
Environmental Register

April 2010 - Number 670

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

G. Tanner Girard, Acting Chairman

Board Members:

Thomas E. Johnson, Andrea S. Moore, Gary Blankenship, and Carrie Zalewski

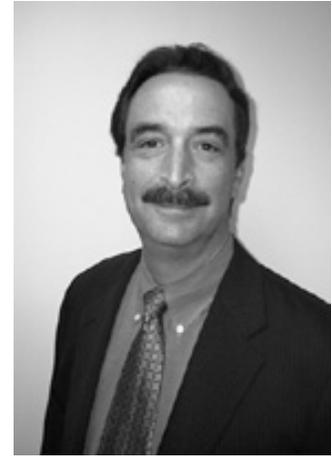
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Letter from the Chairman

The Board had another busy month with rulemaking activity during April. Recent activity is summarized below. Information about these proceedings is available on the Board's website through the Clerk's Office Online (COOL) at www.ipcb.state.il.us.



R10-21 Regulatory Proposal for 10-Year Federally Enforceable State Operating Permits (FESOP) Amendments to 35 Ill. Adm. Code Part 201.162. On April 21, 2010, the Illinois Environmental Protection Agency (IEPA) filed this rulemaking proposal, which seeks to extend the possible duration of Federally Enforceable State Operating Permit (FESOP) air permits from 5 years to 10 years.

R10-20 In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emission From Group IV Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219. On March 8, 2010, the IEPA filed this proposal under provisions including the "fast-track" rulemaking authority of Section 28.5 of the Act. The IEPA's proposal responds to control techniques guidelines (CTGs) issued by the United States Environmental Protection Agency (USEPA) for the following Group IV Consumer and Commercial Product Categories: miscellaneous metal and plastic parts coatings; auto and light-duty truck coatings; miscellaneous industrial adhesives; and fiberglass boat manufacturing materials. On April 28, 2010, the Board held the first hearing on the R10-20 docket in Springfield. A second hearing is scheduled to begin May 19, 2010, in Chicago, and a third hearing is scheduled to begin June 2, 2010, also in Chicago.

R08-9(A) 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. In this subdocket the Board is addressing the proposed recreational use designations for 78 miles of waterways. The deadline for final comments was April 15, 2010. The Board received substantial comments from numerous participants in the rulemaking.

R08-9(B) 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. Subdocket B in R08-9 addresses whether disinfection is necessary to meet proposed recreational use designations for the waterways. On April 1, 2010, the Board's Hearing Officer ordered hearings in Chicago on June 29 and 30, 2010, in Subdocket B.

The Hearing Officer order set these dates to allow the Board to hear prefiled testimony and questions on the epidemiological study technical reports due by May 5, 2010, from the Metropolitan Water Reclamation District of Greater Chicago. Prefiled testimony should be filed with the Board by May 28, 2010, and pre-filed questions based on that testimony are due June 14, 2010. In addition, any motions on testimony or other issues must be directed to the Hearing Officer and are due June 14, 2010. Finally, the Hearing Officer order states that the "mailbox rule" at 35 Ill. Adm. Code 101.300(c) does not apply to these filings.

You can view all the filings in these rulemakings 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 Dismisses Six Identical In Substance Rulemaking Dockets As Unnecessary for Update Period July 1, 2009 through December 31, 2000

Every six months the Board reserves a series of dockets for adoption of Board rules to accommodate any rules adopted by the United States Environmental Protection Agency (USEPA) to implement various programs. On April 1, 2010, the Board dismissed as unnecessary six dockets reserved to consider rules adopted by the USEPA during the period of July 1, 2010 through December 31, 2010. In each of the program areas described below, USEPA adopted no rules during the update period.

Underground Injection Control (UIC) Program (R10-11). Section 13(c) of the Environmental Protection Act (415 ILCS 5/13(c) (2008)) requires the Board to adopt regulations that are “identical in substance” to regulations of the USEPA. 415 ILCS 5/7 (2008). Specifically, Section 13(c) relates to UIC regulations that USEPA adopted to implement provisions of the Safe Drinking water Act (42 U.S.C §§ 300h *et seq.* (2006)). USEPA has codified its UIC regulations at 40 C.F.R. 144 through 148.

Resource Conservation and Recovery Act (RCRA) Subtitle D (R10-12). Section 22.40(a) of the Environmental Protection Act (415 ILCS 5/22.40(a) (2008)) requires the Board to adopt regulations that are “identical in substance” to regulations of the USEPA. 415 ILCS 5/7.2 (2008). Specifically, Section 22.40(a) relates to municipal solid waste landfill (MSWLF) regulations that USEPA adopted to implement Subtitle D of the Resource Conservation and Recovery Act of 1976 (42 U.S.C §§ 6941-6949 (2006); RCRA Subtitle D). USEPA had codified the federal MSWLF rules at 40 C.F.R. 258.

Resource Conservation and Recovery Act (RCRA) Subtitle C (R10-13) Section 7.2 and 22.4(a) of the Environmental Protection Act (415 ILCS 5/7.2 and 22.4(a) (2008)) require the Board to adopt regulations that are “identical in substance” to hazardous waste regulations adopted by the USEPA. These USEPA rules implement Subtitle C of the federal Resource Conservation and Recovery Act of 1976 (RCRA Subtitle C) (42 U.S.C. §§ 6921 *et seq.* (2006)). USEPA has codified the federal hazardous waste rules as 40 C.F.R. 260 through 266, 268, 271, 273, and 279.

Underground Storage Tank (UST) (R10-14). Section 22.4 of the Environmental Protection Act (415 ILCS 5/22.4(d) (2008)) requires the Board to adopt regulations that are “identical in substance” to regulations of the USEPA. 415 ILCS 5/7.2 (2008). Specifically, Section 22.4(d) relates to UST regulations promulgated by the USEPA pursuant to Section 9003 of federal Resource Conservation and Recovery Act of 1976 (RCRA) (42 U.S.C §§ 6991b (2006)) to implement Subtitle I of RCRA (42 U.S.C. §§ 6991 *et seq.* (2006)), with certain limitations. USEPA has codified its UST regulations at 40 C.F.R. 281 through 283.

Wastewater Pretreatment (R10-15). Sections 7.2 and 13.3 of the Environmental Protection Act (415 ILCS 5/7.2 and 13.3 (2008)), require the board to adopt regulations that are “identical in substance” to regulations of the USEPA. 415 ILCS 5/7.2 (2008). Specifically, Section 13.3 relates to wastewater pretreatment regulations that the USEPA adopted to implement Sections 307(b), (c), and (d) and 402(b)(8) and (b)(9) of the federal Water Pollution Control Act (FWPCA) (33 U.S.C. §§ 1317(b), (c), and (d) and 1342(b)(8) and (b)(9) (2006)). USEPA has codified the federal wastewater pretreatment rules as 40 C.F.R. 400 through 499.

Volatile Organic Material (VOM) (R10-16) Section 9.1(e) of the Environmental Protection Act (415 ILCS 5/9.1(e) (2008)) requires the Board to adopt regulations that are “identical in substance” to regulations of the USEPA. 415 ILCS 5/7.2 (2008). Specifically, Section 9.1(e) of the Act (415 ILCS 5/9.1(e) (2008)) relates to the definition of “volatile organic material” (VOM) and those compounds that USEPA has found to be exempt from regulation under the state implementation plans for ozone due to negligible photochemical reactivity. USEPA has codified these exemptions as part of its definitions of 40 C.F.R. 51.100(s).

Board Actions

April 1, 2010
Chicago, Illinois

Rulemakings

R 06-22	<u>In the Matter of: NOx Trading Program: Amendments to 35 Ill. Adm. Code Part 217 – No action taken.</u>	Air
R 10-11	<u>UIC Update, USEPA Amendments (July 1, through December 31, 2009) –</u> The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground injection control regulations during the update period of July 1, 2009 through December 31, 2009.	4-0 Land
R 10-12	<u>RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (July 1, through December 31, 2009) –</u> The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its municipal solid waste landfill regulations during the update period of July 1, 2009 through December 31, 2009.	4-0 Land
R 10-13	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, through December 31, 2009) –</u> The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its hazardous waste regulations during the update period of July 1, 2009 through December 31, 2009.	4-0 Land

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R 10-14	<u>UST Update, USEPA Amendments (July 1, through December 31, 2009)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground storage tank regulations during the update period of July 1, 2009 through December 31, 2009.	4-0 Land
R 10-15	<u>Wastewater Pretreatment Update, USEPA Amendments (July 1, through December 31, 2009)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its wastewater pretreatment regulations during the update period of July 1, 2009 through December 31, 2009.	4-0 Water
R 10-16	<u>Definition of VOM Update, USEPA Amendments (July 1, through December 31, 2009)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its volatile organic emission regulations during the update period of July 1, 2009 through December 31, 2009.	4-0 Air

Administrative Citations

AC 08-1	<u>IEPA v. Carol G. Prieb</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Union County facility, the Board found that respondent had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2008)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondent’s petition for review. To effectuate the parties’ intent that respondents pay a total civil penalty of \$1,500, the Board on its own motion, dismissed the alleged violation of Section 21 (p) (7) of the Act.	4-0
AC 08--18	<u>IEPA v. Carol G. Prieb and Margaret Dillavou</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Union County facility, the Board found that respondents had violated Section 21(p) (7) of the Environmental Protection Act (415 ILCS 5/21(p) (7) (2008)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondents’ petition for review. To effectuate the parties’ intent that respondents pay a total civil penalty of \$1,500, the Board on its own motion, dismissed the alleged violation of Sections 21(p) (1) and (p) (3) of the Act (415 ILCS 5/21(p) (1), (3) (2008)).	4-0
AC 08-27	<u>IEPA v. Hiram Vanderheiden, Jr.</u> – The Board entered an interim opinion and order finding respondent violated Sections 21(p) (1) and (p) (7) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/21(p) (1), (p) (7) (2008)) and assessing a penalty of \$3,000. The Board dismissed the alleged violation of Section (p) (3) of the Act. (415 ILCS 5/21(p) (3) (2008)). The Board ordered the Clerk of the Board and the Illinois Environmental Protection Agency to file within 14 days a statement of hearing costs, supported by affidavit, with service on respondent. Respondent may respond to the cost statement within 21 days of service.	4-0

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AC 10-16 County of Ogle v. Richard Haan, Jr. – The Board granted parties’ agreed motion to vacate the Board’s March 18, 2010 order. In response to a joint stipulation and settlement agreement in this administrative citation action involving an Ogle County facility, the Board found that respondent had violated Section 21(p) (3) of the Environmental Protection Act (415 ILCS 5/21(p) (3) (2008)). Because this is a second or subsequent adjudicated violations (*see* County of Ogle v. Richard Haan, Jr. AC 92-29 (May 21, 1992) and County of Ogle v. Richard Haan, Jr. AC 92-38 (June 23, 1992)), the Board ordered respondent to pay a civil penalty of \$3,000. To effectuate the parties’ intent that respondents pay a total civil penalty of \$3,000, the Board on its own motion, dismissed the alleged violation of Sections 21(p) (1) and (p) (7) of the Act (415 ILCS 5/21(p) (1), (7) (2008)).

4-0

AC 10-17 Perry County Solid Waste Management Dept. v. Perry Ridge Landfill, Inc. – The Board accepted Perry Ridge Landfill, Inc.’s petition for review, but directed respondent to file an amended petition to cure deficiencies.

4-0

Adjudicatory Cases

PCB 10-30 ExxonMobil Oil Corporation v. IEPA – The Board granted this Will County facility’s motion for voluntary dismissal of this permit appeal.

4-0
P-A, Water

PCB 10-55 The Premcor Refining Group, Inc. v. IEPA – The Board granted petitioner’s motion, confirming that the effectiveness of the CAAPP permit issued to petitioner is automatically stayed under the Administrative Procedure Act (5 ILCS 100/10-65(b) (2008)).

4-0
P-A, Air

PCB 10-56 Gervase Buehne - St. Rose v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s (IEPA) recommendation, the Board denied certification of the walls and roof of the freestall barns and the solid concrete floors in the freestall barns as pollution control facilities of Gervase Buehne, located in Clinton County for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2008)). (The Board previously certified that the portions of the identified facilities are pollution control facilities on February 4, 2010, as recommended by the IEPA. Gervase Buehne - St. Rose (Property ID No. 01-01-28-200-001) v. IEPA, PCB 10-56 (February 4, 2010).)

4-0
T-C, W

PCB 10-71 People of the State of Illinois v. 87th & Greenwood, LLC, Innovative Recycling Technologies, Inc., and Land Reclamation Services, Inc. – The Board accepted for hearing this land enforcement action involving a site located in Cook County.

4-0
L-E

PCB 10-72 People of the State of Illinois v. Byron Ward, d/b/a Ward Electric, and Timothy James – The Board accepted for hearing this land enforcement action involving a site located in White County.

4-0
L-E

PCB 10-73 Metropolitan Pier & Exposition Authority 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.

4-0
UST Appeal,
90-Day
Extension

April 15, 2010
Via Videoconference
Springfield and Chicago, Illinois

Administrative Citations

AC 09-56 IEPA v. Gary J. and James R. Szczeblewski – The Board entered an interim opinion and order finding respondents violated Sections 21(p) (1) and (p) (7) of the Illinois Environmental Protection Act (415 ILCS 5/21(p) (1), (p) (7) (2008)) and assessing a penalty of \$3,000. The Board ordered the Clerk of the Board and the Illinois Environmental Protection Agency to file within 14 days a statement of hearing costs, supported by affidavit, with service on respondents. Respondents may respond to the cost statement within 21 days of service. 5-0

Adjudicatory Cases

PCB 09-39 People of the State of Illinois v. Al-Algonquin Apartments, LLC, Algonquin Apartments, LLC, and Algonquin Management, LLC – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice. 5-0
A -E

PCB 09-75 People of the State of Illinois v. Andalusia Ventures, L.L.C. – In this water enforcement action concerning a Rock Island 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 \$8,000.00, and to cease and desist from further violations. 5-0
W-E, NPDES

PCB 09-105 People of the State of Illinois v. R. A. Cullinan & Sons, Inc., – In this land enforcement action concerning a Tazewell 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 \$16,000.00, and to cease and desist from further violations. 5-0
L-E

PCB 10-9 People of the State of Illinois v. Waste Hauling Landfill, Inc., Jerry Camfield, A. E. Staley Manufacturing Co., Archer Daniels Midland, Inc., Aramark Uniform Services, Inc., Bell Sports, Inc., Borden Chemical Co., Bridgestone/Firestone, Inc., Climate Control, Inc., Caterpillar, Inc., Combe Laboratories, Inc., General Electric Railcar Services Corporation, P & H Manufacturing, Inc., Trinity Rail Group, Inc., Tripple S Refining Corporation and Zexel Illinois, Inc. – The Board granted respondent Bridgestone Americas Tire Operations, LLC’s motion to allow Heidi H. Bumpers to appeal *pro hac vice* on its behalf. 5-0
L-E

PCB 10-48 Broadus Oil Company - Streator v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a LaSalle County facility. 5-0
UST Appeal

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PCB 10-49	<u>Wheeling Park District v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Cook County facility.	5-0 UST Appeal, 90-Day Extension
PCB 10-52	<u>Catherine Thomas, d/b/a Thomas 12th Street Disposal v. IEPA</u> – The Board accepted for hearing this appeal of conditions of a supplemental permit regarding maintenance requirements a for the closed landfill involving a site in Vermilion County.	5-0 P-A, Land
PCB 10-54	<u>Zervos Three, Inc. v. IEPA</u> – The Board denied petitioner’s motion for default judgment and, in the alternative, sanctions.	5-0 UST Appeal
PCB 10-61	<u>People of the State of Illinois v. Freeman United Coal Mining Company, LLC, and Springfield Coal Company, LLC</u> – The Board granted the Environmental Law and Policy Center's (ELPC) motion to intervene. The Board accepts ELPC’s complaint for filing but will not rule on whether to accept it for hearing until respondents’ time for filing any motion under 35 Ill. Adm. Code 103.212 elapses.	5-0 W-E
PCB 10-76	<u>Coalville Road Enterprises v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Livingston County facility.	5-0 P-A, Land
PCB 10-77	<u>People of the State of Illinois v. Avante, LLC</u> – The Board accepted for hearing this air enforcement action involving a site located in DuPage County.	5-0 A-E
PCB 10-78	<u>J. D. Pork, LLC – LaHarpe v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of J. D. Pork, LLC located in Hancock County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2008)).	5-0 T-C, W
PCB 10-79	<u>Ryan McClure v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Ryan McClure located in Hancock County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2008)).	5-0 T-C, W
PCB 10-80	<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.	5-0 P-A, Land, 90-Day Extension

New Cases

April 1, 2010 Board Meeting

10-71 People of the State of Illinois v. 87th & Greenwood, LLC, Innovative Recycling Technologies, Inc., and Land Reclamation Services, Inc. – The Board accepted for hearing this land enforcement action involving a site located in Cook County.

10-72 People of the State of Illinois v. Byron Ward, d/b/a Ward Electric, and Timothy James – The Board accepted for hearing this land enforcement action involving a site located in White County.

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10-73 Metropolitan Pier & Exposition Authority 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.

10-74 Mill Creek Water Reclamation District v. IEPA and Grand Prairie Sanitary District – No action taken.

10-75 Chicago Coke Co., Inc v. IEPA – No action taken.

AC10-18 County of Jackson v. Ed Cripps – The Board accepted an administrative citation against this Jackson County respondent.

AC 10-19 County of Jackson v. Glenn Moore – The Board accepted an administrative citation against this Jackson County respondent.

AC 10-20 County of Jackson v. Susan Crow – The Board accepted an administrative citation against this Jackson County respondent.

April 15, 2010 Board Meeting

10-76 Coalville Road Enterprises v. IEPA – The Board accepted for hearing this permit appeal involving a Livingston County facility.

10-77 People of the State of Illinois v. Avante, LLC – The Board accepted for hearing this air enforcement action involving a site located in DuPage County.

10-78 J. D. Pork, LLC – LaHarpe v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of J. D. Pork, LLC located in Hancock County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2008)).

10-79 Ryan McClure v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Ryan McClure located in Hancock County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2008)).

10-80 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.

AC10-21 IEPA v. David Charles Bettis – The Board accepted an administrative citation against this Greene County respondent.

AC 10-22 IEPA v. Jeff Dooley – The Board accepted an administrative citation against this Coles County respondent.

Calendar

5/5/10 10:00 AM	AC 09-55	<u>IEPA v. Jason D. & Angela R. Marrs d/b/a Marrs Hauling Landscaping & More</u> (IEPA File No. 130-09-AC)	Urbana City Building Council Chambers 400 S. Vine St. Urbana
5/6/10 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
5/11/10 10:00 AM	PCB 07-45	<u>People of the State of Illinois v. General Waste Services, Inc., an Illinois Corporation</u>	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, North Entrance Springfield

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5/11/10 1:00 PM	R10-09	<u>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</u>	Illinois Environmental Protection Agency Douglas Conference Room 2 nd Floor 1021 N. Grand Avenue East North Entrance Springfield
5/12/10 9:00 AM	PCB 09-10	<u>Joseph & Victoria Morrissey v. Geoff Pahios, Alpine Automotive</u> (Continues until complete or through May 13, 2010)	Village Hall 2 nd Floor Board Room 118 West Cook Libertyville
5/19/10 10:00 AM	R10-20	<u>In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group IV Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219</u> (Continues until complete or through May 21, 2010)	Pollution Control Board Conference Room 11-512 James R. Thompson Center 100 W. Randolph Street Chicago
5/20/10 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
5/20/10 11:00 AM	PCB 10-31	<u>Veolia ES Valley View Landfill, Inc. v. County Board of Macon County, Illinois</u>	Macon County Office Building County Board Room Room 514 141 S. Main Street Decatur
6/2/10 10:00 AM	R10-20	<u>In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group IV Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219</u> (Continues until complete or through June 4, 2010)	Pollution Control Board Conference Room 11-512 James R. Thompson Center 100 W. Randolph Street Chicago
6/3/10 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
6/8/10 11:00 AM	AC 09-40	IEPA v. Thomas and Valerie Hill (IEPA File No. 51-09-AC)	Union County Courthouse First Floor Attorney Conference Room 309 W. Market Street Jonesboro
6/17/10 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago

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6/29/10 9:00 AM	R8-09(B)	<u>In the Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill Adm. Code 301, 302, 303, and 304 (Disinfection Necessary to Meet Use Designations?)</u> <u>(Continues until complete or through June 30, 2010)</u>	Michael A. Bilandic Building Room N-505 160 N LaSalle Chicago
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**Illinois Environmental Protection Agency
Division of Public Water Supplies
Restricted Status List - Public Water Supplies**

APRIL 2010

3

<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
*BIGGSVILLE – IL0710050	5	EXCEEDANCES OF GROSS ALPHA AND COMBINED RADIUM MCL'S	350	4/1/2010
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	50	12/14/1990

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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>
		PRESSURE TANK		
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
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

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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>
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

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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>
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
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

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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>
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

CHESTERFIELD – IL1170200

* DENOTES ADDED WATER SUPPLIES

**Illinois Environmental Protection Agency
Division of Public Water Supplies
Critical Review List - Public Water Supplies
APRIL 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
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 –	5	INSUFFICIENT PLANT	24,900	9/16/2008

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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>
IL1190250		CAPACITY TO HANDLE PEAK SYSTEM WATER DEMAND		
EFFINGHAM – IL0490250	4	INADEQUATE DISINFECTION	12384	7/1/2006
ELIZABETH - IL0850150	1	LOW SYSTEM PRESSURE	682	6/15/1999
ELLIS GROVE – IL1570200	6	INSUFFICIENT STORAGE CAPACITY	720	10/1/2007
EXETER-MERRITT WATER COOP - IL1710010	5	INADEQUATE PRESSURE TANK	428	10/1/2004
GALENA - IL0850200	1	LOW SYSTEM PRESSURE	3640	6/15/1999
GRIGGSVILLE – IL1490300	5	INADEQUATE TREATMENT PLANT CAPACITY	1259	10/1/2006
HAMEL - IL1190450	6	INADEQUATE STORAGE CAPACITY	650	1/1/2006
HOLIDAY SHORES SD - IL1195110	6	INADEQUATE STORAGE CAPACITY	3192	1/1/2006
IL AMERICAN-ALTON	6	APPROACHING WATER TREATMENT PLANT CAPACITY	51922	4/1/2009
JOY - IL1310100	1	LOW SYSTEM PRESSURE	373	6/15/1999
LA MOILLE - IL0110500	1	INADEQUATE PLANT CAPACITY	750	6/15/1999
LA SALLE - IL0990300	1	INAD PLANT & SOURCE CAPACITY	9700	11/1/2004
LACON - IL1230100	1	UNDERSIZED 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

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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>
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 WATER MAINS	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

ARENZVILLE – IL0170050

*** 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 April 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.

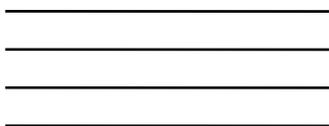
A supply will be placed on the Critical Review List when Agency records indicate that it is approaching any of the violations that would place it on the Restricted Status List.

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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