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# Environmental Register

July 2012 - Number 697

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

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Thomas Holbrook, Chairman

Board Members:

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# Letter from the Chairman

During June, the Board acted in several rulemaking dockets, and I've summarized that activity below. As always, information about these rulemakings is available through the Clerk's Office Online (COOL) at our Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

On June 7, 2012, the Board adopted a second-notice opinion and order in Proposed Amendments to Clean Construction or Demolition Debris (CCDD) Fill Operations: Proposed Amendments to 35 Ill. Adm. Code 1100 (R12-9). The proposal will amend the Board's rules for Clean Construction or Demolition Debris Fill Operations to allow for use of uncontaminated clean construction or demolition debris (CCDD) and uncontaminated soil to be used as fill at quarries, mines, and other excavations.

On June 7, 2012, the Board adopted a second-notice opinion and order in Proposed Amendments to Nonhazardous Special Waste Hauling and the Uniform Program (35 Ill. Adm. Code 809) (R12-13). The proposal implements Public Act 97-220, effective July 28, 2011, which includes provisions removing Illinois from the federal Uniform State Hazardous Materials Transportation Registration and Permit Program.

On June 7, 2012, the Board issued its final opinion and order in Procedural Rules for Review of Petitions for Temporary Landfill Ban Waivers Under Section 95 of the Electronic Products Recycling and Reuse Act: New 35 Ill. Adm. Code 106, Subpart J (R12-21). The adopted procedural rules apply to petitions filed with the Board for a temporary waiver of the covered electronic device landfill ban under Section 95 of the Electronic Products Recycling and Reuse Act.

On June 7, 2012, the Board issued its final opinion and order in Updates to the Definition of "Pollution Control Facility" at Section 101.202 of the Board's Procedural Rules to Reflect Recent Public Acts (R12-22). The adopted rules reflect revisions to that definition enacted in six Public Acts during 96th and 97th General Assemblies.

On June 21, 2012, the Board issued its final opinion and order in Setback Zone for Fayette Water Company Community Water Supply: Amendments to 35 Ill. Adm. Code 618 (R11-25). The Board adopted rules establishing a maximum setback zone for six wells owned by the Fayette Water Company in Fayette County. The Board also reorganized Part 618 to accommodate future establishment of any additional maximum setback zones.

On June 21, 2012, the Board adopted a first-notice opinion and order in Procedural Rules for Authorizations Under P. A. 97-220 for Certain Landscape Waste and Compost Applications and On-Farm Composting Facilities: New 35 Ill. Adm. Code 106, Subpart I (R12-11). The Board adopted a third proposal for first-notice publication to allow adequate notice of proposed changes responding to a public comment filed on March 26, 2012, by the Illinois Environmental Protection Agency (IEPA). The proposed rules apply to Board authorizations made under P.A. 97-220, effective July 28, 2011. P.A. 97-220 includes provisions amending Section 21(q) of the Environmental Protection Act to specify that the Board (rather than the IEPA as previously provided) may authorize certain exceptions to the provisions of that section.

Please visit our website ([www.ipcb.state.il.us](http://www.ipcb.state.il.us)) for more information on the rulemakings described above, as well as information on our docket of contested cases.



Sincerely,

A handwritten signature in dark ink that reads "Thomas Holbrook". The signature is written in a cursive style with a large, sweeping initial "T".

Thomas Holbrook  
Chairman

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## Rulemaking Update

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### **Board Adopts Amendments Deleting “Uniform Program” References in Waste Hauling Regulations, R12-13**

On July 12, 2012, the Board adopted amendments to the Board’s solid waste and special waste hauling regulations. On October 28, 2011, the Illinois Environmental Protection Agency (IEPA) filed the proposal, which was docketed as In the Matter of: Proposed Amendments to Nonhazardous Special Waste Hauling and the Uniform Program: (35 Ill. Adm. Code 809), R12-13.

The amendments implement Public Act 97-220, which includes provisions amending Sections 21 and 22.2(1) and (1-5) of the Environmental Protection Act to remove Illinois from the Uniform State Hazardous Material Transportation Registration and Permit Program (Uniform Program).

The Board received no public comments on its first-notice proposal. The Joint Committee on Administrative Rules, on July 10, 2012, issued its certificate of no objection.

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 from the Clerk’s office upon payment of reproduction fees as prescribed by Section 6 of the Freedom of Information Act [5 ILCS 140/6]. The address is as follows: Clerk of the Board, 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).

### **Board Extends Joint Committee on Administrative Rules’ Time for Second-Notice Review of Proposed Rulemaking for Amendments for Clean Construction or Demolition Debris Fill Operations Rules, R12-9**

The Illinois Pollution Control Board, on July 26, 2012, adopted an order explaining that the second notice in proposed amendments to the rules for Clean Construction or Demolition Debris (CCDD) Fill Operations had been extended at the request of the Joint Committee on Administrative Rules (JCAR). On July 10, 2012, JCAR at its meeting requested, and the Board agreed, to extend for an additional 45-days the second notice period Under the Administrative Procedure Act (APA), 5 ILCS 5/1 et seq. Consequently, the Board could not complete rulemaking in July 2012 as planned.

The CCDD rulemaking was filed with the Board by the Illinois Environmental Protection Agency on July 29, 2011. The Board docketed the rulemaking as Proposed Amendments To Clean Construction Or Demolition Debris Fill Operations (CCDD): Proposed Amendments To 35 Ill. Adm. Code 1100, R12-9.

Public Act 96-1416, codified as Section 22.51 of the Environmental Protection Act, required IEPA to propose rules to the Board by July 30, 2011. 415 ILCS 4/22.51 (2010). The Board is required by the statute’s terms to complete rulemaking no later than one year after receipt of the IEPA’s proposal. *Id.* In its July 26, 2012 order, the Board explained that the result of JCAR’s request for additional time was that the Board could not timely adopt final rules.

Generally, the proposal will amend the Board’s rules for Clean Construction or Demolition Debris Fill Operations to allow for use of uncontaminated clean construction or demolition debris (CCDD) and soil to be used as fill.

On February 2, 2012, the Board adopted a first notice opinion and order and on June 7, 2012 the Board adopted a second notice opinion and order. At the July 10, 2012, JCAR requested, and the Board agreed, to extend the second notice period for an additional 45 days. The rule will again be considered by JCAR at its August 14, 2012 meeting. Under the APA, the Board cannot adopt the rule until the expiration of the second notice period. Therefore, the Board cannot adopt final rules any earlier than August 23, 2012, if JCAR issues a certificate of no objection to the rules.

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 from the Clerk's office upon payment of reproduction fees as prescribed by Section 6 of the Freedom of Information Act [5 ILCS 140/6]. The address is as follows: Clerk of the Board, Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601

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

## Board Actions

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### July 12, 2012 Chicago, Illinois

#### Rulemakings

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|---------------|--|-------------|
| <b>R12-13</b> | <u>In the Matter of: Proposed Amendments to Nonhazardous Special Waste Hauling and the Uniform Program (35 Ill. Adm. Code 809)</u> – The Board adopted a final opinion and order in this rulemaking proposal which amends the Board's solid waste and special waste hauling regulations. | 5-0<br>Land |
|---------------|--|-------------|

#### Administrative Citations

- |                 |  |     |
|-----------------|--|-----|
| <b>AC 12-53</b> | <u>IEPA v. Thomas E. Porter, Beverly J. Bible, and Todd &amp; Tabitha Booten d/b/a C &amp; T Recycling</u> – The Board accepted for hearing respondents' petitions for review of this administrative citation involving a Williamson County facility.                                | 5-0 |
| <b>AC 12-54</b> | <u>IEPA v. Purcell Tire &amp; Rubber Company</u> – The Board found that this Jefferson County respondent violated Section 55(k)(1) of the Environmental Protection Act (415 ILCS 5/55(k)(1) (2010)), and ordered respondent to pay a civil penalty of \$1,500.                       | 5-0 |
| <b>AC 12-55</b> | <u>County of Jackson v. S. I. Waste Systems, LLC d/b/a Midwest Waste</u> – The Board found that this Jackson County respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2010)), and ordered respondent to pay a civil penalty of \$1,500. | 5-0 |

## Adjudicatory Cases

<b>PCB 09-67</b>	<u>Prime Location Properties, LLC v. IEPA</u> – The Board directed the parties to brief the issue of whether specified Illinois Supreme Court Rules vested the Board with jurisdiction to entertain petitioner’s motion for supplemental legal fees and costs.	5-0 UST Appeal
<b>PCB 09-102</b>	<u>Peter Arendovich v. The Illinois State Toll Highway Authority</u> – The Board found that there is a noise interference from the Interstate Route 355 extension on petitioner’s property, but that the interference is not unreasonable under 35 Ill. Adm. Code 900.102. The Board dismissed this case and closed the docket.	5-0 N-E, Citizens
<b>PCB 10-9</b>	<u>People of the State of Illinois v. Waste Hauling Landfill, Inc., Jerry Camfield, A. E. Staley Manufacturing Co., 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 &amp; H Manufacturing, Inc.</u> – Upon receipt of an agreed motion to request relief from the hearing requirement and a proposed stipulation and settlement agreement as to Bridgestone Americas Tire Operations, LLC, formerly known as Bridgestone/Firestone, Inc., Momentive Specialty Chemicals Inc., formerly known as Borden, Inc.; and A.E. Staley Manufacturing Co., now known as Tate & Lyle Ingredients Americas LLC, the Board ordered publication of the required newspaper notice.	L-E 5-0
<b>PCB 12-21</b>	<u>People of the State of Illinois v. Altivity Packaging, LLC., Intra-Plant Maintenance Corporation, Ironhustler Excavating, Inc. and Ron Bright, d/b/a Quarter Construction</u> – The Board granted Altivity’s motion for leave to file cross claim and Intra-Plant’s Maintenance Corporation’s motion for leave to file cross-complaint. The Board dismissed both the cross claim and cross-complaint as frivolous, finding that each seeks relief the Board cannot grant.	5-0 L-E
<b>PCB 12-52</b>	<u>People of the State of Illinois v. Reliable Materials, LLC, GSG Consultants, Inc., O.C.A. Construction, Inc., Speedy Gonzalez Landscaping, Inc., and Public Building Commission of Chicago</u> – In this land enforcement action concerning a Cook County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2010)) and accepted a separate stipulation and settlement agreements as to GSG Consultants, Inc. only, ordering the respondent to pay a total civil penalty of \$25,000.00, and to cease and desist from further violations.	4-0 Burke abstained L-E
<b>PCB 12-93</b>	<u>People of the State of Illinois v. Kimble Septic, Inc. and Cleveland Kimble</u> – In this water enforcement action concerning a Will County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2010)), accepted a stipulation and settlement agreement, and ordered the respondents to pay a total civil penalty of \$1,000.00, and to cease and desist from further violations.	5-0 W-E
<b>PCB 12-125</b>	<u>People of the State of Illinois v. LaSalle Street Capital, Inc., an affiliate of Bank of America, National Association</u> – In this air enforcement action concerning a Cook County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2010)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$15,600.00, and to cease and desist from further violations.	5-0 A-E

<b>PCB 12-129</b>	<u>People of the State of Illinois v. Village of Orland Hills</u> – In this water enforcement action concerning a Cook County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2010)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$15,600.00, and to cease and desist from further violations.	5-0 A-E
<b>PCB 13-1</b>	<u>People of the State of Illinois v. Troy Carter</u> – The Board accepted for hearing this land enforcement action concerning a Marion County facility.	5-0 L-E
<b>PCB 13-2</b>	<u>Terminal Railroad Association of St. Louis v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this St. Clair County facility.	4-0 Holbrook abstained UST Appeal 90- Day Extension

**July 26, 2012  
Chicago, Illinois**

**Rulemakings**

<b>R12-9</b>	<u>In the Matter of: Proposed Amendments to Clean Construction or Demolition Debris (CCDD) Fill Operations: Proposed Amendments to 35 Ill. Adm. Code 1100</u> – The Board adopted an order noting the Board’s July 10, 2012 agreement with the Joint Committee on Administrative Rules to extend the second notice period for an additional 45 days. The rule will again be considered by JCAR at its August 14, 2012 meeting. The Board will not move forward to adoption of the rules until the expiration of the second notice in August.	3-0 Burke and Zalewski abstained Land
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**Adjusted Standards**

<b>AS 12-3</b>	<u>Petition of Midway RACs, LLC for Adjusted Standard From 35 Ill. Adm. Code 218.586</u> – The Board accepted this request for an adjusted standard concerning a Cook County facility for hearing.	3-0 Holbrook and Zalewski abstained Air
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**Administrative Citations**

<b>AC 10-30</b>	<u>County of Jackson v. Frances Klink</u> – The Board entered a final opinion and order finding respondent violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1), 21(p)(3), 21(p)(7) (2010)) and assessing a penalty of \$4,500.	5-0
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<b>AC 11-28</b>	<u>IEPA v. Thad Shafer</u> – The Board entered an interim opinion and order finding respondent violated Sections 21(p)(1) and 21(p)(7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) and 21(p)(7) (2010)) and assessing a penalty of \$3,000. The Board ordered the Clerk of the Board and the Illinois Environmental Protection Agency to file by August 19, 2012, a statement of hearing costs, supported by affidavit, with service on respondent. Respondent may respond to the cost statement within 21 days of service.	5-0
<b>AC 12-56</b>	<u>IEPA v. Donald E. Gulley</u> – The Board found that this Jefferson County respondent violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1), 21(p)(3), 21(p)(7) (2010)) and assessing a penalty of \$4,500.	5-0
<b>AC 12-57</b>	<u>IEPA v. Gere Properties, Inc., Perry Ridge Landfill, Inc., and Mike Whitlock</u> – The Board found that these Jefferson County respondents violated Sections 21(o)(5), 21(o)(6), and 55(k)(1) of the Environmental Protection Act (415 ILCS 5/21(o)(5), 21(o)(6), 55(k)(1) (2010)) and assessing a penalty of \$2,500.	5-0
<b>AC 13-1</b>	<u>IEPA v. Anthony Koch</u> – The Board accepted respondent’s petition for review, but directed respondent to file an amended petition to cure deficiencies.	5-0

## Adjudicatory Cases

<b>PCB 12-48</b>	<u>People of the State of Illinois v. Phoenix Corporation of the Quad Cities</u> – In this water enforcement action concerning a Carroll 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) (2010)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$20,000.00, and to cease and desist from further violations.	5-0 W-E
<b>PCB 12-130</b>	<u>The Premcor Refining Group, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	5-0 P-A, Land
<b>PCB 13-3</b>	<u>People of the State of Illinois v. Edward W. Fisher, Rhonda L. Fisher, and DEM/EX Group, Inc.</u> , – The Board accepted for hearing this land enforcement action concerning a Mason County facility.	5-0 L-E

## New Cases

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### July 12, 2012 Board Meeting

**13-1** People of the State of Illinois v. Troy Carter – The Board accepted for hearing this land enforcement action concerning a Marion County facility.

**13-2** Terminal Railroad Association of St. Louis 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 St. Clair County facility.

**AC 12-59** County of Macon v. Dale Pugley and Tracy Kater – The Board accepted an administrative citation against these Macon County respondents.

**AC 12-60** IEPA v. Howard G. Clifton, Trustee, and Clifton Salvage, Inc. – The Board accepted an administrative citation against these Jefferson County respondents.

**AC 12-61** IEPA v. Joes W. McDermott, Joe W. McDermott d/b/a McDermott Sales & Service and Joseph R. McDermott d/b/a McDermott Towing & Recovery – The Board accepted an administrative citation against these Jefferson County respondents.

**AC 13-1** IEPA v. Anthony Koch – The Board accepted an administrative citation against this Saline County respondent.

**R13-1** Definition of VOM Update, USEPA Amendments (January 1, 2012 through June 30, 2012) – 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.

**R13-2** SDWA Update, USEPA Amendments (January 1, 2012 through June 30, 2012) – 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.

**R13-3** UIC Update, USEPA Amendments (January 1, 2012 through June 30, 2012) – 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.

**R13-4** RCRA Subtitle D Update, USEPA Amendments (January 1, 2012 through June 30, 2012) – 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.

**R13-5** RCRA Subtitle C Update, USEPA Amendments (January 1, 2012 through June 30, 2012) – 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.

**R13-6** UST Update, USEPA Amendments (January 1, 2012 through June 30, 2012) – 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.

**R13-7** Wastewater Pretreatment Update, USEPA Amendments (January 1, 2012 through June 30, 2012) – 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.

## **July 26, 2012 Board Meeting**

**13-3** People of the State of Illinois v. Edward W. Fisher, Rhonda L. Fisher, and DEM/EX Group, Inc., – The Board accepted for hearing this land enforcement action concerning a Mason County facility.

**AC 13-2** IEPA v. Greg Klehm – The Board accepted an administrative citation against this Livingston County respondent.

**AC 13-3** IEPA v. E.G. Tabor and Ultimate Recycling, Inc. – The Board accepted an administrative citation against these Peoria County respondents.

**AC 13-4** IEPA v. Dennis Zindars – The Board accepted an administrative citation against this Piatt County respondent.

**AC 13-5** IEPA v. Ricky Stratton (IEPA File No. 176-12-AC) – The Board accepted an administrative citation against this Morgan County respondent.

**AC 13-6** IEPA v. Ricky Stratton (IEPA File No. 181-12-AC) – The Board accepted an administrative citation against this Morgan County respondent.

**AC 13-7** IEPA v. Robert Manker – The Board accepted an administrative citation against this Morgan County respondent.

**AC 13-8** IEPA v. State Bank of Chrisman - Trust 527 – The Board accepted an administrative citation against this Edgar County respondent.

## **Provisional Variances**

### **IEPA 13-1 Ameren Energy – E.D. Edwards v. Illinois Environmental Protection Agency**

### **IEPA 13-4 Ameren Energy – E.D. Edwards v. Illinois Environmental Protection Agency**

### **IEPA 13-9 Ameren Energy – E.D. Edwards v. Illinois Environmental Protection Agency**

The Illinois Environmental Protection Agency granted Ameren Energy – E.D. Edwards (Ameren Edwards)' request for a provisional variance for its cooling water discharges. Ameren Edwards requested a variance from the thermal limits in NPDES Permit IL0001970 to allow Ameren Edwards to continue operating through this unusually hot and dry period of weather, resulting in higher than usual river temperatures. Ameren Edwards is an electric generating station located on the west side of the Illinois River in Bartonville, Peoria County. The provisional variance, which is, subject to conditions, began June 29, 2012. On July 10, 2012, Ameren Edwards submitted a request for an extension to its provisional variance granted in IEPA 13-1, due to continued hot weather. The extension was granted as requested. On July 17, 2012, Ameren Edwards submitted a request for a second extension of its provisional variance granted in IEPA 13-1. The second extension was granted as requested.

### **IEPA 13-2 Exelon Generating Company, L.L.C Quad Cities Nuclear Power Station v. Illinois Environmental Protection Agency**

### **IEPA 13-5 Exelon Generating Company, L.L.C Quad Cities Nuclear Power Station v. Illinois Environmental Protection Agency**

### **IEPA 13-11 Exelon Generating Company, L.L.C Quad Cities Nuclear Power Station v. Illinois Environmental Protection Agency**

The Illinois Environmental Protection Agency granted, subject to conditions, Exelon Generating Company's request for a provisional variance from discharge limits contained in NPDES Permit IL0005037 for its Quad Cities Nuclear Power Station (Quad Cities). The variance allows Quad Cities' cooling water discharges to exceed the maximum temperature limit in Special Condition 7B of NPDES Permit IL 000-5037 by more than 5-degrees (91-degrees for July), or 2-degrees above ambient river temperature, whichever is greater. Quad Cities is a base load nuclear-fueled steam electric generating facility located near Cordova, on the Mississippi River at River Mile 506.8. Exelon states that when the ambient river temperatures approach or exceed the non-excursion hour limits, Quad Cities has no option other than to use excursion hours, and once its allotment of excursion hours is depleted, Quad Cities must cease operating altogether to maintain compliance with the NPDES Permit. The 13-2 variance period was from July 5, 2012 through July 15, 2012.

On July 15, 2012, Exelon submitted a request for an extension to the Quad Cities' provisional variance granted in IEPA 13-2, due to continued hot weather. The 13-5 variance period was from July 15, 2012 through July 25, 2012.

On July 19, 2012, Exelon submitted a request for a second extension to the Quad Cities' provisional variance granted in IEPA 13-2. The variance period was extended through August 8, 2012.

### **IEPA 13-3 Midwest Generation Joliet 9, Joliet 29, and Will County Stations v. Illinois Environmental Protection Agency**

### **IEPA 13-6 Midwest Generation Joliet 9, Joliet 29, and Will County Stations v. Illinois Environmental Protection Agency**

### **IEPA 13-10 Midwest Generation Joliet 9, Joliet 29, and Will County Stations v. Illinois Environmental Protection Agency**

The Illinois Environmental Protection Agency (IEPA) granted Midwest Generation's request for provisional variance for its Joliet 9, Joliet Station 29, and Will County Station because of extremely hot weather conditions and the resulting maximum customer demand for electricity needed for commercial and residential cooling. Midwest Generation requested a provisional variance for its cooling water discharges from the thermal limits at the I-55 Bridge in the Lower Des Plaines River contained in these stations' NPDES permits (Joliet Station 9 NPDES Permit IL0002216; Joliet Station 29 NPDES Permit No. IL0064254; and Will County Station NPDES Permit NO. IL0002208). The 13-3 provisional variance, subject to conditions, terms began on July 4, 2012 and ended no later than July 13, 2012. Midwest Generation submitted a request for an extension to the Quad Cities' provisional

variance granted in IEPA 13-3, due to continued hot weather. The provisional variance granted in IEPA 13-6, subject to conditions, ended no later than July 23, 2012. Midwest Generation submitted another request for an extension, due to continued hot weather. The provisional variance granted in IEPA 13-10, subject to conditions, ended no later than August 5, 2012.

**IEPA 13-7 Exelon Generation Company, LLC Dresden Nuclear Generation Station v. Illinois Environmental Protection Agency**—The Illinois Environmental Protection Agency (IEPA) granted, subject to conditions, Exelon Generation Company Dresden Nuclear Generation Station’s (Exelon Dresden) request for a provisional variance from Special Condition 3C of NPDES Permit IL0002224 for cooling water discharges. Exelon Dresden requested the provisional variance because the challenges encountered as a result of the continuing unseasonably high temperatures, elevated intake source water temperatures, very low flows in the Kankakee and Des Plaines Rivers, and lack of local precipitation present an undue hardship for Exelon to meet the effluent thermal limits of 90-degrees F contained in NPDES Permit IL0002224. Dresden is a nuclear-fueled steam electric generating facility located at the confluence of the Des Plaines and Kankakee Rivers near Morris. The term of this provisional variance is from July 18, 2012 and ends no later than August 1, 2012.

**IEPA 13-8 Exelon Generation Company, LLC LaSalle County Station v. Illinois Environmental Protection Agency**—The Illinois Environmental Protection Agency (IEPA) granted Exelon Generation Company LaSalle County Station’s (LaSalle Station) request for a provisional variance from cooling water discharge limits contained in NPDES permit IL0048151. LaSalle Station requested the relief from NPDES Permit Special Condition 3B that requires river temperatures at the edge of the mixing zone for the month of July not to exceed 90-degrees F during non-excursion hours and 93-degrees F when excursion hours are being used. Specifically, LaSalle Station sought a provisional variance allowing the station to exceed the non-excursion hour temperature limit for July and August of 90-degrees F state in Special Condition 3(b) of NPDES Permit No. IL0048151 by no more than 5-degrees (95-degrees F) or 5-degrees F above ambient river temperature, whichever is greater. LaSalle State is located in the southeastern part of LaSalle County, six miles southeast of Marseilles, three miles west of State Highway 170, and a half-mile north of Grand Ridge-Mazon Road (LaSalle County Highway 6). The term of the provisional variance is July 19, 2012 through August 1, 2012.

***Public Act 93-0152 (Senate Bill 222) amended Sections 35-37 of the Illinois Environmental Act (415 ILCS 5/5(b) (2010)) 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.***

## Calendar

8/1/2012 10:00 AM	PCB 12-126	Ameren Energy Resources v. IEPA	Illinois Pollution Control Board Hearing Room 1021 N. Grand Avenue East (North Entrance) Springfield
8/9/2012 11:00 AM	<b>Illinois Pollution Control Board Meeting</b>		<b>Videoconference Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago And 1021 N. Grand Avenue East Oliver Holmes Conference Room 2012 N Springfield</b>
8/21/2012 10:00 AM	R12-23	<u>In the Matter of: Concentrated Animal Feeding Operations (CAFOs): Proposed Amendments to 35 Ill. Adm. Code Parts 501, 502, and 504</u>  (Continues until completed or through August 23, 2012)	IEPA Sangamo Room 1021 N. Grand Avenue East (North Entrance) Springfield
8/23/2012 9:00 AM	R11-18	<u>In the Matter of: Triennial Review of Water Quality Standards for Boron, Fluoride and Manganese: Amendments to 35 Ill. Adm. Code 301.106, 302.Subparts B,C, E, F and 303.312</u>	Pollution Control Board Hearing Room 1021 North Grand Avenue East (North Entrance) Springfield
8/23/2012 11:00 AM	<b>Illinois Pollution Control Board Meeting</b>		<b>Videoconference Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago And 1021 N. Grand Avenue East Oliver Holmes Conference Room 2012 N Springfield</b>
8/23/2012 1:00 PM	R12-24	<u>In the Matter of: Gasoline Volatility Standards and Motor Vehicle Refinishing: Proposed Amendments to 35 Ill. Adm. Code Parts 211, 215, 218, and 219</u>	Pollution Control Board Hearing Room 1021 North Grand Avenue East (North Entrance) Springfield
9/6/2012 11:00 AM	<b>Illinois Pollution Control Board Meeting</b>		<b>James R. Thompson Center 100 W. Randolph Street Chicago</b>

9/12/2012 10:00 AM	PCB 10-48	<u>Broadus Oil Company v. IEPA</u>	Illinois Pollution Control Board Hearing Room 1021 N. Grand Avenue East (North Entrance) Springfield
9/12/2012 10:00 AM	PCB 11-63	<u>Beverly Powers f/d/b/a Dicks Super Service v. IEPA</u>	Illinois Pollution Control Board Hearing Room 1021 N. Grand Avenue East (North Entrance) Springfield
<b>9/20/2012 11:00 AM</b>	<b>Illinois Pollution Control Board Meeting</b>		<b>James R. Thompson Center 100 W. Randolph Street Chicago</b>
9/20/2012 1:00 PM	R12-24	<u>In the Matter of: Gasoline Volatility Standards and Motor Vehicle refinishing; Proposed Amendments to 35 Ill. Adm. Code Parts 211, 215, 218, and 219</u>	James R. Thompson Center Room 11-512 100 W. Randolph Street Chicago
10/3/2012 10:00 AM	PCB 12-101	<u>ConocoPhillips Company Permit Appeal v. IEPA</u>	County Board Room 203 Madison County Administration Building 157 N. Main St. Edwardsville
<b>10/4/2012 11:00 AM</b>	<b>Illinois Pollution Control Board Meeting</b>		<b>James R. Thompson Center 100 W. Randolph Street Chicago</b>
10/16/201 2 10:00 AM	R12-23	<u>In the Matter of: Concentrated Animal Feeding Operations (CAFOs): Proposed Amendments to 35 Ill. Adm. Code Parts 501, 502, and 504</u>	St. Clair County Court House County Board Meeting Room B- 564 5 <sup>th</sup> Floor 10 Public Square Belleville
<b>10/18/201 2 11:00 AM</b>	<b>Illinois Pollution Control Board Meeting</b>		<b>James R. Thompson Center 100 W. Randolph Street Chicago</b>
10/23/201 2 10:00 AM	R12-23	<u>In the Matter of: Concentrated Animal Feeding Operations (CAFOs): Proposed Amendments to 35 Ill. Adm. Code Parts 501, 502, and 504</u>	Brookens Administrative Center Lyle Shields (County Board) Meeting Room 1776 E. Washington Urbana
10/30/201 2 10:00 AM	R12-23	<u>In the Matter of: Concentrated Animal Feeding Operations (CAFOs): Proposed Amendments to 35 Ill. Adm. Code Parts 501, 502, and 504</u>	DeKalb Municipal Building City Council Chambers Room 200 200 S. 4 <sup>th</sup> Street DeKalb
<b>11/1/2012 11:00 AM</b>	<b>Illinois Pollution Control Board Meeting</b>		<b>James R. Thompson Center 100 W. Randolph Street Chicago</b>

11/14/201 2 10:00 AM	R12-23	<u>In the Matter of: Concentrated Animal Feeding Operations (CAFOs): Proposed Amendments to 35 Ill. Adm. Code Parts 501, 502, and 504</u>	Highland Community College West Campus Conference Room 129 300 N. West Street Elizabeth
11/15/201 2 11:00 AM	Illinois Pollution Control Board Meeting		<b>Videoconference</b> <b>Chicago/Springfield</b> <b>James R. Thompson Center</b> <b>Hearing Room 11-512</b> <b>100 W. Randolph Street</b> <b>Chicago</b> <b>And</b> <b>1021 N. Grand Avenue East</b> <b>Oliver Holmes Conference</b> <b>Room 2012 N</b> <b>Springfield</b>

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

**JULY 2012**

<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
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
*BELMONT WATER INC – IL0755150	4	EXCEEDING MCL FOR ARSENIC	200	6/15/2012
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
BRYANT – IL0570200	5	EXCEEDING THE MCL FOR COMBINED RADIUM	267	10/1/2010
*BUDA – IL0110100	1	EXCEEDING THE MCL FOR COMBINED RADIUM	600	6/15/2012
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
CROSEY COMMUNITY WATER - IL1135150	4	INADEQUATE PRESSURE TANK	31	3/20/1981
CRYSTAL CLEAR WATER COMPANY - IL1115150	2	INADEQUATE GROUND STORAGE AND PRESSURE TANK	885	9/16/1988
*CUTLER – IL1450050	7	EXCEEDING THE COMBINED MCL FOR RADIUM	676	6/15/2012
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

<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
DELAND – IL1470200	4	EXCEEDING THE MAXIMUM CONTAMINANT LEVEL (MCL) FOR ARSENIC	475	3/16/2012
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
EDELSTEIN WATER COOPERATIVE – IL1435150	5	EXCEEDING THE MCL's FOR COMBINED RADIUM & GROSS ALPHA PARTICLE ACTIVITY	125	10/1/2010
*ELIZABETHTOWN – IL0690100	7	UNSAFE SOURCE	348	6/15/2012
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 –LAKE CO PW IL0975500	2	INADEQUATE PRESSURE TANK	204	12/16/1983
FRWRD-SKYLINE PLANT - IL0895030	2	INADEQUATE PRESSURE TANK	700	9/19/1986
GREAT OAKS AND BEACON HILLS APARTMENTS - IL2015488	1	INADEQUATE PRESSURE TANK	2420	12/17/1982
*GREEN MEADOW ESTATES OF ROCKFORD, LLC – IL2015495	1	INADEQUATE GROUND AND HYDRO PNEUMATIC STORAGE -	970	6/15/2012
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 GROUND STORAGE CAPACITY	837	9/17/1992

<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
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 WATER ASSOCIATION INC - 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
*MAEYSTOWN – IL1330200	6	EXCEEDING THE MCL FOR NITRATE	230	6/15/2012
*MALTA – IL0370350	1	INADEQUATE STORAGE (NO AUTO-START GENERATOR)	1175	6/15/2012
MOUND PWD - IL1635050	6	INADEQUATE PLANT CAPACITY	2200	6/17/1996
NORTH HENDERSON – IL1310300	1	INADEQUATE HYDROPNEUMATIC STORAGE	184	7/1/2011
NORTHWEST BELMONT IMPRV ASSN - IL0435900	2	INADEQUATE PRESSURE TANK	78	9/29/1981
*OAKLANE SUBDIVISION – IL0995250	1	EXCEEDING THE COMBINED RADIUM MCL	60	6/15/2012
*OAK RIDGE SD - IL2035300	1	INADEQUATE PRESSURE TANK	240	3/20/1981
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
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
PRAIRIE ROAD PUMP ASSOCIATION- IL2015100	1	INADEQUATE STORAGE	150	1/1/2006
*RANSOM – IL0990900	1	EXCEEDING MCL FOR COMBINED RADIUM	483	6/15/2012
RIDGECREST NORTH SUBDIVISION - IL0635250	2	INADEQUATE PRESSURE TANK	60	9/16/1993
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	45	3/16/1990

<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
		TANK		
STRATFORD WEST APARTMENTS - IL1095200	5	INADEQUATE PRESSURE TANK	39	12/17/1982
SUBURBAN HEIGHTS SUBDIVISION - IL1615800	1	INADEQUATE PRESSURE TANK	82	12/16/1983
SUNNY HILL ESTATES SUBDIVISION - IL0735300	1	INADEQUATE PRESSURE TANK	525	6/15/2000
SUNNYLAND SUBDIVISION - IL1977730	2	INADEQUATE PRESSURE TANK	350	9/16/1983
SWEDONA WATER ASSOCIATION - IL1315200	1	INADEQUATE PRESSURE TANK	157	6/15/1990
SYLVAN LAKE 1ST SUBDIVISION - IL0977100	2	INADEQUATE PRESSURE TANK	210	6/14/1991
TOWNERS SUBDIVISION - IL0977250	2	INADEQUATE PRESSURE TANK	210	1/14/1982
UTILITIES INC HOLIDAY HILLS - IL1115350	2	INADEQUATE PRESSURE TANK	729	9/16/1983
UTL INC-LAKE HOLIDAY - IL0995200	1	INAD SOURCE & TREATMENT PLT	5460	9/15/1998
UTL INC-NORTHERN HILLS UTILITIES COMPANY - IL1775050	1	INADEQUATE PRESSURE TANK	500	3/15/1996
UTL INC-WALK-UP WOODS WATER COMPANY - IL1115800	2	INADEQUATE PRESSURE TANK	654	12/17/1982
*VALLEY VIEW SUBDIVISION - IL2030010	1	INADEQUATE HYDROPNEUMATIC STORAGE	100	6/15/2012
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**

NONE

\* DENOTES ADDED WATER SUPPLIES

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

**JULY 2012**

<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
ANNA-JONESBORO WATER COMMISSION – IL1815050	7	LACKS EXISTING TREATMENT CAPACITY	36	7/1/2011
ANNA WATER COMMISSION – IL1810050	7	**	5750	7/1/2011
BEASON CHESTNUT PWD - IL1075150	5	INAD PLANT & SOURCE CAP	600	6/15/2004
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
EDWARDSVILLE – IL1190250	5	INSUFFICIENT PLANT CAPACITY TO HANDLE PEAK SYSTEM WATER DEMAND	24,900	9/16/2008
ELIZABETH - IL0850150	1	LOW SYSTEM PRESSURE	682	6/15/1999
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
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
IL AMERICAN-E ST. LOUIS - IL1635040	6	APPROACHING INADEQUATE STORAGE CAPACITY	155382	1/01/2011
JONESBORO PWS – IL1810250	7	**	1853	7/1/2011
JOY - IL1310100	1	LOW SYSTEM PRESSURE	373	6/15/1999
LA SALLE - IL0990300	1	INAD PLANT & SOURCE CAPACITY	9700	11/1/2004
LACON - IL1230100	1	UNDERSIZED WATERMAINS	1979	1/1/2006
LICK CREEK PWD – IL1815100	7	**	1929	7/1/2011
MALDEN - IL0110550	1	UNDERSIZED WATERMAINS	370	1/1/2006
MASON CITY - IL1250350	5	INADEQUATE STORAGE	2558	1/1/2006

<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
		CAPACITY		
MATHERSVILLE - IL1310200	1	INADEQUATE SYSTEM PRESSURE	793	9/13/2000
MC HENRY SHORES WATER COMPANY - IL1115020	2	LOW SYSTEM PRESSURE	1813	9/17/1992
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
SHAWNEE VALLEY PWD – IL1815550	7	**	952	7/1/2011
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
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**

EFFINGHAM – IL0490250

HAMEL – IL1190450

MARION – IL1990550

O’FALLON – IL1631100

WATERLOO – IL1330300

**\* DENOTES ADDED WATER SUPPLIES**

**\*\* THESE PUBLIC WATER SUPPLIES OBTAIN WATER FROM ANNA-JONESBORO WATER COMMISSION (IL1815050) WHICH LACKS EXISTING TREATMENT CAPACITY.**

**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, 2012. 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.

## **Class III Groundwater Listing Statement**

In accordance with 35 Ill. Adm. Code 620.230(b)(2), the Illinois Environmental Protection Agency (“Illinois EPA”) publishes a final listing of the following dedicated nature preserves (“DNP(s)”), as Class III: Special Resource Groundwater (Class III Groundwater): Cotton Creek Marsh; Exhibit 1 , George B. Fell; Exhibit 2, Gladstone Fen; Exhibit 3, Goose Lake Prairie; Exhibit 4, Spring Grove Fen; exhibit 5 and Trout Park; Exhibit 6. This is the fifth Class III petition received by the Illinois EPA, and the third to include multiple DNPs.

Based upon the authority of 35 Ill. Adm. Code 620.230, Class III Groundwater can be established for: groundwater that is demonstrably unique (e.g. irreplaceable sources of groundwater) and suitable for application of a water quality standard more stringent than the otherwise applicable water quality standard specified; groundwater that is vital for a particularly sensitive ecological system; or groundwater contributing to a DNP that has been listed by the Illinois EPA. The Illinois EPA is required to review written requests to list DNPs as Class III Groundwater. Upon confirmation of the technical adequacy, the Illinois EPA must publish the proposed listing of the DNP in the Environmental Register for a 45-day public comment period. After the comment period the Illinois EPA must, within 60 days, either publish a final listing of the DNP as Class III Groundwater in the Environmental Register or provide a written response to the requestor stating why the DNP will not be listed as Class III Groundwater.

The Groundwater Section of the Bureau of Water, at the Illinois EPA, completed the review required according to the criteria specified in Subsection 620.230(b)(1) and found the petitions to be technically adequate. The proposed listing was published in the April 2012 Environmental Register, Number 694. No comments were received during the 45-day public comment period. Therefore, the Illinois EPA is publishing the following final listing of DNPs as Class III Groundwater in the Environmental Register:

Cotton Creek Marsh: Exhibit 1

Goose Lake Prairie: Exhibit 4

George B. Fell: Exhibit 2

Spring Grove Fen: Exhibit 5

Gladstone Fen: Exhibit 3

Trout Park: Exhibit 6

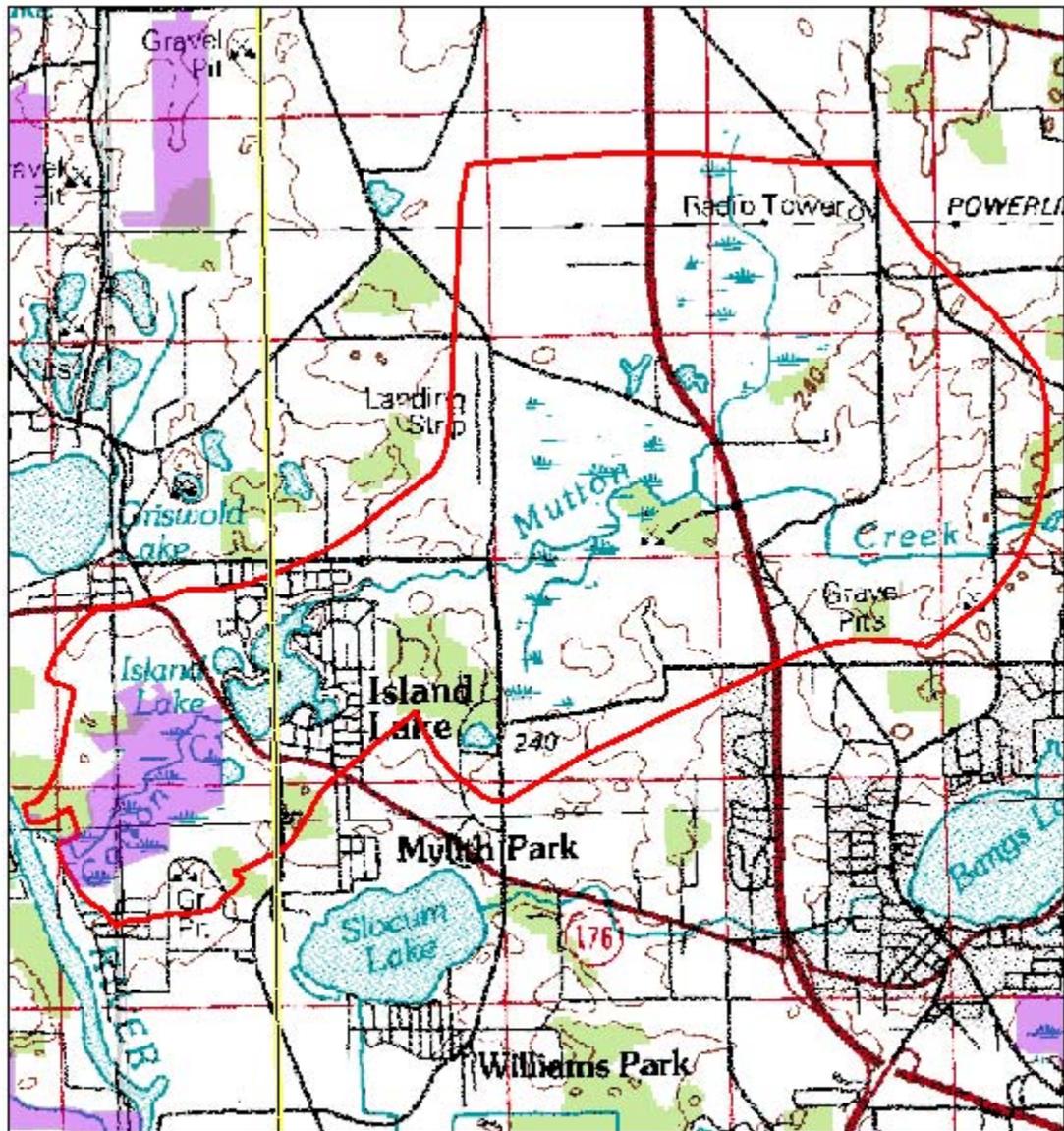
Questions regarding Class III Groundwater and hard copies of the listing exhibits can be obtained by mail, telephone or e-mail at the following:

Lynn E. Dunaway, P.G.  
Bureau of Water  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
(217) 785-4787  
[lynn.dunaway@illinois.gov](mailto:lynn.dunaway@illinois.gov)

# EXHIBIT 1

## Cotton Creek Marsh Class III Designation Final Listing

## Cotton Creek Marsh Class III Groundwater Area



### Legend

-  Class III Groundwater Area
-  Dedicated Nature Preserves
-  County Boundaries

0 0.25 0.5 1 1.5 2 Miles

## **Cotton Creek Marsh Class III Special Resource Groundwater Listing Notice**

The Illinois Environmental Protection Agency (Illinois EPA) publishes a final listing of Cotton Creek Marsh, a dedicated nature preserve (DNP), and the area that contributes groundwater to the DNP, as Class III: Special Resource Groundwater (Class III Groundwater). Cotton Creek Marsh Nature Preserve is located on the eastern boundary of McHenry County, in the Village of Island Lake. Plant communities at this site include marsh, sedge meadow, low gradient creek, wet prairie, successional fields and fen, which depend on the specialized hydrogeologic conditions to deliver mineral-rich groundwater for their continued survival. The marsh is also home to two threatened plants and one threatened animal. Cotton Creek Marsh is a 249.1 acre tract of land owned by the McHenry County Conservation District, located in Sections 20 and 29, Township 44 North, Range 9 East, McHenry County. The Groundwater Contribution Area (GCA), which is proposed for Class III designation, is 8.1 square miles (5,184 acres) surrounding the marsh and stretching to the northeast, extending into Lake County.

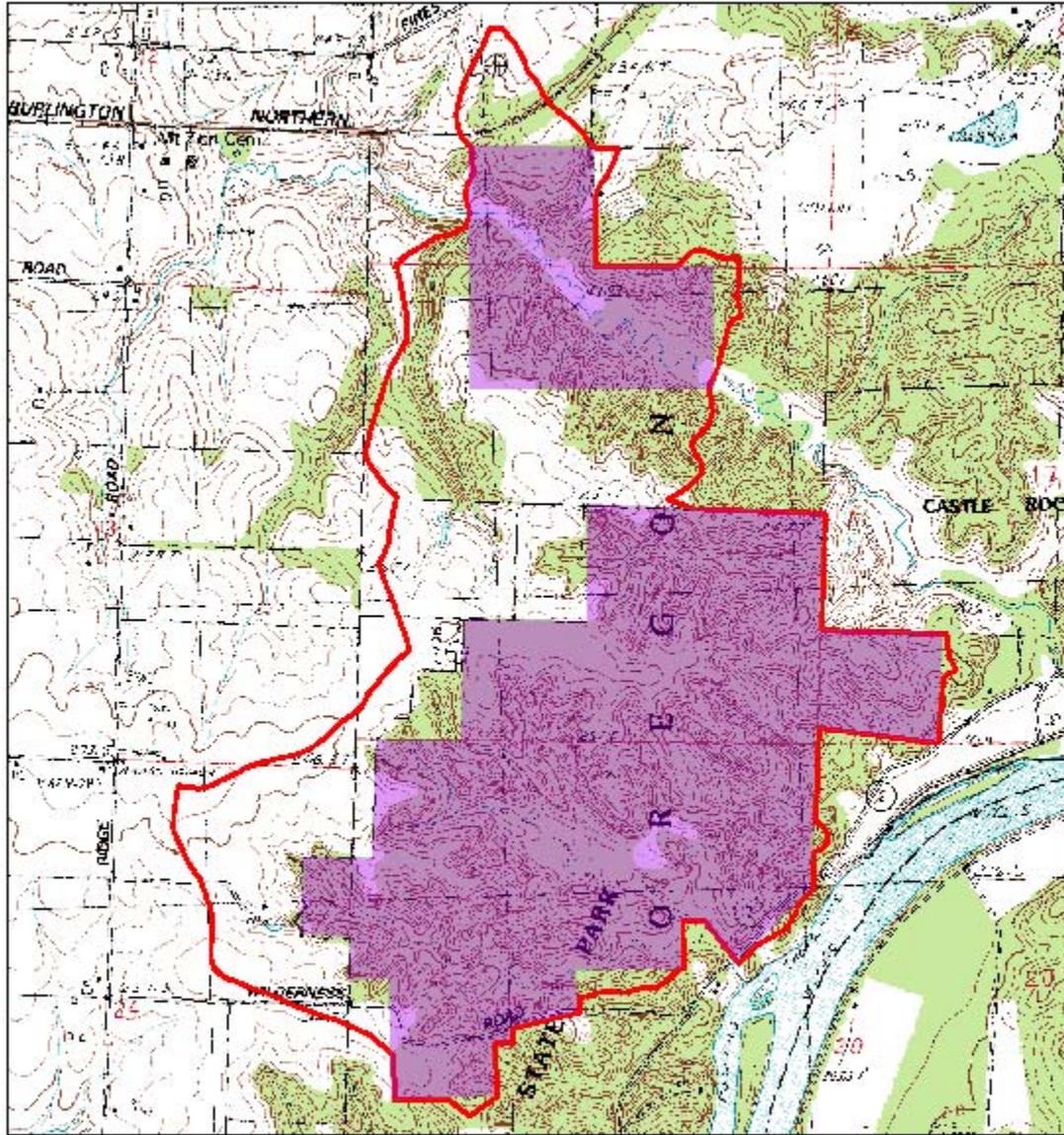
Under the authority of 35 Ill. Adm. Code 620.230, Class III Groundwater can be established for: groundwater that is demonstrably unique (e.g. irreplaceable sources of groundwater) and suitable for application of a water quality standard more stringent than the otherwise applicable water quality standard specified; groundwater that is vital for a particularly sensitive ecological system; or groundwater contributing to a DNP that has been listed by the Illinois EPA. The Illinois EPA is required to review written requests to list DNPs as Class III Groundwater. Upon confirmation of the technical adequacy of a request, the Illinois EPA is required to publish the proposed listing of the DNP in the Environmental Register for a 45-day public comment period. After the comment period, the Illinois EPA can either publish a final listing of the DNP as Class III Groundwater in the Environmental Register or provide a written response to the requestor stating why the DNP will not be listed as Class III Groundwater. For the Cotton Creek Marsh DNP, the Illinois EPA completed the technical adequacy review and published a proposed listing of this DNP as Class III Groundwater in the April 2012 Environmental Register, Number 694. No public comments were received. The Illinois EPA now publishes a final listing of the Cotton Creek Marsh in the Environmental Register as Class III Groundwater.

# EXHIBIT 2

George B. Fell

Class III Designation Final Listing

# George B. Fell Class III Groundwater Area



0 0.125 0.25 0.5 0.75 1 Miles

## Legend

-  Class III Groundwater Area
-  Dedicated Nature Preserves

## **George B. Fell Class III Special Resource Groundwater Listing Notice**

The Illinois Environmental Protection Agency (Illinois EPA) publishes a final listing of George B. Fell, a dedicated nature preserve (DNP), and the area that contributes groundwater to the DNP, as Class III: Special Resource Groundwater (Class III Groundwater). George B. Fell DNP is located in central Ogle County, Illinois, as a part of Castle Rock State Park, near the City of Oregon. The preserve is recognized as having the only remaining assemblage of relict boreal plants of their type left in Illinois. The DNP is documented to support at least ten state-listed threatened or endangered plants and two state-threatened animals. The 709 acre nature preserve is divided into a northern portion and a southern portion, situated in Sections 7, 17, 18, and 19 in Township 23 North, Range 10 East and in Section 24 in Township 23 North, Range 9 East, of the Third Principal Meridian. The Groundwater Contribution Area (GCA) for the preserve, which is proposed for Class III designation, totals 1.6 square miles (1,024 acres), within 0.5 and 0.25 miles around the edges of the northern and southern portions, respectively.

Under the authority of 35 Ill. Adm. Code 620.230, Class III Groundwater can be established for: groundwater that is demonstrably unique (e.g. irreplaceable sources of groundwater) and suitable for application of a water quality standard more stringent than the otherwise applicable water quality standard specified; groundwater that is vital for a particularly sensitive ecological system; or groundwater contributing to a DNP that has been listed by the Illinois EPA.

The Illinois EPA is required to review written requests to list DNPs as Class III Groundwater. Upon confirmation of the technical adequacy of a request, the Illinois EPA is required to publish the proposed listing of the DNP in the Environmental Register for a 45-day public comment period. After the comment period, the Illinois EPA can either publish a final listing of the DNP as Class III Groundwater in the Environmental Register or provide a written response to the requestor stating why the DNP will not be listed as Class III Groundwater.

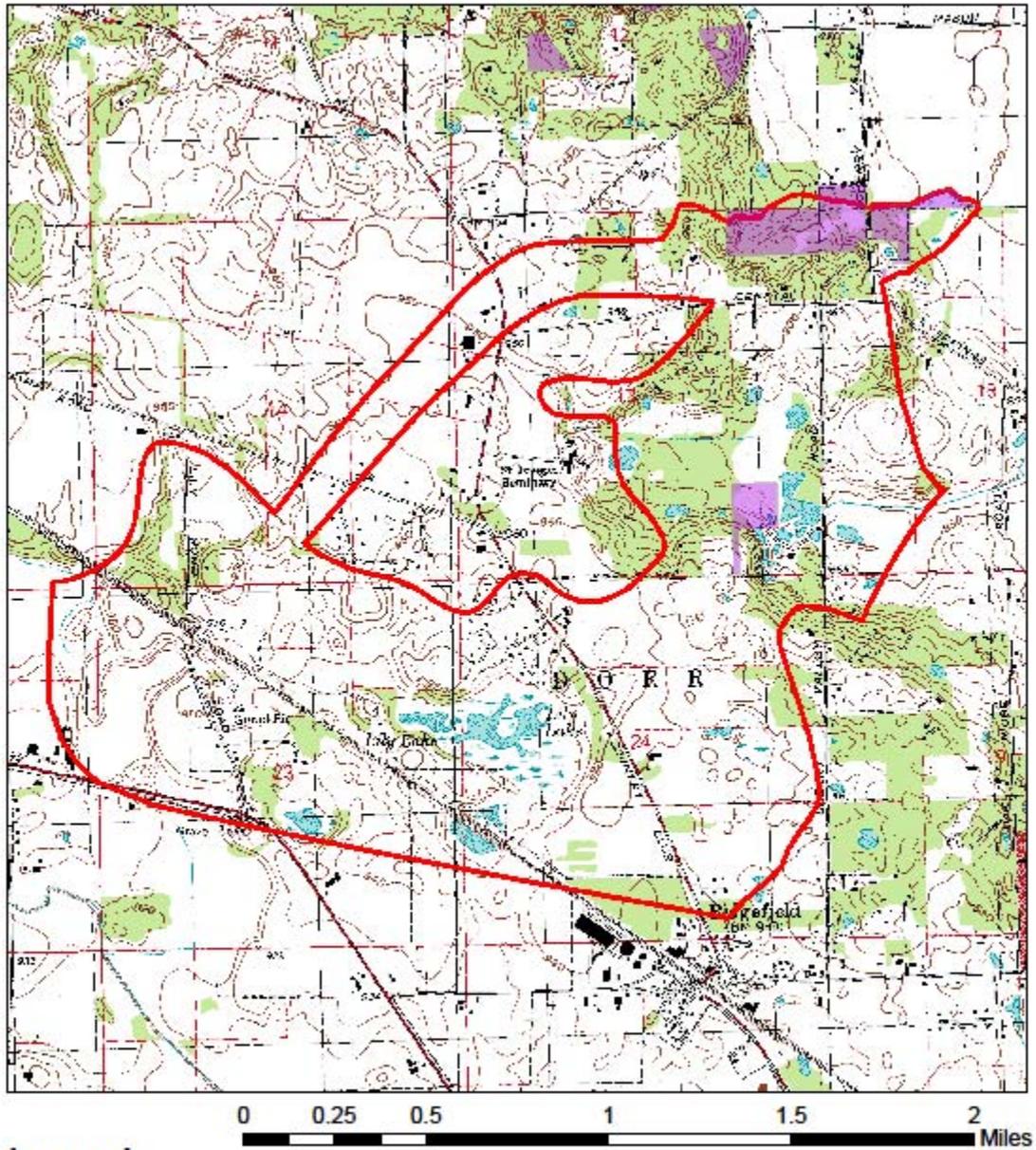
For the George B. Fell DNP, the Illinois EPA completed the technical adequacy review and published a proposed listing of this DNP as Class III Groundwater in the April 2012 Environmental Register, Number 694. No public comments were received. The Illinois EPA now publishes a final listing of the George B. Fell DNP in the Environmental Register as Class III Groundwater.

# EXHIBIT 3

## Gladstone Fen

### Class III Designation Final Listing

## Gladstone Fen Class III Groundwater Area



### Legend

-  Class III Groundwater Area
-  Dedicated Nature Preserves

## **Gladstone Fen Class III Special Resource Groundwater Listing Notice**

The Illinois Environmental Protection Agency (Illinois EPA) publishes a final listing of Gladstone Fen, a dedicated nature preserve (DNP), and the area that contributes groundwater to the DNP, as Class III: Special Resource Groundwater (Class III Groundwater). Gladstone Fen Nature Preserve is located on an 11.8 acre tract located within and adjacent to a 38 acre tract included in the Illinois Natural Areas Inventory (INAI) in east central McHenry County, near the Village of Bull Valley. The sensitive ecological communities include fen, sedge meadow, prairie and oak savanna. Both the fen and sedge meadow rely on naturally mineralized groundwater to support their biological communities. The site is also documented to support two state-threatened plants. Jointly owned by Lorna and Evan Gladstone and the McHenry County Conservation District, Gladstone Fen and the INAI form an interdependent area that consists of 49.8 acres positioned in Section 18, Township 44 North, Range 8 East, of the Third Principal Meridian. The Groundwater Contribution Area (GCA), which is proposed for Class III designation, extends southwest of the preserve, covering 2.64 square miles (1,690 acres).

Under the authority of 35 Ill. Adm. Code 620.230, Class III Groundwater can be established for: groundwater that is demonstrably unique (e.g. irreplaceable sources of groundwater) and suitable for application of a water quality standard more stringent than the otherwise applicable water quality standard specified; groundwater that is vital for a particularly sensitive ecological system; or groundwater contributing to a DNP that has been listed by the Illinois EPA.

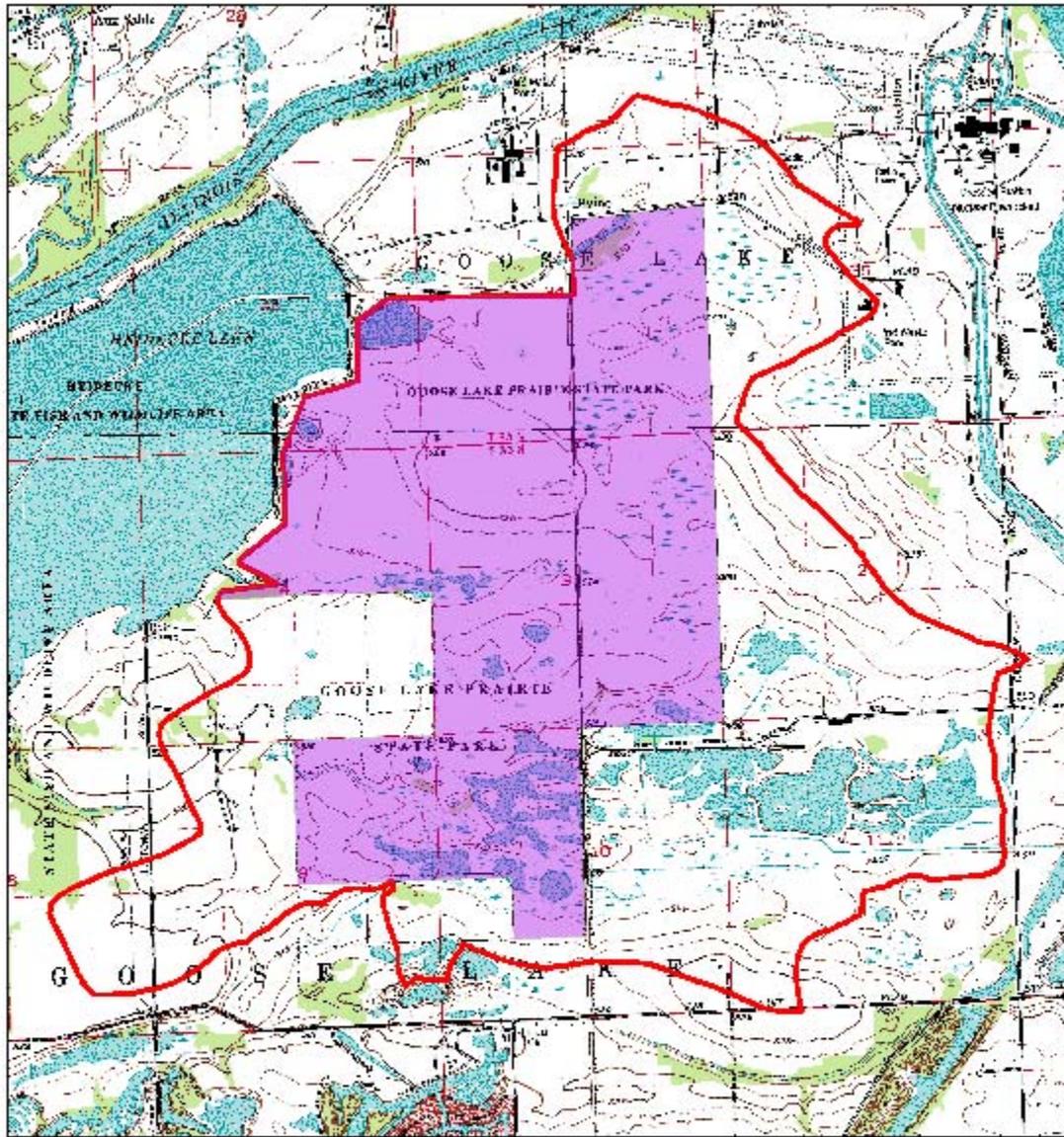
The Illinois EPA is required to review written requests to list DNPs as Class III Groundwater. Upon confirmation of the technical adequacy of a request, the Illinois EPA is required to publish the proposed listing of the DNP in the Environmental Register for a 45-day public comment period. After the comment period, the Illinois EPA can either publish a final listing of the DNP as Class III Groundwater in the Environmental Register or provide a written response to the requestor stating why the DNP will not be listed as Class III Groundwater.

For the Gladstone Fen DNP, the Illinois EPA completed the technical adequacy review and published a proposed listing of this DNP as Class III Groundwater in the April 2012 Environmental Register, Number 694. No public comments were received. The Illinois EPA now publishes a final listing of the Gladstone Fen DNP in the Environmental Register as Class III Groundwater.

# EXHIBIT 4

## Goose Lake Prairie Class III Designation Final Listing

## Goose Lake Prairie Class III Groundwater Area



0 0.25 0.5 1 1.5 2 Miles

### Legend

-  Class III Groundwater Area
-  Dedicated Nature Preserves

## **Goose Lake Prairie Class III Special Resource Groundwater Listing Notice**

The Illinois Environmental Protection Agency (Illinois EPA) publishes a final listing of Goose Lake Prairie, a dedicated nature preserve (DNP), and the area that contributes groundwater to the DNP, as Class III: Special Resource Groundwater (Class III Groundwater). Goose Lake Prairie Nature Preserve is located on 1,628 acres in Sections 3, 4, 9, and 10 in Township 33 North, Range 8 East and portions of Sections 33 and 34 in Township 34 North, Range 8 East, Grundy County, on property owned by the Illinois Department of Natural Resources. Goose Lake Prairie represents the largest remnant prairie in Illinois. Fifteen species of State threatened and State endangered species survive in the prairie or use it for nesting. Included among the rare animals are two species of moths; one species had never before been classified and named, and the other species was thought to be extinct until it was rediscovered at Goose Lake Prairie in 1995. The groundwater at the site is important to this unique community, particularly the wet prairie areas. The Groundwater Contribution Area (GCA) for Goose Lake Prairie, which is proposed for Class III designation, extends primarily to the south of the nature preserve and encompasses 5.7 square miles (3,648 acres).

Under the authority of 35 Ill. Adm. Code 620.230, Class III Groundwater can be established for: groundwater that is demonstrably unique (e.g. irreplaceable sources of groundwater) and suitable for application of a water quality standard more stringent than the otherwise applicable water quality standard specified; groundwater that is vital for a particularly sensitive ecological system; or groundwater contributing to a DNP that has been listed by the Illinois EPA.

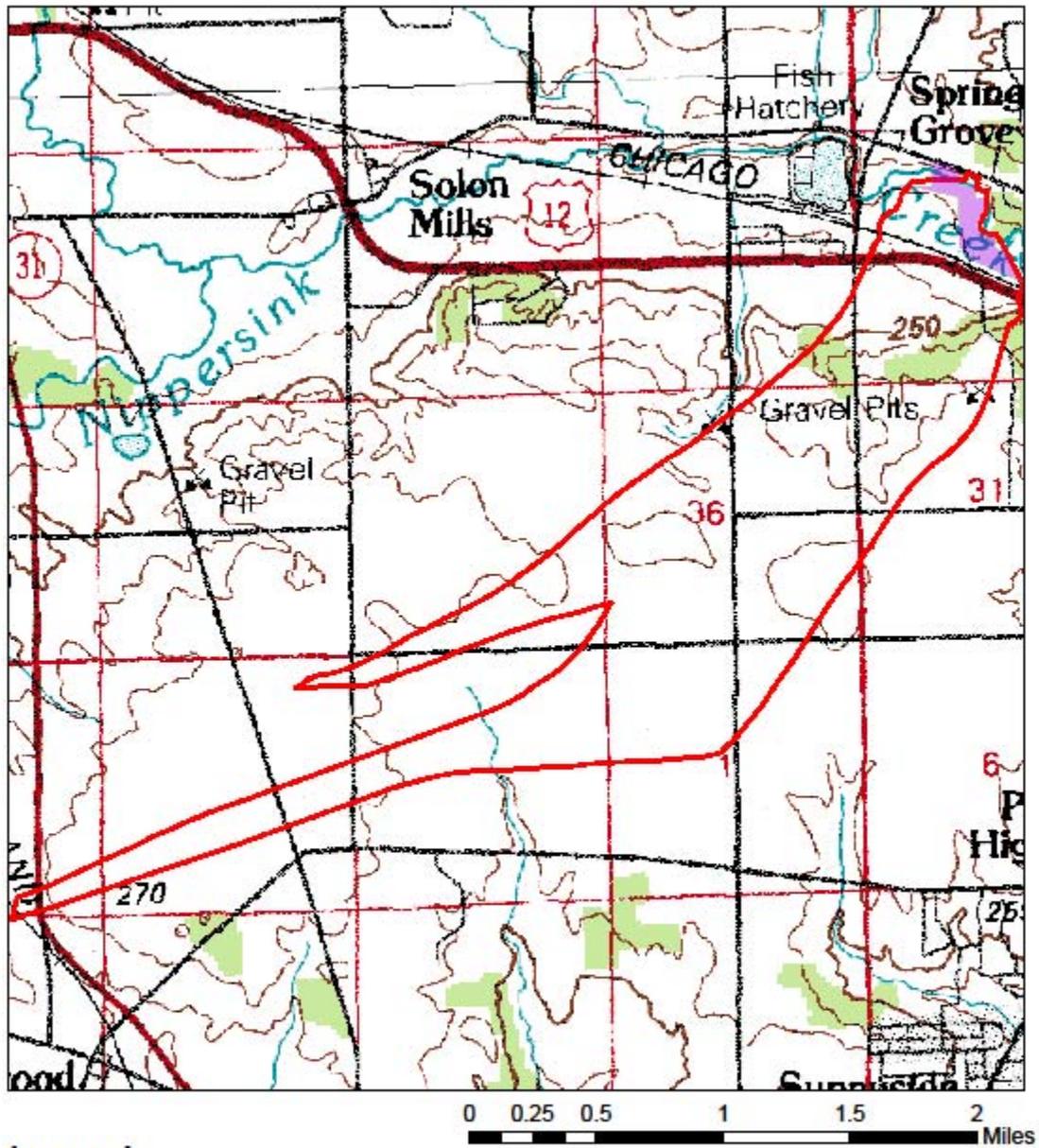
The Illinois EPA is required to review written requests to list DNPs as Class III Groundwater. Upon confirmation of the technical adequacy of a request, the Illinois EPA is required to publish the proposed listing of the DNP in the Environmental Register for a 45-day public comment period. After the comment period, the Illinois EPA can either publish a final listing of the DNP as Class III Groundwater in the Environmental Register or provide a written response to the requestor stating why the DNP will not be listed as Class III Groundwater.

For the Goose Lake Prairie DNP, the Illinois EPA completed the technical adequacy review and published a proposed listing of this DNP as Class III Groundwater in the April 2012 Environmental Register, Number 694. No public comments were received. The Illinois EPA now publishes a final listing of the Goose Lake Prairie DNP in the Environmental Register as Class III Groundwater.

# EXHIBIT 5

## Spring Grove Fen Class III Designation Final Listing

## Spring Grove Fen Class III Groundwater Area



### Legend

-  Class III Groundwater Area
-  Dedicated Nature Preserves

## **Spring Grove Fen Class III Special Resource Groundwater Listing Notice**

The Illinois Environmental Protection Agency (Illinois EPA) publishes a final listing of Spring Grove Fen, a dedicated nature preserve (DNP), and the area that contributes groundwater to the DNP, as Class III: Special Resource Groundwater (Class III Groundwater). Spring Grove Fen Nature Preserve is located on a series of glacial terraces along Nippersink Creek, southeast of Spring Grove. The 33.4 acre parcel is owned by the McHenry County Conservation District and is in Section 30, Township 46 North, Range 9 East, McHenry County. The mineral rich groundwater discharging on the nature preserve contributes to the perpetuation of high quality graminoid fen and very high quality sedge meadow communities. The nature preserve is known to harbor one State endangered plant, one State threatened plant and one State threatened animal. The Groundwater Contribution Area (GCA) for Spring Grove Fen Nature Preserve, which is proposed for Class III designation, is 2.4 square miles (1,550 acres) that extends to the southwest of the preserve.

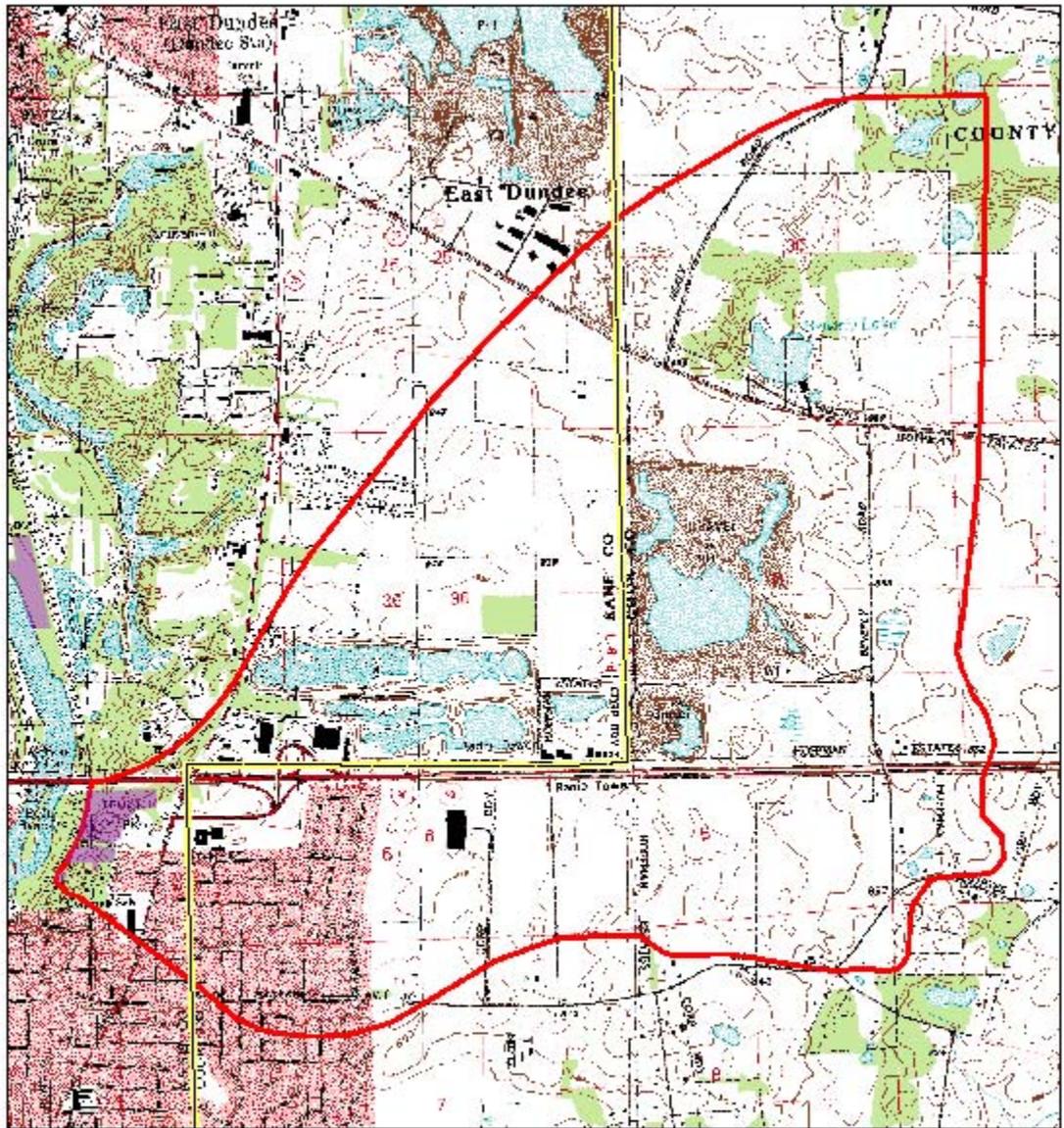
Under the authority of 35 Ill. Adm. Code 620.230, Class III Groundwater can be established for: groundwater that is demonstrably unique (e.g. irreplaceable sources of groundwater) and suitable for application of a water quality standard more stringent than the otherwise applicable water quality standard specified; groundwater that is vital for a particularly sensitive ecological system; or groundwater contributing to a DNP that has been listed by the Illinois EPA. The Illinois EPA is required to review written requests to list DNPs as Class III Groundwater. Upon confirmation of the technical adequacy of a request, the Illinois EPA is required to publish the proposed listing of the DNP in the Environmental Register for a 45-day public comment period. After the comment period, the Illinois EPA can either publish a final listing of the DNP as Class III Groundwater in the Environmental Register or provide a written response to the requestor stating why the DNP will not be listed as Class III Groundwater. For the Spring Grove Fen DNP, the Illinois EPA completed the technical adequacy review and published a proposed listing of this DNP as Class III Groundwater in the April 2012 Environmental Register, Number 694. No public comments were received. The Illinois EPA now publishes a final listing of the Spring Grove Fen DNP in the Environmental Register as Class III Groundwater.

# EXHIBIT 6

Trout Park

Class III Designation Final Listing

## Trout Park Class III Groundwater Area



### Legend

-  Class III Groundwater Area
-  Dedicated Nature Preserves
-  County Boundaries

0 0.25 0.5 1 1.5 2 Miles

## **Trout Park Class III Special Resource Groundwater Listing Notice**

The Illinois Environmental Protection Agency (Illinois EPA) publishes a final listing of Trout Park, a dedicated nature preserve (DNP), and the area that contributes groundwater to the DNP, as Class III: Special Resource Groundwater (Class III Groundwater). Trout Park Nature Preserve consists of two parcels totaling 26.8 acres owned by the City of Elgin. The nature preserve is located in Section 1, Township 41 North, Range 8 East, Kane County. Of the total acreage contained in the nature preserve, 9.5 acres are composed of a rare, forested fen. Only 14.5 acres of forested fen are known to exist in Illinois. The forested fen is supported by the highly mineralized groundwater. The cool groundwater seeps and the ravines combine to form a microclimate, which support one state endangered and two state threatened plant species. The cooler than normal microclimates within the ravines allow plants and animals typically found further north, such as the Northern White Cedar, to survive in Illinois. The Northern White Cedar is typically found in Canada, northern Minnesota and east to the New England states. The Groundwater Contribution Area (GCA) for Trout Park Nature Preserve, which is proposed for Class III designation, is 4.9 square miles (3,109 acres) that located to the northeast of the preserve and extends into Cook County.

Under the authority of 35 Ill. Adm. Code 620.230, Class III Groundwater can be established for: groundwater that is demonstrably unique (e.g. irreplaceable sources of groundwater) and suitable for application of a water quality standard more stringent than the otherwise applicable water quality standard specified; groundwater that is vital for a particularly sensitive ecological system; or groundwater contributing to a DNP that has been listed by the Illinois EPA.

The Illinois EPA is required to review written requests to list DNPs as Class III Groundwater. Upon confirmation of the technical adequacy of a request, the Illinois EPA is required to publish the proposed listing of the DNP in the Environmental Register for a 45-day public comment period. After the comment period, the Illinois EPA can either publish a final listing of the DNP as Class III Groundwater in the Environmental Register or provide a written response to the requestor stating why the DNP will not be listed as Class III Groundwater.

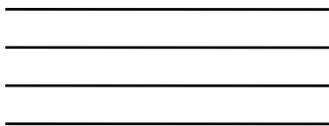
For the Trout Park DNP, the Illinois EPA completed the technical adequacy review and published a proposed listing of this DNP as Class III Groundwater in the April 2012 Environmental Register, Number 694. No public comments were received. The Illinois EPA now publishes a final listing of the Trout Park DNP in the Environmental Register as Class III Groundwater.



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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