
Environmental Register

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

G. Tanner Girard, Acting Chairman

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Letter from the Chairman

During January, the Board moved forward in several open rulemaking dockets concerning procedural, air, and water rules. Recent activity in these dockets is summarized below. As always, information about these proceedings is available through the Clerk's Office Online (COOL) on our website at www.ipcb.state.il.us.



R10-18 In the Matter of: Proposed Amendments to Procedural Rules on Hearings in Identical-in-Substance Rulemakings. On January 21, 2010, the Board proposed for first notice rules that would allow videoconference hearings in "identical-in-substance" rulemaking proceedings. These types of rules are promulgated pursuant to Section 7.2 of the Environmental Protection Act (Act) (415 ILCS 5/7.2 (2008)).

R10-10 Reasonably Available Control Technology (RACT) for Volatile Organic Material Emission from Group III Consumer and Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 218 and 219. On October 23, 2009, the Illinois Environmental Protection Agency (IEPA) filed this proposal under provisions including the "fast-track" rulemaking authority of Section 28.5 of the Act. The IEPA proposal responds to control techniques guidelines (CTGs) issued by the United States Environmental Protection Agency (USEPA) for the following Group III Consumer and Commercial Product Categories: paper, film, and foil coatings; metal furniture coatings; and large appliance coatings. The Board held the second and final hearing on this proposal on January 6, 2010.

R10-8 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. On January 7, 2010, the Board adopted for first notice regulations proposed by the IEPA to control emissions of volatile organic material for Group II Consumer & Commercial Products in the ozone nonattainment areas of Chicago and Metro East. Products covered by the rulemaking include industrial cleaning solvents, flat wood paneling coatings, flexible packaging printing materials, lithographic printing materials, and letterpress printing materials.

R10-7 In the Matter of: Definition of VOM Update, USEPA Regulations (January 1, 2009 through June 30, 2009). On January 7, 2010, the Board adopted a final opinion and order adding two compounds (propylene carbonate and dimethyl carbonate) to the list of compounds exempted from the definition of volatile organic material (VOM). The Board adopted this identical-in-substance rule to ensure that Illinois' regulations reflect the most recent exemptions from the definition of VOM adopted by the USEPA.

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. On January 13 and 14, 2010, the Board held the 36th and 37th days of hearing on this proposal by the IEPA to amend water quality and effluent standards for the affected waterways.

All the filings in the rulemaking dockets listed above can be viewed on the Board's website at www.ipcb.state.il.us.

Sincerely,

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

Dr. G. Tanner Girard

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Rulemaking Update

Board Adopts Final Opinion and Order in In the Matter of: Definition of VOM Update, USEPA Regulations (January 1, 2009 through June 30, 2009), R10-7(Jan. 7, 2010)

The Pollution Control Board, on January 7, 2010, adopted amendments adding two compounds to the list of those exempted from the definition of Volatile Organic Material (VOM). In the Matter of: Definition of VOM Update, USEPA Regulations (January 1, 2009 through June 30, 2009), R10-7(Jan. 7, 2010). The update was needed to ensure that Illinois' regulations reflect the United States Environmental Protection Agency's (USEPA) most recent exemption of chemical compounds from regulation as ozone precursors.

The amendments add propylene carbonate (PC) (IUPAC name 4-methyl-1,3-dioxolan-2-one; CAS no. 108-32-7), and Dimethyl carbonate (DMC) (IUPAC name; CAS no. 616-38-6). USEPA added these compounds to the list of chemicals exempted from the definition of VOM codified at 40 C.F.R. 51.100(s) on January 21, 2009.

Section 9.1(e) of the Environmental Protection Act mandated this rulemaking and required the Board to exclude from the definition of VOM those compounds determined by USEPA to be exempt from regulation under the state implementation plans for ozone "due to negligible photochemical reactivity." Additionally, the Board was required to conduct this rulemaking pursuant to the provisions of Section 7.2(b) of the Act for adoption rules that are "identical in substance" to federal requirements.

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 and may be downloaded from the Web without charge. Hard copies may be obtained for \$.75 per page from the Clerk's office.

For more information contact Michael McCambridge at (312)-814-6924 or email at mcambm@ipcb.state.il.us.

Board Sends to First Notice a Proposal to Adopt Air Pollution Regulations to Control Volatile Organic Material Emissions from Certain Products in Ozone Nonattainment Areas in 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, R10-08(Jan. 7, 2010)

On January 7, 2010, the Illinois Pollution Control Board adopted for first-notice a proposal to adopt air pollution regulations docketed as 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 (R10-08). The proposed regulations are based on a July 9, 2009 Illinois Environmental Protection Agency (IEPA) proposal. The Board held hearings on the IEPA proposal on October 27 and December 8, 2009.

The rules the Board proposed for first notice would control emissions of volatile organic material (VOM) for Group II Consumer & Commercial Products in ozone nonattainment areas classified as moderate and above. Group II Consumer & Commercial Products include industrial cleaning solvents, flat wood paneling coatings, flexible packaging printing materials, lithographic printing materials and letter press printing materials. The first-notice proposal includes changes reflected in two IEPA motions to amend granted by the Board.

The IEPA states that its proposal was intended to satisfy Illinois' obligation under the Clean Air Act to submit a State Implementation Plan (SIP) addressing VOM emissions in areas designated as nonattainment for the National Ambient Air Quality Standard (NAAQS). Specifically the IEPA states that Illinois must revise its SIP to include

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RACT for sources of VOM emissions covered by a United States Environmental Protection Agency (USEPA) control techniques guideline (CTG), which USEPA finalized in October 2006. USEPA required submission of SIP revisions responding to the CTGs within one year. IEPA states that Illinois is required to submit these SIP revisions before the USEPA can redesignate the Chicago and Metro East nonattainment area as attaining the 1997 ozone NAAQS, regardless of whether the VOM reductions obtained by the SIP revisions are actually necessary to achieve attainment of the NAAQS.

Chicago and St. Louis/Metro East areas in Illinois have been designated as moderate nonattainment areas for the 8-hour ozone standard. VOM is characterized by the IEPA as “a primary precursor to the formation of ground-level ozone.”

Publication of these proposed amendments in the *Illinois Register* will begin a 45-day public comment period, during which anyone may file a public comment with the Board. The Board encourages persons to file public comments on these proposed amendments. The docket number for this rulemaking, R10-08, should be indicated on the public comment.

Public comments must be filed with the Clerk of the Board at the following address: Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601

In addition, public comments may be filed electronically through COOL at www.ipcb.state.il.us. Any questions about electronic filing through COOL should be directed to the Clerk’s Office at (312) 814-3629

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board’s Web site and may be downloaded from the Web without charge. Hard copies may be obtained for \$.75 per page from the Clerk’s office.

For more information contact Tim Fox at 312-814-6085 or email at foxt@ipcb.state.il.us.

In Response to Post-Hearing Public Comments, Board Directs Ameren Energy Generating Company to Provide More Information in In the Matter of: Ameren Ash Pond Closure Rules (Hutsonville Power Station): Proposed 35 Ill. Adm. Code Part 840.101 Through 840.144, R09-21(Jan.7, 2010)

The Pollution Control Board, on January 7, 2009, directed Ameren Energy Generating Company to submit additional information in the site-specific rulemaking docketed as In the Matter of: Ameren Ash Pond Closure Rules (Hutsonville Power Station): Proposed 35 Ill. Adm. Code Part 840.101 Through 840.144 (R09-21). Ameren Energy Generating Company (Ameren) filed the site-specific rulemaking on May 19, 2009.

Ameren proposes a new subchapter in the Board’s waste disposal regulations to address the closure of surface impoundments. Specifically, Ameren seeks the adoption of regulations through which it can close Ash Pond D at its Hutsonville Power Station (Station) near Hutsonville, Crawford County. Pond D was constructed from indigenous earthen materials and operated as the Station’s primary ash management unit from 1968 until the construction of a synthetically lined Pond A during the 1980s. In 2000, Ameren constructed two additional lined ponds. Ameren then removed Pond D from service and allowed it to dewater. Ameren estimates that, during 30 years of active operation, Pond D accumulated approximately 750,000 cubic yards of ash, with a approximately 280,000 cubic yards below the water table.

Hearing on the proposed rule was held on September 29, 2009 Robinson. During an extended post-hearing public comment period, five comments were filed with the Board by various hearing participants. As the Board explained in its January 7, 2010 more information order, under 35 Ill. Adm. Code 102.210(d), a detailed assessment of the environmental impact of the proposed change for site-specific regulations is required. In response to public comment, the Board directed Ameren, as the original proponent of this site-specific regulation, to submit groundwater quality monitoring data and an environmental impact assessment of the proposed discharge into the Wabash River.

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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.

For more information contact Tim Fox at 312-814-6085 or email at foxt@ipcb.state.il.us.

Board Adopts for First-Notice Proposed Procedural Rules on Hearings in Identical In Substance Rulemakings in In the Matter of: Proposed Amendment to Procedural Rules on Hearings in Identical in Substances Rulemakings, R10-18 (Jan 21, 2010).

The Board, on January 21, 2010, proposed for first notice procedural rules drafted by the Board that would allow videoconference hearings in rulemaking proceedings pursuant to Section 7.2 of the Environmental Protection Act (Act) (415 ILCS 5/7.2 (2008)). The proposal is docketed as In the Matter of: Proposed Amendment to Procedural Rules on Hearings in Identical in Substances Rulemakings (R10-18).

Traditionally, the Board holds public hearings at one location in rulemakings that amend the definition of volatile organic material (VOM) pursuant to the Act. The Board holds those hearings as required by Section 110 of the Clean Air Act 42 U.S.C. § 7410 (2006), which requires the State to conduct a public hearing before submitting an amendment of the State Implementation Plan to the United States Environmental Protection Agency (USEPA) for review and approval. The hearings are generally brief with little to no testimony placed in the record.

The Board has the ability to videoconference between the Chicago and Springfield Offices of the Board. The Board believes that holding these types of hearings in identical in substance VOM rulemakings via videoconference will allow more economical participation by the public and government officials without hampering the proceedings.

Additionally, the Board proposes amending the procedural rules to allow the Board to hold other types of hearings authorized by Section 7.2 of the Act such as underground injection control rules, and underground storage tank rules via videoconference. The Board is not required to hold hearings in these hearings, however, there is a possibility that a hearing in a future may serve the public interest.

Under Sections Section 26 and 27 of the Act, the Board is not required to hold a public hearing to amend these procedural rules pursuant to Section 26 and 27 of the Act. Publication of these proposed amendments in the *Illinois Register* will begin a 45-day public comment period, during which anyone may file a public comment with the Board. The Board encourages persons to file public comments on these proposed amendments. The docket number for this rulemaking, R10-18, should be indicated on the public comment.

Public comments must be filed with the Clerk of the Board. Public comments may be filed at the following address: Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601.

In addition, public comments may be filed electronically through COOL at www.ipcb.state.il.us. Any questions about electronic filing through COOL should be directed to the Clerk's Office at (312) 814-3629

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board's Web site and may be downloaded from the Web without charge. Hard copies may be obtained for \$.75 per page from the Clerk's office

For more information contact Marie Tipsord at (312) 814-4925 or email at tipsorm@ipcb.state.il.us.

Board Actions

January 7, 2010
Chicago, Illinois

Rulemakings

R 09-21	<u>In the Matter of: Ameren Ashpond Closure Rules (Hutsonville Power Station) Proposed: 35 Ill. Adm. Code 840.101 through 840.144</u> – In response to various post-hearing comments, the Board directed petitioner to submit specified information.	5-0 Land
R 10-7	<u>Definition of VOM Update, USEPA Amendments (January 1, 2009 through June 30, 2009)</u> – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking amending the Board’s volatile organic emission regulations.	5-0 Air
R 10-8	<u>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</u> – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s air pollution regulations.	5-0 Air
R 10-11	<u>UIC Update, USEPA Amendments (July 1, through December 31, 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
R 10-12	<u>RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (July 1, through December 31, 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
R 10-13	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, through December 31, 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
R 10-14	<u>UST Update, USEPA Amendments (July 1, through December 31, 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
R 10-15	<u>Wastewater Pretreatment Update, USEPA Amendments (July 1, through December 31, 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

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- R 10-16** Definition of VOM Update, USEPA Amendments (July 1, through December 31, 2009) – 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
- R 10-17** SDWA Update, USEPA Amendments (July 1, through December 31, 2009) – 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. PWS

Adjusted Standards

- AS 09-3** 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 – The Board denied petitioner’s request for an adjusted standard and its alternative request for a finding of inapplicability. 5-0
Land

Administrative Citations

- AC 09-19** IEPA v. Donald G. Wilkey – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket. 5-0
- AC 10-5** County of Jackson v. Gary Clover – The Board directed respondent to file an amended petition for review on or before February 8, 2010, or this action will be subject to dismissal. 5-0
- AC 10-6** IEPA v. Larry M. Ison – The Board accepted for hearing respondent’s petition for review of this administrative citation involving a Jefferson County facility. 5-0
- AC 10-7** IEPA v. Larry M. Ison – The Board accepted for hearing respondent’s petition for review of this administrative citation involving a Jefferson County facility. 5-0

Adjudicatory Cases

- PCB 07-124** People of the State of Illinois v. Kraft Foods Global, Inc. – In this water enforcement action concerning a DuPage County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2008)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$84,570.00, and to cease and desist from further violations. 5-0
W -E
- PCB 07-133** People of the State of Illinois v. Thomas P. Mathews – 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 McHenry County facility, the Board ordered publication of the required newspaper notice. 5-0
W -E

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PCB 09-74	<u>People of the State of Illinois v. David J. Shultz</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Sangamon County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E
PCB 09-92	<u>Dynegy Midwest Generation (Tilton Energy Center) v. IEPA</u> – The Board granted petitioner’s motion for leave to file an amended petition, and accepted it for hearing.	5-0 P-A, Air
PCB 09-104	<u>People of the State of Illinois v. Village of Rockton</u> – In this water enforcement action concerning a Winnebago County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2008)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$10,000.00, and to cease and desist from further violations.	5-0 W-E
PCB 09-125	<u>Sanitary District of Decatur v. IEPA</u> – The Board granted the petitioner a five year variance from the general use water quality standards for nickel and zinc (35 Ill. Adm. Code 302.208(e)) and the rule for establishing water-quality-based effluent limits as it applies to nickel and zinc (35 Ill. Adm. Code 304.105), subject to conditions.	5-0 W-V
PCB 10-7	<u>Onken’s Incorporated v. IEPA</u> – The Board granted this Macon County facility’s motion for voluntary dismissal of this underground storage tank appeal.	UST Appeal
PCB 10-19	<u>People of the State of Illinois v. Marathon Tire Service of Olney, 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 Richland County facility, the Board ordered publication of the required newspaper notice.	5-0 L-E
PCB 10-40	<u>Niebrugge Oil Company v. IEPA</u> – The Board accepted for hearing petitioner’s amended petition in this underground storage tank appeal involving a Shelby County facility.	5-0 UST Appeal
PCB 10-43	<u>People of the State of Illinois v. Robert Miller, d/b/a MIL-R-MOR FARM</u> – The Board accepted for hearing this water enforcement action involving a site located in Stephenson County.	5-0 W-E
PCB 10-44	<u>Scates Service Station v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Gallatin County facility.	5-0 UST Appeal
PCB 10-45	<u>Smoot Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Jefferson County facility.	5-0 UST Appeal
PCB 10-46	<u>Freedom Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a McLean County facility.	5-0 UST Appeal
PCB 10-47	<u>Von Holten Farms - Lyndon v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Von Holten Farms located in Whiteside	5-0 T-C, W

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County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2008)).

PCB 10-48	<u>Freedom Oil Company - Streator 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 LaSalle County facility.	5-0 UST Appeal, 90-Day Extension
PCB 10-49	<u>Wheeling Park District 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 Extension

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Rulemakings

R 10-18	<u>In the Matter of: Procedural Rules on Hearings in Identical in Substance Rulemakings</u> – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s procedural regulations.	4-0 Proc.
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Administrative Citations

AC 08-5	<u>County of Macon, Illinois v. Richard Jones</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	4-0
AC 10-8	<u>IEPA v. Info Corner Materials, Inc.</u> – The Board found that this Sangamon County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2008)). Because this is a second or subsequent adjudicated violation of Section 21(p)(1) (<i>see IEPA v. Info Corner Materials, Inc.</i> , AC 09-37 (April 16, 2009)), the Board ordered respondent to pay a civil penalty of \$3,000.	4-0
AC 10-9	<u>IEPA v. Tony A. Luttrell</u> – The Board found that this Clay County respondent violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1),(p)(7) (2008)), and ordered respondent to pay a civil penalty of \$3,000.	4-0
AC 10-10	<u>IEPA v. Jess Spradlin, d/b/a Spradlin Motor Homes and Drewnard Woods and Kris Warren, d/b/a W&W Auto Service</u> – The Board directed respondent Spradlin to file an amended petition for review on or before February 22, 2010, or this action will be subject to dismissal.	4-0

Adjudicatory Cases

PCB 04-113	<u>Afton Chemical Corporation v. IEPA</u> – The Board granted this St. Clair County facility’s motion for voluntary dismissal of this permit appeal.	4-0 P-A, Water
PCB 09-22	<u>People of the State of Illinois v. William Warren</u> – In this public water supply enforcement action concerning a Clinton County facility, the Board	4-0 PWS-E

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granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2008)), 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.

PCB 09-80	<u>Riverview Genetics - Centralia (Property ID No. 14-13-16-400-004) v. IEPA</u> – The Board granted the Illinois Environmental Protection Agency’s motion to amend the Board’s April 16, 2009 order to correctly identify the petitioner as “ <u>Riverview Genetics</u> ”.	4-0 T-C, W
PCB 09-129	<u>People of the State of Illinois v. Reliable Sand & Gravel Co., 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 McHenry County facility, the Board ordered publication of the required newspaper notice.	4-0 L -E
PCB 10-36	<u>Susan Malinowski v. Chicago Transit Authority</u> – The Board found that the complaint is not duplicative or frivolous, and accepted for hearing this citizen noise enforcement action involving a site located in Cook County.	4-0 Citizens, N-E
PCB 10-50	<u>Veolia ES Technical Solutions, L.L.C. v. IEPA</u> – The Board accepted for hearing this Resource Conservation and Recovery Act permit appeal issued to a Madison County facility.	4-0 P-A, Land
PCB 10-51	<u>Logan Hollow Phillips 66 v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Jackson County facility.	4-0 UST Appeal
PCB 10-52	<u>Catherine Thomas, d/b/a Thomas 12th Street Disposal v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Vermilion County facility.	4-0 P-A, Land, 90-Day Extension
PCB 10-53	<u>Dynegy Midwest Generation, Inc. (Wood River Power Station) v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Madison County facility. No action was taken on petitioner’s motion for stay of specified conditions in the permit.	4-0 P-A, Water

New Cases

January 7, 2010 Board Meeting

10-43 People of the State of Illinois v. Robert Miller, d/b/a MIL-R-MOR FARM – The Board accepted for hearing this water enforcement action involving a site located in Stephenson County.

10-44 Scates Service Station v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Gallatin County facility.

10-45 Smoot Oil Company v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Jefferson County facility.

10-46 Freedom Oil Company v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a McLean County facility.

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10-47 Von Holten Farms - Lyndon v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Von Holten Farms located in Whiteside County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2008)).

10-48 Freedom Oil Company - Streator 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 LaSalle County facility.

10-49 Wheeling Park District 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.

January 21, 2010 Board Meeting

10-50 Veolia ES Technical Solutions, L.L.C. v. IEPA – The Board accepted for hearing this Resource Conservation and Recovery Act permit appeal issued to a Madison County facility.

10-51 Logan Hollow Phillips 66 v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Jackson County facility.

10-52 Catherine Thomas, d/b/a Thomas 12th Street Disposal v. IEPA – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Vermilion County facility.

10-53 Dynegy Midwest Generation, Inc. (Wood River Power Station) v. IEPA – The Board accepted for hearing this permit appeal involving a Madison County facility. No action was taken on petitioner’s motion for stay of specified conditions in the permit.

AC 10-11 Macon County Solid Waste Management Dept. v. Veolia ES Valley View Landfill – The Board accepted an administrative citation against this Macon County respondent.

AC 10-12 IEPA v. Landers' Children Family, LLC – The Board accepted an administrative citation against this Sangamon County respondent.

AC 10-13 County of Vermilion, Illinois v. Charles Long – The Board accepted an administrative citation against this Vermilion County respondent.

Provisional Variance

IEPA 10-03 Mitsubishi Motors North America v. Illinois Environmental Protection Agency – On January 26, 2010, the Illinois Environmental Protection Agency (IEPA) granted Mitsubishi Motors North America’s (MMNA) request for a provisional variance allowing MMNA to accumulate hazardous waste on-site for more than 90 days without obtaining a permit to store the waste. MMNA is located at 100 N. Mitsubishi Motorway, Normal, McLean County. The variance was requested to allow MMNA the necessary time to remove a restriction at the bottom of its holding tank and develop a plan to address the lower Waste Solvent production rates at its facility. Due to the cone shaped bottom of the tank and extended subfreezing temperatures during December and January, the water in the solvent has settled in the bottom of the tank and frozen, forming a plug at the outlet, and preventing the material from flowing out of the tank. The IEPA granted the provisional variance from the accumulation tie limitations of 35 Ill. Adm. Code 722.134(b) subject to conditions. The provisional variance runs from January 26, 2010 and shall end no later than February 25, 2010.

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

2/4/10 11:00 AM	Illinois Pollution Control Board Meeting	James R. Thompson Center 100 W. Randolph Street Chicago
2/18/10 11:00 am	Illinois Pollution Control Board Meeting	James R. Thompson Center 100 W. Randolph Street Chicago
2/23/10 9:00 AM	<u>Joseph & Victoria Morrissey v. Geoff Pahios, Alpine Automotive</u> Continues until complete or through February 25, 2010	Libertyville Village Hall 2nd Floor – Board Room 118 West Libertyville
3/4/10 11:00 AM	Illinois Pollution Control Board Meeting	James R. Thompson Center 100 W. Randolph Street Chicago
3/18/10 11:00 AM	Illinois Pollution Control Board Meeting	James R. Thompson Center 100 W. Randolph Street Chicago
4/1/10 11:00 am	Illinois Pollution Control Board Meeting	James R. Thompson Center 100 W. Randolph Street Chicago
4/15/10 11:00 am	Illinois Pollution Control Board Meeting	James R. Thompson Center 100 W. Randolph Street Chicago

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

January 2010

<i>SYSTEM NAME</i>	<i>EPA 3 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

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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
FAIR ACRES SUBDIVISION - IL1975680	2	INADEQUATE PRESSURE TANK	156	10/19/1981
FOREST LAKE ADDITION - IL0975500	2	INADEQUATE PRESSURE TANK	204	12/16/1983
FRWRD-SKYLINE PLANT - IL0895030	2	INADEQUATE PRESSURE TANK	700	9/19/1986
GARDEN STREET IMPROVEMENT ASSOCIATION - IL1975376	2	INADEQUATE PRESSURE TANK	54	9/15/1989
GOOD SHEPHERD MANOR - IL0915189	2	INADEQUATE PRESSURE TANK	25	3/17/1989
GREAT OAKS AND BEACON HILLS APARTMENTS - IL2015488	1	INADEQUATE PRESSURE TANK	2420	12/17/1982
HAWTHORN WOODS - IL0970450	2	INADEQUATE PRESSURE TANK	672	3/15/1995
HEATHERFIELD SUBDIVISION - IL0635150	2	INADEQUATE PRESSURE TANK	75	9/17/1982
HETTICK - IL1170500	5	TRIHALOMETHANE	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

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<i>SYSTEM NAME</i>	<i>EPA 3 RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
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 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

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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

RIDGEWOOD LEDGES – IL1615670

* DENOTES ADDED WATER SUPPLIES

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Illinois Environmental Protection Agency
Division of Public Water Supplies
Critical Review List - Public Water Supplies
JANUARY 2010

<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
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

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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

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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>
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
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 January 1, 2010. 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.

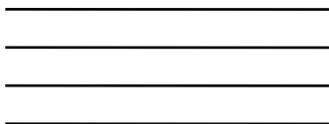
A supply will be placed on the Critical Review List when Agency records indicate that it is approaching any of the violations that would place it on the Restricted Status List.

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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