
Environmental Register

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Thomas Holbrook, Chairman

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Letter from the Chairman

During January, the Board acted in several rulemaking dockets, and I've summarized much of 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.

On January 10, 2013, the Board adopted a proposed second-notice opinion and order in Tiered Approach to Corrective Action Objectives (TACO) (Indoor Inhalation): Amendments to 35 Ill. Adm. Code 742, R11-9. The proposal chiefly add provisions to TACO for the protection of building occupants from "vapor intrusion." The Board seeks additional public comment by February 1, 2013, before adopting a second-notice proposal.

On January 10, 2013, the Board adopted amended rules in Proposed Amendments to Special Waste Hauling Permit Regulations to Implement Public Act 97-1081: 35 Ill. Adm. Code 809.204 and 809.212, R13-8. The Board proposed these amendments to implement a provision of Public Act 97-1081 extending the duration of special waste hauling permits to three years.

On January 24, 2013, the Board adopted amended rules in Proposed Amendment to 35 Ill. Adm. Code 101.108(d) Conforming to P. A. 93-509 Re: Board Majority, R13-9. The Board clarified procedural rules by providing that the affirmative vote of a three-member majority of the five-member Board is required to adopt a Board decision.

On January 24, 2013, the Board adopted amended air rules in Gasoline Volatility Standards and Motor Vehicle Refinishing: Proposed Amendments to 35 Ill. Adm. Code Parts 211, 215, 218, and 219, R12-24. The amended rules originated with an IEPA proposal to repeal state gasoline volatility standards in ozone attainment areas because they have been replaced and in non-attainment areas because they have effectively been superseded. The amended rules also allow use of alternative spray coating application approved by USEPA for motor vehicle refinishing.

On January 24, 2013, the Board adopted amended air rules in VOM Update, USEPA Amendments (January 1, 2012 through June 30, 2012), R13-1. In this identical-in-substance rulemaking, the Board added one compound to those exempt from the definition of VOM.

On January 24, 2013, the Board adopted amended water rules in SDWA Update, USEPA Amendments (January 1, 2012 through June 30, 2012), R13-2. In this identical-in-substance rulemaking the Board incorporated USEPA amendments regarding analytical methods approved for use in demonstrating compliance.

On January 24, 2013, the Board adopted amended waste rules in RCRA Subtitle C Update, USEPA Amendments (January 1, 2012 through June 30, 2012), R13-5. In this identical-in-substance rulemaking, the Board incorporated USEPA amendments to federal waste rules.

On January 24, 2013, the Board adopted amended water rules in Wastewater Pretreatment Update, USEPA Amendments (January 1, 2012 through June 30, 2012), R13-7. In this identical-in-substance rulemaking, the Board incorporated USEPA amendments to federal water rules.

Please visit our website (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 black 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

Board Adopts Amendments to Solid Waste and Special Waste Hauling Regulations to Implement Public Act 97-108, R13-09

On January 10, 2013, the Pollution Control Board adopted amendments to its solid waste and special waste hauling regulations. In the Matter of: Proposed Amendments to Special Waste Hauling Permit Regulations to Implement Public Act 97-1081: 35 Ill. Adm. Code 809.204 and 809.212, R13-8 (Jan 10, 2013).

The amendments implement a provision of Public Act 97-1081 amending Section 22.2(1) of the Environmental Protection Act by extending the duration of special waste hauling permits from one year to three years.

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: 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 Tim.Fox@illinois.gov.

Board Repeals Federally-Superseded Illinois Rules for Gasoline Volatility and State Registration Program for Motor Vehicle Refinishers, R 12-24.

The Board, on January 24, 2013, adopted the repeal of the state gasoline volatility standards in ozone attainment areas codified at 35 Ill. Adm. Code 215.585. In the Matter of: Gasoline Volatility Standards and Motor Vehicle Refinishing, Proposed Amendments to 35 Ill. Adm. Code Parts 211, 215, 218, and 219, R12-24 (Jan. 24, 2013)The Board also repealed the state standards in the Chicago and Metro-East non-attainment areas (respectively, 35 Ill. Adm. Code 215.585 and 35 Ill. Adm. Code 219.585). All of these standards have "essentially been superseded by Illinois' participation in the Federal reformulated gasoline (RFG) program." Various clean-up amendments are also proposed, as necessitated by the proposed repeal.

The adopted rules impact motor vehicle refinishing operations by allowing alternative use, in spray coating applications, of a High Volume Low Pressure (HVLV) spray gun for which USEPA has given written approval. It also repeals a state registration program that overlaps with the existing federal program.

The Illinois Environmental Protection Agency (IEPA) filed the proposal on April 2, 2012, and the Board held two public hearings concerning the changes.

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For more information, contact Kathleen Crowley at (312)-814-6929, or email at Kathleen.Crowley@illinois.gov.

Board Adopts Final Rules in Four "Identical in Substance Update Dockets"

On January 24, 2013, the Board adopted final rules in four dockets to ensure that Illinois' rules remain "identical in substance" (IIS) to rules adopted by the United States Environmental Protection Agency (USEPA) in various program areas. As provided under Section 7.2 of the Environmental Protection Act, 415 ILCS 5/7.2, IIS rulemaking

is undertaken using special procedures that generally require adoption of rules within one year of the last USEPA action in any update period. Each docket discussed below covers USEPA amendments during the update period January 1, 2012 through June 30, 2012.

VOM Update, USEPA Amendments (January 1, 2012 through June 30, 2012), R13-1

The Board adopted amendments to the definition of “volatile organic material” (VOM) at 35 Ill. Adm. Code 211.7150 in VOM Update, USEPA Amendments (January 1, 2012 through June 30, 2012), R13-1. The updated ensures that Illinois’ regulations reflect the most recent USEPA exemption of chemical compounds from regulation as ozone precursors. USEPA amended 40 C.F.R. 51.100(s) once during that time, on June 22, 2012.

The Board added one compound to the list of those exempted from the definition of BOM. That compound is *trans*-1,3,3,3-tetra fluoro propen (HFO-123ze) (CAS no. 29118-24-9). USEPA added this compound to the list of chemicals exempted from the definition of VOM codified at 40 C.F.R. 51.100(s) on June 22, 2012.

SDWA Update, USEPA Amendments (January 1, 2012 through June 30, 2012)

The Board adopted drinking water rules in response to five USEPA actions. SDWA Update, USEPA Amendments (January 1, 2012 through June 30, 2012), R13-2 (Jan. 24, 2013). All of the federal actions relate to analytical methods approved for use in demonstrating compliance. This includes the following: (1) May 2, 2012 corrections to a prior approval of analytical methods; (2) May 18, 2012 revisions to analytical methods developed for purposes of the Clean Water Act (33 U.S.C. §§ 1251 et seq. (2010)), some of which are incorporated by reference for drinking water purposes; and (3) summary approvals of alternative equivalent methods for drinking water monitoring.

Three of the USEPA actions occurred in the identical-in-substance update period of January 1, 2012 through June 30, 2012, on May 2, 2012, May 18, 2012, and June 28, 2012. The Board has added two additional USEPA actions that occurred after the end of the update period, on July 2, 2012 and July 25, 2012. Both of these later actions corrected an action that occurred within the update period: the action of May 2, 2012. Neither correction will affect the amendments that occurred during the period January 1, 2012 through June 30, 2012. Nevertheless, the Board added consideration of them to this docket to ensure complete consideration of the May 2, 2012 amendments.

RCRA Subtitle C Update, USEPA Amendments (January 1, 2012 through June 30, 2012)

The Board adopted amendments updating the Illinois hazardous waste regulations to include USEPA amendments that: (1) denied a petition to review an existing exclusion of certain oil-bearing hazardous secondary materials from petroleum refining from the definition of solid waste on April 13, 2012; (2) adopted technical corrections and clarifications to two diverse provisions on April 13, 2012; and (3) amended the analytical methods requirements associated with numerous bodies of regulations, including hazardous wastes, on May 18, 2012. RCRA Subtitle C Update, USEPA Amendments (January 1, 2012 through June 30, 2012), R13-5 (Jan. 24, 2013).

The Board also adopted amendments: (1) correcting punctuation in a hazardous waste listing; and (2) correcting the heading of an appendix to comply with current *Illinois Administrative Code* format requirements. The Board requested comments on issues that relate to amendments included in this docket, but will not result in amendments in this proceeding.

The Board will delay filing the present amendments with the Office of the Secretary of State for 30 days after the date of this opinion and order, until February 24, 2013. This delay is specifically provided by agreement with USEPA to allow USEPA to comment on the adopted amendments before they become effective. After filing, the amendments will become effective, and will be published in the *Illinois Register*. The filing of these amendments will occur in advance of the statutory due date of April 13, 2013.

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

The Board adopted amendments to the wastewater pretreatment and drinking water regulations adopted by the United States Environmental Protection Agency (USEPA) based on a single USEPA action. Wastewater Pretreatment Update, USEPA Amendments (January 1, 2012 through June 30, 2012), R 13-7 (Jan. 24, 2013). The action was the May 18, 2012 update to the Clean Water Act (CWA) (42 U.S.C. § 1251 et seq. (2011)) analytical methods. In addition to updating the CWA analytical methods codified at 40 C.F.R. 136, USEPA revised segments of the wastewater categorical standards. Segments of the amendments affect the wastewater pretreatment standards.

The Board presently expects that these adopted amendments will be filed with the Office of the Secretary of State and become effective pursuant to Section 7.2 of the Act (415 ILCS 5/7.2) (2010)) within two weeks of the date of this opinion and accompanying order, well in advance of the statutory due date of May 18, 2013.

For more information on any of the above four identical in substance update dockets, contact Michael McCambridge at (312)-814-6924, or email at Michael.McCambridge@illinois.gov.

Board Clarifies Meaning of “Board Majority” in Procedural Rules, R13-9

On January 24, 2013, the Pollution Control Board adopted a single amendment to the Board’s existing procedural rule codified at 35 Ill. Adm. Code 101.108(d) “Board Proceedings.” In the Matter of: Proposed Amendment to 35 Ill. Adm. Code 101.108 9(d) Conforming to P.A. 93-509 Re Board Majority, R13-9, (Jan. 24, 2013).

The amendment clarifies that the affirmative votes of a three Member majority of the five Member Board is required to adopt a Board decision.

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: 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 Kathleen.Crowley@illinois.gov.

Board Requested Additional Public Comments on Proposed Second-Notice Proposal Adding Indoor Inhalation Pathway to TACO Amendments, R11-9.

The Board, on January 10, 2013, adopted a *proposed* second-notice opinion and order for public comment in the rulemaking docketed as Tiered Approach to Corrective Action Objectives (TACO) (Indoor Inhalation): Amendments to 35 Ill. Adm. Code 742 (R11-9). Primarily, the amendments add provisions to TACO for the protection of building occupants from “vapor intrusion.” Addressing this “indoor inhalation” exposure route involves evaluating the potential for vapors to migrate into buildings from subsurface volatile chemical contamination. Before proceeding to adopt second-notice rules for review by the Joint Committee on Administrative Rules (JCAR), the Board sought additional public comment, to be filed on or before February 1, 2013.

Specifically, the Board requested public comment on whether the potential for contamination to diffuse laterally warrants requiring that a minimum “source-building horizontal separation distance” be met before allowing the indoor inhalation exposure route to be excluded based upon building/contamination proximity. The Board also solicited public comment on the addition of rules that would accomplish two things: (1) the TACO Tier 1 and Tier 2 remediation objectives (ROs) for the indoor inhalation exposure route would apply only where the existing or potential building within 100 feet, horizontally, of the contamination has a full concrete slab-on-grade or a full concrete basement floor and walls; and (2) an institutional control would have to be placed on the property whenever the TACO indoor inhalation ROs applied at the site rely upon the assumed presence of a building with a full concrete slab-on-grade or a full concrete basement floor and walls.

Additionally, the Board solicited public comment on whether similar-acting chemical provisions should apply when developing soil gas and groundwater ROs under Tier 1, 2, or 3, given that Johnson & Ettinger Equations 1 and 2 provide “indoor air remediation objectives” for carcinogenic and noncarcinogenic contaminants, respectively, at the point of human exposure, which are then used in the calculation of the soil gas and groundwater ROs. The Board also seeks public comment on whether soil gas ROs capped at the “soil vapor saturation limit” account for the presence of free product.

The Board said all public comments must be *received* by the Clerk of the Board by 4:30 pm on Friday, February 1, 2013. This supplemental period of public comment is short for two reasons. First, the issues on which the Board seeks participant input are narrow relative to the breadth of the matters already covered in this rulemaking. Second, Section 5-40(e) of the Illinois Administrative Procedure Act (IAPA) (5 ILCS 100/5-40(e) (2008)) provides that no rule may be adopted, or filed with the Secretary of State, more than one year after the date on which the first-notice period commenced. The first-notice amendments proposed in R11-9 were published in the *Illinois Register* on May 18, 2012 (36 Ill. Reg. 7340). If the Board does not meet the one-year deadline imposed by the IAPA, the Board will need to submit another proposal to first-notice publication, which would delay adoption of the amendments.

To allow the required time for JCAR review and comply with the IAPA's one-year deadline, the Board stated its plans to place the matter of a final second-notice opinion and order on the Board's agenda for adoption at the regularly-scheduled meeting of February 21 or March 7, 2013.

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

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

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board's Web site and may be downloaded from the Web without charge.

For more information, contact Richard McGill at (312)-814-6983 or email at Richard.McGill@illinois.gov.

Board Actions

January 10, 2013 Chicago, Illinois

Rulemakings

R11-9	<u>In the Matter of: Tiered Approach to Corrective Action Objectives (TACO) (Indoor Inhalation): Amendments to 35 Ill. Adm. Code 742</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board's land pollution control regulations.	4-0 Burke abstained Land
R13-8	<u>In the Matter of: Proposed Amendments to Special Waste Hauling Permit Regulations to Implement Public Act 97-1081: 35 Ill. Adm. Code 809.204 and 809.212</u> – The Board adopted a final opinion and order in this rulemaking to amend the Board's solid waste and special waste hauling regulations.	5-0 Land

Adjusted Standards

AS 13-1	<u>In the Matter of: Petition of Exelon Generation, LLC, Under 304.141(c) for Alternative Thermal Standards, Quad Cities Nuclear Generating Station</u> – The Board dismissed this request for an adjusted standard for failure to file an amended petition as directed in the Board's October 18, 2012 order.	4-0 Holbrook abstained Land
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Administrative Citations

AC 13-3	<u>IEPA v. Ashwin P. and Mia A. Patel</u> – 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)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(7) (2010)) 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 violations of Sections 21(p)(1) and 21(p)(3) of the Act (415 ILCS 5/21(p)(1) and 21(p)(3) (2010)).	5-0
AC 13-21	<u>IEPA v. Steven B. Meuser & Deborah S. Meuser and Meuser Construction & Excavation, Inc.</u> – The Board accepted for hearing respondents’ amended petition for review of this administrative citation involving a Ford County facility.	5-0
AC 13-22	<u>IEPA v. William Braden</u> – The Board found that this Henry County respondent violated Sections 21(p)(1), 21(p)(5), 21(p)(7), and 55(k)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(5), 21(p)(7), 55(k)(1) (2010)), and ordered respondent to pay a civil penalty of \$6,000.	5-0

Adjudicatory Cases

PCB 04-16	<u>People of the State of Illinois v. Packaging Personified, Inc.</u> – The Board granted complainant’s motion to extend the date for closing the record.	5-0 Glosser and Zalewski concurred A-E
PCB 07-95	<u>People of the State of Illinois v. AET Environmental, Inc. and E.O.R. Energy, LLC</u> – The Board granted E.O.R. Energy, LLC’s (EOR) motion to reconsider the Board’s September 6, 2012 order. The Board affirmed its September 6, 2012 decision granting summary judgment and found that EOR had violated the Environmental Protection Act (415 ILCS 5/1 <i>et seq.</i> (2010)) and Board regulations as alleged in the complaint. The Board ordered respondent to pay a civil penalty of \$200,000 and to cease and desist from further violations	5-0 L-E
PCB 08-96	<u>United City of Yorkville v. Hamman Farms</u> – The Board granted complainant’s motion to dismiss this enforcement action.	5-0 A,L, W-E, Citizens
PCB 11-53	<u>People of the State of Illinois v. Village of Spring Grove</u> – In this water enforcement action concerning a McHenry 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 \$4,000.00, and to cease and desist from further violations.	5-0 W-E
PCB 11-68	<u>People of the State of Illinois v. Tradition Investments, LLC</u> – In this water enforcement action concerning a Jo Daviess 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 \$1,000.00, and to cease and desist from further violations.	5-0 W-E

PCB 13-5	<u>People of the State of Illinois v. Daniel Lee Szafranski, individually and as Trustee of the Daniel Lee Szafranski Trust</u> – In this land enforcement action concerning a LaSalle 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 \$5,000.00, and to cease and desist from further violations.	5-0 L-E
PCB 13-14	<u>People of the State of Illinois v. Donald J. Sherman and James A. Sherman, as Trustees of the First Restatement of the Suzann M. Jennings Trust Agreement, Dated December 19, 1997</u> – In this land enforcement action concerning a Kane 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 \$8,500.00, and to cease and desist from further violations.	5-0 L-E
PCB 13-23	<u>People of the State of Illinois v. Village of Pingree Grove</u> – In this water enforcement action concerning a Kane 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 \$10,000.00, and to cease and desist from further violations.	5-0 W-E
PCB 13-29	<u>People of the State of Illinois v. 401 North Wabash Venture, LLC</u> – Upon receipt of a complaint accompanied by a proposed stipulation and settlement agreement, and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a facility located in Cook County, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 13-30	<u>People of State of Illinois v. Rock River Arms, Inc.</u> – Upon receipt of a complaint accompanied by a proposed stipulation and settlement agreement, and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a facility located in Henry County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E
PCB 13-32	<u>Hodel Turkey Farm, Inc. (Property ID No. 11-22-400-008)</u> – The Board found and certified that specified facilities of Hodel Turkey Farm, Inc. located in Woodford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	5-0 T-C, W
PCB 13-32	<u>Hodel Turkey Farm, Inc. (Property ID No. 11-10-100-005)</u> – The Board found and certified that specified facilities of Hodel Turkey Farm, Inc. located in Woodford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	5-0 T-C, W
PCB 13-34	<u>People of the State of Illinois v. Info Corner Materials, Inc.</u> – Upon receipt of a complaint accompanied by a proposed stipulation and settlement agreement, and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a facility located in Sangamon County facility, the Board ordered publication of the required newspaper notice.	5-0 L-E

PCB 13-35	<u>People of the State of Illinois v. The Board of Trustees of the University of Illinois (East Campus)</u> – The Board accepted for hearing this land enforcement action concerning a Cook County facility.	5-0 A-E
PCB 13-36	<u>People of the State of Illinois v. The Board of Trustees of the University of Illinois (West Campus)</u> – The Board accepted for hearing this land enforcement action concerning a Cook County facility.	5-0 A-E

**January 24, 2013
Chicago, Illinois**

Rulemakings

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> – The Board adopted a final opinion and order in this rulemaking to amend the Board’s air pollution control regulations.	5-0 Air
R13-1	<u>VOM Update, USEPA Amendments (January 1, 2012 through June 30, 2012)</u> – The Board adopted a final opinion and order in this rulemaking to amend the Board’s air pollution control regulations.	5-0 Air
R 13-2	<u>SDWA Update, USEPA Amendments (January 1, 2012 through June 30, 2012)</u> – The Board adopted a final opinion and order in this rulemaking to amend the Board’s drinking water regulations.	5-0 PWS
R 13-5	<u>RCRA Subtitle C Update, USEPA Amendments (January 1, 2012 through June 30, 2012)</u> – The Board adopted a final opinion and order in this rulemaking to amend the Board’s hazardous waste regulations.	5-0 Land
R 13-7	<u>Wastewater Pretreatment Update, USEPA Amendments (January 1, 2012 through June 30, 2012)</u> – The Board adopted a final opinion and order in this rulemaking to amend the wastewater pretreatment regulations.	5-0 Water
R 13-9	<u>In the Matter of: Proposed Amendment to 35 Ill. Adm. Code 101.108(d) Conforming to P. A. 93-509 Re: Board Majority</u> – The Board adopted a final opinion and order in this rulemaking to amend the Board’s procedural rules.	5-0 Proc

Administrative Citations

AC 12-59	<u>County of Macon v. Dale Pugsley and Tracy Kater</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	5-0
AC 13-12	<u>IEPA v. David Chapman</u> – The Board found that this Macoupin County respondent violated Sections 21(p)(1) and 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(3) (2010)), and ordered respondent to pay a civil penalty of \$3,000.	5-0

AC 13-18	<u>IEPA v. Kenneth Hails</u> – The Board dismissed respondent’s petition for review for failure to timely file an amended petition as directed. The Board found that this Jefferson County respondent violated 21(p)(1), 21(p)(5), 21(p)(6), and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(5), 21(p)(6), 21(p)(7) (2010)), and ordered respondent to pay a civil penalty of \$6,000.	5-0
AC 13-23	<u>IEPA v. IL Valley Urban Lumberjacks, LLC</u> – The Board found that this LaSalle County respondent violated Sections 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
AC 13-25	<u>IEPA v. Hustler Hauling, LLC</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	5-0

Adjudicatory Cases

PCB 07-95	<u>People of the State of Illinois v. AET Environmental, Inc. and E.O.R. Energy, LLC</u> – The Board denied the complainant’s motion to strike AET Environmental, Inc. (AET) response to the motion for summary judgment. The Board granted complainant’s motion for summary judgment and found that respondent AET had violated Section 21(e) of the Environmental Protection Act (Act) (415 ILCS 5/21(e) (2010)) as alleged in the complaint. The Board ordered respondent to pay a civil penalty of \$60,000 and to cease and desist from further violations. (The Board had previously granted complainant’s motion for summary judgment as to E.O.R. Energy, LLC. <i>See People v. AET Environmental, Inc., and E.O.R. Energy, LLC</i> , PCB 07-95 (Sept. 6. 2012).)	5-0 L-E
PCB 10-12	<u>People of the State of Illinois v. Hicks Oils & Hicksgas, Inc.</u> – In this water enforcement action concerning a Tazewell County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2010)), accepted a stipulation and settlement agreement, and ordered Hicks Oils to pay a total civil penalty of \$5,000.00, and to cease and desist from further violations. Hicks Oils also agreed to perform a Supplemental Environmental Project (SEP) valued at \$75,000 that will benefit the non-profit Edelstein Water Works Co-op, located 25 miles away from the respondents’ site. Hicks Oils agreed to provide up to 50 water softener systems for customers of the co-op for the purpose of removing naturally occurring excess radium from the raw water, as the co-op cannot otherwise afford to remove it.	5-0 W-E
PCB 13-26	<u>People of the State of Illinois v. Bag Makers, Inc.</u> – In this land enforcement action concerning a McHenry 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 \$30,000.00, and to cease and desist from further violations.	5-0 A-E
PCB 13-37	<u>Texaco, Inc. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this LaSalle County facility.	5-0 UST Appeal 90 Day Ext.

- PCB 13-38** People of the State of Illinois v. Kerry Anderson, d/b/a Bill's Auto Repair – Upon receipt of a complaint accompanied by a proposed stipulation and settlement agreement, and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a facility located in Henry County facility, the Board ordered publication of the required newspaper notice. 5-0
L-E
- PCB 13-39** KCBX Terminals Company v. IEPA – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Cook County facility. 5-0
P-A, Air
90 Day Ext.

New Cases

January 10, 2013 Board Meeting

13-29 People of the State of Illinois v. 401 North Wabash Venture, LLC – Upon receipt of a complaint accompanied by a proposed stipulation and settlement agreement, and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a facility located in Cook County facility, the Board ordered publication of the required newspaper notice.

13-30 People of State of Illinois v. Rock River Arms, Inc. – Upon receipt of a complaint accompanied by a proposed stipulation and settlement agreement, and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a facility located in Henry County facility, the Board ordered publication of the required newspaper notice.

13-31 Exelon Generation LLC, Quad Cities Nuclear Generation Station v. IEPA – No action taken.

13-32 Hodel Turkey Farm, Inc. (Property ID No. 11-22-400-008) – The Board found and certified that specified facilities of Hodel Turkey Farm, Inc. located in Woodford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).

13-33 Hodel Turkey Farm, Inc. (Property ID No. 11-10-100-005) – The Board found and certified that specified facilities of Hodel Turkey Farm, Inc. located in Woodford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).

13-34 People of the State of Illinois v. Info Corner Materials, Inc. – Upon receipt of a complaint accompanied by a proposed stipulation and settlement agreement, and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a facility located in Sangamon County facility, the Board ordered publication of the required newspaper notice.

13-35 People of the State of Illinois v. The Board of Trustees of the University of Illinois (East Campus) – The Board accepted for hearing this land enforcement action concerning a Cook County facility.

13-36 People of the State of Illinois v. The Board of Trustees of the University of Illinois (West Campus) – The Board accepted for hearing this land enforcement action concerning a Cook County facility.

AC 13-24 IEPA v. Wabzz Realty, LLC and Best One Tire & Service of Marion, Inc. – The Board accepted an administrative citation against these Williamson County respondents

AC 13-25 IEPA v. Hustler Hauling, LLC – No action taken.

AC 13-26 IEPA v. Frank E. Seibert – The Board accepted an administrative citation against this Hancock County respondent.

January 24, 2013 Board Meeting

13-37 Texaco, Inc. v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this LaSalle County facility.

13-38 People of the State of Illinois v. Kerry Anderson, d/b/a Bill's Auto Repair – Upon receipt of a complaint accompanied by a proposed stipulation and settlement agreement, and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a facility located in Henry County facility, the Board ordered publication of the required newspaper notice.

13-39 KCBX Terminals Company v. IEPA – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Cook County facility.

AC 13-27 IEPA v. Isidra Nunez d/b/a Chilo's Tire Service (IEPA File No. 302-12-AC) – The Board accepted an administrative citation against this Rock Island County respondent.

AC 13-28 IEPA v. Ray A. Hewerdine – The Board accepted an administrative citation against this Champaign County respondent.

AC 13-29 IEPA v. Teddy G. Brown, Trustee, and Lawana R. Brown, Trustee and T&T Recycling, Inc. – The Board accepted an administrative citation against these Williamson County respondents.

AC 13-30 IEPA v. Michael & Janet Mileham d/b/a Mike's Tire & Auto Service – The Board accepted an administrative citation against these White County respondents.

AC 13-31 County of Jackson v. Christopher Will – The Board accepted an administrative citation against this Jackson County respondent.

AC 13-32 IEPA v. Nico Development Groups, Inc. – The Board accepted an administrative citation against this Rock Island County respondent.

AC 13-33 IEPA v. Industrial Demolition, Inc. – The Board accepted an administrative citation against this Macoupin County respondent

AC 13-34 IEPA v. Colonial Brick Co. Inc. and Rodney N. Brown d/b/a Brown Trucking & Ready Mix – The Board accepted an administrative citation against these Knox County respondents.

Calendar

2/7/2012 11:00 AM	Illinois Pollution Control Board Meeting		Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago
2/21/2012 11:00 AM	Illinois Pollution Control Board Meeting		Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago
2/26/2013 10:30 AM	PCB 10-48	<u>Broadus Oil Company – Streator v. IEPA</u>	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East (North Entrance) Springfield
2/26/2013 10:30 AM	PCB 11-63	<u>Beverly Powers f/d/b/a Dick's Super Service v. IEPA</u>	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East (North Entrance) Springfield

2/26/2013 10:30 AM	PCB 11-76	<u>Warsaw Itco v. IEPA</u>	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East (North Entrance) Springfield
3/5/2013 10:00 AM	AC 10-12	<u>IEPA v. Landers' Children Family, LLC</u> <u>(IEPA No. 336-09-AC)</u>	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East (North Entrance) Springfield
3/7/2012 11:00 AM	Illinois Pollution Control Board Meeting		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
3/21/2012 11:00 AM	Illinois Pollution Control Board Meeting		Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago

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

JANUARY 2013

<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
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
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
CROPSEY 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
DE KALB UNIV DVL CORP - IL0375148	1	INADEQUATE PRESSURE TANK	1050	12/16/1992
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

SYSTEM NAME	EPA RGN	NATURE OF PROBLEM	POP SERVED	LISTING DATE
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
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
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
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

SYSTEM NAME	EPA RGN	NATURE OF PROBLEM	POP SERVED	LISTING DATE
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
*PERCY – IL1570350	6	UNSAFE SOURCE	925	12/16/2012
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
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

<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
SYLVAN LAKE 1ST SUBDIVISION - IL0977100	2	INADEQUATE PRESSURE TANK	210	6/14/1991
TOWNERS SUBDIVISION - IL0977250	2	INADEQUATE PRESSURE TANK	210	1/14/1982
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

* DENOTES ADDED WATER SUPPLIES

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

JANUARY 2013

<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
COLUMBIA - IL1330050	6	INADEQUATE PUMPING CAPACITY	8365	3/15/1998

<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
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 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
MENDOTA – IL0990550	1	LOW SYSTEM PRESSURE	7272	10/1/2012
MITCHELLSVILLE PWD – IL1655200	7	LOW SYSTEM PRESSURE	1924	10/1/2012
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

<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
WHITE HALL – IL0610400	6	INADEQUATE STORAGE CAPACITY	2950	10/1/2012
WITT – IL1350850	5	INADEQUATE TREATMENT CAPACITY	991	3/17/2008

WATER SYSTEMS REMOVED FROM PREVIOUS LIST

WORDEN – IL1191200

*** 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 January 1, 2013. An asterisk, *, beside the water supply indicates public water supplies that have been added to the Restricted Status/Critical Review list since the previous publication.

Restricted Status List

The Restricted Status List was developed to give additional notification to officials of public water supplies which are in violation of 35 Ill. Adm. Code, Subtitle F: Public Water Supplies, Chapter I or the Illinois Environmental Protection Act.

The Restricted Status List will include all Public Water Supplies for which the Agency has information indicating a violation of any of the following requirements: Finished water quality requirements of 35 Ill. Adm. Code, Part 604, Subparts B and C; maintenance of adequate pressure on all parts of the distribution system under all conditions of demand; meeting raw water quantity requirements of 35 Ill. Adm. Code 604.502; or maintenance of treatment facilities capable of providing water "assuredly adequate in quantity" as required by Section 18 of the Illinois Environmental Protection Act.

A public water supply on the Restricted Status List will not be issued permits for water main extensions, except for certain limited situations, or unless the supply has been granted a

variance from the Illinois Pollution Control Board for the violation, or from permit issuance requirements of Section 39 of the Act.

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

Critical Review List

The Critical Review List was developed to give additional notification to officials of public water supplies which may be close to being in violation of 35 Ill. Adm. Code, Subtitle F: Public Water Supplies, Chapter I or the Illinois Environmental Protection Act.

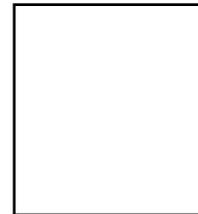
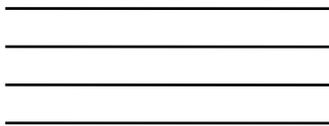
A supply will be placed on the Critical Review List when Agency records indicate that it is approaching any of the violations that would place it on the Restricted Status List.

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

The Illinois Pollution Control Board is an independent five-member board that adopts environmental control standards, rules on enforcement actions, and other environmental disputes for the State of Illinois.

The *Environmental Register* is published monthly by the Board, and contains updates on rulemakings, descriptions of final decisions, the Board's hearing calendar, and other environmental law information.

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