
Environmental Register

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The Environmental Register is a Publication of the Illinois Pollution Control Board

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Letter from the Chairman

During April, the Board was active in numerous rulemaking efforts. Progress in the dockets ranged from one docket nearing completion, to others being expedited for decision. Below, I've summarized recent activity. Information about these proceedings is available through the Clerk's Office Online (COOL) through our Web site at www.ipcb.state.il.us.

R07-19 Section 27 Proposed Rules for Nitrogen Oxide (NO_x) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Parts 211 and 217: On April 2, 2009, the Board granted a motion by the Illinois Environmental Protection Agency (IEPA) to expedite review of the Agency's amended proposal.

R08-9 Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304 217: The Board held the 26th day of hearing on the proposal on April 15, 2009. Three more days of hearing are scheduled in Chicago in May.

R08-17 Standards and Limitations for Organic Material Emissions for Area Sources Proposed New 35 Ill. Adm. Code Part 223: On March 19, 2009, the Board adopted its second-notice opinion and order regulating VOM emissions from consumer products and architectural and industrial maintenance products. On April 21, 2009, the Joint Committee on Administrative Rules issued a certificate of no objection to the proposed rules.

R08-19 Nitrogen Oxides Emissions From Various Source Categories, Amendments to 35 Ill. Adm. Code Parts 211 and 217: On April 2, 2009, the Board granted the IEPA's motion to expedite review of this rulemaking proposal.

R09-8 In the Matter of: Proposed Site Specific Rule for City of Springfield, Illinois, Office of Public Utilities, City Water, Light and Power, and Springfield Metro Sanitary District From 35 Ill. Adm. Code Section 302.208(g): On April 2, 2009, the Board adopted a second-notice opinion and order granting Springfield's petition for alternative water quality standards for boron in four sections of the Sangamon River.

R 09-10 In the Matter of: Amendments to 35 Ill. Adm. Code 225: Control of Emissions From Large Combustion Sources (Mercury Monitoring): On April 16, 2009, the Board adopted a second-notice opinion and order.

R 09-19 Air Quality Standards Clean-up: Amendments to 35 Ill. Adm. Code Part 243: The Board held a second hearing on the amended proposal on April 29, 2009, in Springfield.

R09-20 In the Matter of: Nitrogen Oxide (NO_x) Trading Program Sunset Provisions for Electric Generating Units (EGU's): New 35 Ill. Adm. Code 217.751: The IEPA filed this rulemaking proposal on April 23, 2009, stating that it seeks to "sunset" the Board's Part 217 NO_x Trading rules in order to allow the Part 225 Clean Air Interstate Rule NO_x trading rules to be the sole regulations applicable to these sources.

The Board welcomes citizen participation in environmental rulemaking. More information can be found on our website at www.ipcb.state.il.us.

Sincerely,



Dr. G. Tanner Girard

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Rulemaking Update

Board Grants IEPA Motions for Expedited Review in Two Air Rulemakings: In the Matter of: Section 27 Proposed Rules for Nitrogen Oxide (NO_x) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Parts 211 and 217 (R07-19) and In the Matter of: Nitrogen Oxides Emissions from Various Source Categories, Amendments to 35 Ill. Adm. Code Parts 211 and 217 (R08-19)

On April 2, 2009, the Illinois Pollution Control Board granted the Illinois Environmental Protection Agency's (IEPA) March 19 and 20, 2009 motions for expedited review in two rulemakings: In the Matter of: Section 27 Proposed Rules for Nitrogen Oxide (NO_x) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm Code Parts 211 and 217, R07-19 (Apr. 2, 2009) and In the Matter of: Nitrogen Oxides Emissions from Various Source Categories, Amendments to 35 Ill. Adm. Code Parts 211 and 217, R08-19 (Apr. 2, 2009). Both IEPA requests were prompted by March 12, 2009 correspondence from the United States Environmental Protection Agency regarding possible sanctions in the absence of State compliance with requirements for submission of an approvable State Implementation Plan (SIP) for ozone attainment under the requirements of the federal Clean Air Act, 42 U.S.C Sections 7502, 7511a. Nitrogen oxide (NO_x) is one of the two primary precursors to the formation of ozone, and NO_x is also a precursor to the formation of fine particulate matter.

In its April 2, 2009 order in each docket, the Board concluded that "USEPA's implementation deadline [as recited in the IEPA's motions] and the risk of federal sanctions constitute 'dire circumstances'" justifying grant of expedited decision. Section 27 Proposed Rules for Nitrogen Oxide (NO_x) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm Code Parts 211 and 217, R07-19, slip op. at 4 (Apr. 2, 2009) and In the Matter of: Nitrogen Oxides Emissions From Various Source Categories, Amendments to 35 Ill. Adm. Code Parts 211 and 217, R08-19, slip op. at 4 (Apr. 2, 2009).

In R07-19, on January 2, 2008 the IEPA proposed to amend Parts 211 and 217 of the Board's air pollution regulations to control nitrogen oxides (NO_x) emissions from internal combustion engines and turbines. After two hearings and significant IEPA amendment of the original proposal, the Board adopted a first notice opinion and order on October 16, 2008 published at 32 Ill. Reg. 17035 (Oct. 31, 2008). See *Environmental Register* No. 652 at p.2 (Oct. 2008). In R08-19, on May 9, 2008, the IEPA proposed amendments to control nitrogen oxides (NO_x) emissions from various source categories, including emissions units within these categories such as industrial boilers, process heaters, glass melting furnaces, cement kilns, lime kilns, furnaces used in steelmaking and aluminum melting, and fossil fuel-fired stationary boilers. After three hearings and significant IEPA amendment of the original proposal, the Board is scheduled to adopt a first notice opinion and order on May 7, 2008. See *Environmental Register* No. 648 at p.2 (June. 2008).

In its nearly-identical March 2009 motions to expedite R07-19 R08-19(Mot.), the IEPA noted that on March 24, 2008, USEPA had found that Illinois, as well as other states, had "failed to make a RACT [Reasonably Available Control Technology] submission required under Part D of Title I of the CAA for its two moderate nonattainment

areas [in the greater Chicago area and Metro-East/St. Louis areas]. Mot. at 4, citing 73 Fed. Reg. 15416 (Mar. 24, 2008). That USEPA finding started “the 18-month emission offset sanctions clock and 24-month highway funding sanctions clock. . . and the 24-month clock for the promulgation by USEPA of the Federal Implementation Plan” Mot. at 4, citing 42 U.S.C. Sections 7509(a) and (b) and 7410(c).

IEPA reported that by letter to it of March 12, 2009, USEPA reiterated that Illinois had yet to address the March 24, 2008 USEPA. Mot. at 4. The IEPA went on to state “that if, by September 24, 2009, Illinois has not submitted all of the required SIP elements,” then the new source offset sanction would apply in the Greater Chicago and Metro East/St. Louis nonattainment areas, making it more difficult for new sources to locate there. Mot. at 5. The IEPA further claimed that, if Illinois has not submitted the required SIP elements within six months after imposition of the first sanction, then Illinois would suffer highway sanctions. *Id.* The IEPA also claimed that, if Illinois has not submitted the required SIP elements and received USEPA approval by March 24, 2010, then USEPA may promulgate a Federal Implementation Plan to replace the SIP elements that Illinois lacks. *Id.*

Copies of the Board’s and hearing officer’s orders may be obtained by calling the Clerk’s office at 312-814-3620, or by downloading copies from the Board’s Website 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 *In the Matter of: Proposed Site Specific Rule for City of Springfield, Illinois, Office of Public Utilities, City, Water, Light and Power and Springfield Metro Sanitary District From 35 Ill. Adm. Code Section 302.208(g) (R09-8)*

The Illinois Pollution Control Board, on April 2, 2009, adopted a second notice opinion and order in *In the Matter of Proposed Site Specific rule for City of Springfield, Illinois, Office of Public Utilities, City, Water Light and Power and Springfield Metro Sanitary District from 35 Ill. Adm. Code Section 302.208(g), R09-8 (Apr. 2, 2009)*. The Board’s second notice proposal contains only nonsubstantive changes from the first notice rule as adopted by the Board for comments on the merits on September 16, 2009. *See* 31 Ill. Reg. 16303 (Oct. 10, 2008). The Board submitted the second notice rule to the Joint Committee on Administrative Rules (JCAR); JCAR is expected to review the rules at its May 19, 2009 meeting.

In its second notice opinion and order, the Board stated that:

The Board heard testimony and received comments from Illinois Environmental Protection Agency (Agency), Prairie Rivers Network (Prairie Rivers), and Springfield. The Board has taken these comments into consideration and finds that proceeding to second notice is appropriate. In this Opinion, the Board finds the rule as proposed by Springfield is technically feasible and economically reasonable and is protective of human health and the environment. R09-8, slip op. at 1 (Apr. 2, 2009).

The August 29, 2008 proposal seeks site-specific alternative water quality standards for boron in four river sections stretching approximately 75 miles from the outfall of the Spring Creek Sanitary Treatment Plant on the Sangamon River to 100 yards downstream of the confluence of the Sangamon and Illinois Rivers. *See Environmental Register* No. 651 at p. 4 (Sept. 2008)(identifying stream reaches in more detail). The relief is needed to accommodate a pretreated industrial effluent stream from the power station. Board held hearings on November 3 and December 16, 2008, expediting the proceeding consistent with proponents’ request.

Copies of the Board’s and hearing officer’s orders may be obtained by calling the Clerk’s office at 312-814-3620, or by downloading copies from the Board’s Website at www.ipcb.state.il.us.

Board Adopts Second Notice Opinion and Order in *In the Matter of: Amendments to 35 Ill. Adm. Code 225: Control of Emissions from Large Combustion Sources (Mercury Monitoring) (R09-10)*

The Illinois Pollution Control Board, on April 16, 2009, adopted for second notice a rulemaking proposal to amend Part 225 of the Board’s air pollution regulations in *In the Matter of: Amendments to 35 Ill. Adm. Code 225:*

Control of Emissions from Large Combustion Sources (Mercury Monitoring) (R09-10). As the IEPA made extensive changes to the original October 3, 2008 proposal during first notice to which other participants did not object, the Board's second notice proposal contains numerous and extensive changes from the first notice rule as adopted by the Board for comments on the merits on November 5, 2008. *See* 32 Ill. Reg. 18507-18826 (Dec. 5, 2008). The Board submitted the second notice rule to the Joint Committee on Administrative Rules (JCAR); JCAR is expected to review the rules at its May 19, 2009 meeting.

The Board adopted rules for control of mercury emissions in December, 2006. Proposed New 35 Ill. Adm. Code 225 Control of Emissions From Large Combustion Sources (Mercury), R06-25 (Dec. 21, 2006). Generally, the present proposal seeks to recreate in the Board's rules certain monitoring provisions of the federal Clean Air Mercury Rule (CAMR), recently vacated by a federal court. The proposal adds to the Board's rules the content of provisions contained in the vacated federal rules and incorporated by reference in Board rules. In addition, the Board's second-notice proposal includes provisions offered by Ameren to amend the Multi-Pollutant Standard or MPS at Section 225.233 of Part 225.

After consideration of the record, the Board finds that the IEPA's revised proposal, as amended by Ameren's proposed language for Section 225.233, is both technically feasible and economically reasonable. As to the Ameren MPS proposal, the Board also noted that the proposal projects an environmental benefit by reducing total emissions and that it is not opposed by IEPA, either procedurally or substantively.

The Board has held two hearings on the proposal: one in Springfield on December 17, 2008; and the second in Chicago on January 10, 2009.

Copies of the Board's and hearing officer's orders may be obtained by calling the Clerk's office at 312-814-3620, or by downloading copies from the Board's Website 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 Actions

April 2, 2009
Chicago, Illinois

Rulemakings

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|---------------|--|--------------|
| 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 motion for expedited review. | 5-0 Air |
| R08-19 | <u>In the Matter of: Nitrogen Oxides Emissions From Various Source Categories, Amendments to 35 Ill. Adm. Code Parts 211 and 217</u> – The Board granted the Illinois Environmental Protection Agency's motion for expedited review. | 5-0 Air |
| R09-8 | <u>In the Matter of: Proposed Site Specific Rule for City of Springfield, Illinois, Office of Public Utilities, City Water, Light and Power and Springfield Metro Sanitary District From 35 Ill. Adm. Code Section 302.208(g)</u> – The Board adopted a second notice opinion and order in this site specific rulemaking to amend the Board's water pollution control regulations. | 5-0 Water |

Administrative Citations

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|-----------------|---|-----|
| AC 06-50 | <u>IEPA v. Mark Gates</u> – The Board entered an interim opinion and order finding respondent violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2006)) and assessed a penalty of \$3,000. The Board ordered the Clerk of the Board and the Illinois Environmental Protection Agency to file within 21 days a statement of hearing costs, supported by affidavit, with service on respondent. Respondent may respond to the cost statement within 14 days of service. | 5-0 |
| AC 08-28 | <u>IEPA v. Joseph Cosentino and Rob Pinski</u> – The Board entered a final opinion and order requiring respondent to pay hearing costs of the Illinois Environmental Protection Agency and the Board in the amount of \$334.98 and a civil penalty of \$4,500. This order follows the Board's interim order of February 19, 2009, which found that this respondent had violated Sections 21(p)(1), (p)(3), and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2006)). | 5-0 |
| AC 09-32 | <u>County of Will v. Glover Family Trust, Elaine D. Glover, Glen K. Glover</u> – The Board found that these respondents violated Sections 21(p)(1), (p)(3), and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2006)) and assessed a penalty of \$4,500 in this administrative citation involving a Will County facility. | 5-0 |

Adjudicatory Cases

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| PCB 07-131 | <u>People of the State of Illinois v. Vithalbhai Patel</u> – In this air enforcement action concerning a Madison County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2006)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$30,000.00, and to cease and desist from further violations. | 5-0 A-E |
| PCB 08-11 | <u>People of the State of Illinois, ex rel. Lisa Madigan, Attorney General of the State of Illinois v. Plastic Capacitors, 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) (2006)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$1,000.00, and to cease and desist from further violations. | 5-0 A-E |
| PCB 08-62 | <u>People of the State of Illinois v. Carri Scharf Materials Company, d/b/a Farmdale Sand & Gravel Pit</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 Tazewell County facility, the Board ordered publication of the required newspaper notice. | 5-0 W-E |
| PCB 08-96 | <u>United City of Yorkville v. Hamman Farms</u> – The Board denied respondent's motions to reconsider the Board's October 16, 2008 decision and to dismiss as duplicative count I and count II of the complaint. Additionally, the Board denied complainant's December 1, 2008 motion for leave to file an amended complaint. The Board granted complainant leave to file an amended complaint by May 4, 2009, that cures the previously noted deficiencies in count III. | 5-0 Citizens A, L, W-E |
| PCB 09-34 | <u>Intermart, Inc. v. IEPA</u> – The Board granted this Kane County facility's motion for voluntary dismissal of this underground storage tank appeal. | 5-0 UST Appeal |
| PCB 09-62 | <u>John Tarkowski v. IEPA</u> – The Board directed petitioner to file proof of service of this action on the Illinois Environmental Protection Agency on or before April 24, 2009, or this action will be subject to dismissal. | 5-0 P-A, Land |

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| PCB 09-64 | <u>People of the State of Illinois, Lisa Madigan v. Citgo Petroleum Corporation</u> – In this land enforcement action concerning a Will County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2006)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$5,000.00, and to cease and desist from further violations. | 5-0 L-E |
| PCB 09-69 | <u>People of the State of Illinois v. Par Development, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in McHenry County. | 5-0 W-E |
| PCB 09-70 | <u>Timberline, LLC – Rushville v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Timberline, LLC located in Schuyler County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)). | 5-0 T-C, W |
| PCB 09-71 | <u>Western Creek Farms, LLC – LaHarpe v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Western Creek Farms, LLC located in Hancock County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)). | 5-0 T-C, W |
| PCB 09-72 | <u>Pinnacle Genetics, LLC – Colchester v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Pinnacle Genetics, LLC located in McDonough County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)). | 5-0 T-C, W |

April 16, 2009
Chicago, Illinois

Rulemakings

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| R09-10 | <u>In the Matter of: Amendments to 35 Ill. Adm. Code 225: Control of Emissions From Large Combustion Sources (Mercury Monitoring)</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s air pollution control regulations. | 5-0 Air |
|---------------|--|------------|

Adjusted Standards

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| R09-10 | <u>In the Matter of: Amendments to 35 Ill. Adm. Code 225: Control of Emissions From Large Combustion Sources (Mercury Monitoring)</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s air pollution control regulations. | 5-0 Air |
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Administrative Citations

- AC 09-9** County of Jackson v. Alvin Valdez and Ruben J. Valdez – The Board entered an interim opinion and order finding respondents violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2006)) and assessing a penalty of \$3,000. The Board ordered the Clerk of the Board and the County of Jackson to file within 21 days a statement of hearing costs, supported by affidavit, with service on respondent. Respondents may respond to the cost statement within 14 days of service. 5-0
- AC 09-37** IEPA v. Info Corner Materials, Inc. – The Board found that this Sangamon County respondent violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1),(p)(7) (2006)), and ordered respondent to pay a civil penalty of \$3,000. 5-0

Adjudicatory Cases

- PCB 08-17** People of the State of Illinois v. Felker Pharmacy, Inc., and Rod Bennett Construction, Inc., v. McClellan Blakemore Architects, Inc. and Wendler Engineering Services, Inc. – 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 Lee County facility, the Board ordered publication of the required newspaper notice. 5-0
W-E
- PCB 08-30** Caseyville Sport Choice, LLC v. Erma I. Seiber, Administratrix of the Estate of James A. Seiber, Deceased, and Erma I. Seiber in her individual capacity, and Fairmount Park, Inc. – The Board granted Caseyville Sport Choice, LLC’s motion to dismiss the counterclaim of Fairmount Park, Inc. 5-0
L-E
- PCB 08-39** Wauconda Community Unit School District #118 v. IEPA – The Board granted this Lake County facility’s motion for voluntary dismissal of this underground storage tank appeal. 5-0
UST Appeal
- PCB 08-45** People of the State of Illinois v. Distinctive Homes, Ltd and Distinctive Companies, Ltd. – 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 Cook County facility, the Board ordered publication of the required newspaper notice. 5-0
W-E
- PCB 09-17** Dalee Oil v. IEPA – The Board granted this Madison County facility’s motion for voluntary dismissal of this underground storage tank appeal. 5-0
UST Appeal
- PCB 09-19** Hannel Oil Company, an Illinois Corporation v. IEPA – The Board granted this Morgan County facility’s motion for voluntary dismissal of this underground storage tank appeal. 5-0
UST Appeal
- PCB 09-20** People of the State of Illinois v. Lewis Development, LLC – 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 Peoria County facility, the Board ordered publication of the required newspaper notice. 5-0
W-E
- PCB 09-43** Waste Management of Illinois, Inc. and Kendall Land and Cattle, LLC v. County Board of Kendall County – The Board declined to consider the Kendall County Board’s combined response as either a response to the original motions for leave to file an *amicus* brief or as a reply to petitioner’s objections to those motions. The Board denied the Village of Minooka’s (Minooka) motion for leave to file a reply as moot, as the Board has granted Minooka’s motion for leave to file an *amicus* brief in an order dated March 5, 2009. 5-0
P-C-F-S-R

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| PCB 09-56 | <u>People of the State of Illinois v. Brent Speckhart, d/b/a Brent Speckhart Swine Farm</u> – In this water enforcement action concerning a Adams County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2006)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$7,000, and to cease and desist from further violations. | 5-0 W-E |
| PCB 09-73 | <u>People of the State of Illinois v. Summer Ridge, L.L.C. and Stark Excavating, 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 Peoria County facility, the Board ordered publication of the required newspaper notice. | 5-0 W-E |
| PCB 09-74 | <u>People of the State of Illinois v. David J. Shultz</u> – The Board accepted for hearing this air enforcement action involving a site located in Sangamon County. | 5-0 A-E |
| PCB 09-75 | <u>People of the State of Illinois v. Andalusia Ventures, L.L.C.</u> – The Board accepted for hearing this water enforcement action involving a site located in Rock Island County. | 5-0 W-E |
| PCB 09-76 | <u>Flint Hills Resources, LP, Carbon Adsorber (NH-804) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Flint Hills Resources, LP located in Will County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)). | 5-0 T-C, A |
| PCB 09-77 | <u>Flint Hills Resources, LP, Scrubber (HT-1404) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Flint Hills Resources, LP located in Will County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)). | 5-0 T-C, A |
| PCB 09-78 | <u>Flint Hills Resources, LP, Scrubber (KT-110) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Flint Hills Resources, LP located in Will County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)). | 5-0 T-C, A |
| PCB 09-79 | <u>LaMoine Valley Farms, LLC v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of LaMoine Valley Farms, LLC located in Hancock County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)). | 5-0 T-C, W |
| PCB 09-80 | <u>Riverview Frenetics – Centralia v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Riverview Frenetics-Centralia located in Clinton County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)). | 5-0 T-C, W |
| PCB 09-81 | <u>Saluki Farms – Mulkeytown v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Saluki Farms-Mulkeytown located in Franklin County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)). | 5-0 T-C, W |

New Cases

April 2, 2009 Board Meeting

09-69 People of the State of Illinois v. Par Development, Inc. – The Board accepted for hearing this water enforcement action involving a site located in McHenry County.

09-70 Timberline, LLC – Rushville v. IEPA - Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Timberline, LLC located in Schuyler County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).

09-71 Western Creek Farms, LLC – LaHarpe v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Western Creek Farms, LLC located in Hancock County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).

09-72 Pinnacle Genetics, LLC – Colchester v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Pinnacle Genetics, LLC located in McDonough County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).

April 16, 2009 Board Meeting

09-73 People of the State of Illinois v. Summer Ridge, L.L.C. and Stark Excavating, Inc. – 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 Peoria County facility, the Board ordered publication of the required newspaper notice.

09-74 People of the State of Illinois v. David J. Shultz – The Board accepted for hearing this air enforcement action involving a site located in Sangamon County.

09-75 People of the State of Illinois v. Andalusia Ventures, L.L.C. – The Board accepted for hearing this water enforcement action involving a site located in Rock Island County.

09-76 Flint Hills Resources, LP, Carbon Adsorber (NH-804) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Flint Hills Resources, LP located in Will County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).

09-77 Flint Hills Resources, LP, Scrubber (HT-1404) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Flint Hills Resources, LP located in Will County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).

09-78 Flint Hills Resources, LP, Scrubber (KT-110) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Flint Hills Resources, LP located in Will County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).

09-79 LaMoine Valley Farms, LLC v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of LaMoine Valley Farms, LLC located in Hancock County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).

09-80 Riverview Frenetics – Centralia v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Riverview Frenetics-Centralia located in Clinton County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).

09-81 Saluki Farms – Mulkeytown v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Saluki Farms-Mulkeytown located in

Franklin County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).

Provisional Variance

Village of Odell v. Illinois Environmental Protection Agency (IEPA 09-5) On April 8, 2009, the Illinois Environmental Protection Agency (IEPA) granted the Village of Odell's (Village) request for a provisional variance from effluent limits contained in NPDES Permit ILG580043. The Village sought the provisional variance to allow the necessary time to complete an upgrade project on its wastewater treatment facility. The IEPA granted the provisional variance from effluent limits required in NPDES Permit ILG580043, subject to conditions. The provisional variance began April 8, 2009, and shall end no later than May 15, 2009.

Flint Hills Resources, LLP. – Joliet v. IEPA (IEPA 09-06) On May 4, 2009, the Illinois Environmental Protection Agency (IEPA) granted a provisional variance from certain conditions contained in its CAAPP permit (permit no. 96010025, conditions 7.7(a) and 7.7.5(b)) for Flint Hills Resources (FHR). FHR requested the provisional variance for a planned natural gas outage at its facility in Joliet. The provision variance was granted subject to conditions. The provisional variance commenced on May 4, 2008 and ended May 8, 2009.

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

| | | | |
|--------------------|---|---|--|
| 5/5/09 10:00 AM | R08-09 | <u>In the Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303, and 304</u> (continues until complete or through May 6, 2009) | James R. Thompson Center Room 9-040 100 W. Randolph Street Chicago |
| 5/7/09 11:00 AM | Illinois Pollution Control Board Meeting | | Videconference James R. Thompson Center 100 W. Randolph Street Chicago And Illinois Pollution Control Board Hearing Room (1244 N, First Floor) 1021 N. Grand Avenue East (North Entrance) Springfield |
| 5/19/09 9:00 AM | PCB 09-38 | <u>Ameren Energy Generating Company v. IEPA</u> | City Hall Council Chambers 120 E. Ryder Street Litchfield |

Environmental Register – April 2009

| | | | |
|---------------------|---|---|---|
| 5/20/09 10:00 AM | R08-09 | <u>In the Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303, and 304</u> | James R. Thompson Center Room 9-040 100 W. Randolph Street Chicago |
| 5/21/09 11:00 AM | Illinois Pollution Control Board Meeting | | Videoconference James R. Thompson Center 100 W. Randolph Street Chicago And Illinois Pollution Control Board Hearing Room (1244 N, First Floor) 1021 N. Grand Avenue East (North Entrance) Springfield |
| 6/4/09 11:00 am | Illinois Pollution Control Board Meeting | | James R. Thompson Center 100 W. Randolph Street Chicago And |
| 6/18/09 11:00 am | Illinois Pollution Control Board Meeting | | Videoconference James R. Thompson Center 100 W. Randolph Street Chicago And Illinois Pollution Control Board Hearing Room (1244 N, First Floor) 1021 N. Grand Avenue East (North Entrance) Springfield |
| 7/1/09 9:30 AM | PCB 05-14 | <u>People of the State of Illinois v. Michael Collins, d/b/a C & R Construction</u> | St. Clair County Building Room 402 10 Public Square Belleville |
| 7/23/09 11:00 am | Illinois Pollution Control Board Meeting | | James R. Thompson Center 100 W. Randolph Street Chicago And |

Environmental Register – April 2009

Illinois Environmental Protection Agency
Division of Public Water Supplies
Restricted Status List - Public Water Supplies
APRIL 2009

| <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 |
| ATHENS – IL1290050 | 5 | INADEQUATE TREATMENT CAPACITY | 4350 | 10/1/2007 |
| 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 |
| BUFFALO HOLLOW FARMS WATER ASSOCIATION – IL1430080 | 5 | INADEQUATE PRESSURE STORAGE | 44 | 6/16S/2008 |
| CARROLL HEIGHTS UTILITIES COMPANY - IL0155200 | 1 | INADEQUATE PRESSURE TANK | 96 | 3/20/1981 |
| CENTURY PINES APARTMENTS - IL0150020 | 1 | INADEQUATE PRESSURE TANK | 50 | 12/14/1990 |
| CHANDLERVILLE - IL0170200 | 5 | INAD & UNAPPROVED STORAGE | 704 | 1/1/2006 |
| 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 |
| 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 |
| 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 |

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| <i>SYSTEM NAME</i> | <i>EPA RGN</i> | <i>NATURE OF PROBLEM</i> | <i>POP SERVED</i> | <i>LISTING DATE</i> |
|--|----------------|----------------------------|-------------------|---------------------|
| 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 |
| HETTICK - IL1170500 | 5 | TRICHALOMETHANE | 182 | 6/15/2002 |
| HIGHLAND SUBDIVISION - IL0895530 | 2 | INADEQUATE PRESSURE TANK | 60 | 9/16/1983 |
| HILLVIEW SUBDIVISION - IL1975800 | 2 | INADEQUATE PRESSURE TANK | 100 | 3/15/1985 |
| HOLY FAMILY VILLA - IL0310280 | 2 | INADEQUATE PRESSURE TANK | 200 | 9/15/1999 |
| INGALLS PARK SUBDIVISION - IL1975880 | 2 | INADEQUATE PRESSURE TANK | 745 | 9/16/1983 |
| 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 |
| MENARD RURAL WATER CO.(SWEETWATER SYSTEM)- IL1290010 | 5 | INADEQUATE SOURCE CAPACITY | 490 | 10/1/2007 |
| 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 |
| 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 |
| 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 |

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| <i>SYSTEM NAME</i> | <i>EPA RGN</i> | <i>NATURE OF PROBLEM</i> | <i>POP SERVED</i> | <i>LISTING DATE</i> |
|---|----------------|-----------------------------|-------------------|---------------------|
| 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 |
| ST CHARLES COMMSSION WELLFUND 3 - IL0437040 | 2 | INADEQUATE PRESSURE TANK | 30 | 12/15/1989 |
| STRATFORD WEST APARTMENTS - IL1095200 | 5 | INADEQUATE PRESSURE TANK | 39 | 12/17/1982 |
| SUBURBAN HEIGHTS SUBDIVISION - IL1615800 | 1 | INADEQUATE PRESSURE TANK | 82 | 12/16/1983 |
| SUMMIT HOMEOWNERS ASSOCIATION - IL0975280 | 2 | INADEQUATE PRESSURE TANK | 39 | 3/16/1984 |
| SUNNY HILL ESTATES SUBDIVISION - IL0735300 | 1 | INADEQUATE PRESSURE TANK | 525 | 6/15/2000 |
| SUNNYLAND SUBDIVISION - IL1977730 | 2 | INADEQUATE PRESSURE TANK | 350 | 9/16/1983 |
| SWEDONA WATER ASSOCIATION - IL1315200 | 1 | INADEQUATE PRESSURE TANK | 157 | 6/15/1990 |
| SYLVAN LAKE 1ST SUBDIVISION - IL0977100 | 2 | INADEQUATE PRESSURE TANK | 210 | 6/14/1991 |
| TOWNERS SUBDIVISION - IL0977250 | 2 | INADEQUATE PRESSURE TANK | 210 | 1/14/1982 |
| UTILITIES INC HOLIDAY HILLS - IL1115350 | 2 | INADEQUATE PRESSURE TANK | 729 | 9/16/1983 |
| UTL INC-LAKE HOLIDAY - IL0995200 | 1 | INAD SOURCE & TREATMENT PLT | 5460 | 9/15/1998 |
| UTL INC-NORTHERN HILLS UTLITIES 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 |
| WIENEN ESTATES - IL0850030 | 1 | INADEQUATE PRESSURE TANK | 70 | 12/15/1997 |
| WONDER LAKE WATER COMPANY - IL1115750 | 2 | INADEQUATE PRESSURE TANK | 1442 | 6/16/1994 |

WATER SYSTEMS REMOVED FROM PREVIOUS LIST

* DENOTES ADDED WATER SUPPLIES

**Illinois Environmental Protection Agency
Division of Public Water Supplies
Critical Review List - Public Water Supplies
APRIL 2009**

| <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 |

Environmental Register – April 2009

| <i>SYSTEM NAME</i> | <i>EPA RGN</i> | <i>NATURE OF PROBLEM</i> | <i>POP SERVED</i> | <i>LISTING DATE</i> |
|---|--------------------|--|-----------------------|-------------------------|
| 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 |
| COLLINSVILLE – IL1194280 | 6 | INADEQUATE STORAGE | 29500 | 1/1/2008 |
| COLUMBIA - IL1330050 | 6 | INADEQUATE PUMPING CAPACITY | 8365 | 3/15/1998 |
| CROPPERS 1ST 4TH AND 5TH ADDITION - IL1615250 | 1 | UNDERSIZED WATERMANS | 650 | 1/1/2006 |
| EDWARDSVILLE – IL1190250 | 5 | INSUFFICIENT PLANT CAPACITY TO HANDLE PEAK SYSTEM WATER DEMAND | 24,900 | 9/16/2008 |
| EFFINGHAM – IL0490250 | 4 | INADEQUATE DISINFECTION | 12384 | 7/1/2006 |
| ELIZABETH - IL0850150 | 1 | LOW SYSTEM PRESSURE | 682 | 6/15/1999 |
| ELLIS GROVE – IL1570200 | 6 | INSUFFICIENT STORAGE CAPACITY | 720 | 10/1/2007 |
| 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 |
| HOLIDAY SHORES SD - IL1195110 | 6 | INADEQUATE STORAGE CAPACITY | 3192 | 1/1/2006 |
| *IL AMERICAN-ALTON | 6 | APPROACHING WATER TREATMENT PLANT CAPACITY | 51922 | 4/1/2009 |
| 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 |
| MARYVILLE – IL1190750 | 5 | INADEQUATE STORAGE | 800 | 3/17/2008 |
| 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 – IL1631100 | 2 | INADEQUATE STORAGE CAPACITY | 43596 | 10/1/2006 |
| OTTER LAKE WTR CMSN ADGPTV – IL1175200 | 5 | INADEQUATE PLANT CAPACITY | 1251 | 7/1/2006 |
| SCALES MOUND - IL0850400 | 1 | LOW SYSTEM PRESSURE | 400 | 9/15/1997 |

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| <i>SYSTEM NAME</i> | <i>EPA RGN</i> | <i>NATURE OF PROBLEM</i> | <i>POP SERVED</i> | <i>LISTING DATE</i> |
|---|----------------|--|-------------------|---------------------|
| SENECA - IL0991050 | 1 | INADEQUATE PLANT CAPACITY AND UNDERSIZED WATER MAINS | 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 PRES | INAD PRES STORAGE & LOW SYS | 924 | 9/14/1984 |
| WALNUT HILL - IL1210600 | 6 | LOW SYSTEM PRESSURE | 1470 | 6/14/1985 |
| WATERLOO - IL1330300 | 6 | INADEQUATE STORAGE | 7614 | 10/1/2004 |
| WITT – IL1350850 | 5 | INADEQUATE TREATMENT CAPACITY | 991 | 3/17/2008 |
| WORDEN - IL1191200 | 6 | INADEQUATE STORAGE CAPACITY | 906 | 1/1/2006 |

WATER SYSTEMS REMOVED FROM PREVIOUS LIST

DEPUE – (IL0110300)

*** DENOTES ADDED WATER SUPPLIES**

IL AMERICAN – ALTON (IL1195150)

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 April 1, 2009. 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.

Environmental Register – April 2009

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.

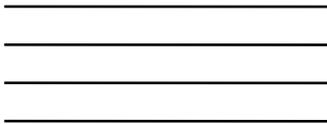
A supply will be placed on the Critical Review List when Agency records indicate that it is approaching any of the violations that would place it on the Restricted Status List.

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