABILITATION LIVING CENTER - IL0971110	2	INADEQUATE HYDRO STORAGE	180	12/1/2003
AURORA COMMUNITY WATER ASSN - IL0895750	2	INADEQUATE PRESSURE TANK	150	12/16/1988
BAHL WATER CORP - IL0855200	1	INADEQUATE PRESSURE TANK	700	12/15/1993
BALCITIS PUMP CORP - IL2015100	1	INADEQUATE STORAGE	150	1/1/2006
BRADLEY HEIGHTS SUBDIVISION - IL2015050	1	INADEQUATE PRESSURE TANK	192	9/13/1985
BUCKINGHAM - IL0910250	2	INADEQUATE PRESSURE TANK	340	3/17/1989
CARROLL HEIGHTS UTILITIES COMPANY - IL0155200	1	INADEQUATE PRESSURE TANK	96	3/20/1981
CENTRAL MACOUPIN COUNTY RWD – IL117004	5	TOTAL TRIHALOMETHANE	14000	3/15/2007
CENTURY PINES APARTMENTS - IL0150020	1	INADEQUATE PRESSURE TANK	50	12/14/1990
CHANDLERVILLE - IL0170200	5	INAD & UNAPPROVED STORAGE	704	1/1/2006
CHESTERFIELD – IL1170200	5	TOTAL TRIHALOMETHANE	180	3/15/2007
COOKSVILLE - IL1130400	4	TTHM & HALOACIDIC ACIDS	300	9/15/2005
COYNE CNTR COOP - IL1615150	1	INADEQUATE PRESSURE TANK	150	12/15/1997
CROPSEY COMMUNITY WATER - IL1135150	4	INADEQUATE PRESSURE TANK	31	3/20/1981
CRYSTAL CLEAR WATER COMPANY - IL1115150	2	INADEQUATE PRESSURE TANK	885	9/16/1988
D L WELL OWNERS ASSOCIATION - IL0975380	2	INADEQUATE PRESSURE TANK	141	3/18/1983
DE KALB UNIV DVL CORP - IL0375148	1	INADEQUATE PRESSURE TANK	1050	12/16/1992
DEERING OAKS SUBDIVISION - IL1115200	2	INADEQUATE PRESSURE TANK	60	12/17/1982

Environmental Register – July 2007

<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
DOVER - IL0110350	1	INADEQUATE PRESSURE TANK	169	5/25/1981
EAST END WATER ASSOCIATION - IL1610140	1	INADEQUATE STORAGE CAPACITY	40	3/15/2002
EAST MORELAND WATER CORPORATION - IL1975640	2	INADEQUATE PRESSURE TANK	135	3/15/1996
EASTMORELAND WTR SERVICE ASSN - IL1975600	2	INADEQUATE PRESSURE TANK	650	3/20/1981
EATON PWD - IL0335100	4	INADEQUATE SOURCE CAPACITY	920	3/15/2002
EVERGREEN VILLAGE SUBDIVISION - IL1615310	1	INADEQUATE PRESSURE TANK	130	3/20/1981
FAHNSTOCK COURT SUBDIVISION - IL1435200	5	INADEQUATE PRESSURE TANK	35	5/25/1981
FAIR ACRES SUBDIVISION - IL1975680	2	INADEQUATE PRESSURE TANK	156	10/19/1981
FOREST LAKE ADDITION - IL0975500	2	INADEQUATE PRESSURE TANK	204	12/16/1983
FRWRD-SKYLINE PLANT - IL0895030	2	INADEQUATE PRESSURE TANK	700	9/19/1986
GARDEN STREET IMPROVEMENT ASSOCIATION - IL1975376	2	INADEQUATE PRESSURE TANK	54	9/15/1989
GOOD SHEPHERD MANOR - IL0915189	2	INADEQUATE PRESSURE TANK	25	3/17/1989
GREAT OAKS AND BEACON HILLS APARTMENTS - IL2015488	1	INADEQUATE PRESSURE TANK	2420	12/17/1982
HAWTHORN WOODS - IL0970450	2	INADEQUATE PRESSURE TANK	672	3/15/1995
HEATHERFIELD SUBDIVISION - IL0635150	2	INADEQUATE PRESSURE TANK	75	9/17/1982
HECKER - IL1330150	6	DISINFECTION BY-PRODUCTS	608	1/15/2005
HETTICK - IL1170500	5	TRICHALOMETHANE	182	6/15/2002
HIGHLAND SUBDIVISION - IL0895530	2	INADEQUATE PRESSURE TANK	60	9/16/1983
HILLVIEW SUBDIVISION - IL1975800	2	INADEQUATE PRESSURE TANK	100	3/15/1985

Environmental Register – July 2007

<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
HOLY FAMILY VILLA - IL0310280	2	INADEQUATE PRESSURE TANK	200	9/15/1999
INGALLS PARK SUBDIVISION - IL1975880	2	INADEQUATE PRESSURE TANK	745	9/16/1983
KIRK WATER LINE INC - IL0330030	4	INADEQUATE SOURCE CAPACITY	72	3/15/2002
LAKE LYNWOOD WATER SYSTEM - IL0735330	1	INADEQUATE PRESSURE TANK	75	8/31/1981
LARCHMONT SUBDIVISION - IL2015290	1	INADEQUATE PRESSURE TANK	64	6/17/1983
LARSON COURT APARTMENTS - IL1615728	1	INADEQUATE PRESSURE TANK	58	1/14/1982
LEGEND LAKES WATER ASSOCIATION - IL2015300	1	INADEQUATE PRESSURE TANK	283	3/14/1991
LIBERTY PARK HOMEOWNERS ASSOCIATION - IL0435600	2	INADEQUATE PRESSURE TANK	837	9/17/1992
LINDENWOOD WATER ASSOCIATION - IL1415300	1	INADEQUATE PRESSURE TANK	50	1/13/1982
LISBON NORTH, INC. - IL0631000	2	INADEQUATE PRESSURE TANK	30	9/14/1990
LONDON MILLS - IL0574620	5	INADEQUATE PRESSURE TANK	447	12/14/1984
LYNN CENTER - IL0735100	1	INADEQUATE PRESSURE TANK	100	3/15/1995
LYNNWOOD WATER CORPORATION - IL0995336	1	INADEQUATE PRESSURE TANK	110	3/18/1983
M C L W SYSTEM, INC. - IL1315150	1	INADEQUATE SOURCE	98	3/20/1981
MOECHERVILLE WATER DISTRICT - IL0895300	2	INADEQUATE PRESSURE TANK	975	3/20/1981
MOUND PWD - IL1635050	6	INADEQUATE PLANT CAPACITY	2200	6/17/1996
NORTHWEST BELMONT IMPRV ASSN - IL0435900	2	INADEQUATE PRESSURE TANK	78	9/29/1981
OAK RIDGE SD - IL2035300	1	INADEQUATE PRESSURE TANK	240	3/20/1981
OLIVET NAZARENE UNIVERSITY - IL0915279	1	INADEQUATE PRESSURE TANK	0	3/15/1994

Environmental Register – July 2007

<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
OPHIEM PWS - IL0735150	1	INADEQUATE PRESSURE TANK	100	6/18/1982
OSCO MUTUAL WATER SUPPLY COMPANY, INC. - IL0735200	1	INADEQUATE PRESSURE TANK	115	12/15/1989
PANAMA - IL0054720	6	TTHM, DBP, INAD STORAGE	380	1/1/2006
PATOKA - IL1210400	6	INADEQUATE PLANT CAPACITY	731	3/15/1997
PITTSFIELD - IL1490750	5	DISINFECTION BY-PRODUCTS	4250	1/15/2005
POLO DR AND SADDLE RD SUBDIVISION - IL0437000	2	INADEQUATE PRESSURE TANK	90	12/17/1982
PORTS SULLIVAN LAKE OWNERS ASSOCIATION - IL0971160	2	INADEQUATE PRESSURE TANK	293	6/15/1999
PRAIRIE RIDGE ASSOCIATION - IL1115730	2	INADEQUATE PRESSURE TANK	130	10/1/2004
RIDGECREST NORTH SUBDIVISION - IL0635250	2	INADEQUATE PRESSURE TANK	60	9/16/1993
RIDGEWOOD LEDGES WATER ASSOCIATION - IL1615670	1	INADEQUATE PRESSURE TANK	370	3/20/1981
RIDGEWOOD SUBDIVISION - IL1977650	2	INADEQUATE PRESSURE TANK	250	6/18/1982
SHAWNITA TRC WATER ASSOCIATION - IL1977690	2	INADEQUATE PRESSURE TANK	125	9/17/1992
SILVIS HEIGHTS WATER CORP - IL1615750	1	INADEQUATE HYDRO STORAGE	1600	12/1/2003
SKYVIEW SBDV - IL0915526	2	INADEQUATE PRESSURE TANK	45	3/16/1990
SMITHBORO - IL0050250	6	DISINFECTION BY-PRODUCTS	200	1/15/2005
ST CHARLES COMMISSION WELLFUND 3 - IL0437040	2	INADEQUATE PRESSURE TANK	30	12/15/1989
STRATFORD WEST APARTMENTS - IL1095200	5	INADEQUATE PRESSURE TANK	39	12/17/1982
SUBURBAN HEIGHTS SUBDIVISION - IL1615800	1	INADEQUATE PRESSURE TANK	82	12/16/1983
SUMMIT HOMEOWNERS ASSOCIATION - IL0975280	2	INADEQUATE PRESSURE TANK	39	3/16/1984

Environmental Register – July 2007

<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
SUNNY HILL ESTATES SUBDIVISION - IL0735300	1	INADEQUATE PRESSURE TANK	525	6/15/2000
SUNNYLAND SUBDIVISION - IL1977730	2	INADEQUATE PRESSURE TANK	350	9/16/1983
SWEDONA WATER ASSOCIATION - IL1315200	1	INADEQUATE PRESSURE TANK	157	6/15/1990
SYLVAN LAKE 1ST SUBDIVISION - IL0977100	2	INADEQUATE PRESSURE TANK	210	6/14/1991
TOWNERS SUBDIVISION - IL0977250	2	INADEQUATE PRESSURE TANK	210	1/14/1982
UTILITIES INC HOLIDAY HILLS - IL1115350	2	INADEQUATE PRESSURE TANK	729	9/16/1983
UTL INC-LAKE HOLIDAY - IL0995200	1	INAD SOURCE & TREATMENT PLT	5460	9/15/1998
UTL INC-NORTHERN HILLS UTILITIES COMPANY - IL1775050	1	INADEQUATE PRESSURE TANK	500	3/15/1996
UTL INC-WALK-UP WOODS WATER COMPANY - IL1115800	2	INADEQUATE PRESSURE TANK	654	12/17/1982
WEST SHORE PARK SUBDIVISION - IL0977370	2	INADEQUATE PRESSURE TANK	528	6/15/2000
WEST SHORELAND SUBDIVISION - IL0977050	2	INADEQUATE PRESSURE TANK	189	6/14/1991
WESTERN WAYNE WATER DISTRICT - IL1910010	7	TRICHALOMETHANE	2262	9/15/2005
WIENEN ESTATES - IL0850030	1	INADEQUATE PRESSURE TANK	70	12/15/1997
WONDER LAKE WATER COMPANY - IL1115750	2	INADEQUATE PRESSURE TANK	1442	6/16/1994
YORK CENTER COOP - IL0437550	2	INADEQUATE PRESSURE TANK	240	6/15/1988

WATER SYSTEMS REMOVED FROM PREVIOUS LIST

Environmental Register – July 2007

Illinois Environmental Protection Agency
 Division of Public Water Supplies
 Critical Review List - Public Water Supplies
 JULY 2007

<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
ANDALUSIA - IL1610050	1	INADEQUATE PRESSURE TANK	1050	12/1/2003
ARENZVILLE - IL0170050	5	INADEQUATE PRESSURE TANK	408	3/14/2001
BEASON CHESTNUT PWD - IL1075150	5	INAD PLANT & SOURCE CAP	600	6/15/2004
BROWNING - IL1690050	5	INADEQUATE SOURCE CAPACITY	175	3/15/1998
CANTON – IL0570250	5	INSUFFICIENT TREATMENT CAPACITY	13932	3/15/2007
CASEYVILLE - IL1630250	6	INADEQUATE STORAGE	9900	10/1/2004
CEDARVILLE - IL1770050	1	EMERGENCY POWER	800	1/1/2006
COLUMBIA - IL1330050	6	INADEQUATE PUMPING CAPACITY	8365	3/15/1998
CROPPERS 1ST 4TH AND 5TH ADDITION - IL1615250	1	UNDERSIZED WATERMANS	650	1/1/2006
DE PUE - IL0110300	1	INADEQUATE TREATMENT PLANT	1729	12/15/1993
EFFINGHAM – IL0490250	4	INADEQUATE DISINFECTION	12384	7/1/2006
ELIZABETH - IL0850150	1	LOW SYSTEM PRESSURE	682	6/15/1999
EXETER-MERRITT WATER COOP - IL1710010	5	INADEQUATE PRESSURE TANK	428	10/1/2004
GALENA - IL0850200	1	LOW SYSTEM PRESSURE	3640	6/15/1999
GRIGGSVILLE – IL1490300	5	INADEQUATE TREATMENT PLANT CAPACITY	1259	10/1/2006
HAMEL - IL1190450	6	INADEQUATE STORAGE CAPACITY	650	1/1/2006

Environmental Register – July 2007

<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
HOLIDAY SHORES SD - IL1195110	6	INADEQUATE STORAGE CAPACITY	3192	1/1/2006
JOY - IL1310100	1	LOW SYSTEM PRESSURE	373	6/15/1999
LA MOILLE - IL0110500	1	INADEQUATE PLANT CAPACITY	750	6/15/1999
LA SALLE - IL0990300	1	INAD PLANT & SOURCE CAPACITY	9700	11/1/2004
LACON - IL1230100	1	UNDERSIZED WATERMANS	1979	1/1/2006
LEE - IL1034600	1	INADEQUATE PRESSURE TANK	350	10/1/2004
MALDEN - IL0110550	1	UNDERSIZED WATERMANS	370	1/1/2006
MARION - IL1990550	7	INADEQUATE SOURCE CAPACITY	14610	11/1/2001
MASON CITY - IL1250350	5	INADEQUATE STORAGE CAPACITY	2558	1/1/2006
MATHERSVILLE - IL1310200	1	INADEQUATE SYSTEM PRESSURE	793	9/13/2000
MC HENRY SHORES WATER COMPANY - IL1115020	2	LOW SYSTEM PRESSURE	1813	9/17/1992
MECHANICSBURG- BUFFALO WTR CMSN - IL1675150	5	INADEQUATE SOURCE CAPACITY	1350	3/15/1998
O'FALLON – IL1970050	2	INADEQUATE STORAGE CAPACITY	43596	0/1/2006
OTTER CREEK LAKE UTILITIES DISTRICT - IL2015320	1	INADEQUATE STORAGE CAPACITY	2753	1/1/2006
OTTER LAKE WTR CMSN ADGPTV – IL1175200	5	INADEQUATE PLANT CAPACITY	1251	7/1/2006
ROBINSON- PALESTINE WATER COMMISSION – IL0335030	4	INADEQUATE PLANT CAPACITY	11317	1/1/2007
SCALES MOUND - IL0850400	1	LOW SYSTEM PRESSURE	400	9/15/1997

Environmental Register – July 2007

<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
SENECA - IL0991050	1	INADEQUATE PLANT CAPACITY	2053	6/15/1999
SOUTH HIGHWAY PWD - IL0775400	7	LOW SYSTEM PRESSURE & UNDERSIZED WATERMAINS	8420	1/1/2006
STOCKTON - IL0850450	1	LOW SYSTEM PRESSURE	1871	6/15/1984
SUMNER - IL1010300	7	LOW SYSTEM PRESSURE	1481	12/13/1985
UTL INC-LAKE MARIAN WATER CORPORATION - IL0895200	2	INAD PRES STORAGE & LOW SYS PRES	924	9/14/1984
WALNUT HILL - IL1210600	6	LOW SYSTEM PRESSURE	1470	6/14/1985
WATERLOO - IL1330300	6	INADEQUATE STORAGE	7614	10/1/2004
WORDEN - IL1191200	6	INADEQUATE STORAGE CAPACITY	906	1/1/2006

WATER SYSTEMS REMOVED FROM PREVIOUS LIST

Environmental Register – July 2007

Restricted Status/Critical Review

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

Restricted Status List

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

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

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

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

Critical Review List

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

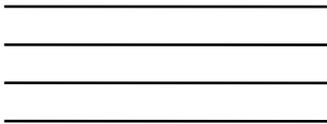
A supply will be placed on the Critical Review List when Agency records indicate that it is approaching any of the violations that would place it on the Restricted Status List.

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

The Illinois Pollution Control Board is an independent five-member board that adopts environmental control standards, rules on enforcement actions, and other environmental disputes for the State of Illinois.

The *Environmental Register* is published monthly by the Board, and contains updates on rulemakings, descriptions of final decisions, the Board's hearing calendar, and other environmental law information.

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Environmental Register Coordinator
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