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# Environmental Register

July 2009 - Number 661

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

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G. Tanner Girard, Acting Chairman

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# Letter from the Chairman

During July, the Board made progress in several rulemaking dockets. Below, I've summarized recent activity. As always, information about these proceedings is available through the Clerk's Office Online (COOL) through our Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

On July 23, 2009, the Board approved a final opinion and order adopting regulations in Section 27 Proposed Rules for Nitrogen Oxide (NO<sub>x</sub>) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Parts 211 and 217 (R07-19). The Joint Committee on Administrative Rules (JCAR) had issued its Certificate of No Objection to these rules on July 14, 2009.

Also, on July 23, 2009, the Board adopted a second notice opinion and order in the docket entitled Nitrogen Oxides Emissions From Various Source Categories, Amendments to 35 Ill. Adm. Code Parts 211 and 217 (R08-19). This rulemaking is on the JCAR's agenda for their August 18, 2009 meeting.

The Board held hearings in two rulemakings in July. On July 23, 2009, the Board held a second hearing in Springfield for the rulemaking entitled In the Matter of: Nitrogen Oxide (NO<sub>x</sub>) Trading Program Sunset Provisions for Electric Generating Units (EGU's): New 35 Ill. Adm. Code 217.751 (R09-20). On July 28 and 29, 2009, the Board held the 29th and 30th days of hearing on the proposal entitled 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 (R08-9). The Board has scheduled additional hearing days for R08-9 in August, October and November.

The Board received two new rulemaking proposals from the Illinois Environmental Protection Agency in July. One is entitled In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group II Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219 (R10-8). This rulemaking proposal seeks adoption of regulations to control emissions of volatile organic material for Group II Consumer and Commercial Products in ozone nonattainment areas. The second is entitled In the Matter of: Financial Assurance Instruments--Renewal and Terms: Amendments to 35 Ill. Adm. Code 807.Subpart F, 810.104 and 811.Subpart G (R10-9). This rulemaking proposal updates non-hazardous waste landfill regulations relating to financial assurance to be more consistent with hazardous waste financial assurance standards.

The Board welcomes public participation in our rulemaking process. For information on how to participate, please visit our website at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).



Sincerely,

A handwritten signature in black ink that reads "G. Tanner Girard". The signature is written in a cursive style with a large, prominent "G" and "G" at the end.

Dr. G. Tanner Girard

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## Rulemaking Update

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### **Board Adopts Final Rules to Reduce Nitrogen Oxides Emissions from Stationary Reciprocating Internal Combustion Engines and Turbines, R07-19**

On July 23, 2009, the Illinois Pollution Control Board adopted final amendments to its regulations governing emission of nitrogen oxides (NO<sub>x</sub>). The rulemaking, based on an April 16, 2007 Illinois Environmental Protection Agency (IEPA) proposal, is docketed as In the Matter of: Section 27 Proposed Rules for Nitrogen Oxide (NO<sub>x</sub>) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Parts 211 and 217 (R07-19). At its meeting on July 14, 2009, the Joint Committee on Administrative Rules considered the Board second notice proposal and issued its “Certificate of No Objection.” The Board has expedited its completion of this rulemaking in response to IEPA’s March 19, 2009 request.

The adopted rules are intended to control NO<sub>x</sub> emissions from engines and turbines located at 100 ton per year sources located in the Greater Chicago and Metro East/St. Louis nonattainment areas with a capacity of 500 brake horsepower or 3.5 megawatts. IEPA stated that these regulations would help Illinois meet Clean Air Act requirements for NO<sub>x</sub> reasonably available control technology under the eight-hour National Ambient Air Quality Standard for ozone and would also improve air quality by reducing precursors of fine particulate matter. The Board held three public hearings on the IEPA proposal.

Opinions and orders of the Board, hearing officer orders, hearing transcripts, and other documents in rulemaking records are posted on the Board’s Web site. Copies may be obtained by calling the Clerk’s office at 312-814-3620 and payment of any charges, or by downloading them without charge from the Board’s Website at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

For more information contact Tim Fox at 312-814-6085 or email at [foxt@ipcb.state.il.us](mailto:foxt@ipcb.state.il.us).

### **Board Sends to Second Notice a Proposal to Control Nitrogen Oxide Emissions From Various Source Categories, R08-19**

The Illinois Pollution Control Board, on July 23, 2009, adopted a second notice opinion and order proposing to amend Parts 211 and 217 of the Board’s air pollution regulations. The rulemaking, based on a May 9, 2008 Illinois Environmental Protection Agency (IEPA) proposal, docketed as In the Matter of: Amendments to 35 Ill. Adm. Code 217, Nitrogen Oxides Emissions, and 35 Ill. Adm. Code 211 (R08-19). The Joint Committee on Administrative Review (JCAR) has scheduled its review of the proposal for August 18, 2009. The Board will continue to expedite its completion of this rulemaking in response to IEPA’s March 19, 2009 request; final adoption could occur as early as August 20, 2009, if JCAR votes a “certificate of no objection” to the rules on August 18.

Generally, amendments would control nitrogen oxides (NO<sub>x</sub>) emissions from major stationary sources in nonattainment areas, and from emission units including industrial boilers, process heaters, glass melting furnaces, cement kilns, lime kilns, furnaces used in steelmaking and aluminum melting, and fossil fuel-fired stationary boilers at such sources.

The IEPA states that it intends its proposal to satisfy Illinois’ obligation to submit a State Implementation Plan to address the requirements under the federal Clean Air Act for major stationary sources of NO<sub>x</sub> in areas designated as

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nonattainment with respect to National Ambient Air Quality Standards (NAAQS). The IEPA indicates that NO<sub>x</sub> is a primary precursor to the formation of ozone and is also a precursor to the formation of particulate matter that is 2.5 micrometers or smaller in size (PM<sub>2.5</sub>).

The IEPA negotiated with interested participants and agreed to revise certain provisions in order to memorialize agreements with them. The resulting amendments address issues including, but not limited to, compliance deadlines, deadlines for installing CEMS, and emissions limitations. The Board has held two public hearings concerning the proposal and various suggested amendments to it.

Opinions and orders of the Board, hearing officer orders, hearing transcripts, and other documents in rulemaking records are posted on the Board's Web site. Copies may be obtained by calling the Clerk's office at 312-814-3620 and payment of any charges, or by downloading them without charge from the Board's Website at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

For more information contact Tim Fox at 312-814-6085 or email at [foxt@ipcb.state.il.us](mailto:foxt@ipcb.state.il.us).

## Board Actions

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**July 23, 2009**

**Via Video Conference**

**Springfield and Chicago, Illinois**

### Rulemakings

<b>R07-19</b>	<u>In the Matter of: Section 27 Proposed Rules for Nitrogen Oxide (NO<sub>x</sub>) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Parts 211 and 217</u> – The Board adopted a final opinion and order in this rulemaking amending the Board's air pollution control regulations.	5-0 Air
<b>R08-19</b>	<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 adopted a second notice opinion and order in this rulemaking proposal to amend the Board's air pollution control regulations.	5-0 Air
<b>R10-1</b>	<u>SDWA Update, USEPA Amendments (January 1, 2009 through June 30, 2009)</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.	Land
<b>R10-2</b>	<u>UIC Update, USEPA Amendments (January 1, 2009 through June 30, 2009)</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.	Land

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<b>R10-3</b>	<u>RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (January 1, 2009 through June 30, 2009)</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.	Land
<b>R10-4</b>	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2009 through June 30, 2009)</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.	Land
<b>R10-5</b>	<u>UST Update, USEPA Amendments (January 1, 2009 through June 30, 2009)</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.	Land
<b>R10-6</b>	<u>Wastewater Pretreatment Update, USEPA Amendments (January 1, 2009 through June 30, 2009)</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.	Water
<b>R10-7</b>	<u>Definition of VOM Update, USEPA Amendments (January 1, 2009 through June 30, 2009)</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.	Air

### Adjusted Standard

<b>AS 09-3</b>	<u>In the Matter of: Petition of Westwood Lands, Inc. for an Adjusted Standard from Portions of 35 Ill. Adm. Code 807.104 and 35 Ill. Adm. Code 810-103 or in the Alternative, a Finding of Inapplicability</u> – The Board accepted petitioner’s amended petition for an adjusted standard petition for its facility located at 4 Caine Drive, Madison, Madison County and directed the Illinois Environmental Protection Agency to file its recommendation.	5-0 Land
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### Administrative Citations

<b>AC 09-39</b>	<u>IEPA v. Donald Sapp</u> – The Board accepted for hearing respondent’s petition for review of this administrative citation involving a Pike County facility.	5-0
<b>AC 09-41</b>	<u>IEPA v. Mark A. Lewis</u> – The Board accepted respondent’s amended petition for review, but directed respondent to file another amended petition to cure deficiencies on or before August 24, 2009.	5-0
<b>AC 09-42</b>	<u>IEPA v. Brian Collins</u> – The Board found that this Franklin County respondent violated Sections 21(p)(1), (p)(3), and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3), and (p)(7) (2008)), and ordered respondent to pay a civil penalty of \$4,500.	5-0

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<b>AC 09-45</b>	<u>IEPA v. Stanley Mouser</u> – The Board dismissed respondent’s petition for review as untimely filed. The Board found that this Alexander County respondent violated Sections 21(p)(1) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1),(p)(7) (2008)), and ordered respondent to pay a civil penalty of \$3,000.	5-0
<b>AC 09-47</b>	<u>IEPA v. D &amp; B Refuse Service, Inc. and Steve Loveall</u> – The Board accepted for hearing respondents’ petition for review of this administrative citation involving a Moultrie County facility.	5-0
<b>AC 09-48</b>	<u>IEPA v. Montel &amp; Aneita Metzger</u> – The Board accepted for hearing respondents’ petition for review of this administrative citation involving a Woodford County facility.	5-0
<b>AC 09-51</b>	<u>IEPA v. Springfield Iron &amp; Metal Co., Inc. and Russell &amp; Evelyn Weller</u> – The Board found that these Sangamon County respondents violated Sections 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2008)). Because there is one violation of Section 21(p) and this violation is a second or subsequent adjudicated violation, the Board ordered respondents to pay a civil penalty of \$3,000.	5-0
<b>AC 09-52</b>	<u>County of LaSalle v. Ernest W. Foster</u> – The Board directed respondent to file an amended petition for review on or before August 24, 2009, or this action will be subject to dismissal.	5-0
<b>AC 09-53</b>	<u>IEPA v. Marty D. Leigh and Peggy J. Leigh</u> – The Board found that these Clay County respondents violated Sections 21(p)(1) and (p)(5) of the Environmental Protection Act (415 ILCS 5/21(p)(1),(p)(5) (2008)), and ordered respondents to pay a civil penalty of \$3,000.	5-0
<b>AC 09-54</b>	<u>IEPA v. Richard A. &amp; David J. Krumholz d/b/a Krumholz Brothers Landscaping</u> – The Board accepted for hearing respondents’ petition for review of this administrative citation involving a Peoria County facility.	5-0

### Adjudicatory Cases

PCB 04-215	<u>Commonwealth Edison Company v. IEPA</u>	5-0
PCB 04-216	<u>Midwest Generation EME, LLC v. IEPA v. IEPA</u> – The Board granted parties joint motion to consolidate these two trade secret appeals.	T-S Air
PCB 05-51	<u>People of the State of Illinois v. Randy Oldenberger d/b/a Environmental Health and Safety</u> – The Board granted complainant’s motion for summary judgment. The Board found that respondent had violated Sections 9(a) and 9.1(d)(1) of the Environmental Protection Act (415 ILCS 5/9(a) and 9.1(d)(1) (2008)); 35 Ill. Adm. Code 201.141; and 40 C.F.R. 61.145(b)(1), (b)(3)(iv), (b)(4)(vi), (c)(3), and (c)(6)(i) and 61.150(a)(1) and (b). Respondent was ordered to pay a civil penalty of \$56,500.00.	5-0 A-E
PCB 06-159	<u>People of the State of Illinois v. Gary Simmons and Lawrence County Disposal Centre, Inc.</u> – In this interim opinion and order, the Board found that respondents had violated Sections 9(a), 21(d)(1) and (d)(2), and 22.17(a) and (b) of the Environmental Protection Act (415 ILCS 5/9(a), 21 (d)( 1) and (d)(2), and 22.17(a) and (b) (2008)), 35 Ill. Adm. Code 745.201(b);	5-0 L-E

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811.109(a); 811.111(c)(1)(A), (c)(2), and (c)(5); 811.310(c); 811.312(c); 811.315(e)(1)(G); 811.319(a), (a)(1), (a)(2), and (a)(3); 811.320(d)(1); 813.501; and 813.502(a) of the Board's regulations. The Board assessed civil penalties of \$10,000 against Lawrence County Disposal Centre, Inc. (Disposal Centre), \$1,000 against Gary Simmons individually. The Board assessed the time use value \$118,421.90 against the Disposal Centre to recoup the economic benefit earned through non-compliance. On or before August 27, 2009, complainant must file an affidavit of attorney fees and calculate time use value; any response is due within 21 days of receipt of the affidavit of attorney fees.

PCB 08-76	<u>Anne McDonagh and David Fishbaum v. Richard Michelin and Amy Michelin</u> – The Board granted complainants' motion to dismiss.	5-0 N-E
PCB 08-83	<u>People of the State of Illinois v. Rupe Contracting, Inc. and John A. Rupe, individually and as owner and operator of Rupe Contracting, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Bureau County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 09-3	<u>People of the State of Illinois v. Praedium Development Corporation and Plaza Excavating, Inc.</u> – In this water enforcement action concerning a Lake County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2006)), accepted a stipulation and settlement agreement, and ordered the respondents to pay a total civil penalty of \$40,000, and to cease and desist from further violations.	5-0 W-E
PCB 09-23	<u>People of the State of Illinois v. James R. Cantrell</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a White County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 09-27	<u>People of the State of Illinois v. Richard King, Kay King, and Isaac King</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Sangamon County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E
PCB 09-32	<u>People of the State of Illinois v. Whalen Manufacturing Company and Yetter Manufacturing Company</u> – In this water enforcement action concerning a McDonough 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 respondents to pay a total civil penalty of \$20,000 (\$10,000 each), and to cease and desist from further violations.	5-0 W-E
PCB 09-47	<u>People of the State of Illinois v. Birds Pinkstaff Water District</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this public water supply enforcement action involving a Lawrence County facility, the Board ordered publication of the required newspaper notice.	5-0 PWS-E

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PCB 09-62	<u>John Tarkowski v. IEPA</u> – The Board denied petitioner’s motion to reconsider its May 21, 2009 order.	5-0 P-A, Land
PCB 09-63	<u>J. I. Corporation v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was filed on behalf of this facility located in Boone County.	UST Appeal
PCB 09-93	<u>Ameren Energy Generating Company and Gibson City Power Plant v. IEPA</u> – The Board granted petitioners’ motion for a partial stay of the construction permit.	5-0 P-A, Air
PCB 09-94	<u>Ameren Energy Generating Company, Electric Energy, Inc., and Midwest Electric Power, Inc. v. IEPA</u> – The Board granted petitioners’ motion for a partial stay of the construction permit.	5-0 P-A, Air
PCB 09-95	<u>Ameren Energy Generating Company and Venice Power Plant v. IEPA</u> – The Board granted petitioners’ motion for a partial stay of the construction permit.	5-0 P-A, Air
PCB 09-96	<u>Holland Energy, LLC v. IEPA</u> – The Board granted petitioner’s motion for a partial stay of the construction permit.	5-0 P-A, Air
PCB 09-97	<u>Ameren Energy Generating Company and Elgin Energy Center v. IEPA</u> – The Board granted petitioners’ motion for a partial stay of the construction permit.	5-0 P-A, Air
PCB 09-98	<u>Amerenue and Raccoon Creek Power Plant v. IEPA</u> – The Board granted petitioners’ motion for a partial stay of the construction permit.	5-0 P-A, Air
PCB 09-99	<u>Union Electric Company d/b/a Amerenue and Goose Creek Power Plant v. IEPA</u> – The Board granted petitioners’ motion for a partial stay of the construction permit.	5-0 P-A, Air
PCB 09-100	<u>Union Electronic Company d/b/a Amerenue and Kinmundy Power Plant v. IEPA</u> – The Board granted petitioners’ motion for a partial stay of the construction permit.	5-0 P-A, Air
PCB 09-101	<u>Ameren Energy Generating Company and Grand Tower Power Plant v. IEPA</u> – The Board granted petitioners’ motion for a partial stay of the construction permit.	5-0 P-A, Air
PCB 09-114	<u>Peacock Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	5-0 UST Appeal

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PCB 09-129	<u>People of the State of Illinois v. Reliable Sand &amp; Gravel Co., Inc.</u> _ – The Board accepted for hearing this land enforcement action involving a site located in McHenry County.	5-0 L-E
PCB 09-130	<u>Spirit Energy, L.L.C. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Jackson County facility.	5-0 UST Appeal, 90 Day Ext.
PCB 09-131	<u>People of the State of Illinois v. Mohammad Akrabawi, d/b/a Deerfield Crossings, LLC</u> – The Board accepted for hearing this water enforcement action involving a site located in DeKalb County.	5-0 W-E
PCB 10-1	<u>Weeke Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Washington County facility.	5-0 UST Appeal
PCB 10-2	<u>City of Chicago Department of General Services v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.	5-0 UST Appeal, 90 Day Ext.
PCB 10-3	<u>Prairie Rivers Network and Sierra Club v. IEPA and Hillsboro Energy, LLC</u> – The Board accepted for hearing this third party permit appeal involving a Montgomery County facility.	5-0 NPDES -PA, 3rd Party
PCB 10-4	<u>Keith &amp; Kevin Erickson - Altona v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Keith & Kevin Erickson located in Knox County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2008)).	5-0 T-C, W
PCB 10-5	<u>Dickerson Petroleum, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a St. Clair County facility. No action was taken on petitioner’s motion to consolidate with PCB 09-87.	5-0 UST Appeal
PCB 10-7	<u>Onken's Incorporated v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Mason County facility.	5-0 UST Appeal

## **New Cases**

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### **July 23, 2009 Board Meeting**

**09-129** People of the State of Illinois v. Reliable Sand & Gravel Co., Inc. – The Board accepted for hearing this land enforcement action involving a site located in McHenry County.

**09-130** Spirit Energy, L.L.C. v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Jackson County facility.

**09-131** People of the State of Illinois v. Mohammad Akrabawi, d/b/a Deerfield Crossings, LLC – The Board accepted for hearing this water enforcement action involving a site located in DeKalb County.

**10-1** Weeke Oil Company v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Washington County facility.

**10-2** City of Chicago Department of General Services v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.

**10-3** Prairie Rivers Network and Sierra Club v. IEPA and Hillsboro Energy, LLC – The Board accepted for hearing this third party permit appeal involving a Montgomery County facility.

**10-4** Keith & Kevin Erickson - Altona v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Keith & Kevin Erickson located in Knox County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2008)).

**10-5** Dickerson Petroleum, Inc. v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a St. Clair County facility. No action was taken on petitioner's motion to consolidate with PCB 09-87.

**10-6** Schroud Realty Group v. IEPA – No action taken.

**10-7** Onken's Incorporated v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Mason County facility.

**AC 09-55** IEPA v. Jason D. & Angela R. Marris d/b/a Marris Hauling Landscaping & More – The Board accepted an administrative citation against these Champaign County respondents.

**AC 09-56** IEPA v. Gary J. and James R. Szczeblewski – The Board accepted an administrative citation against these Franklin County respondents.

**AC 10-1** IEPA v. Jess Spradlin d/b/a Spradlin Mobile Home Sales and Drewnard Woods and Kris Warren d/b/a W&W Auto Service – The Board accepted an administrative citation against these Sangamon County respondents.

## Adjusted Standards

### LISTINGS OF ADJUSTED STANDARDS AND COMBINED SEWER OVERFLOW EXCEPTIONS GRANTED BY THE BOARD DURING FISCAL YEAR 2009

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 2009 (July 1, 2008, through June 30, 2009).

Final Actions Taken by the Pollution Control Board in Adjusted Standards Proceedings During Fiscal Year 2009  
(July 1, 2008 through June 30, 2009)

<u>Docket/Docket Title</u>	<u>Final Determination</u>
<u>In the Matter of: Petition of Stericycle, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 1422.111(b)(1), 1450.105(a, b), 1450.200(e) AS 08-02, (August 21, 2008)</u>	The Board granted an adjusted standard from 35 Ill. Adm. Code 1422.111(b)(1) which requires each load of Potentially Infectious Medical Waste (PIMW) to be manually weighed and recorded. The adjusted standard allows Stericycle to use weight measurement and recording data generated at its PIMW treatment facilities in Clinton, Illinois and Sturtevant, Wisconsin for the calculation of PIMW transporter fees and other regulatory purposes. The adjusted standard is subject to conditions pertaining to proper weighing procedures. The Board denied Stericycle's request for an adjusted standard from PIMW transporter fee regulations adopted by the Agency in 35 Ill. Adm. Code 1450.105(a),(b), and 1450.200(e). The Board found that it lacks authority under Section 28.1 of the Environmental Protection Act to allow an adjusted standard from these provisions.
<u>In the Matter of: Petition of Big River Zinc Corporation for an Adjusted Standard from 35 Ill. Adm. Code 720.131(c) AS 08-09 (September 4, 2008)</u>	The Board modified an existing adjusted standard (AS 99-3) issued to Big River Zinc (BRZ) for its electrolytic refinery in Sauget, St. Clair County. Pursuant to 35 Ill. Adm. Code 720.131, the Board may determine that certain materials are not solid wastes if they meet certain criteria. The adjusted standard exempts zinc oxide recovered from electric arc furnace (EAF) dust from the definition of "solid waste" and "hazardous waste" under the Resource Conservation and Recovery Act (RCRA). Thus, after washing the EAF zinc oxide, BRZ will be able to sell the washed material to third parties or to return the washed material to suppliers. Without the modification, the washed material would be required to undergo further electrolytic zinc refining. This modification enabled BRZ to re-open its Sauget facility which had ceased process operations in June 2006.
<u>In the Matter of: Petition for Adjusted Standard from 35 Ill. Adm. Code 620.420 for Nobel</u>	The Board granted an adjusted standard to Nobel Risley Landfill No. 2 for relief from groundwater

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Risley's Landfill No. 2 AS 08-03 (November 5, 2008)

quality standards for chloride and sulfate for its closed landfill in Benton, Franklin County. The adjusted standard increases the allowable chloride levels from 200 mg/L to 600 mg/L, and increases the allowable sulfate limit from 400 mg/L to 2,381 mg/L in order to allow the Illinois Environmental Protection Agency to issue a closure certificate. The Board agreed with petitioner that the cost for compliance with existing standards is economically unreasonable. However, the landfill remains subject to all other requirements of the general groundwater quality standards as well as post-closure care requirements.

In the Matter of: Petition of BFI Waste Systems of North America, Inc. for Waste Delisting AS 08-05 (December 4, 2008)

The Board granted an adjusted standard to BFI to delist the leachate generated at the closed Phase I unit of BFI's Davis Junction Landfill in Ogle County from the RCRA list of hazardous wastes. The Board found that the leachate from the closed Phase I unit did not pose a substantial present or potential threat to human health or the environment. This delisting is site-specific, waste stream-specific, and conditional. Only if the conditions of the adjusted standard are met can BFI dispose of the leachate as non-hazardous special waste. To qualify, the Phase I unit leachate must not exhibit any hazardous waste characteristic and must not exceed any of the delisting level concentrations for the 43 chemicals set forth in the order. BFI must perform required testing, and non-compliance means the leachate cannot be transported or disposed of except as hazardous waste until testing demonstrates a return to compliance. The leachate will not be considered delisted unless disposed of in a waste water treatment facility in Illinois with a pretreatment program approved by USEPA.

In the Matter of: Petition of Citgo Petroleum Corporation and PDV Midwest Refining, L.L.C. for an Adjusted Standard from Ammonia Nitrogen Discharge Levels at 35 Ill. Adm. Code 304.122 AS 08-08, (December 18, 2008)

The Board granted petitioners an adjusted standard from the Board's water pollution regulations at 35 Ill. Adm. Code 304.122(b) regarding the discharge of ammonia nitrogen. Petitioners operate a petroleum refinery in Lemont, Will County. When a source whose untreated waste load cannot be computed on a population equivalent basis comparable to that used for municipal waste treatment plants discharges ammonia nitrogen in amounts exceeding 100 pounds per day, Section 304.122(b) limits the total ammonia nitrogen concentration of the source's effluent to 3.0mg/L. Petitioners were granted an adjusted standard stating that the refinery must meet a monthly average limitation for ammonia nitrogen of 6.93 mg/L whenever the monthly average discharge exceeds 100 pounds per day, and a daily limit of 10.61mg/L whenever the daily discharge exceeds 200 pounds of ammonia. The adjusted standard is subject to

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In the Matter of: RCRA Delisting Adjusted Standard Petition of Peoria Disposal Company AS 08-10, (January 8, 2009)

numerous conditions, such as monitoring, reporting, and working with the Agency on language for the NPDES permit; adding wastewater storage capacity; and continuing participation with the Petroleum Environmental Research forum. The adjusted standard will expire on December 31, 2013 unless petitioners request the Board to terminate the adjusted standard at an earlier date.

The Board granted an adjusted standard to delist from hazardous waste regulation the residue generated by petitioner's treatment of K061 electric arc furnace (EAF) dust at the company's waste stabilization facility (WSF) in Peoria, Peoria County. EAF dust, produced during steel production in electric furnaces, is a hazardous waste under RCRA. Peoria Disposal Company (PDC) sought the delisting based on new proprietary stabilization technology. The residue resulting from the new treatment process is referred to as EAF dust stabilization residue (EAFDSR). The Board found that PDC met the legal tests for delisting, and the scientific evidence presented show that the treatment residue does not pose a substantial present or potential threat to human health or the environment. The delisting is conditional, including detailed requirements for testing, disposal, and limits on PDC's ability to alter its stabilization process without amending the delisting. No batch of EAFDSR may leave PDC's facility for non-hazardous waste disposal without proof that the batch does not contain chemical concentrations in excess of those found to be safe. More than 100 people attended the public hearing, and the Board received more than 300 public comments. The Board dismissed this petition on the grounds that a site-specific rulemaking would be the appropriate source of regulatory relief. Petitioner sought regulatory relief to close an unlined ash impoundment pond at its power station in Hutsonville, Crawford County. (Ameren has since filed a rule proposal pending in R09-21.)

In the Matter of: Petition of Ameren Energy Generating Company for Adjusted Standards from 35 Ill. Adm. Code Parts 811, 814, 815 AS 09-1 (March 5, 2009)

The Board granted petitioner's motion to voluntarily dismiss this adjusted standard request. The Illinois Department of Transportation (IDOT) had sought relief from the Board's water quality standards for sulfate and total dissolved solids. In its request to withdraw its petition, IDOT stated that USEPA had issued a letter to the Illinois Environmental Protection Agency approving the revised standards.

In the Matter of: Petition of Illinois Department of Transportation District 8, Bowman Avenue Pump Station and Deep Well System, for an Adjusted Standard from 35 Ill. Adm. Code 302.208(g) (NPDES Permit No. IL0090955, AS 08-1 (April 16, 2009)

The Board dismissed this adjusted standard petition on procedural grounds. Petitioner sought an adjusted standard from the Board's rules on the site remediation program so that ultimately petitioner could receive a release from liability as a prospective purchaser under Section 22.2b of the Environmental Protection Act (Act). However, Section 58.2 of the Act requires an applicant to be an owner or operator, or to have

In the Matter of: Petition of Maximum Investments, LLC for an Adjusted Standard from 35 Ill. Adm. Code 740.210(a)(3) for Stoney Creek Landfill in Palos Hills, Illinois, AS 09-2 (June 18, 2009)

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consent to act on behalf of the owner or operator. The Board found that petitioner had neither authority, nor consent. Because this requirement is statutory, the Board found that it did not have the authority to grant the adjusted standard.

### Final Actions Taken by the Pollution Control Board in Combine Sewer Overflow Exception Proceedings During Fiscal Year 2009 (July 1, 2008 through June 30, 2009)

The Board took no action in combined sewer overflow exception proceedings during fiscal year 2009, as none were filed with the Board or pending during fiscal year 2009.

Request copies, noting the appropriate docket number, to:

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: Carol Webb  
 Address: Pollution Control Board  
 1021 North Grand Avenue East  
 Springfield, Illinois 62794-9274  
 Telephone: 217-524-8509  
 email: webbc@ipcb.state.il.us

## Calendar

<b>8/6/09 11:00 AM</b>	<b>Illinois Pollution Control Board Meeting</b>		<b>James R. Thompson Center 100 W. Randolph Street Chicago</b>
8/13/09 9:00 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>	Michael Bilandic Building Room N-505 160 N. LaSalle Chicago
8/14/09 9:00 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 9-031 100 W. Randolph Chicago

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<b>8/20/09</b> <b>11:00 AM</b>	<b>Illinois Pollution Control Board Meeting</b>		<b>James R. Thompson Center</b> <b>100 W. Randolph Street</b> <b>Chicago</b>
8/26/09 10:00 AM	PCB 07-45	<u>People of the State of Illinois v. General Waste Services, Inc., and Illinois Corporation</u>	St. Clair County Building Room 402 10 Public Square Belleville
<b>9/3/09</b> <b>11:00 AM</b>	<b>Illinois Pollution Control Board Meeting</b>		<b>James R. Thompson Center</b> <b>100 W. Randolph Street</b> <b>Chicago</b>
9/16/09 9:00 AM	PCB 05-14	<u>Dickerson Petroleum, Inc. v IEPA (Consolidated: PCB 09-87 and 10-5)</u>	Illinois Pollution Control Board Hearing Room 1021 N. Grand Avenue East (North Entrance) Springfield
9/16/09 9:00 AM	PCB 10-05	<u>Dickerson Petroleum, Inc. v IEPA (Consolidated: PCB 09-87 and 10-5)</u>	Illinois Pollution Control Board Hearing Room 1021 N. Grand Avenue East (North Entrance) Springfield
<b>9/17/09</b> <b>11:00 am</b>	<b>Illinois Pollution Control Board Meeting</b>		<b>James R. Thompson Center</b> <b>100 W. Randolph Street</b> <b>Chicago</b>
9/29/09 8:30 AM	R09-21	<u>In the Matter of: Ameren Ash Pond Closure Rules (Hutsonville Power Station) Proposed: 35 Ill. Adm. Code 840.101 through 840.144</u>  <b>(Continues until complete or through September 30, 2009)</b>	Crawford County Courthouse Annex County Board Room, Second Floor 100 Douglas Street Robinson
<b>10/1/09</b> <b>11:00 am</b>	<b>Illinois Pollution Control Board Meeting</b>		<b>James R. Thompson Center</b> <b>100 W. Randolph Street</b> <b>Chicago</b>
10/5/09 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>	Michael Bilandic Building Room N-505 160 N. LaSalle Chicago
<b>10/15/09</b> <b>11:00 am</b>	<b>Illinois Pollution Control Board Meeting</b>		<b>James R. Thompson Center</b> <b>100 W. Randolph Street</b> <b>Chicago</b>

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10/27/09 9:00 AM	R10-08	<u>In the Matter of Reasonable Available Control Technology (RACT) for Volatile Organic Material emissions from Group II Consumer &amp; Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219</u>  <b>(Continues until complete or through October 28, 2009)</b>	Madison County Administration Building County Board Room #203 157 North Main Edwardsville
11/4/09 10:00 AM	PCB 09-46	<u>Prairie Rivers Network and Sierra Club v. Illinois Environmental Protection Agency and Sugar Camp Energy, L.L.C.</u>  <b>(Continues until complete or through November 5, 2009)</b>	City Hall County Room 500 W. Main Street Benton
<b>11/5/09 11:00 am</b>	<b>Illinois Pollution Control Board Meeting</b>		<b>James R. Thompson Center 100 W. Randolph Street Chicago</b>
11/9/09 9:00 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>  <b>(Continues until complete or through November 10, 2009)</b>	Michael Bilandic Building Room N-502 160 N. LaSalle Chicago
<b>11/19/09 11:00 am</b>	<b>Illinois Pollution Control Board Meeting</b>		<b>James R. Thompson Center 100 W. Randolph Street Chicago</b>
<b>12/3/09 11:00 am</b>	<b>Illinois Pollution Control Board Meeting</b>		<b>James R. Thompson Center 100 W. Randolph Street Chicago</b>
12/8/09 9:00 AM	R10-08	<u>In the Matter of Reasonable Available Control Technology (RACT) for Volatile Organic Material emissions from Group II Consumer &amp; Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219</u>  <b>(Continues until complete or through December 9, 2009)</b>	James R. Thompson Center Room 9-039 100 W. Randolph Chicago
<b>12/17/09 11:00 am</b>	<b>Illinois Pollution Control Board Meeting</b>		<b>James R. Thompson Center 100 W. Randolph Street Chicago</b>

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

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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>
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
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

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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
ST CHARLES COMMISSION WELLFUND 3 - IL0437040	2	INADEQUATE PRESSURE TANK	30	12/15/1989
STRATFORD WEST APARTMENTS - IL1095200	5	INADEQUATE PRESSURE TANK	39	12/17/1982
SUBURBAN HEIGHTS SUBDIVISION - IL1615800	1	INADEQUATE PRESSURE TANK	82	12/16/1983
SUMMIT HOMEOWNERS ASSOCIATION - IL0975280	2	INADEQUATE PRESSURE TANK	39	3/16/1984
SUNNY HILL ESTATES SUBDIVISION - IL0735300	1	INADEQUATE PRESSURE TANK	525	6/15/2000
SUNNYLAND SUBDIVISION - IL1977730	2	INADEQUATE PRESSURE TANK	350	9/16/1983
SWEDONA WATER ASSOCIATION - IL1315200	1	INADEQUATE PRESSURE TANK	157	6/15/1990
SYLVAN LAKE 1ST SUBDIVISION - IL0977100	2	INADEQUATE PRESSURE TANK	210	6/14/1991
TOWNERS SUBDIVISION - IL0977250	2	INADEQUATE PRESSURE TANK	210	1/14/1982
UTILITIES INC HOLIDAY HILLS - IL1115350	2	INADEQUATE PRESSURE TANK	729	9/16/1983
UTL INC-LAKE HOLIDAY - IL0995200	1	INAD SOURCE & TREATMENT PLT	5460	9/15/1998
UTL INC-NORTHERN HILLS UTILITIES COMPANY - IL1775050	1	INADEQUATE PRESSURE TANK	500	3/15/1996
UTL INC-WALK-UP WOODS WATER COMPANY - IL1115800	2	INADEQUATE PRESSURE TANK	654	12/17/1982
WEST SHORE PARK SUBDIVISION - IL0977370	2	INADEQUATE PRESSURE TANK	528	6/15/2000
WEST SHORELAND SUBDIVISION - IL0977050	2	INADEQUATE PRESSURE TANK	189	6/14/1991
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

Chandlerville – IL0170200

\* DENOTES ADDED WATER SUPPLIES

Environmental Register – July 2009

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

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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>
JOY - IL1310100	1	LOW SYSTEM PRESSURE	373	6/15/1999
LA MOILLE - IL0110500	1	INADEQUATE PLANT CAPACITY	750	6/15/1999
LA SALLE - IL0990300	1	INAD PLANT & SOURCE CAPACITY	9700	11/1/2004
LACON - IL1230100	1	UNDERSIZED WATERMAINS	1979	1/1/2006
LEE - IL1034600	1	INADEQUATE PRESSURE TANK	350	10/1/2004
MALDEN - IL0110550	1	UNDERSIZED WATERMAINS	370	1/1/2006
MARION - IL1990550	7	INADEQUATE SOURCE CAPACITY	14610	11/1/2001
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
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	INAD PRES STORAGE & LOW SYS PRES	924	9/14/1984

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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***

\* DENOTES ADDED WATER SUPPLIES

### **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 July 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.

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.

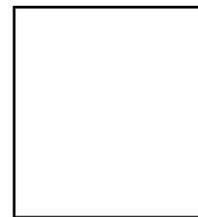
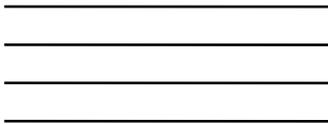
This list is continually being revised as new information becomes available, and therefore, specific inquiries as to the status of any public water supply should be directed to the Division of Public Water Supplies for final determination.



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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