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# Environmental Register

July 2010 - Number 673

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

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The Board made progress in several rulemaking dockets in July. Recent activity is summarized below, and more detail can be accessed through the Clerk's Office Online (COOL) at our Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).



R10-22 In the Matter of: Revision of Mailing Address for Service of Documents: Proposed Amendment to 35 Ill. Adm. Code 101.304. On June 17, 2010, the Board accepted a proposal from the Illinois Attorney General's Office to amend the Board's procedural rules by updating contact addresses for specific State agencies. On July 2, 2010, first-notice publication of the proposal occurred in the *Illinois Register* (34 Ill. Reg. 8500 (July 2, 2010)).

R10-21 Regulatory Proposal for 10-Year Federally Enforceable State Operating Permits (FESOP) Amendments to 35 Ill. Adm. Code Part 201.162. On June 17, 2010, the Board accepted a proposal from the Illinois Environmental Protection Agency (IEPA) to extend the possible duration of Federally Enforceable State Operating Permits from 5 years to 10 years. On July 2, 2010, first-notice publication of the proposal occurred in the *Illinois Register* (34 Ill. Reg. 8508 (July 2, 2010)). Hearings on the proposal took place on July 8, 2010, in Chicago and July 21, 2010, in Springfield.

R10-20 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. On July 15, 2010, the Board adopted a second-notice opinion and order in this rulemaking originally proposed by the IEPA. The IEPA's proposal responds to control techniques guidelines issued by the United States Environmental Protection Agency 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.

R10-19 Procedural Rules for Authorizations Under P. A. 95-115 (Regulation of Phosphorus in Detergents Act), 35 Ill. Adm. Code 106.Subpart H. On July 15, 2010, the Board issued a final opinion and order adopting rules applicable to Board authorizations made under the Regulation of Phosphorus in Detergents Act. The rules prohibit the manufacture, distribution, sale, and use of "any cleaning agent" containing more than 0.5% phosphorus by weight, expressed as elemental phosphorus, after July 1, 2010. On June 13, 2010, the Joint Committee on Administrative Rules issued a Certificate of No Objection to the Board's proposal.

R10-9 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. On July 27, 2009 the IEPA filed a proposal to update specific segments of the Illinois non-hazardous waste landfill regulations relating to financial assurance. The IEPA proposes amendments that correspond with hazardous waste financial assurance standards derived from the federal Resource Conservation and Recovery Act (RCRA) Subtitle C (42 U.S.C. 6921 *et seq.* (2007)) hazardous waste regulations. On July 15, 2010, the Board held a second hearing on this IEPA proposal.

Please visit the Board's website ([www.ipcb.state.il.us](http://www.ipcb.state.il.us)) for additional information on these rulemakings and to view the other open cases on the Board's docket.

Sincerely,

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

Dr. G. Tanner Girard

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### Rulemaking Update

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#### **Board Adopts New Rules for Cleaning Agent Authorizations under the Regulation of Phosphorus in Detergents Act**

On July 15, 2010, the Illinois Pollution Control Board adopted final rules in its opinion and order in In the Matter of: Procedural Rules for Authorizations Under P.A. 95-115 (Regulation of Phosphorus in Detergents Act): New 35 Ill. Adm. Code 106.Subpart H, (R10-19). The Joint Committee on Administrative Rules voted a “certificate of no objection” to the rules at its July 13, 2010 meeting.

These new rules apply to Board authorizations made under the Regulation of Phosphorus in Detergents Act which prohibits the manufacture, distribution, sale, and use of “any cleaning agent” that contains more than 0.5% phosphorus by weight, expressed as elemental phosphorus after July 1, 2010. Under this act, the “Board may authorize the use of additional cleaning agents that contain phosphorus of an amount exceeding 0.5% by weight upon finding that there is no adequate substitute for that cleaning agent or that compliance with this Section would otherwise be unreasonable or create a significant hardship on the user.” The new rules become effective upon filing with the Illinois Secretary of State.

The procedures for cleaning agent authorizations will be codified as a new Subpart H to existing Part 106, entitled “Proceedings Pursuant to Specific Rules or Statutory Provisions.” The new 35 Ill. Adm. Code 106.Subpart H follows the general format of the other subparts within Part 106. Unlike other types of determinations in Part 106, the Board does not propose that a hearing be held on every petition filed; however a hearing will be held upon timely request. The burden of proof is on the petitioner.

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 Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601.

For more information contact Kathleen Crowley at (312)-814-6929 or email at [crowlek@ipcb.state.il.us](mailto:crowlek@ipcb.state.il.us).

#### **Board Timely Adopts for Second Notice Proposed Fast-Track Changes to the Volatile Organic Material Emission Control Regulations**

On July 15, 2010, the Illinois Pollution Control Board timely adopted for second notice review by the Joint Committee on Administrative Rules (JCAR) the rulemaking proposal docketed as 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, (R10-20). On March 8, 2010, the Illinois Environmental Protection (IEPA) filed the proposal pursuant to the “fast-track” rulemaking provisions at Section 28.5 of the Environmental Protection Act (Act). This provision sets short timeframes for various Board actions.

IEPA proposes volatile organic material (VOM) emission controls in response to control techniques guidelines (CTGs) issued by the United States Environmental Protection Agency on October 7, 2008, 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.

The Board will accept comments only from JCAR during the second-notice period. The 45-day second-notice period began July 20, 2010 when JCAR received the second notice package and will end September 2, 2010. JCAR has scheduled the rule for consideration at its August 10, 2010 meeting.

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 Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601.

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

## **Appellate Update**

### **Third District Affirms Board decision granting a delisting adjusted standard to Peoria Disposal Company in *Sierra Club and Peoria Families Against Toxic Waste v. Illinois Pollution Control Board, Peoria Disposal Company, Illinois Environmental Protection Agency, and United States Environmental Protection Agency*, No. 3-09-0120**

In a July 12, 2010 opinion, the Third District Appellate Court issued a decision affirming the Board's grant of an adjusted standard hazardous waste "delisting" to Peoria Disposal Company (PDC). The court's ruling was an unpublished order, issued under Illinois Supreme Court Rule 23 (166 Ill.2d R.23). Justice Lytton authored the majority opinion with Justice Carter issuing a special concurrence and Justice Wright concurring in part, but dissenting in part. On appeal, the case is captioned *Sierra Club and Peoria Families Against Toxic Waste v. Illinois Pollution Control Board, Peoria Disposal Company, Illinois Environmental Protection Agency, and United States Environmental Protection Agency*, No. 3-09-0120.

A delisting is a regulatory proceeding through which a generator of a listed RCRA hazardous waste can demonstrate that the generator's specific waste, after treatment, no longer poses a hazard and therefore can be handled as a non-hazardous waste. By rule, the Board considers requests for delisting through the adjusted standard petition process. On January 8, 2009, the Board found that PDC met the legal tests for delisting under Section 28.1 of the Environmental Protection Act (Act) (415 ILCS 5/28.1 (2006)) and Section 720.122 of the Board's hazardous waste regulations (35 Ill. Adm. Code 720.122) and granted with conditions PDC's request to delist the residue resulting from PDC's treatment of electric arc furnace dust (EAFD).

Sierra Club and Peoria Families Against Toxic Waste (collectively, "opposition groups") appealed the Board's decision.

**Standing.** On the issue of whether or not the opposition groups had standing to appeal, the court observed that there was no dispute that the opposition groups were not parties to the Board proceeding and did not fit within any of the categories of persons in Section 41(a) of the Act. However, the court ruled that the delisting is a "rule or regulation specific to PDC," particularly since the Board used its quasi-legislative power to impose conditions on PDC, and that the opposition groups therefore have standing under Section 29(a) of the Act. The court conceded that Section 28.1(a) of the Act (415 ILCS 5/28.1(a)) describes an adjusted standard an "adjudicatory determination." Nevertheless, the court was persuaded by the placement of Section 28.1 in Title VII of the Act (entitled "Regulations"), the fact that Section 27(a) refers to "regulations specific to individual persons or sites," and the description of adjusted standards in a Board procedural rule.

**Merits.** Two justices having found that the opposition groups had standing, the court moved to the merits of the case. The court applied the "manifest weight of the evidence" standard of review, citing the Second District's 1999 *Swenson Spreader* decision (308 Ill. App. 3d 741, 721 N.E.2d 723) to the opposition groups' challenge that the Board failed to fully and properly consider the Section 27(a) factors. The Third District observed that the Illinois Supreme Court's 1993 *Granite City* decision (155 Ill. 2d 149, 613 N.E.2d 719) held that Section 27(a) required the Board to "consider" or "weigh carefully" the Section 27(a) factors. The Third District noted that Section 27(a) "does not require the Board to make a determination, based on evidence in the record, that the delisting complies

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with the factors.” The court then stated that the Board, “[a]lthough not required to do so,” specifically addressed the Section 27(a) factors. The court held that the Board’s ruling, that the delisting could be granted consistent with the Section 27(a) factors, was not against the manifest weight of the evidence.

The court also applied the manifest weight of the evidence standard of review to the opposition groups’ challenge that the Board erred in failing to require PDC to obtain local siting approval. The court ruled that the actions proposed by PDC do not fit within the statutory definition of “new pollution control facility.” The court noted that PDC is not seeking to expand its WSF or adjoining landfill, nor is PDC asking to handle special or hazardous waste for the first time. The court also found that because PDC is treating waste, not just storing it temporarily or consolidating it for further transfer, PDC is not operating a “transfer station.” The court held that the Board “properly found that local siting approval was not necessary.” The Board ruled that local siting approval was not a prerequisite to delisting, but the Board declined to determine whether PDC proposed a “new pollution control facility” or “transfer station.” The court agreed that these were not relevant issues before the Board in a delisting proceeding and held that the Board correctly found that the petition should be granted.

Next, the court applied the “arbitrary and capricious” standard of review to the opposition groups’ challenge that the Board erred in failing to require that PDC provide proposed permit modifications. The court noted that the Board’s ruling involved the Board’s technical expertise and interpretation of its rules. The court observed that the Board’s procedural rules do not require adjusted standard petitions to include information on what permit modifications would become necessary if an adjusted standard is granted. The court further recognized that permitting is the “province” of IEPA, not the Board, and that “safeguards are in place if future permit modifications become necessary.” The court held that the Board did not err in finding that PDC’s petition was “complete and should be granted.”

Finally, the court applied the arbitrary and capricious standard of review to the opposition groups’ challenge that the Board should have required reopener language as a condition of the adjusted standard. The court noted that USEPA delistings often contain reopener language, allowing the USEPA Regional Administrator to take whatever action is necessary to protect human health and the environment, including revoking the delisting. The court then reviewed the broad authorities available to State and local officials in Illinois under the Act to take action to protect human health and the environment. In light of these authorizations for corrective action and injunction, the court ruled that reopener language is “unnecessary for delisting in this state.” The court further noted that Illinois splits, between the Board and IEPA, responsibilities that are USEPA’s alone under the federal system. A reopener would “serve no purpose” because once an adjusted standard is granted, the Board “no longer has authority to take any action with respect to the facility,” but IEPA does. The court held that the Board did not err in refusing to include reopener language.

### **Special Concurrence (Justice Carter)**

Justice Carter concluded that the opposition groups do not have standing. He would have dismissed the appeal on that ground, which would have the effect of affirming the Board. Justice Carter therefore wrote to “concur in the resulting judgment of the lead decision to affirm.”

### **Concurrence in Part & Dissent in Part (Justice Wright)**

Justice Wright concurred with that part of the court’s order in which the opposition groups were found to have standing to appeal under Section 29 of the Act. Justice Wright dissented from that part of the court’s order in which the Board’s decision to issue the adjusted standard was affirmed. Justice Wright gave four reasons for dissenting. First, Justice Wright opined that the Board contradicted Section 104.426 of the Board’s procedural rules (35 Ill. Adm. Code 104.426) when the Board held that there is no threshold of evidence that the adjusted standard petitioner must meet with respect to the Section 27(a) factors.

Second, Justice Wright observed that the Board’s order does not contain specific findings or reasoning “concerning the Section 27(a) factors in the context of PDC’s evidence submitted to the Board,” and therefore does not comply with Section 28.1 of the Act.

Third, Justice Wright opined that the Board failed to specify whether PDC satisfied its burden of proof with respect to subsection (a) of the Section 720.122 waste delisting rule, subsection (b) of that rule, or both subsections. Fourth, Justice Wright believed that PDC’s “new, first-time operation as an above ground storage yard and transfer

station for future off-site disposal falls squarely within the definition of a new pollution control facility.” Therefore, she continues, PDC must obtain local siting approval “regardless of whether the K061 waste is hazardous or delisted as non-hazardous EAFDR

## Board Actions

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**July 1, 2010**

**Chicago, Illinois**

### Rulemakings

<b>R 11-1</b>	<u>RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (January 1, through June 30, 2010)</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>R 11-2</b>	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, through June 30, 2010)</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>R 11-3</b>	<u>UST Update, USEPA Amendments (January 1, through June 30, 2010)</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>R 11-4</b>	<u>Wastewater Pretreatment Update, USEPA Amendments (January 1, through June 30, 2010)</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>R 11-5</b>	<u>Definition of VOM Update, USEPA Amendments (January 1, through June 30, 2010)</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
<b>R 11-6</b>	<u>SDWA Update, USEPA Amendments (January 1, through June 30, 2010)</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.	PWS
<b>R 11-7</b>	<u>UIC Update, USEPA Amendments (January 1, through June 30, 2010)</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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### Administrative Citations

- AC 08-9**      IEPA v. Gene & Elena Greenwood – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Williamson County facility, the Board found that respondents had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2008)) and ordered respondents 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 Section 21(p)(3) and (p)(7) of the Act. 5-0
- AC 09-48**      IEPA v. IEPA v. Montel & Aneita Metzger – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Woodford County facility, the Board found that respondents had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2008)) and ordered respondents 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 Section 21(p)(3) and (p)(7) of the Act. 5-0
- AC 10-27**      County of Jackson v. KR D Trucking – The Board found that this Jackson County respondent violated Sections 21(p) (1) of the Act (415 ILCS 5/21(p) (1) (2008)), and ordered respondent to pay a civil penalty of \$1,500. 5-0
- AC 10-29**      IEPA v. Christa Hjort – The Board granted complainant's motion for withdrawal of this administrative citation and closed the docket. 5-0
- AC 10-30**      County of Jackson v. Frances Klink – The Board directed respondent to file an amended petition for review on or before August 2, 2010 to cure deficiencies. 5-0

### Adjudicatory Cases

- PCB 03-22**      People of the State of Illinois v. Saint-Gobain Containers, Inc., – The Board granted complainant's motion to dismiss this enforcement action involving a Logan County facility. 5-0  
Air
- PCB 09-65**      People of the State of Illinois v. Stark Excavating, Inc., – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a McLean County facility, the Board ordered publication of the required newspaper notice. 5-0  
L-E
- PCB 09-66**      Elmhurst Memorial Healthcare and Elmhurst Memorial Hospital v. Chevron U.S.A., Inc. – The Board issued an order to clarify its June 3, 2010 order directing complainants to file proof of service of a pending motion to add Texaco as a respondent on Texaco. The Board made clear that the June 3, 2010 order did not make a determination on any of the pending matters. 5-0  
L-E
- PCB 10-8**      People of the State of Illinois v. Don Swinson, and Champion Environmental Services, Inc. – Upon receipt of an amended proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing 5-0  
L-E

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requirement in this land enforcement action, as to Champion Environmental Services, Inc. only, involving a Winnebago County facility, the Board ordered publication of the required newspaper notice.

<b>PCB 10-18</b>	<u>People of the State of Illinois v. Schauble Development, LLC</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 Tazewell County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
<b>PCB 10-35</b>	<u>North Aurora Gas Station (F/N/A Intermarkt, Inc.) v. IEPA</u> – The Board granted this Kane County facility’s motion for voluntary dismissal of this underground storage tank appeal.	5-0 UST Appeal
<b>PCB 10-45</b>	<u>Smoot Oil Company v. IEPA</u> – The Board granted this Jefferson County facility’s motion for voluntary dismissal of this underground storage tank appeal.	5-0 UST Appeal
<b>PCB 10-68</b>	<u>Janmaria Properties, Ltd. 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
<b>PCB 10-73</b>	<u>Metropolitan Pier &amp; Exposition Authority v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	5-0 UST Appeal
<b>PCB 10-87</b>	<u>People of the State of Illinois v. Mark Pickett, d/b/a Mark's Auto Sales</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 Winnebago County facility, the Board ordered publication of the required newspaper notice.	5-0 L-E
<b>PCB 10-94</b>	<u>People of the State of Illinois v. Gary L. Penrith</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) (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.	5-0 W-E
<b>PCB 10-107</b>	<u>People of the State of Illinois v. Rockford Sand and Gravel, Inc., a division of Rockford Blacktop</u> – The Board accepted for hearing this water enforcement action involving a site located in Winnebago County.	5-0 W-E
<b>PCB 10-108</b>	<u>People of the State of Illinois v. William Charles Real Estate Investment, L.L.C.</u> , – The Board accepted for hearing this water enforcement action involving a site located in Winnebago County.	5-0 W-E

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**Chicago, Illinois**

**Rulemakings**

- R 10-19**      Procedural Rules for Authorizations Under P. A. 95-115 (Regulation of Phosphorus in Detergents Act), 35 Il. Adm. Code 106.Subpart H – The Board adopted a final opinion and order in this rulemaking amending the Board’s procedural rules.      5-0  
Proc.
- R 10-20**      In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group IV Consumer & Commercial Products: Proposed Amendments to 35 Il. Adm. Code 211, 218, and 219 – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s air pollution regulations.      5-0  
Air

**Adjusted Standards**

- AS 07-6**      In the Matter of: Petition of Cabot Corporation for an Adjusted Standard from 35 Il. Adm. Code Part 738, Subpart B – The Board granted petitioner’s motion to lift the stay in this proceeding and to amend the petition.      5-0  
Land

**Administrative Citations**

- AC 04-89**      IEPA v. Earl & Norma Martin (IEPA # 305-04-AC)      5-0
- AC 04-90**      IEPA v. Earl & Norma Martin (IEPA # 306-04-AC)
- AC 04-91**      IEPA v. Earl & Norma Martin (IEPA # 308-04-AC) – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Knox County facility, the Board found that respondents had violated Sections 21(p)(1), (p)(3), and (p)(4) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3), (p)(4) (2008)) and ordered respondents to pay a civil penalty of \$4,500. 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 \$4,500, the Board, on its own motion, dismissed all other alleged violation of Sections 21(p) (5) and (p)(7) of the Act.
- AC 06-35**      IEPA v. Jerry L. Watson – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Williamson County facility, the Board found that respondent 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 respondent’s petition for review. To effectuate the parties’ intent that respondent pay a total civil penalty of \$1,500, the Board, on its own motion, dismissed the alleged violation of Section 21(p)(1) of the Act.      5-0

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<b>AC 09-39</b>	<u>IEPA v. Donald Sapp</u> – The Board granted complainant’s motion to voluntarily dismiss this administrative citation and closed the docket.	5-0
<b>AC 10-4</b>	<u>County of Ogle v. Kathy Knutson, Steve Knutson, and Dan Bocker</u> – The Board granted respondent Dan Bocker’s motion to vacate the Board’s November 19, 2009 entry of a default judgment against him and accepted the parties’ proposed settlement of the case and dismissal of the petition for review of respondents Kathy and Steve Knutson. In response to a joint stipulation and settlement agreement in this administrative citation action involving a Knox County facility, the Board found that respondents had violated Sections 21(p)(1) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(7) (2008)) and ordered respondents to pay a civil penalty of \$3,000. 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 \$3,000, the Board on its own motion, dismissed the alleged violation of Section 21(p)(5) and (p)(7) of the Act.	5-0
<b>AC 10-21</b>	<u>IEPA v. David Charles Bettis</u> – The Board accepted for hearing respondent’s petition for review of this administrative citation involving a Greene County facility.	5-0
<b>AC 10-28</b>	<u>IEPA v. Gary J. and James R. Sczeblewski</u> – The Board accepted for hearing respondents’ petition for review of this administrative citation involving a Franklin County facility.	5-0

### Adjudicatory Cases

<b>PCB 00-211</b>	<u>People of the State of Illinois v. Toyal America, Inc. f/k/a Alcan-Toyo America, Inc.</u> – The Board found that Toyal America, Inc. (Toyal) had violated the various sections of the Environmental Protection Act (Act) (415 ILCS 5/1 <i>et seq.</i> (2008)) and the Board’s air pollution rules alleged in counts I and II of the complaint. The Board ordered Toyal (1) to pay a total civil penalty of \$716,440, consisting of \$316,440 in costs to be recovered for the economic benefits Toyal received through non-compliance, and an additional \$400,000 to aid in enforcement of the Act and to enhance timely, voluntary compliance with volatile organic materials rules, and (2) to cease and desist from further violations. The Board previously accepted a stipulation and partial settlement agreement for counts III, IV, V, VI, and VII of the complainant’s complaint, and imposed a \$31,500 penalty (People v. Toyal America, Inc. f/k/a Alcan-Toyo America, Inc., PCB 00-211 (August 9, 2001)).	4-1 A,L-E, RCRA Johnson dissented
<b>PCB 09-61</b>	<u>Johnson Oil Company, LLC v. IEPA</u> – The Board granted this Vermilion County facility’s motion for voluntary dismissal of this underground storage tank appeal.	5-0 P-A, Land
<b>PCB 09-91</b>	<u>People of the State of Illinois v. Ken Rawson</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 McHenry County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
<b>PCB 10-36</b>	<u>Susan Malinowski v. Chicago Transit Authority</u> – The Board granted	5-0

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	complainant's motion for voluntary dismissal of this enforcement action.	N-E, Citizens
<b>PCB 10-61</b>	<u>People of the State of Illinois v. Freeman United Coal Mining Company and Springfield Coal Company, LLC; Environmental Law and Policy Center as Intervenor</u>	5-0 W-E
<b>PCB 11-2</b>	<u>Environmental Law and Policy Center v. Freeman United Coal Mining Company and Springfield Coal Company, LLC</u> – The Board denied the motions to strike, dismiss and challenge the sufficiency of the intervenor's complaint. The Board, on its own motion, consolidated PCB 10-61 and PCB 11-2.	
<b>PCB 10-75</b>	<u>Chicago Coke Co., Inc v. IEPA</u> – The Board granted motions for leave to file reply and to file surreply.	5-0 P-A, Air
<b>PCB 10-105</b>	<u>People of the State of Illinois v. Kevin Fairfield and Sue Fairfield</u> – In this water enforcement action concerning a Morgan 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 respondents to pay a total civil penalty of \$5,500.00, and to cease and desist from further violations.	5-0 W-E
<b>PCB 10-109</b>	<u>People of the State of Illinois v. Rock River Blending Company</u> – The Board accepted for hearing this land enforcement action involving a site located in Winnebago County.	5-0 L-E
<b>PCB 10-110</b>	<u>KCBX Terminals Company v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Cook County facility. No action was taken on petitioner's motion for stay of specified conditions in the permit.	5-0 P-A, Air

## New Cases

### July 1, 2010 Board Meeting

**10-106** Dave McGhee v. IEPA – No action taken.

**10-107** People of the State of Illinois v. Rockford Sand and Gravel, Inc., a division of Rockford Blacktop – The Board accepted for hearing this water enforcement action involving a site located in Winnebago County.

**10-108** People of the State of Illinois v. William Charles Real Estate Investment, L.L.C. – The Board accepted for hearing this water enforcement action involving a site located in Winnebago County.

### July 15, 2010 Board Meeting

**10-109** People of the State of Illinois v. Rock River Blending Company – The Board accepted for hearing this land enforcement action involving a site located in Winnebago County.

**10-110** KCBX Terminals Company v. IEPA – The Board accepted for hearing this permit appeal involving a Cook County facility. No action was taken on petitioner's motion for stay of specified conditions in the permit.

**11-1** William H. Leesman v. Cimco Recycling, Sterling and Cimco Resources, Inc. – No action taken.

**11-2 Environmental Law and Policy Center v. Freeman United Coal Mining Company and Springfield Coal Company, LLC** – The Board denied the motions to strike, dismiss and challenge the sufficiency of the intervenor’s complaint. The Board, on its own motion, consolidated PCB 10-61 and PCB 11-2.

## **Provisional Variances**

**IEPA 11-01 Reckitt Benckiser Inc. v. Illinois Environmental Protection Agency** – The Illinois Environmental Protection Agency (IEPA) granted, subject to conditions, Reckitt Benckiser Inc.’s (Reckitt) July 1, 2010 request for an extension of the provisional variance from the requirement under 35 Ill. Adm. Code 223.205(a)(5)(A) for its Air Wick ® Freshmatic ® Ultra air freshener sold in Illinois. The IEPA granted the provisional variance on May 25, 2010, for a 45-day period ending July 9, 2010. Reckitt received the provisional variance due to the temporary unavailability of a key ingredient of the product. The ingredient is being diverted by the manufacturer to the Gulf region to aid in the response to the oil spill. Reckitt is has begun testing a potential replacement ingredient, and as a result, additional time is needed to conclude the testing to validate the replacement.

**IEPA 11-02 Midwest Generation Crawford Generating Station v. Illinois Environmental Protection Agency** – The Illinois Environmental Protection Agency (IEPA) granted, subject to conditions, Midwest Generation’s request for a provisional variance from the effluent limits for TSS and Oil and Green required in NPDES permit IL0002186 for Outfall C01 for its Crawford Generating Station. Midwest Generation requested the variance so that it can remove water from the basements as the result of a severe storm that occurred on July 23 and July 24 in the Chicago area. The provisional variance runs from July 27, 2010 and ends no later than August 10, 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](http://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.***

## Environmental Register – July 2010

### LISTINGS OF ADJUSTED STANDARDS AND COMBINED SEWER OVERFLOW EXCEPTIONS GRANTED BY THE BOARD DURING FISCAL YEAR 2010

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 2010 (July 1, 2009, through June 30, 2010).

Final Actions Taken by the Pollution Control Board in Adjusted Standards Proceedings During Fiscal Year 2010  
(July 1, 2009 through June 30, 2010)

<u>Docket/Docket Title</u>	<u>Final Determination</u>
<u>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, motion for reconsideration denied August 20, 2009)</u>	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 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. On July 20, 2009, petitioner filed a motion for reconsideration. The Board found that petitioner provided no new evidence or change in the law that would indicate that the Board's June 18, 2009 order was in error. Therefore, the motion to reconsider was denied.
<u>In the Matter of: Petition of Westwood Lands, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 807.104 and 810.103 or, in the alternative, a finding of inapplicability) AS 09-03, (January 7, 2010, motion to reconsider pending as of June 30, 2010)</u>	The Board denied this request for adjusted standard or finding of inapplicability for petitioner's facility in Madison, Madison County. Petitioner sought a determination that steelmaking slag fines used as raw materials in its process do not constitute "waste" under the Environmental Protection Act. Alternatively, petitioner sought an adjusted standard from specified definitions in the Board's solid waste regulations. Due to deficiencies in the petition, amended petition and response, the Board could not determine that the steelmaking slag fines are not a waste or that an adjusted standard is warranted. Petitioner filed a motion to reconsider, along with supplemental information. This motion remains pending as of June 30, 2010.
<u>In the Matter of: Petition of Royal Fiberglass Pools, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 215.301 AS 09-4 (February 18, 2010)</u>	The Board granted an adjusted standard from the 8 lb/ per hour rule, subject to conditions, for petitioner's fiberglass swimming pool manufacturing facility in Dix, Jefferson County. Petitioner sought the adjusted standard on grounds that the 8 lb/hr rule is not technically feasible for its batch-type manufacturing, and air pollution controls are not economically

## Environmental Register – July 2010

reasonable due to the high volume air flow. The Board found that petitioner provided sufficient justification for the adjusted standard. Conditions of the adjusted standard include certain requirements that may arise as new production methods become more technologically or economically reasonable. The adjusted standard is limited to petitioner's spray booths existing as of August 20, 2009, and federal laws and regulations remain applicable to the facility.

### Final Actions Taken by the Pollution Control Board in Combine Sewer Overflow Exception Proceedings During Fiscal Year 2010 (July 1, 2009 through June 30, 2010)

The Board took no action in combined sewer overflow exception proceedings during fiscal year 2010, as none were filed with the Board or pending during fiscal year 2010.

Request copies, noting the appropriate docket number, to:

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

Address questions concerning this notice, noting the appropriate docket number, to:

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

## Calendar

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<b>8/5/10 11:00 AM</b>	<b>Illinois Pollution Control Board Meeting</b>	<b>James R. Thompson Center 100 W. Randolph Street Chicago</b>
<b>8/19/10 11:00 am</b>	<b>Illinois Pollution Control Board Meeting</b>	<b>James R. Thompson Center 100 W. Randolph Street Chicago</b>
<b>9/2/10 11:00 am</b>	<b>Illinois Pollution Control Board Meeting</b>	<b>James R. Thompson Center 100 W. Randolph Street Chicago</b>
<b>9/16/10 11:00 am</b>	<b>Illinois Pollution Control Board Meeting</b>	<b>James R. Thompson Center 100 W. Randolph Street Chicago</b>

Environmental Register – July 2010

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

**JULY 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
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 PRESSURE TANK	50	12/14/1990
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	2	INADEQUATE PRESSURE TANK	135	3/15/1996

Environmental Register – July 2010

<i>SYSTEM NAME</i>	<i>EPA 3 RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
CORPORATION - IL1975640				
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	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	5	INADEQUATE SOURCE CAPACITY	490	10/1/2007

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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>
SYSTEM)- IL1290010				
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
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

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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>
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**

**\* DENOTES ADDED WATER SUPPLIES**

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**Illinois Environmental Protection Agency**  
**Division of Public Water Supplies**  
**Critical Review List - Public Water Supplies**  
**JULY 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 WATERMANS	650	1/1/2006
EDWARDSVILLE – IL1190250	5	INSUFFICIENT PLANT CAPACITY TO HANDLE PEAK SYSTEM WATER DEMAND	24,900	9/16/2008
EFFINGHAM – IL0490250	4	INADEQUATE DISINFECTION	12384	7/1/2006
ELIZABETH - IL0850150	1	LOW SYSTEM PRESSURE	682	6/15/1999
ELLIS GROVE – IL1570200	6	INSUFFICIENT STORAGE CAPACITY	720	10/1/2007
EXETER-MERRITT WATER COOP - IL1710010	5	INADEQUATE PRESSURE TANK	428	10/1/2004
GALENA - IL0850200	1	LOW SYSTEM PRESSURE	3640	6/15/1999
GRIGGSVILLE – IL1490300	5	INADEQUATE TREATMENT PLANT CAPACITY	1259	10/1/2006
HAMEL - IL1190450	6	INADEQUATE STORAGE CAPACITY	650	1/1/2006
HOLIDAY SHORES SD - IL1195110	6	INADEQUATE STORAGE CAPACITY	3192	1/1/2006
IL AMERICAN-ALTON	6	APPROACHING WATER TREATMENT PLANT CAPACITY	51922	4/1/2009
JOY - IL1310100	1	LOW SYSTEM PRESSURE	373	6/15/1999
LA MOILLE - IL0110500	1	INADEQUATE PLANT CAPACITY	750	6/15/1999
LA SALLE - IL0990300	1	INAD PLANT & SOURCE CAPACITY	9700	11/1/2004
LACON - IL1230100	1	UNDERSIZED WATERMANS	1979	1/1/2006

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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>
LEE - IL1034600	1	INADEQUATE PRESSURE TANK	350	10/1/2004
MALDEN - IL0110550	1	UNDERSIZED WATERMANS	370	1/1/2006
MARION - IL1990550	7	INADEQUATE SOURCE CAPACITY	14610	11/1/2001
MARYVILLE – IL1190750	5	INADEQUATE STORAGE	800	3/17/2008
MASON CITY - IL1250350	5	INADEQUATE STORAGE CAPACITY	2558	1/1/2006
MATHERSVILLE - IL1310200	1	INADEQUATE SYSTEM PRESSURE	793	9/13/2000
MC HENRY SHORES WATER COMPANY - IL1115020	2	LOW SYSTEM PRESSURE	1813	9/17/1992
MECHANICSBURG-BUFFALO WTR CMSN - IL1675150	5	INADEQUATE SOURCE CAPACITY	1350	3/15/1998
O'FALLON – IL1631100	2	INADEQUATE STORAGE CAPACITY	43596	10/1/2006
OTTER LAKE WTR CMSN ADGPTV – IL1175200	5	INADEQUATE PLANT CAPACITY	1251	7/1/2006
SCALES MOUND - IL0850400	1	LOW SYSTEM PRESSURE	400	9/15/1997
SENECA - IL0991050	1	INADEQUATE PLANT CAPACITY AND UNDERSIZED WATER MAINS	2053	6/15/1999
SOUTH HIGHWAY PWD - IL0775400	7	LOW SYSTEM PRESSURE & UNDERSIZED WATERMANS	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 July 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.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

DIVISION OF WATER POLLUTION CONTROL

RESTRICTED STATUS LIST

In order to comply with 35 Illinois Administrative Code Section 306.401, Illinois Pollution Control Board Regulations, the Illinois EPA has prepared the following list of facilities which are on Restricted Status. Restricted Status is defined as the Agency determination that a sewer or lift station has reached hydraulic capacity or that a sewage treatment plant has reached design capacity, such that additional sewer connection permits may no longer be issued without causing a violation of the Act or Regulations. Please note that the list is continually being revised to reflect the current situation. Therefore, if you have any questions on the capability of a treatment facility or transport system, please contact this Agency for a final determination. This listing reflects the status as of June 30, 2010.

Facility names followed by an asterisk (\*) indicates that construction is underway to ultimately alleviate problems, which resulted in imposition of Restricted Status. Facilities followed by a double asterisk (\*\*) are additions to the list.

Environmental Register – July 2010

<u>FACILITY NAME</u>	<u>RESPONSIBLE AUTHORITY</u>	<u>COUNTY</u>	<u>REMAINING CAPACITY</u>
Bourbonnais (Belle Aire Subd.)	Village of Bourbonnais	Kankakee	0
Camelot Utilities Wastewater Collection System	Camelot Utilities	Will	0
Camp Point (a portion mh 60-68)	Village of Camp Point	Adams	0
Clearview S.D.	Clearview S.D.	McLean	0
Davis Junction	Village of Davis Junction	Ogle	0
East Alton	City of East Alton	Madison	0
Farmington	City of Farmington	Fulton	0
Hurst & Blairville Collection System	City of Hurst	Williamson	0
Port Byron STP	Village of Port Byron	Rock Island	0
Rosewood Heights S.D.- Ninth Street LS	Rosewood Heights S.D.	Madison	0
South Palos Twp. SD	South Palos Twp.	South Palos Twp.	0
Sundale Utilities – Washington Estates STP	Sundale Utilities Corporation	Tazewell	0
Taylorville-Shawnee Ave. Pump Station	City of Taylorville	Christian	0
Utilities Unlimited	Utilities Unlimited	Will	0
Washington (Rolling Meadows)	City of Washington	Tazewell	0

Deletions from previous quarterly report: None

Additions from previous quarterly report: None

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

DIVISION OF WATER POLLUTION CONTROL

CRITICAL REVIEW LIST

In order to comply with 35 Illinois Administrative Code Section 306.401, Illinois Pollution Control Board Regulations, the Illinois Environmental Protection Agency has prepared the following list of facilities which are on Critical Review. Critical Review as defined as the Agency determination that a sewer or lift station is approaching hydraulic capacity or that a sewage treatment plant is approaching design capacity such that additional sewer connection permit applications will require close scrutiny to determine whether issuance would result in a violation of the Act or Regulations. Please note that these lists are continually being revised to reflect the current situation. Therefore, if you have any questions on the capability of a treatment facility or transport system, please contact the Agency for a final determination. This listing reflects the status as of June 30, 2010.

Facility names followed by a double asterisk (\*\*) are additions to the list.

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<u>FACILITY NAME</u>	<u>RESPONSIBLE AUTHORITY</u>	<u>COUNTY</u>	<u>REMAINING CAPACITY</u>	<u>PE ADDED SINCE LAST LIST</u>
Algonquin	Village of Algonquin	Kane	0	0
Aqua Illinois, Inc. University Park	Aqua Illinois, Inc.	Will	674	0
Antioch STP	Village of Antioch	Lake	325	0
Beardstown SD	City of Beardstown	Cass	1485	0
Benton-Southeast STP	City of Benton	Franklin	60	0
Bethalto (L.S. #1)	Village of Bethalto	Madison	87	0
Carrier Mills	Village of Carrier Mills	Saline	836	0
Carrollton	City of Carrollton	Greene	140	0
Citizens Utilities Co. of Ill.- River Grange	Citizens Utilities Co. of Ill.	Will	10	0
Charleston	City of Charleston	Coles	4,895	0
Downers Grove S.D.	Downers Grove S.D.	DuPage	0	0
East Dundee STP	Village of E. Dundee	Kane	460	0
Elkville	Village of Elkville	Jackson	6	0
Ferson Creek Utilities Co.	Utilities, Inc.	Will	70	0
Harvard WWTP	City of Harvard	McHenry	0	0
Hinkley	Village of Hinckley	DeKalb		
LCPWD-Diamond- Sylvan STP	County of Lake Public Works Department	Lake	0	0
Lockport	City of Lockport	Will County	0	0
Moline (North Slope)	City of Moline	Rock Island	1,151	0
Morris STP	City of Morris	Grundy	0	40
New Lenox STP 1***	Village of New Lenox	Will	0	7
Paris STP	City of Paris	Edgar	0	0
Richmond WWTP	City of Richmond	McHenry		
Rock Island (Main)	City of Rock Island	Rock Island	2,704	0
Streator	City of Streator	LaSalle/ Livingston	449	0
Wasco Sanitary District	Wasco Sanitary District	Kane	637	
Wauconda WWTP	Village of Wauconda	Lake	0	0

Deletions from previous quarterly report: None

Additions from previous quarterly report: None

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\*\*\*Contact IEPA – Permit Section

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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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