



# ENVIRONMENTAL REGISTER

February 28, 2018 – Number 746

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A PUBLICATION OF THE ILLINOIS POLLUTION CONTROL BOARD

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<http://www.ipcb.state.il.us>

## BOARD MEMBERS

- ❖ Katie Papadimitriou, Chairman
- ❖ Brenda K. Carter
- ❖ Gerald M. Keenan
- ❖ Cynthia M. Santos
- ❖ Carrie K. Zalewski

The **Illinois Pollution Control Board** is an independent five-member board that adopts environmental control regulations and decides enforcement actions and other environmental cases for the State of Illinois.

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# CHAIRMAN'S UPDATE

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The Board's busy rulemaking schedule continued during late 2017 and early 2018. Below, I highlight developments from four proceedings and provide links to the corresponding dockets on the Board's website.

First, in October 2017, the Board accepted for hearing a rulemaking proposal filed by the Illinois Environmental Protection Agency (IEPA) to amend the Multi-Pollutant Standard (MPS), Amendments to 35 Ill. Adm. Code 225.233, Multi-Pollutant Standard (MPS), [docket R18-20](#). At the same time, the Board proposed the rule amendments for first notice without addressing their substance. In January 2018, the Board held a two-day public hearing on the proposed amendments. More public hearings are scheduled for March and April 2018. The Board has received thousands of public comments on this rulemaking.

Second, after holding a public hearing in October 2017 and receiving public comments on the first-notice proposal, the Board in February 2018 proposed second-notice rule amendments for governing proceedings on time-limited water quality standards (TLWQS), Regulatory Relief Mechanisms: Proposed New 35 Ill. Adm. Code Part 104, Subpart E, [docket R18-18](#). Public Act 99-937 authorized the Board to issue TLWQS, a new form of regulatory relief for watersheds, water bodies, waterbody segments, and dischargers.

Third, in October 2017, the Board proposed amendments to update its noise rules, Noise Rule Update: Amendments to 35 Ill. Adm. Code 900, 901, 902, and 910, [docket R18-19](#). In January and February 2018, the Board held public hearings. This proposal is part of the Board's broader review to ensure that its rules are current, clear, and concise. That review received additional impetus from Governor Rauner's Executive Order 2016-13 on regulatory reform.

Fourth, in February 2018, the Board accepted for hearing IEPA's proposal to comprehensively update Board regulations impacting air, water, and land, Clean-Up: Amendments to 35 Ill. Adm. Code Parts 201, 211, 212, 214, 215, 216, 217, 218, 219, 225, 228, 232, 237, 301, 302, 303, 304, 306, 309, 401, 402, 403, 404, 405, 501, 611, 615, 616, 617, 722, 811, 813, 855, and 1000, [docket R18-21](#). These proposed amendments also arise from Governor Rauner's Executive Order 2016-13. IEPA's intends its proposed revisions and repeals to be non-substantive.

A more detailed description of each of these rulemakings appears in the Rulemaking Update of this *Environmental Register*. In addition, you can find information on all pending rulemakings by visiting the Board's website at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

Sincerely,



Katie Papadimitriou  
Chairman



# RULEMAKING UPDATE

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## **Board Proposes Noise Rule Amendments for Public Comment**

On October 5, 2017, the Board proposed amendments to streamline and update its noise rules (35 Ill. Adm. Code 900, 901, 902, and 910). The Board invited public comment on the proposed changes, without submitting them to first-notice publication. The Board has since held two public hearings on the proposed amendments. This proposal is part of the Board's broader review—started in the summer of 2016—to ensure that Board rules are current, clear, and concise. The rulemaking is captioned Noise Rule Update: Amendments to 35 Ill. Adm. Code 900, 901, 902, and 910, docket R18-19. Here are links to the Board's [order](#) and [addendum](#). For more information, please contact Tetyana Rabczak at 312-814-3620 or [tetyana.rabczak@illinois.gov](mailto:tetyana.rabczak@illinois.gov).

## **Board Adopts “Identical-in-Substance” NAAQS Amendments**

On October 19, 2017, the Board adopted final rule amendments that keep Illinois' ambient air quality standards “identical in substance” to the National Ambient Air Quality Standards (NAAQS). The amendments reflect actions taken by the United States Environmental Protection Agency (USEPA) during the last half of 2016 and the first half of 2017. Among its actions, USEPA adopted the implementation rule for the 2012 primary annual fine particulate matter (PM<sub>2.5</sub>) NAAQS and revised the requirements for handling monitoring data influenced by exceptional events. During its rulemaking, the Board received a public comment from the Illinois Environmental Protection Agency and held a public hearing. The Board rulemaking is captioned National Ambient Air Quality Standards, USEPA Amendments (July 1, 2016 through December 31, 2016, March 20, 2017, May 11, 2017, and June 16, 2017), docket R17-10. Here is a link to the Board's [opinion and order](#). For more information, please contact Michael McCambridge at 312-814-6924 or [michael.mccambridge@illinois.gov](mailto:michael.mccambridge@illinois.gov).

## **Board Adopts “Identical-in-Substance” Amendment to VOM Definition**

On October 19, 2017, the Board adopted a final rule amendment that keeps Illinois' definition of “volatile organic material” (VOM) “identical in substance” to the federal definition of “volatile organic compound” (VOC). The Board's VOM amendment reflects the August 1, 2016 addition—by the United States Environmental Protection Agency (USEPA)—of an exclusion from the VOC definition. Specifically, USEPA added one hydrofluoroether compound to the list of excluded chemicals. The Environmental Protection Act requires that the Board correspondingly expand the exclusion from ozone regulation due to negligible photochemical reactivity. The Board received public comments and held a public hearing during this rulemaking, which is captioned Definition of VOM Update, USEPA Regulations (July 1, 2016 through December 31, 2016), docket R17-11. Here is a link to the Board's [opinion and order](#). For more information, please contact Michael McCambridge at 312-814-6924 or [michael.mccambridge@illinois.gov](mailto:michael.mccambridge@illinois.gov).



## **Board Proposes First-Notice Amendments to Multi-Pollutant Standard**

On October 19, 2017, the Board accepted for hearing a rulemaking proposal filed by the Illinois Environmental Protection Agency (IEPA) to amend the Multi-Pollutant Standard (MPS), which regulates emissions of sulfur dioxide (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>), and mercury. The MPS applies to specific coal-fired electrical generating units in central and southern Illinois. The Board also proposed the rule amendments for first notice without commenting on their substance, but denied IEPA's motion for expedited review of the proposal. The Board has since held a two-day public hearing and received public comments on the first-notice amendments. Another hearing is scheduled for March 6, 2018 (and, if necessary, March 7) in Edwardsville. This rulemaking is captioned Amendments to 35 Ill. Adm. Code 225.233, Multi-Pollutant Standard (MPS), docket R18-20. Here are links to the Board's [opinion and order](#) and the Board's [addendum](#). For more information, please contact Marie Tipsord (312-814-4925; [marie.tipsord@illinois.gov](mailto:marie.tipsord@illinois.gov)) or Mark Powell (312-814-6887; [mark.powell@illinois.gov](mailto:mark.powell@illinois.gov)).

## **Board Extends Deadline for Completing “Identical-in-Substance” RCRA Subtitle C and Subtitle D Rulemakings**

On October 19, 2017, the Board adopted an order consolidating two “identical-in-substance” rulemakings and extending the Board's deadline for completing them. Both rulemakings concern amendments to federal regulations under the Resource Conservation and Recovery Act (RCRA): Subtitle C hazardous waste regulations and Subtitle D Municipal Solid Waste Landfill (MSWLF) regulations. The federal rule changes resulted from actions taken by the United States Environmental Protection Agency (USEPA) during the last half of 2016 and in August 2017. Among its actions, USEPA adopted the “Hazardous Waste Generator Improvements Rule” (GIR), which extensively revised the federal standards applicable to hazardous waste generators. Based on the breadth of USEPA's actions, the Board found it necessary to extend the Board's deadline—to June 1, 2018—for adopting final amendments to Illinois' rules. These consolidated Board rulemakings are captioned: RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (July 1, 2016 through December 31, 2016), docket R17-14; and RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2016 through December 31, 2016 and August 29, 2017), docket R17-15 (consolidated). Here is a link to the Board's [order](#). For more information, please contact Michael McCambridge at 312-814-6924 or [michael.mccambridge@illinois.gov](mailto:michael.mccambridge@illinois.gov).

## **Board Adopts “Identical-in-Substance” SDWA Amendments**

On December 21, 2017, the Board adopted final amendments to its drinking water rules at 35 Ill. Adm. Code 611. The amendments are “identical in substance” to 16 additional equivalent methods for analyzing contaminants in drinking water. These methods were granted summary approval by the United States Environmental Protection Agency during the second half of 2016. In addition, the Board eliminated obsolete rule text, including past implementation dates, and clarified other provisions. The Board's rulemaking is captioned SDWA Update, USEPA Amendments (July 1, 2016 through December 31, 2016), docket R17-12. Here are links to the Board's [opinion and order](#) and the Board's [addendum](#). For more information, please contact Michael McCambridge at 312-814-6924 or [michael.mccambridge@illinois.gov](mailto:michael.mccambridge@illinois.gov).



## **Board Proposes Second-Notice Procedural Rules for TLWQS Proceedings**

On February 8, 2018, the Board proposed second-notice rule amendments for governing proceedings on petitions for time-limited water quality standards (TLWQS), a new form of regulatory relief. TLWQS were created by Public Act 99-937, which amended the Environmental Protection Act. The new law authorizes the Board to adopt a TLWQS for a watershed or one or more water bodies, waterbody segments, or dischargers. At second notice, the Board resolved the most significant issues raised at hearing and in numerous public comments: the duration of a stay of the underlying water quality standard; the definition of “substantial compliance” of a TLWQS petition; the distinction between “interim” and “final” orders adopted through a TLWQS proceeding; and the United States Environmental Protection Agency’s participation in Board TLWQS proceedings. Under the new law, the Board must adopt final procedural rules by May 9, 2018. The proposed second-notice rule amendments will now be reviewed by the Joint Committee on Administrative Rules (JCAR). This rulemaking is captioned Regulatory Relief Mechanisms: Proposed New 35 Ill. Adm. Code Part 104, Subpart E, docket R18-18. Here are links to the Board’s [opinion and order](#) and the Board’s [addendum](#). For more information, please contact Marie Tipsord at 312-814-4925 or [marie.tipsord@illinois.gov](mailto:marie.tipsord@illinois.gov).

## **Board Proposes “Identical-in-Substance” SDWA Amendments**

On February 8, 2018, the Board proposed amendments to its drinking water rules at 35 Ill. Adm. Code 611. The proposed amendments are “identical in substance” to 16 additional equivalent methods for analyzing contaminants in drinking water. These methods were granted summary approval by the United States Environmental Protection Agency during the second half of 2017. In addition, the Board made numerous corrections. The Board will now receive public comments on the proposed amendments. The Board’s rulemaking is captioned SDWA Update, USEPA Amendments (July 1, 2017 through December 31, 2017), docket R18-9. Here are links to the Board’s [opinion and order](#) and the Board’s [addendum](#). For more information, please contact Michael McCambridge at 312-814-6924 or [michael.mccambridge@illinois.gov](mailto:michael.mccambridge@illinois.gov).

## **Board Proposes “Identical-in-Substance” NAAQS Amendments**

On February 8, 2018, the Board proposed rule amendments that would keep Illinois’ ambient air quality standards “identical in substance” to the National Ambient Air Quality Standards (NAAQS). The amendments reflect actions taken by the United States Environmental Protection Agency (USEPA) during the last half of 2017. Among its actions, USEPA issued an updated version of the *List of Designated Reference and Equivalent Methods*, which includes new federal reference methods (FRMs) for particulate matter (PM<sub>10</sub>), fine particulate matter (PM<sub>2.5</sub>), coarse particulate matter (PM<sub>10-2.5</sub>), and carbon monoxide (CO) in ambient air. The Board will now receive public comments on the proposed amendments and on April 12, 2018, hold a public hearing. The Board rulemaking is captioned National Ambient Air Quality Standards, USEPA Amendments (July 1, 2017 through December 31, 2017), docket R18-15. Here are links to the Board’s [opinion and order](#) and the Board’s [addendum](#). For more information, please contact Michael McCambridge at 312-814-6924 or [michael.mccambridge@illinois.gov](mailto:michael.mccambridge@illinois.gov).



## Board Accepts Proposed Comprehensive Rulemaking “Clean-Up” for Hearing

On February 8, 2018, the Board accepted for hearing a rulemaking proposal filed by the Illinois Environmental Protection Agency (IEPA) to comprehensively update the Board’s regulations. The proposed amendments arise from Executive Order 2016-13, issued by Governor Rauner, which requires that State agencies review all their regulations to determine which ones are outdated, repetitive, confusing, unnecessary, or harmful to the economy. Responding to the Executive Order, IEPA began reviewing Board regulations for any provisions that should be revised or repealed. IEPA’s proposal addresses Board regulations—throughout Title 35 of the Illinois Administrative Code—impacting air, water, and land. The Board will continue to review IEPA’s proposal and may add rule amendments for consideration. The rulemaking, which is intended to be non-substantive, is captioned Clean-Up: Amendments to 35 Ill. Adm. Code Parts 201, 211, 212, 214, 215, 216, 217, 218, 219, 225, 228, 232, 237, 301, 302, 303, 304, 306, 309, 401, 402, 403, 404, 405, 501, 611, 615, 616, 617, 722, 811, 813, 855, and 1000, docket R18-21. Here is a link to the Board’s [order](#). IEPA’s proposal is available on the Board’s website in [docket R18-21](#).

## APPELLATE UPDATE

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### Third District Affirms Board’s Groundwater Monitoring Decision in CCDD Rulemaking

County of Will v. Pollution Control Board, [2017 IL App \(3d\) 150637-U](#)  
Board docket R12-9(B)

On September 12, 2017, the Third District Appellate Court issued a non-precedential Rule 23 order affirming the Board’s rulemaking decision. In the rulemaking, the Board amended its regulations for clean construction and demolition debris (CCDD) and uncontaminated soil fill (USF) operations. The adopted amendments imposed “front-end” material certification and testing requirements, but not groundwater monitoring requirements. Two appeals were taken from the Board’s decision that groundwater monitoring regulations were unnecessary to protect groundwater from CCDD and USF operations. One appeal was filed by Will County and its Land Use Department (Will County); the other by the Attorney General’s Office, for the People of the State of Illinois (People). The appellate court held, with one justice dissenting, that the Board’s groundwater monitoring decision was not arbitrary, capricious, or unreasonable. Specifically, the court found that the Board (1) did not rely upon factors that the legislature did not intend, (2) did not entirely fail to consider important aspects of the problem, and (3) did not offer an explanation that runs completely counter to the evidence presented or is so implausible that reasonable minds could not disagree. Still pending before the Illinois Supreme Court are petitions for leave to appeal filed by the People (No. 122798) and Will County (No. 122813).



## **Fifth District Affirms Board’s Decision on Post-Closure Care Period for Landfill**

D&L Landfill, Inc. v. Pollution Control Board, [2017 IL App \(5th\) 160071](#)  
Board docket PCB 15-137

On September 19, 2017, the Fifth District Appellate Court issued a precedential opinion affirming the Board’s decision in a landfill permit appeal. On cross-motions for summary judgment, the Board affirmed the determination of the Illinois Environmental Protection Agency (IEPA) denying the request of D&L Landfill, Inc. (D&L) to certify completion of post-closure care at the company’s landfill in Bond County. The landfill stopped accepting waste and, after 15 years of post-closure care, D&L applied for certification of post-closure care completion. IEPA denied certification because groundwater beneath the landfill was contaminated. The appeal centered on interpreting statutory language concerning how the post-closure care period may be extended beyond the 15-year minimum. Section 22.17(a) of the Environmental Protection Act states that “[t]he owner and operator of a sanitary landfill site \*\*\* shall monitor gas, water and settling at the completed site for a period of 15 years after the site is completed or closed, *or such longer period as may be required by Board or federal regulation.*” 415 ILCS 5/22.17(a) (emphasis added). The appellate court agreed with the Board that in this case, Board regulations prohibiting landfills from contaminating groundwater—and prohibiting IEPA from certifying the completion of post-closure care unless the landfill will not violate Board regulations—qualify as Board regulations under Section 22.17(a) requiring longer than 15 years of post-closure care.

## **Fifth District Reverses Board’s Administrative Citation Decision on Landowner Liability**

James Reichert Limited Family Partnership v. Pollution Control Board, [2018 IL App \(5th\) 160533-U](#)  
Board docket AC 16-7

On January 5, 2018, the Fifth District Appellate Court issued a non-precedential Rule 23 order reversing the Board’s administrative citation decision. The Illinois Environmental Protection Agency (IEPA) filed the citation against James Reichert Limited Family Partnership (Reichert), owner of a site in Williamson County. The site had a warehouse. One of the warehouse’s units was occupied by a satellite dish installation company, which was renting the unit from Reichert. The satellite dish installation company dumped and burned materials in a pile behind the warehouse and then, at an undetermined date, left the premises. IEPA’s inspector observed the waste pile during two site visits, one in October 2015 and the other in November 2015. The Board found that Reichert violated the Environmental Protection Act by allowing the open dumping and burning. The Board’s finding that Reichert allowed the open dumping and burning was based on Reichert’s control of the premises, as evidenced by Reichert entering the site and removing the waste pile in December 2015. The appellate court disagreed, finding that IEPA must present evidence showing that the landowner exercised sufficient control over the source of the pollution. “Evidence that a property owner cleans up open dumping on its land, without any additional evidence, does not establish that the property owner caused or allowed the open dumping on the property.” ¶ 44.



# BOARD ACTIONS

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**July 26, 2017 Meeting**

**By videoconference: IPCB Offices in Chicago and Springfield**

## **RULEMAKINGS**

[R14-24](#)

Proposed Site-Specific Rule for Sanitary District of Decatur from 35 Ill. Adm. Code Section 302.208(e) (Site-Specific Rulemaking – Water) – The Board granted petitioner’s motion to extend the stay of this proceeding through the end of November 2017 and ordered petitioner to file documents supporting the petition by then.

[R17-9](#)

Permit by Rule for Boilers: Amendments to 35 Ill. Adm. Code Parts 201 and 211 (Rulemaking – Air) – The Board corrected the addendum to its March 23, 2017 final order nunc pro tunc, as indicated in the corrected addendum accompanying today’s order.

[R17-10](#)

National Ambient Air Quality Standards, USEPA Amendments (July 1, 2016 through December 31, 2016) (Rulemaking – Air) – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s air pollution regulations.

[R17-11](#)

Definition of VOM Update, USEPA Amendments (July 1, 2016 through December 31, 2016) (Rulemaking – Air) – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s air pollution regulations.

## **ADMINISTRATIVE CITATIONS**

[AC 16-14](#)

County of Ogle v. Wayne L. Fisher & Christina C. Fisher (Administrative Citation) – In response to a joint stipulation and proposed settlement agreement in this administrative citation action involving an Ogle County facility, the Board found that respondents violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (2016)). Because the Board previously found that the Fishers violated this same provision, Section 42(b) (4-5) of the Act (415 ILCS 5/42(b) (4-5) (2016)) establishes a civil penalty of \$3,000 for this second adjudicated violation. The Board also granted the parties’ joint motion to dismiss respondents’ petition for review. To effectuate the parties’ intent that respondents pay a total civil penalty of \$3,000, the Board dismissed the alleged violation of Section 21(p)(7) of the Act (415 ILCS 5/21(p)(7) (2016)).



## ADJUDICATORY CASES

- [PCB 07-132](#) People of the State of Illinois v. C. Grantham Company (Enforcement – Land) – The Board granted complainant’s motion for voluntary dismissal of this enforcement action.
- [PCB 17-59](#) Illinois Ayers Oil Co. v. IEPA (UST Appeal) – The Board accepted for hearing this underground storage tank appeal involving a site in Schuyler County.
- [PCB 17-71](#) Ty Stead Farms v. IEPA (Tax Certification – Water) – As recommended by the Illinois Environmental Protection Agency, the Board found and certified that specified facilities of Ty Stead Farms located in Mercer County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)), but denied certification of other facilities identified in the Board’s order.
- [PCB 17-72](#) WSB, LLC v. IEPA (Tax Certification – Water) – As recommended by the Illinois Environmental Protection Agency, the Board found and certified that specified facilities of WSB, LLC located in Mercer County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)), but denied certification of other facilities identified in the Board’s order.
- [PCB 17-76](#) People of the State of Illinois v. Peabody Coulterville Mining, LLC (Enforcement – Water, NPDES) – In this water enforcement action concerning a Randolph 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) (2016)), accepted a stipulation and settlement agreement, and ordered respondent to pay a \$42,500 civil penalty and to cease and desist from further violations.
- [PCB 18-1](#) People of the State of Illinois v. Kenny Construction Company (Enforcement – Water, NPDES) – Upon receiving a complaint, a proposed stipulation and settlement agreement, and an agreed motion for relief from the hearing requirement in this water enforcement action involving a site located in DuPage County, the Board ordered publication of the required newspaper notice.
- [PCB 18-2](#) Everett Kauffman v. IEPA (Tax Certification – Water) – As recommended by the Illinois Environmental Protection Agency, the Board found and certified that specified facilities of Everett Kauffman located in Jackson County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).



## August 17, 2017 Meeting

### By videoconference: IPCB Offices in Chicago and Springfield

#### RULEMAKINGS

- [R13-19](#) Site-Specific Rule for the Closure of Ameren Energy Resources Ash Ponds: Proposed New 35 Ill. Adm. Code 840, Subpart B (Site-Specific Rulemaking – Land) – The Board granted Ameren Energy Resources’ motion to dismiss this site-specific rulemaking proceeding.
- [R18-1](#) SDWA Update, USEPA Regulations (January 1, 2017 through June 30, 2017) (Rulemaking – Public Water Supply) – The Board dismissed this reserved “identical-in-substance” docket because the United States Environmental Protection Agency did not amend its drinking water regulations during the update period of January 1, 2017 through June 30, 2017.
- [R18-2](#) UIC Update, USEPA Regulations (January 1, 2017 through June 30, 2017) (Rulemaking – Land) – The Board dismissed this reserved “identical-in-substance” docket because the United States Environmental Protection Agency did not amend its underground injection control (UIC) regulations during the update period of January 1, 2017 through June 30, 2017.
- [R18-3](#) RCRA Subtitle D Update, USEPA Regulations (January 1, 2017 through June 30, 2017) (Rulemaking – Land) – The Board dismissed this reserved “identical-in-substance” docket because the United States Environmental Protection Agency did not amend its municipal solid waste landfill (MSWLF) regulations during the update period of January 1, 2017 through June 30, 2017.
- [R18-4](#) RCRA Subtitle C Update, USEPA Regulations (January 1, 2017 through June 30, 2017) (Rulemaking – Land) – The Board dismissed this reserved “identical-in-substance” docket because the United States Environmental Protection Agency did not amend its hazardous waste regulations during the update period of January 1, 2017 through June 30, 2017.
- [R18-5](#) UST Update, USEPA Regulations (January 1, 2017 through June 30, 2017) (Rulemaking – Land) – The Board dismissed this reserved “identical-in-substance” docket because the United States Environmental Protection Agency did not amend its underground storage tank regulations during the update period of January 1, 2017 through June 30, 2017.
- [R18-7](#) National Ambient Air Quality Standards, USEPA Regulations (January 1, 2017 through June 30, 2017) (Rulemaking – Air) – The Board dismissed this reserved “identical-in-substance” docket because the United States Environmental Protection Agency did not amend its National Ambient Air Quality Standards during the update period of January 1, 2017 through June 30, 2017.



- [R18-8](#) Definition of VOM Update, USEPA Amendments (January 1, 2017 through June 30, 2017) (Rulemaking – Air) – The Board dismissed this reserved “identical-in-substance” docket because the United States Environmental Protection Agency did not amend the definition of “volatile organic material” during the update period of January 1, 2017 through June 30, 2017.
- [R18-17](#) Public Water Supplies: Proposed New 35 Ill. Adm. Code 604 and Amendments to 35 Ill. Adm. Code Parts 601, 602, 607, and 611 (Rulemaking – Public Water Supply) – The Board accepted for hearing the Illinois Environmental Protection Agency’s August 3, 2017 proposal to amend the Board’s public water supply rules.
- [R18-18](#) Regulatory Relief Mechanisms: Proposed New 35 Ill. Adm. Code Part 104, Subpart E (Rulemaking – Procedural) – The Board accepted for hearing and, without commenting on its merits, sent to first notice the Illinois Environmental Protection Agency’s August 9, 2017 proposal that would amend the Board’s procedural rules to address petitions for time-limited water quality standards.

#### ADMINISTRATIVE CITATIONS

- [AC 16-13](#) IEPA v. George W. Woodcock, Jr. and George W. Woodcock III d/b/a West Drilling Company (Administrative Citation) – In response to a joint stipulation and proposed settlement agreement in this administrative citation action involving a Wabash County facility, the Board found that respondents had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2016)) and ordered respondents to pay a total civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondents’ petition for review.

#### ADJUDICATORY CASES

- [PCB 09-107](#) People of the State of Illinois v. Tate and Lyle Ingredients (Enforcement – Air) – The Board granted the parties’ joint motion for a stay and accordingly stayed paragraph 9(e) of the agreed interim order entered by the Board for 120 days, through December 15, 2017.



- [PCB 10-61](#)  
[PCB 11-2](#)  
(consol.) People of the State of Illinois v. Freeman United Coal Mining Company, LLC and Springfield Coal Company, LLC and Environmental Law and Policy Center v. Freeman United Coal Mining Company, LLC and Springfield Coal Company, LLC (Enforcement – Water) (consolidated) – In this water enforcement action concerning a strip mine located in McDonough and Schuyler Counties, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2016)), accepted a stipulation and settlement agreement and addendum, and ordered respondents to jointly and severally pay a \$250,000 civil penalty and perform a Supplemental Environmental Project valued at \$350,000. The Board also ordered Springfield Coal Company, LLC and its successors and assigns to refrain from mining raw coal as specified in the addendum.
- [PCB 16-45](#) Electric Energy, Inc. (Joppa Energy Center) v. IEPA (Permit Appeal – Water, NPDES) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.
- [PCB 16-100](#) Blake Leasing Company, LLC - Real Estate Series, as owner of Kirkland Quick Stop v. IEPA (Water Well Setback) – The Board granted petitioner an exception from the water well setback requirements for specified Village of Kirkland community water supply wells, subject to conditions.
- [PCB 16-112](#) Calpine Corporation (Zion Energy Center) v. IEPA (Variance – Air) – The Board granted Calpine’s motion and amended its November 17, 2016 opinion and order *nunc pro tunc*, as reflected in the amended opinion and order. The original opinion and order was amended only by replacing “214.161(b)” with “214.305(a)(2)” in footnotes 2, 11, and 18 and at page 7.
- [PCB 17-1](#) City of Benton Fire Department v. IEPA (UST Appeal) – The Board denied both parties’ motions for summary judgment, and directed the hearing officer to proceed to hearing.
- [PCB 17-79](#) People of the State of Illinois v. J.B. Timmerman Farms, Ltd. (Water – Enforcement, NPDES) – In this water enforcement action concerning a Clinton 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) (2016)), accepted a stipulation and settlement agreement, and ordered respondent to pay a \$15,000 civil penalty and to cease and desist from further violations.
- [PCB 18-3](#) J.D. Streett & Company, Inc. v. IEPA (UST Appeal) – The Board accepted for hearing this underground storage tank appeal involving a site in Williamson County.



**September 7, 2017**

**By videoconference: IPCB Offices in Chicago and Springfield**

**RULEMAKINGS**

- [R14-10](#) Coal Combustion Waste (CCW) Ash Ponds and Surface Impoundments at Power Generating Facilities: Proposed New 35 Ill. Adm. Code 841 (Rulemaking – Water) – No action taken.
- [R17-12](#) SDWA Update, USEPA Regulations (July 1, 2016 through December 31, 2016) (Rulemaking – Public Water Supply) – The Board granted the Agency’s motion to extend the comment period to October 19, 2017, and accordingly extended the deadline for adoption of IIS rules to December 31, 2017.

**ADMINISTRATIVE CITATIONS**

- [AC 17-18](#) IEPA v. Colleen Kelly (Administrative Citation) – The Board found that respondent had violated Section 1.1(b)(3) of the PWSO Act (415 ILCS 45/1.1(b)(3) (2016)). Because there were two violations of Section 1.1(b)(3), the Board ordered respondent to pay a civil penalty of \$1,000.

**ADJUDICATORY CASES**

- [PCB 08-24](#) Midwest Generating, LLC, Joliet Generating Station v. IEPA (Permit Appeal – Air, CAAPP) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.
- [PCB 12-35](#) People of the State of Illinois v. Six M. Corporation, Inc., William Maxwell, and James McIlvain as Necessary Party (Enforcement – Water) – The Board denied respondents’ motion for summary judgment and directed the hearing officer to proceed to hearing.
- [PCB 13-67](#) Prairie Rivers Network and Sierra Club v. IEPA and Springfield Coal Company, LLC (Third-Party NPDES Permit Appeal – Water) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.
- [PCB 16-100](#) Blake Leasing Company, LLC - Real Estate Series, as owner of Kirkland Quick Stop v. IEPA (Water Well Setback) – The Board granted petitioner’s motion to modify the Board’s August 17, 2017 opinion and order as specified in the amending order.
- [PCB 18-4](#) WM Renewable Energy LLC v. IEPA (Tax Certification – Water) – As recommended by the Illinois Environmental Protection Agency, the Board found and certified that specified facilities of WM Renewable Energy LLC located in St. Clair County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).



[PCB 18-5](#) Koppers, Inc. v. IEPA (Tax Certification – Water) – As recommended by the Illinois Environmental Protection Agency, the Board found and certified that specified facilities of Koppers, Inc. located in Cook County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).

[PCB 18-6](#) Freedom Oil Company v. IEPA (UST Appeal – 90-Day Extension) – The Board granted this request for a 90-day extension to file an underground storage tank appeal on behalf of this Livingston County facility.

[PCB 18-7](#) Koppers, Inc. v. IEPA (Tax Certification – Water) – As recommended by the Illinois Environmental Protection Agency, the Board found and certified that specified facilities of Koppers, Inc. located in Cook County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).

## **October 5, 2017 Meeting**

**By videoconference: IPCB Offices in Chicago and Springfield**

### **RULEMAKINGS**

[R18-19](#) Noise Rule Update: Amendments to 35 Ill. Adm. Code Parts 900, 901, 902, and 910 (Rulemaking – Noise) – The Board adopted a proposal for public comment in this rulemaking to amend the Board’s noise pollution control regulations.

[R18-20](#) Amendments to 35 Ill. Adm. Code 225.233, Multi-Pollutant Standard (MPS) (Rulemaking – Air) – Chairman Papadimitriou noted that the Board received on October 2 this Illinois Environmental Protection Agency (IEPA) rulemaking proposal to amend the Board’s air pollution control regulations, noted that the time to respond to IEPA’s motion to expedite had not yet run, and explained that the Board would act on these filings at a future Board meeting. The Board took no action on this matter.

### **ADMINISTRATIVE CITATIONS**

[AC 18-1](#) IEPA v. Murner Swanson (Administrative Citation) – The Board found that respondent violated Section 1.1(b)(3) of the Public Water Supply Operations Act (415 ILCS 45/1.1(b)(3) (2016)). Because there were five violations of Section 1.1(b)(3), the Board ordered respondent to pay a civil penalty of \$2,500.

### **ADJUDICATORY CASES**

[PCB 09-94](#) Midwest Electric Power, Inc. v. IEPA (Permit Appeal – Air) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.



- [PCB 14-111](#) Sanitary District of Decatur v. IEPA (Time-Limited WQS) – Construing petitioner’s motion for extension of time as a motion to stay this proceeding pending resolution of related matter R14-24, the Board granted the motion and extended the deadline to December 31, 2018 for petitioner to file an amended petition for a time-limited water quality standard.
- [PCB 17-45](#) People of the State of Illinois v. Magna Tax Service Co., Inc. (Enforcement – Land) – Member Zalewski held this matter and explained that a draft order would be presented for Board approval at the October 19, 2017 regular meeting. The Board took no action on this matter.
- [PCB 17-56](#) People of the State of Illinois v. Greenville Livestock, Inc. (Enforcement – Water) – Upon receiving a proposed stipulation and settlement agreement and an agreed motion for relief from the hearing requirement in this water enforcement action involving a facility located in Clinton County, the Board ordered publication of the required newspaper notice.
- [PCB 17-80](#) B-Petro Corporation v. IEPA (UST Appeal) – The Board accepted for hearing this underground storage tank appeal involving a site in Macon County.
- [PCB 17-82](#) The Premcor Refining Group, Inc. v. IEPA (UST Appeal) – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this DuPage County facility.
- [PCB 18-1](#) People of the State of Illinois v. Kenny Construction Company (Enforcement – Water, NPDES) – In this water enforcement action concerning a DuPage County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2016)), accepted a stipulation and settlement agreement, and ordered respondent to pay a \$17,500 civil penalty and to cease and desist from further violations.
- [PCB 18-8](#) KLG, LLC v. IEPA (Tax Certification – Water) – As recommended by the Illinois Environmental Protection Agency, the Board found and certified that specified facilities of KLG, LLC located in Hancock County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- [PCB 18-9](#) Yongxin Enterprises, Inc. v. IEPA (UST Appeal) – The Board accepted for hearing this underground storage tank appeal involving a site in Franklin County.



[PCB 18-10](#) Brent Timmerman-Breese v. IEPA (Tax Certification – Water) – As recommended by the Illinois Environmental Protection Agency, the Board found and certified that specified facilities of Brent Timmerman located in Clinton County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).

[PCB 18-12](#) Midwest Petroleum Company v. IEPA (UST Appeal) – The Board accepted for hearing this underground storage tank appeal involving a site in Madison County.

## October 19, 2017 Meeting

By videoconference: IPCB Offices in Chicago and Springfield

### RULEMAKINGS

[R17-10](#) National Ambient Air Quality Standards, USEPA Amendments (July 1, 2016 through December 31, 2016) (Rulemaking – Air) – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking amending the Board’s air pollution rules.

[R17-11](#) Definition of VOM Update, USEPA Amendments (July 1, 2016 through December 31, 2016) (Rulemaking – Air) – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking amending the Board’s air pollution rules.

[R17-14](#)  
[R17-15](#)  
(consol.) RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (July 1, 2016 through December 31, 2016) and RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2016 through December 31, 2016) (Rulemaking – Land) (consolidated) – The Board on its own motion consolidated these “identical-in-substance” rulemakings to amend the Board’s municipal solid waste landfill (MSWLF) and hazardous waste regulations. The Board extended the deadline for completion of the consolidated rulemakings to June 1, 2018.

[R18-20](#) Amendments to 35 Ill. Adm. Code 225.233, Multi-Pollutant Standard (MPS) (Rulemaking – Air) – The Board accepted for hearing this rulemaking proposal filed by the Illinois Environmental Protection Agency (IEPA). The Board denied IEPA’s motion for expedited review, but sent the proposed amendments to first-notice publication without review of their substance and directed the assigned hearing officers to promptly schedule the required hearings. The Board denied counsel for Sierra Club’s request to appear *pro hac vice* as unnecessary.



## ADJUDICATORY CASES

- [PCB 17-45](#) People of the State of Illinois v. Magna Tax Service Co., Inc. (Enforcement – Land) – The Board granted complainant’s motion to strike respondent’s two asserted affirmative defenses.
- [PCB 17-83](#) The Premcor Refining Group, Inc. v. IEPA (UST Appeal) – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this DuPage County facility.
- [PCB 18-13](#) Guraya, Inc. (Orion Standard Service) v. IEPA (UST Appeal – 90-Day Extension) – The Board granted this request for a 90-day extension to file an underground storage tank appeal on behalf of this Henry County facility.

## November 2, 2017 Meeting

**By videoconference: IPCB Offices in Chicago and Springfield**

## ADJUDICATORY CASES

- [PCB 18-11](#) Sierra Club; Prairie Rivers Network; National Association for The Advancement of Colored People v. City Water, Light & Power (Enforcement – Water) – The Board directed (1) complainants to file, by December 1, 2017, documentation of service of the complaint and (2) out-of-state counsel for the Sierra Club to timely provide the information required by 35 Ill. Adm. Code 101.400(a)(3)(A) and (B).
- [PCB 18-14](#) Special K Hog Farm v. IEPA (Tax Certification – Water) – As recommended by the Illinois Environmental Protection Agency, the Board found and certified that specified facilities of Special K Hog Farm located in McLean County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- [PCB 18-15](#) Special K Hog Farm v. IEPA (Tax Certification – Water) – As recommended by the Illinois Environmental Protection Agency, the Board found and certified that specified facilities of Special K Hog Farm located in McLean County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- [PCB 18-16](#) People of the State of Illinois v. Work Area Protection Corp. (Enforcement – Air) – Upon receiving a proposed stipulation and settlement agreement and an agreed motion for relief from the hearing requirement in this water enforcement action involving a facility located in Kane County, the Board ordered publication of the required newspaper notice.



- [PCB 18-17](#) MacDonald Farms, LLC v. IEPA (Tax Certification – Water) – As recommended by the Illinois Environmental Protection Agency, the Board found and certified that specified facilities of MacDonald Farms, LLC located in Mercer County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- [PCB 18-18](#) Lucas Campbell v. IEPA (Tax Certification – Water) – As recommended by the Illinois Environmental Protection Agency, the Board found and certified that specified facilities of Lucas Campbell located in Adams County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- [PCB 18-19](#) Farina Farms, Inc. v. IEPA (Tax Certification – Water) – As recommended by the Illinois Environmental Protection Agency, the Board found and certified that specified facilities of Farina Farms located in Marion County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- [PCB 18-20](#) Hildebrandt Farms v. IEPA (Tax Certification – Water) – As recommended by the Illinois Environmental Protection Agency, the Board found and certified that specified facilities of Hildebrandt Farms located in Boone County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- [PCB 18-21](#) People of the State of Illinois v. Todd Parish (Enforcement – Water) – Upon receiving a proposed stipulation and settlement agreement and an agreed motion for relief from the hearing requirement in this water enforcement action involving a facility located in Saline County, the Board ordered publication of the required newspaper notice.

## November 16, 2017 Meeting

By videoconference: IPCB Offices in Chicago and Springfield

### ADJUSTED STANDARDS

- [AS 18-1](#) Petition for Modification of Adjusted Standard Order for Electric Arc Furnace Dust Stabilized Residue (AS 2008-010) (Adjusted Standard – Land) – The Board accepted Peoria Disposal Company’s petition for adjusted standard and directed the Illinois Environmental Protection Agency (IEPA) to file its recommendation by December 18, 2017. Peoria Disposal Company may respond to IEPA’s recommendation within 14 days after the date on which the recommendation is served.



## ADMINISTRATIVE CITATIONS

[AC 18-2](#) IEPA v. Dragon Dumps, Vice Investments, LLC, and Andrew B. Vice (Administrative Citation) – The Board found that respondents violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2016)). Because there were two violations of Section 21(p), the Board ordered respondents to pay a total civil penalty of \$3,000.

## ADJUDICATORY CASES

[PCB 18-22](#) Cain Family Farms LLC v. IEPA (Tax Certification – Water) – As recommended by the Illinois Environmental Protection Agency, the Board found and certified that specified facilities of Cain Family Farms LLC located in Knox County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).

[PCB 18-23](#) Dean Bacon & Beef v. IEPA (Tax Certification – Water) – As recommended by the Illinois Environmental Protection Agency, the Board found and certified that specified facilities of Dean Bacon & Beef located in DeWitt County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).

[PCB 18-24](#) Keolen Sterling, LLC v. IEPA (Tax Certification – Water) – As recommended by the Illinois Environmental Protection Agency, the Board found and certified that specified facilities of Keolen Sterling, LLC located in Whiteside County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).

[PCB 18-25](#) Phillips 66 Company v. IEPA (UST Appeal – 90-Day Extension) – The Board granted this request for a 90-day extension to file an underground storage tank appeal on behalf of this DuPage County facility.

[PCB 18-27](#) IEI Barge Services, Inc. v. IEPA (Permit Appeal – Air, 90-Day Extension) – The Board granted this request for a 90-day extension to file an underground storage tank appeal on behalf of this Jo Daviess County facility.



## December 7, 2017 Meeting

### By videoconference: IPCB Offices in Chicago and Springfield

#### ADMINISTRATIVE CITATIONS

[AC 18-3](#) IEPA v. Darren A. & Cynthia J. Bailey Trust (Administrative Citation) – The Board found that respondents violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2016)). Because there were two violations of Section 21(p), the Board ordered respondents to pay a total civil penalty of \$3,000.

#### ADJUDICATORY CASES

[PCB 16-97](#) Arnold Magnetic Technologies v. IEPA (Permit Appeal – Water) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.

[PCB 17-56](#) People of the State of Illinois v. Greenville Livestock, Inc. (Enforcement – Water) – In this water enforcement action concerning a Clinton 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) (2016)), accepted a stipulation and settlement agreement, and ordered respondent to pay a \$14,000 civil penalty and to cease and desist from further violations.

[PCB 18-16](#) People of the State of Illinois v. Work Area Protection Corp. (Enforcement – Air) – In this air 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) (2016)), accepted a stipulation and settlement agreement, and ordered respondent to pay a \$10,000 civil penalty and to cease and desist from further violations.

[PCB 18-28](#) Mitch Niemerg & Christine Niemerg v. IEPA (Tax Certification – Water) – As recommended by the Illinois Environmental Protection Agency, the Board found and certified that specified facilities of Mitch & Christine Niemerg located in Effingham County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).

[PCB 18-29](#) Carson Hank v. IEPA (Tax Certification – Water) – As recommended by the Illinois Environmental Protection Agency, the Board found and certified that specified facilities of Carson Hank located in Mercer County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).

[PCB 18-30](#) Advantage Pork LLC v. IEPA (Tax Certification – Water) – As recommended by the Illinois Environmental Protection Agency, the Board found and certified that specified facilities of Advantage Pork LLC located in DeKalb County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).



- [PCB 18-31](#) Future Pork LLC v. IEPA (Tax Certification – Water) – As recommended by the Illinois Environmental Protection Agency, the Board found and certified that specified facilities of Future Pork LLC located in DeKalb County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- [PCB 18-32](#) IEI Barge Services, Inc. v. IEPA (Permit Appeal – Air, 90-Day Extension) – The Board granted this request for a 90-day extension to file an underground storage tank appeal on behalf of this Jo Daviess County facility.
- [PCB 18-33](#) Wabash Valley Service Company v. IEPA (Tax Certification – Water) – As recommended by the Illinois Environmental Protection Agency, the Board found and certified that specified facilities of Wabash Valley Service Company located in Edwards County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- [PCB 18-34](#) Elite Pork, LLC v. IEPA (Tax Certification – Water) – As recommended by the Illinois Environmental Protection Agency, the Board found and certified that specified facilities of Elite Pork, LLC located in Ogle County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- [PCB 18-35](#) Precision Pork, LLC v. IEPA (Tax Certification – Water) – As recommended by the Illinois Environmental Protection Agency, the Board found and certified that specified facilities of Precision Pork, LLC located in Lee County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- [PCB 18-36](#) Schmidgall Farms v. IEPA (Tax Certification – Water) – As recommended by the Illinois Environmental Protection Agency, the Board found and certified that specified facilities of Schmidgall Farms located in Tazewell County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- [PCB 18-37](#) Makin Bacon, LLC v. IEPA (Tax Certification – Water) – As recommended by the Illinois Environmental Protection Agency, the Board found and certified that specified facilities of Makin Bacon, LLC located in Richland County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- [PCB 18-42](#) Apex Material Technologies, LLC v. IEPA (RCRA Permit Appeal – Land, 90-Day Extension) – The Board granted this request for a 90-day extension to file a permit appeal on behalf of this Will County facility.



[PCB 18-43](#) People of the State of Illinois v. Scott Dean d/b/a Scott Dean Swine Farm and Hollis Shafer d/b/a Hollis Shafer Swine Farm (Enforcement – Water, Air) – Upon receiving a complaint, a proposed stipulation and settlement agreement, and an agreed motion for relief from the hearing requirement in this water and air enforcement action involving a site located in Fulton County, the Board ordered publication of the required newspaper notice.

## **December 21, 2017 Meeting**

**By videoconference: IPCB Offices in Chicago and Springfield**

### **RULEMAKING**

[R14-24](#) Proposed Site-Specific Rule for Sanitary District of Decatur from 35 Ill. Adm. Code Section 302.208(e) (Site-Specific Rulemaking – Water) – The Board accepted petitioner’s amended petition for hearing and granted the motion for waiver but denied petitioner’s motion to supplement the record.

[R17-12](#) SDWA Update, USEPA Amendments (July 1, 2016 through December 31, 2016) (Rulemaking – Water) – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking amending the Board’s drinking water standards.

### **ADMINISTRATIVE CITATIONS**

[AC 17-11](#) Jackson County v. Bruce Reese and Bryan Bruce (Administrative Citation) – The Board granted complainant’s motion for voluntary dismissal of the administrative citation and closed the docket.

[AC 18-5](#) IEPA v. Floyd & Vickie Wilson, Jack Tanner Towing Company, Inc., and Parkland Environmental Group, Inc. (Administrative Citation) – The Board found that respondents violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2016)). Because there were two violations of Section 21(p), the Board ordered respondents to pay a total civil penalty of \$3,000.

### **ADJUDICATORY CASES**

[PCB 04-51](#) Illinois State Toll Highway Authority (Lincoln Oasis North) v. IEPA (UST Appeal) – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal.

[PCB 06-72](#) Dynegy Midwest Generation, LLC (Hennepin Power Station) v. IEPA (Permit Appeal – Air, CAAPP) – The Board granted the parties’ joint motion, lifting the stay of the uncontested conditions of petitioner’s Clean Air Act Permit Program (CAAPP) permit and remanding that permit to respondent to incorporate the parties’ negotiated modifications.



- [PCB 14-3](#) Johns Manville v. Illinois Department of Transportation (Citizens Enforcement – Land) – The Board granted Johns Manville’s and ComEd’s applications for protective order. The Board denied IDOT’s motion to require Johns Manville to produce Frederick Scott Myers for a second deposition. The Board also denied as moot Johns Manville’s and ComEd’s in camera applications for non-disclosure, Johns Manville’s in camera application for inspection of privileged and confidential material, and ComEd’s motion to quash.
- [PCB 18-6](#) Freedom Oil Company v. IEPA (UST Appeal) – The Board accepted for hearing this underground storage tank appeal involving a site in Livingston County.
- [PCB 18-11](#) Sierra Club; Prairie Rivers Network; National Association for the Advancement of Colored People v. City Water, Light & Power (Citizens Enforcement – Water) – The Board denied respondent’s motion to dismiss the complaint or strike its alleged violation of Section 620.301(a) of the groundwater quality rules. The Board further found that the complaint is neither duplicative nor frivolous and accepted it for hearing. Any answer to the complaint is due by January 22, 2018.
- [PCB 18-21](#) People of the State of Illinois v. Todd Parish (Enforcement – Water) – In this water enforcement action concerning a Saline 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) (2016)), accepted a stipulation and settlement agreement, and ordered respondent to pay a \$5,000 civil penalty and to cease and desist from further violations.
- [PCB 18-38](#) Nottalotta Pigs, LLC v. IEPA (Tax Certification – Water) – As recommended by the Illinois Environmental Protection Agency, the Board found and certified that specified facilities of Nottalotta Pigs, LLC located in Lawrence County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- [PCB 18-39](#) Larson Farms Partnership v. IEPA (Tax Certification – Water) – As recommended by the Illinois Environmental Protection Agency, the Board found and certified that specified facilities of Larson Farms Partnership located in DeKalb County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- [PCB 18-40](#) South of 136, LLC v. IEPA (Tax Certification – Water) – As recommended by the Illinois Environmental Protection Agency, the Board found and certified that specified facilities of South of 136, LLC located in McDonough County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).



- [PCB 18-41](#) Keith Morby Finishing Barns v. IEPA (Tax Certification – Water) – As recommended by the Illinois Environmental Protection Agency, the Board found and certified that specified facilities of Keith Morby Finishing Barns located in Mercer County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- [PCB 18-44](#) Meier Meadows v. IEPA (Tax Certification – Water) – As recommended by the Illinois Environmental Protection Agency, the Board found and certified that specified facilities of Meier Meadows located in Stephenson County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- [PCB 18-45](#) Wabash Valley Service Company v. IEPA (Tax Certification – Water) – As recommended by the Illinois Environmental Protection Agency, the Board found and certified that specified facilities of Wabash Valley Service Company located in Wayne County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- [PCB 18-46](#) JMTR-Beswick v. IEPA (Tax Certification – Water) – As recommended by the Illinois Environmental Protection Agency, the Board found and certified that specified facilities of JMTR-Beswick located in Whiteside County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- [PCB 18-47](#) People of the State of Illinois v. Bodycote Thermal Processing, Inc. (Enforcement – Air) – Upon receiving a complaint, a proposed stipulation and settlement agreement, and an agreed motion for relief from the hearing requirement in this air enforcement action involving a site located in Cook County, the Board accepted the complaint and ordered publication of the required newspaper notice.
- [PCB 18-48](#) Marathon Petroleum Company v. IEPA (Tax Certification – Water) – As recommended by the Illinois Environmental Protection Agency, the Board found and certified that specified facilities of Marathon Petroleum Company located in Crawford County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).

## **January 11, 2018 Meeting**

**By videoconference: IPCB Offices in Chicago and Springfield**

### **ADJUDICATORY CASES**

- [PCB 06-65](#) Electric Energy, Incorporated v. IEPA (Permit Appeal – Air) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.



- [PCB 07-123](#) Dynegy Midwest Generation, LLC (Hennepin Power Station) v. IEPA (Permit Appeal – Air) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.
- [PCB 10-86](#) People of the State of Illinois v. Illinois Fuel Company, LLC and Cheyenne Resources, Inc. LLC (Enforcement – Water) – The Board granted the People’s motion to join Cheyenne Resources, Inc. LLC (Cheyenne) as a respondent. Also, upon receiving a proposed stipulation and settlement agreement (between the People and Cheyenne only) and an agreed motion for relief from the hearing requirement in this water enforcement action involving two coal mines (one located in Gallatin County; the other in Saline County), the Board ordered publication of the required newspaper notice.
- [PCB 16-55](#) David C. Miller, Mark G. Miller, Lisa E. Miller, Michelle A Page, Anthony L. Page, Richard A. Kinter, Stacy L. Kinter, Walter G. Fleaser, and Tammy Johnson v. Sugar Camp Energy, LLC (Citizens Enforcement – Noise) – The Board granted the parties’ joint motion for dismissal of this enforcement action.
- [PCB 18-13](#) Guraya, Inc. (Orion Standard Service) v. IEPA (UST Appeal) – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Henry County facility.
- [PCB 18-50](#) High Tower Farms v. IEPA (Tax Certification – Water) – As recommended by the Illinois Environmental Protection Agency, the Board found and certified that specified facilities of High Tower Farms located in McLean County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- [PCB 18-51](#) People of the State of Illinois v. North American EN, Inc. (Enforcement – Air) – Upon receiving a complaint, a proposed stipulation and settlement agreement, and an agreed motion for relief from the hearing requirement in this air enforcement action involving a site located in Cook County, the Board accepted the complaint and ordered publication of the required newspaper notice.
- [PCB 18-52](#) 4 AM Farms v. IEPA (Tax Certification – Water) – As recommended by the Illinois Environmental Protection Agency, the Board found and certified that specified facilities of 4 AM Farms located in Effingham County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).



[PCB 18-53](#) Adam Niemerg v. IEPA (Tax Certification – Water) – As recommended by the Illinois Environmental Protection Agency, the Board found and certified that specified facilities of Adam Niemerg located in Effingham County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).

[PCB 18-54](#) Piasa Motor Fuels, Inc. v. IEPA (UST Appeal) – The Board accepted for hearing this underground storage tank appeal involving a site in Madison County.

[PCB 18-55](#) RDK Ventures LLC, v. IEPA (UST Appeal – 90-Day Extension) – The Board granted this request for a 90-day extension to file an underground storage tank appeal on behalf of this DuPage County facility.

### **January 25, 2018 Meeting**

**By videoconference: IPCB Offices in Chicago and Springfield**

#### **RULEMAKING**

[R18-10](#) UIC Update, USEPA Regulations (July 1, 2017 through December 31, 2017) (Rulemaking – Land) – The Board dismissed this reserved “identical-in-substance” docket because the United States Environmental Protection Agency did not amend its underground injection control (UIC) regulations during the update period of July 1, 2017 through December 31, 2017.

[R18-11](#) RCRA Subtitle D Update, USEPA Regulations (July 1, 2017 through December 31, 2017) (Rulemaking – Land) – The Board dismissed this reserved “identical-in-substance” docket because the United States Environmental Protection Agency did not amend its municipal solid waste landfill (MSWLF) regulations during the update period of July 1, 2017 through December 31, 2017.

[R18-13](#) UST Update, USEPA Regulations (July 1, 2017 through December 31, 2017) (Rulemaking – Land) – The Board dismissed this reserved “identical-in-substance” docket because the United States Environmental Protection Agency did not amend its underground storage tank regulations during the update period of July 1, 2017 through December 31, 2017.

[R18-16](#) Definition of VOM Update, USEPA Regulations (July 1, 2017 through December 31, 2017) (Rulemaking – Air) – The Board dismissed this reserved “identical-in-substance” docket because the United States Environmental Protection Agency did not amend the definition of “volatile organic material” (VOM) during the update period of July 1, 2017 through December 31, 2017.

#### **ADJUDICATORY CASES**



- [PCB 13-15](#) Sierra Club, Environmental Law and Policy Center, Prairie Rivers Network, and Citizens Against Ruining the Environment v. Midwest Generation (Citizens Enforcement – Water) – The Board affirmed the hearing officer’s ruling to exclude Exhibit 37 from evidence. The Board also affirmed the hearing officer’s rulings to admit into evidence Exhibits 5.5, 6, 7, 16, 204G–209G, 210H–215H, 222J–228J, and 236L–241L. The Board overturned the hearing officer’s ruling to admit Exhibit 261 into evidence, and instead excluded it.
- [PCB 15-58](#) Cedar Concepts Corporation v. IEPA (Permit Appeal – Air) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.
- [PCB 18-43](#) People of the State of Illinois v. Scott Dean d/b/a Scott Dean Swine Farm and Hollis Shafer d/b/a Hollis Shafer Swine Farm (Enforcement – Air, Water) – In this air and water enforcement action concerning a Fulton 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) (2016)), accepted a stipulation and settlement agreement, and ordered respondents to pay a total civil penalty of \$15,000 and to cease and desist from further violations.
- [PCB 18-47](#) People of the State of Illinois v. Bodycote Thermal Processing, Inc. (Enforcement – Air) – 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) (2016)), accepted a stipulation and settlement agreement, and ordered respondent to pay a \$10,000 civil penalty and to cease and desist from further violations.

## **February 8, 2018 Meeting**

### **By videoconference: IPCB Offices in Chicago and Springfield**

#### **RULEMAKING**

- [R18-9](#) SDWA Update, USEPA Amendments (July 1, 2017 through December 31, 2017) (Rulemaking – Water) – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s drinking water regulations.
- [R18-15](#) National Ambient Air Quality Standards, USEPA amendments (July 1, 2017 through December 31, 2017) (Rulemaking – Air) – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s air pollution regulations.
- [R18-18](#) Regulatory Relief Mechanisms: Proposed New 35 Ill. Adm. Code Part 104, Subpart E (Rulemaking – Procedural) – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s procedural rules to address time-limited water quality standards.



[R18-21](#) Clean-Up Amendments to 35 Ill. Adm. Code Parts 201, 211, 212, 214, 215, 216, 217, 218, 219, 225, 228, 232, 237, 301, 302, 303, 304, 306, 309, 401, 402, 403, 404, 405, 501, 611, 615, 616, 617, 722, 811, 813, 855, and 1000 (Rulemaking – Air, Land, Water) – The Board accepted for hearing the Agency’s January 10, 2018 proposal to revise or repeal specific portions of Board regulations which have become obsolete, duplicative, or unnecessary.

**ADJUDICATORY CASES**

[PCB 15-58](#) Cedar Concepts Corporation v. IEPA (Permit – Appeal Air) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.

[PCB 18-56](#) Gautschy’s Corner v. IEPA (UST Appeal) – The Board accepted for hearing this underground storage tank appeal involving a site in LaSalle County. The Board, on its own motion, consolidated this matter with PCB 18-60, which involves the same site.

[PCB 18-59](#) Radharani, Inc. v. IEPA (UST Appeal) – The Board accepted for hearing this underground storage tank appeal involving a site in Perry County.

[PCB 18-60](#) Gautschy’s Corner v. IEPA (UST Appeal) – The Board accepted for hearing this underground storage tank appeal involving a site in LaSalle County. The Board, on its own motion, consolidated this matter with PCB 18-56, which involves the same site.



# CALENDAR

**Tuesday, March 06, 2018 10:00:00 AM**

**R2018-020**

Amendments to 35 Ill. Adm. Code 225.233, Multi-Pollutant Standards (MPS)

Madison County Government Center, County Board Room  
157 North Main Street  
Edwardsville, IL

[Click here for details on this case](#)

**Wednesday, March 07, 2018 10:00:00 AM**

**R2018-020**

Amendments to 35 Ill. Adm. Code 225.233, Multi-Pollutant Standards (MPS)

Madison County Government Center, County Board Room  
157 North Main Street  
Edwardsville, IL

[Click here for details on this case](#)

**Thursday, March 08, 2018 11:00:00 AM**

**Board Meeting**

**CANCELLED**

IPCB Office  
1021 N Grand Ave E - Room 1244 N (First Floor)  
Springfield, Illinois

**- and -**

IPCB Office  
James R. Thompson Center  
100 W Randolph - Room 11-512  
Chicago, Illinois

**Thursday, March 22, 2018 11:00:00 AM**

**Board Meeting**

IPCB Office  
1021 N Grand Ave E - Room 1244 N (First Floor)  
Springfield, Illinois

**- and -**

IPCB Office  
James R. Thompson Center  
100 W Randolph - Room 11-512  
Chicago, Illinois



**Thursday, March 22, 2018 12:00:00 PM**

**Brown Bag Seminar – Learn about 2018 Nominees for Illinois Sustainability Awards  
Ian Hughes, Illinois Sustainability Technology Center**

IPCB Office

1021 N Grand Ave E - Room 1244 N (First Floor)

Springfield, Illinois

**- and -**

IPCB Office

James R. Thompson Center

100 W Randolph - Room 11-512

Chicago, Illinois

**Thursday, April 12, 2018 11:00:00 AM**

**Board Meeting**

IPCB Office

1021 N Grand Ave E - Room 1244 N (First Floor)

Springfield, Illinois

**- and -**

IPCB Office

James R. Thompson Center

100 W Randolph - Room 11-512

Chicago, Illinois

**Thursday, April 12, 2018 1:30:00 PM**

**R2018-015**

National Ambient Air Quality Standards, USEPA Regulations (July 1, 2017 through December 31, 2017)

James R. Thompson Center

100 West Randolph Street, Room 11-512

Chicago

[Click here for details on this case](#)

**Thursday, April 12, 2018 1:30:00 PM**

**R2018-015**

National Ambient Air Quality Standards, USEPA Regulations (July 1, 2017 through December 31, 2017)

Sangamo Building

1021 North Grand Avenue, Illinois Pollution Control Board He

Chicago

[Click here for details on this case](#)



**Monday, April 16, 2018 4:00:00 PM**  
**R2018-020**

Amendments to 35 Ill. Adm. Code 225.233, Multi-Pollutant Standards (MPS)

Illinois Environmental Protection Agency  
1021 N Grand Ave E, North Entrance, off Converse Street  
Springfield, Illinois

[Click here for details on this case](#)

**Tuesday, April 17, 2018 11:00:00 AM**  
**R2018-020**

Amendments to 35 Ill. Adm. Code 225.233, Multi-Pollutant Standards (MPS)

Illinois Environmental Protection Agency  
1021 N Grand Ave E, North Entrance, off Converse Street  
Springfield, Illinois

[Click here for details on this case](#)

**Thursday, April 26, 2018 11:00:00 AM**  
**Board Meeting**

IPCB Office  
1021 N Grand Ave E - Room 1244 N (First Floor)  
Springfield, Illinois

- and -

IPCB Office  
James R. Thompson Center  
100 W Randolph - Room 11-512  
Chicago, Illinois

**Thursday, May 10, 2018 11:00:00 AM**

**Board Meeting**

IPCB Office  
1021 N Grand Ave E - Room 1244 N (First Floor)  
Springfield, Illinois

- and -

IPCB Office  
James R. Thompson Center  
100 W Randolph - Room 11-512  
Chicago, Illinois



**Thursday, May 24, 2018 11:00:00 AM**

**Board Meeting**

IPCB Office  
1021 N Grand Ave E - Room 1244 N (First Floor)  
Springfield, Illinois

**- and -**

IPCB Office  
James R. Thompson Center  
100 W Randolph - Room 11-512  
Chicago, Illinois

**Monday, May 28, 2018**

**Memorial Day - Board Closed**

**Thursday, June 07, 2018 11:00:00 AM**

**Board Meeting**

IPCB Office  
1021 N Grand Ave E - Room 1244 N (First Floor)  
Springfield, Illinois

**- and -**

IPCB Office  
James R. Thompson Center  
100 W Randolph - Room 11-512  
Chicago, Illinois

**Thursday, June 21, 2018 11:00:00 AM**

**Board Meeting**

IPCB Office  
1021 N Grand Ave E - Room 1244 N (First Floor)  
Springfield, Illinois

**- and -**

IPCB Office  
James R. Thompson Center  
100 W Randolph - Room 11-512  
Chicago, Illinois

\* The events listed above are subject to change, and more events may be added.  
Here is a link to the [Board's current calendar](#)

## RESTRICTED STATUS / CRITICAL REVIEW LISTS

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY  
Division of Public Water Supplies  
<http://www.epa.illinois.gov>



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

**January 2018**

<b>SYSTEM NAME</b>	<b>SYSTEM ID</b>	<b>EPA REGION</b>	<b>NATURE OF PROBLEM</b>	<b>POPULATION SERVED</b>	<b>LISTING DATE</b>
ANDALUSIA (upper elevation area)	IL1610050	1	LOW SYSTEM PRESSURE	1050	10/1/2003
ANDOVER	IL0730100	1	NO BACKUP SOURCE	600	3/24/2016
			NO EMERGENCY POWER & NO PRESSURE TANK		
AQUA ILLINOIS - CRYSTAL CLEAR WATER CO.	IL1115150	2	TANK	855	9/16/1988
AQUA ILLINOIS - NUNDA	IL1115600	2	INADEQUATE PRESSURE TANK	570	4/1/2015
			ARSENIC MCL VIOLATION & MINIMUM CHLORINE RESIDUAL VIOLATION		
ATLANTA	IL1070050	5	CHLORINE RESIDUAL VIOLATION	1692	4/20/2017
AVANTARA LONG GROVE	IL0971110	2	INADEQUATE PRESSURE TANK	200	12/1/2003
BAHL WATER CORP	IL0855200	1	NO ELEVATED OR GROUND STORAGE	700	12/15/1993
BEVERLY HILLSDALE ESTATES, LLC	IL1615530	1	INADEQUATE PRESSURE TANK	63	3/18/1983
BILL-MAR HEIGHTS MHP	IL2015345	1	INADEQUATE PRESSURE TANK	160	3/18/1983
BISHOP HILL*	IL0730250	1	NO BACKUP SOURCE	137	11/14/2017
BLUE MOUND	IL1150100	4	NITRATE MCL VIOLATION	1300	8/3/2016
BUFFALO HOLLOW FARMS WATER ASSOCIATION	IL1430080	5	INADEQUATE PRESSURE TANK	45	6/16/2008
CAPRON MHP	IL0075105	1	INADEQUATE PRESSURE TANK	98	3/18/1983
CARTHAGE*	IL0670250	5	ATRAZINE MCL VIOLATION	2605	10/17/2017
CENTURY PINES APARTMENTS	IL0150020	1	INADEQUATE PRESSURE TANK	50	12/14/1990
CHAIN-O-LAKES MHP	IL0975165	2	INADEQUATE PRESSURE TANK	81	12/15/1989
CLARKS MHP	IL2015425	1	INADEQUATE PRESSURE TANK	80	12/16/1991
COUNTRY ACRES MHP (LaSalle County)	IL0995365	1	RADIUM MCL VIOLATION	295	5/4/2016
COYNE CENTER COOP	IL1615150	1	INADEQUATE PRESSURE TANK	150	12/15/1997
CRISWELL COURT MHP	IL1975105	2	INADEQUATE PRESSURE TANK	136	12/15/1989
DATTIS MHP	IL0995225	1	INADEQUATE PRESSURE TANK	115	3/18/1983
DAYSRING BIBLE COLLEGE	IL0977189	2	INADEQUATE PRESSURE TANK	60	6/15/1988
			INADEQUATE SOURCE CAPACITY & INADEQUATE PRESSURE TANK		
DES PLAINES MHP	IL0317775	2	INADEQUATE PRESSURE TANK	580	3/16/1984
EAST END WATER ASSOCIATION	IL1610140	1	INADEQUATE PRESSURE TANK	40	3/15/2002
EAST MORELAND WATER ASSOCIATION	IL1975600	2	NO ELEVATED OR GROUND STORAGE	1055	9/9/2016
			INADEQUATE GROUND STORAGE & NO EMERGENCY POWER		
EDELSTEIN WATER COOPERATIVE	IL1435150	5	EMERGENCY POWER	125	1/1/2015
EHLERS MHP	IL0195645	4	INADEQUATE PRESSURE TANK	112	12/17/1982
ELIZABETH (upper elevation area)	IL0850150	1	LOW SYSTEM PRESSURE	675	6/15/1999
ERIE	IL1950200	1	NITRATE MCL VIOLATION	1600	2/8/2016
EVANSVILLE	IL1570250	6	CRYPTOSPORIDIUM TT VIOLATION	700	4/7/2017
EXETER - MERRITT WATER COOP	IL1710010	5	INADEQUATE STORAGE CAPACITY	765	10/1/2013
FAMILY MANUFACTURED HOME COMMUNITY, LLC	IL2015125	1	INADEQUATE PRESSURE TANK	240	12/17/1982
FOUNTAIN VALLEY MHP	IL0195945	4	ARSENIC MCL VIOLATION	375	8/2/2016
FOUR STAR CAMPGROUND	IL0990060	1	INADEQUATE PRESSURE TANK	150	6/15/1999
			RADIUM MCL VIOLATION & GROSS ALPHA PARTICLE ACTIVITY MCL VIOLATION		
FOX LAWN HOMEOWNERS WATER ASSOCIATION	IL0935150	2	PARTICLE ACTIVITY MCL VIOLATION	238	8/2/2016
GRANDVIEW MHP	IL1795365	5	INADEQUATE PRESSURE TANK	300	3/18/1983
GREAT OAKS AND BEACON HILLS APARTMENTS	IL2015488	1	NO ELEVATED OR GROUND STORAGE	1816	12/17/1982
			INADEQUATE GROUND STORAGE & INADEQUATE PRESSURE TANK		
GREEN MEADOWS ESTATES OF ROCKFORD LLC	IL2015495	1	INADEQUATE PRESSURE TANK	970	6/15/2012
GREENFIELD*	IL0610150	6	HALOACETIC ACIDS MCL VIOLATION	1200	12/13/2017
HAMPSHIRE (does not include the Special Services Area (TP04))	IL0890450	2	RADIUM MCL VIOLATION	5563	11/30/2016



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

**January 2018**

<b>SYSTEM NAME</b>	<b>SYSTEM ID</b>	<b>EPA REGION</b>	<b>NATURE OF PROBLEM</b>	<b>POPULATION SERVED</b>	<b>LISTING DATE</b>
HAWTHORN ESTATES SUBDIVISION	IL0630030	2	INADEQUATE PRESSURE TANK	49	4/7/2017
HIATTS HIDEAWAY MHP	IL1795495	5	INADEQUATE PRESSURE TANK	65	9/15/1989
HIGHLAND SUBDIVISION	IL0895530	2	INADEQUATE PRESSURE TANK	50	9/16/1983
HILLVIEW SUBDIVISION	IL1975800	2	INADEQUATE PRESSURE TANK	100	3/15/1985
HOLIDAY SHORES SANITARY DISTRICT*	IL1195110	6	TOTAL TRIHOLMETHANES MCL VIOLATION	3387	11/2/2017
HOLLY HOCK HILL MHP	IL0975245	2	INADEQUATE PRESSURE TANK	52	12/16/1983
HONEYCUTT HILL MHP LLC	IL1955225	1	INADEQUATE PRESSURE TANK NO ELEVATED OR GROUND	75	9/17/1982
INGALLS PARK SUBDIVISION	IL1975880	2	STORAGE	744	9/16/1983
LARSON COURT APARTMENTS	IL1615728	1	INADEQUATE PRESSURE TANK TOTAL TRIHOLMETHANES MCL VIOLATION	58	1/14/1982
LASALLE	IL0990300	1	VIOLATION	9700	6/28/2017
LEGEND LAKES WATER ASSOCIATION	IL2015300	1	INADEQUATE PRESSURE TANK INADEQUATE GROUND STORAGE	283	3/14/1991
LIBERTY PARK HOMEOWNERS ASSOCIATION	IL0435600	2	CAPACITY INADEQUATE SOURCE CAPACITY & NITRATE MCL VIOLATION	837	9/17/1992
LIMA	IL0010400	5	INADEQUATE PRESSURE TANK NO ELEVATED OR GROUND	163	5/4/2016
LINDENWOOD WATER ASSOCIATION	IL1415300	1	INADEQUATE PRESSURE TANK NO ELEVATED OR GROUND	50	1/13/1982
LINWAY ESTATES MHP	IL0315935	2	STORAGE	450	2/28/2017
LISBON NORTH, INC.	IL0631000	2	INADEQUATE PRESSURE TANK	30	9/14/1990
LYNNWOOD WATER CORPORATION	IL0995336	1	INADEQUATE PRESSURE TANK NO AUTO-START GENERATOR & INADEQUATE HIGH SERVICE PUMP	110	3/18/1983
MALTA	IL0370350	1	CAPACITY TOTAL TRIHOLMETHANES MCL VIOLATION	1175	6/15/2012
MANCHESTER	IL1710250	5	INADEQUATE PRESSURE TANK	293	9/29/2017
MANCUSO VILLAGE PARK MHP	IL2015545	1	INADEQUATE PRESSURE TANK	500	6/18/1982
MANTENO MHP	IL0915385	2	INADEQUATE PRESSURE TANK	144	12/14/1990
MITCHELLSVILLE PWD	IL1655200	7	LOW SYSTEM PRESSURE	1989	10/1/2012
MORNINGSIDE MOBILE ESTATES MHP	IL1075145	5	NITRATE MCL VIOLATION TOTAL TRIHOLMETHANES MCL VIOLATION	75	8/11/2016
NEW SALEM PWD	IL1090010	5	VIOLATION	225	4/1/2015
NORTHWEST BELMONT IMPROVEMENT ASSN	IL0435900	2	INADEQUATE PRESSURE TANK	75	9/29/1981
OAK RIDGE SD	IL2035300	1	INADEQUATE PRESSURE TANK	240	3/20/1981
OAKWOOD PLACE SUBDIVISION	IL0735140	1	INADEQUATE PRESSURE TANK	52	5/11/2017
OSCO MUTUAL WATER SUPPLY COMPANY, INC.	IL0735200	1	INADEQUATE PUMP CAPACITY	115	12/15/1989
PARADISE MANOR MHP	IL1617665	1	INADEQUATE PRESSURE TANK	193	2/19/1982
PARK MEADOWLAND WEST MHP	IL0075235	1	INADEQUATE PRESSURE TANK	100	3/18/1982
PAULS MHP	IL0975485	2	INADEQUATE PRESSURE TANK	38	12/16/1983
PORTS SULLIVAN LAKE OWNERS ASSOCIATION	IL0971160	2	INADEQUATE PRESSURE TANK	293	6/15/1999
PRAIRIE ROAD PUMP ASSOCIATION	IL2015100	1	INADEQUATE PRESSURE TANK	150	1/1/2006
RAINBOW LANE MHP	IL2015645	1	INADEQUATE PRESSURE TANK	85	6/17/1983
ROCKLAND MHP	IL0975585	2	INADEQUATE PRESSURE TANK	165	12/16/1983
ROLLING GREEN ESTATES MHP	IL1415245	1	INADEQUATE PRESSURE TANK	191	6/14/1985
ROYAL OAKS MHP	IL1115145	2	INADEQUATE PRESSURE TANK LOW SYSTEM PRESSURE (at elev. above 990 ft. MSL)	114	6/17/1983
SCALES MOUND	IL0850400	1	INADEQUATE PRESSURE TANK	401	9/15/1997
SHANGRI-LA MHP	IL1415285	1	INADEQUATE PRESSURE TANK RADIUM & GROSS ALPHA MCL VIOLATIONS	444	9/16/1983
SHANNON	IL0150300	1	VIOLATIONS	758	8/4/2016



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

**January 2018**

<b>SYSTEM NAME</b>	<b>SYSTEM ID</b>	<b>EPA REGION</b>	<b>NATURE OF PROBLEM</b>	<b>POPULATION SERVED</b>	<b>LISTING DATE</b>
SHAWNEE VALLEY PWD	IL1815550	7	TOTAL TRIHOLMETHANES MCL VIOLATION	907	8/25/2016
SHAWNITA TRC WATER ASSOCIATION	IL1977690	2	INADEQUATE PRESSURE TANK	135	9/17/1992
SILVIS HEIGHTS WATER CORP	IL1615750	1	NO EMERGENCY GENERATOR	1600	12/1/2003
SIX OAKS MHP	IL2015685	1	INADEQUATE PRESSURE TANK	48	6/18/1982
SPARTA (World Shooting and Recreational Complex area)	IL1570600	6	HALOACETIC ACIDS MCL VIOLATION	5153	12/27/2016
STEPHENSON MOBILE ESTATES	IL1775235	1	INADEQUATE PRESSURE TANK	223	6/17/1983
SUBURBAN APARTMENTS (DE KALB UNIV DVL)	IL0375148	1	INADEQUATE PRESSURE TANK	1050	12/16/1992
SUBURBAN HEIGHTS SUBDIVISION	IL1615800	1	INADEQUATE PRESSURE TANK	82	12/16/1983
SUMNER	IL1010300	7	LOW SYSTEM PRESSURE (areas served by undersized water mains)	1108	12/13/1985
SUNNY HILLS ESTATES SUBDIVISION	IL0735300	1	INADEQUATE PRESSURE TANK	525	6/15/2000
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
TIMBER RIDGE MOBILE ESTATES	IL1775255	1	INADEQUATE PRESSURE TANK	150	6/17/1996
TOWNERS SUBDIVISION	IL0977250	2	INADEQUATE PRESSURE TANK	204	1/14/1982
TRIANGLE MHP	IL0195925	4	ARSENIC MCL VIOLATION	90	6/15/2012
UTL INC - LAKE HOLIDAY	IL0995200	1	INADEQUATE TREATMENT CAPACITY	6479	4/1/2015
UTL INC - LAKE WILDWOOD UTILITIES CORP	IL1235200	1	INADEQUATE GROUND STORAGE & HIGH SERVICE PUMP CAPACITY	950	10/22/2015
UTL INC - WALK-UP WOODS WATER COMPANY	IL1115800	2	NO ELEVATED OR GROUND STORAGE	781	12/17/1982
VALLEY VIEW SUBDIVISION (WOODFORD COUNTY)	IL2030010	1	INADEQUATE PRESSURE TANK	100	6/15/2012
VIETZEN MHP	IL0437245	2	INADEQUATE PRESSURE TANK	150	6/17/1983
WELDON	IL0390350	4	ARSENIC MCL VIOLATION	450	8/2/2016
WILDLIFE MHP	IL0995425	1	INADEQUATE PRESSURE TANK	73	9/17/1982
WILLOWAY TERRACE MHP	IL0317595	2	NO ELEVATED OR GROUND STORAGE & INADEQUATE SOURCE CAPACITY	900	6/15/1984



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

**January 2018**

<b>SYSTEM NAME</b>	<b>SYSTEM ID</b>	<b>EPA REGION</b>	<b>NATURE OF PROBLEM</b>	<b>POPULATION SERVED</b>	<b>LISTING DATE</b>
ANNA	IL1810050	7	INADEQUATE TREATMENT CAPACITY	5043	7/1/2011
ANNA - JONESBORO WATER COMMISSION	IL1815050	7	INADEQUATE TREATMENT CAPACITY	36	7/1/2011
BEASON CHESTNUT PWD	IL1075150	5	INADEQUATE SOURCE CAPACITY & INADEQUATE PRESSURE TANK INADEQUATE TREATMENT	435	6/15/2004
CANTON	IL0570250	5	INADEQUATE TREATMENT CAPACITY	13932	3/15/2007
CARBON HILL	IL0630100	2	INADEQUATE TREATMENT CAPACITY	392	12/14/2016
CHATHAM	IL1670300	5	INADEQUATE TREATMENT CAPACITY	14,820	8/31/2017
COAL CITY	IL0630200	2	INADEQUATE TREATMENT CAPACITY	5587	12/14/2016
EJ WATER - SANGCHRIS SERVICE AREA	IL1670230	5	INADEQUATE TREATMENT CAPACITY	416	8/31/2017
HILLCREST*	IL1410250	1	INADEQUATE STORAGE CAPACITY INADEQUATE TREATMENT	1400	11/2/2017
JONESBORO PWS	IL1810250	7	INADEQUATE TREATMENT CAPACITY	1912	7/1/2011
LASALLE	IL0990300	1	INADEQUATE SOURCE CAPACITY & INADEQUATE TREATMENT CAPACITY	9700	11/1/2004
LICK CREEK PWD	IL1815100	7	INADEQUATE TREATMENT CAPACITY	2020	7/1/2011
MACOMB	IL1090350	5	INADEQUATE CLARIFIER CAPACITY	11309	12/14/2016
MASON CITY	IL1250350	5	INADEQUATE STORAGE CAPACITY	2558	1/1/2006
MOUND PWD	IL1635050	6	INADEQUATE PLANT CAPACITY	2200	6/17/1996
QUINCY	IL0010650	5	INADEQUATE CLARIFIER CAPACITY INADEQUATE TREATMENT	45000	8/3/2016
SHAWNEE VALLEY PWD	IL1815550	7	INADEQUATE TREATMENT CAPACITY	907	7/1/2011
SOUTH SANGAMON WATER COMMISSION	IL1670080	5	INADEQUATE TREATMENT CAPACITY	104	8/31/2017
TISKILWA	IL0111050	1	INADEQUATE STORAGE CAPACITY	830	9/20/2017
WHITE HALL	IL0610400	6	INADEQUATE STORAGE CAPACITY INADEQUATE TREATMENT	2900	10/1/2012
WITT	IL1350850	5	INADEQUATE TREATMENT CAPACITY	991	3/17/2008



**Illinois Environmental Protection Agency  
Division of Public Water Supplies  
Restricted Status and Critical Review Lists – Community Water Supplies**

**January 2018**

**WATER SYSTEMS REMOVED FROM PREVIOUS LIST**

MAEYSTOWN  
MODESTO  
PALMYRA  
PALMYRA - MODESTO WATER COMMISSION  
SCOTTVILLE RURAL WATER COMPANY  
SEYMOUR WATER DISTRICT  
SOUTH PALMYRA WATER COMMISSION

**\*WATER SYSTEMS ADDED**

BISHOP HILL  
CARTHAGE  
GREENFIELD  
HILLCREST  
HOLIDAY SHORES SANITARY DISTRICT



## 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 2, 2018. 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 SPECIAL RESOURCE GROUNDWATER



## Class III Special Resource 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 (DNPs), as Class III: Special Resource Groundwater (Class III Groundwater): Thomas W. and Elizabeth Moews Dore Seep, Long Run Seep, and Apple River Canyon nature preserves.

Based upon the authority of 35 Ill. Adm. Code 620.230, Class III Groundwater can be established for groundwater contributing to a DNP that has been listed by the Illinois EPA. The Illinois EPA is required to review a written request to list DNPs, and upon confirmation of the technical adequacy, publish the proposed listing of the DNP(s) in the Environmental Register for a 45-day public comment period. Within 60 days after the close of the comment period, the Illinois EPA is required to publish a final listing in the Environmental Register, or provide the requestor with a written response specifying reasons for not publishing a final listing.

The Groundwater Section of the Bureau of Water at the Illinois EPA completed the review required, per the criteria specified in subsection 620.230(b)(1), and found the petitions to be technically adequate. The proposed listings were published in Number 745 of the Illinois Environmental Register, August 11, 2017. No comments were received during the 45-day public comment period. Therefore, the Illinois EPA is publishing the following final listings of DNPs as Class III Groundwater:

Thomas W. and Elizabeth Moews Dore Seep: Exhibit 1  
Long Run Seep: Exhibit 2  
Apple River Canyon: Exhibit 3

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

Lynn E. Dunaway, P.G.  
Groundwater Section  
Division of Public Water Supplies  
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

Thomas W. and Elizabeth Moews Dore Seep  
Nature Preserve  
Class III Special Resource Groundwater



**Thomas W. and Elizabeth Moews Dore Seep Nature Preserve Class III Special Resource  
Groundwater**

**A) A general description of the site and the surrounding land use.**

The Thomas W. and Elizabeth Moews Dore Seep Nature Preserve (Dore Seep), a dedicated nature preserve (DNP), is located east of the Illinois River at the junction of the flood plain and the river bluff approximately 3 miles southeast of Hennepin. The DNP supports a large variety of plant species native to the shallow wetland and seep communities. The groundwater from the seeps contributes to adjacent habitats that include three state threatened bird and one state endangered plant species. Dore Seep is a 26 acre tract of land owned by the Ringbill Habitat Foundation and managed by The Wetlands Initiative, located in Section 34 Township 32 North, Range 2 West of the Third Principal Meridian in Putnam County. The groundwater contribution area (GCA), which is proposed for Class III designation, also extends into portions of Sections 25, 26, 27, 34, 35 and 36, Township 34 North, Range 2 West; and portions of Sections 29, 30, 31 and 32, Township 34 North, Range 1 West in Putnam County. The total GCA including the nature preserve and GCA outside the nature preserve is 4.44 square miles (2,840 acres) extending predominantly east of the nature preserve. Land use in the proposed Class III Area is composed of approximately 78 percent agricultural land, 18 percent forested land and 4 percent wetland, with less than 1 percent residential/urban land.

**B) A topographic map or other map of suitable scale denoting the location of the dedicated nature preserve.**

See Exhibit 1, Attachment 1.

**C) A general description of the existing groundwater quality at and surrounding the dedicated nature preserve.**

The presence of rare native plant communities at Dore Seep indicates that the groundwater which feeds the wetland retains specific flow and geochemical characteristics necessary for their survival. The groundwater characteristics associated with fens and seeps are pH values around 7.0 standard units or above, low concentrations of nutrients which would favor more aggressive generalist plant species and cations dominated by calcium and magnesium, instead of, for example, sodium. The consistent temperature and rate of discharge of the groundwater that flows from the seeps also helps to create microclimates of more moderate temperatures proximate to the seeps.



**D) A general geologic profile of the dedicated nature preserve, based on most reasonably available information, including but not limited to geologic maps and subsurface groundwater flow directions.**

Dore Seep lies within the Middle Illinois Bedrock Valley. The Ancient Mississippi River flowed through this area prior to the Wisconsin Glacial Episode. The Wisconsin advance blocked the Ancient Mississippi, diverting the flow to its current position in western Illinois thus leaving the abandoned 10-15 mile wide river valley to be filled with glacial and fluvial deposits. The base of the bedrock valley is formed in Pennsylvanian age bedrock, composed mostly in this area of shale. The earlier Illinois Glacial Episode overran the area, but advanced far enough to the west that the course of the Ancient Mississippi was not permanently diverted at that time. Illinois Episode deposits from the Pearl and Glasford Formations still exist in some parts of the proposed Class III area where they were not subsequently eroded by the Ancient Mississippi. Once the Ancient Mississippi was diverted, the abandoned valley near Dore Seep was filled predominantly by fluvial glacial outwash deposits of the Henry Formation. The Henry Formation is dominated by water sorted sand and gravel with some layers of silts and clays. The Henry Formation is overlain by the Tiskilwa Till, which is predominantly clay and the Peoria Loess which is mostly a silt or silty clay material.

**E) A description of the interrelationship between groundwater and the nature of the site.**

The discharge of cool, mineralized groundwater is critical to the formation and maintenance of wetland seep and fen environments. Without enough groundwater discharge, with acceptable mineral content, the three state threatened bird species that use Dore Seep may not have adequate wetland habitat for their survival and the state endangered plant could not thrive in this location. Changes to groundwater quality due to mining of the aquifer that supplies water to Dore Seep, or other anthropogenic changes to water quality could make the groundwater discharging into Dore Seep less conducive to supporting the unique plant and animal communities that live there.

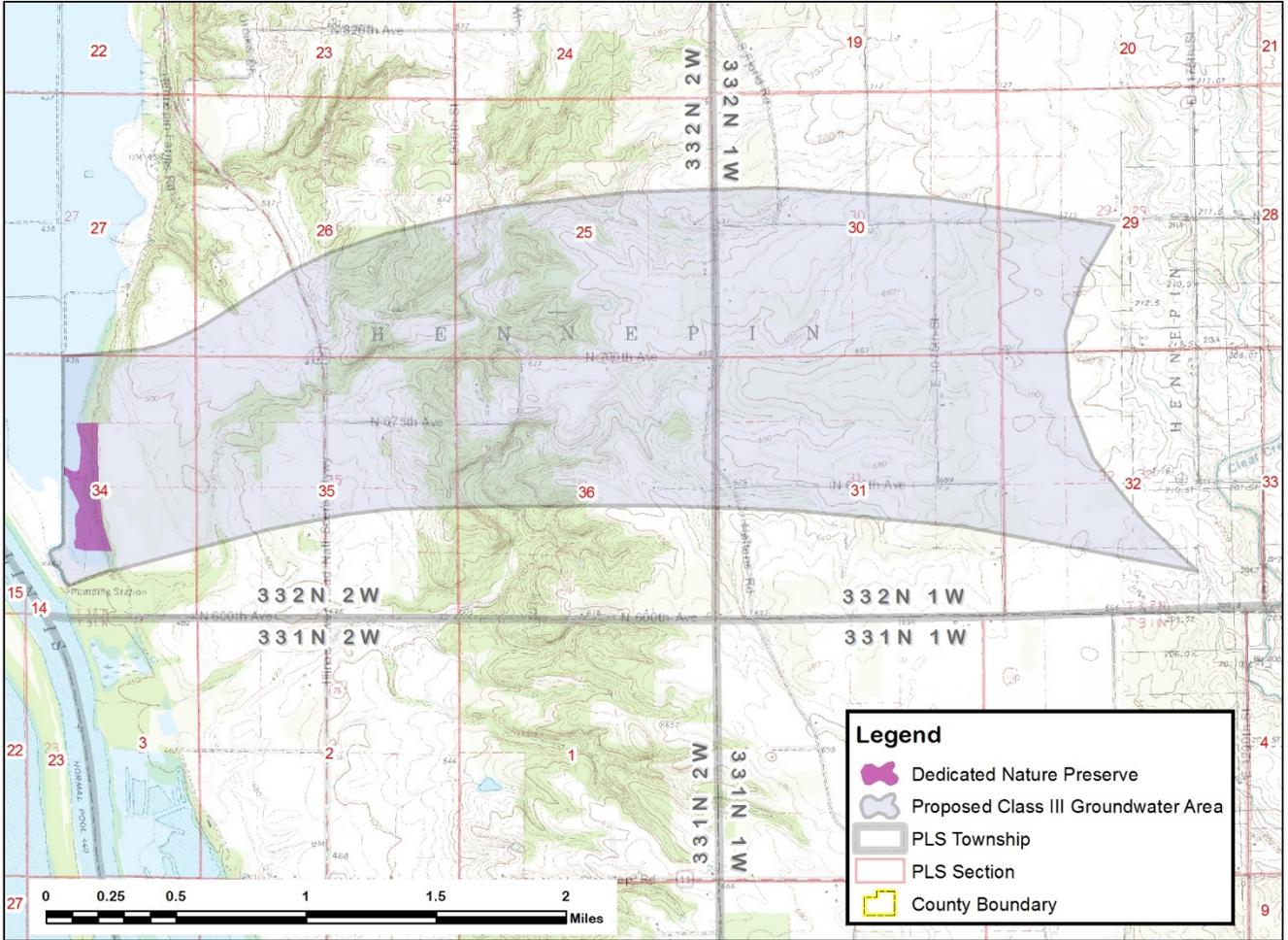


# EXHIBIT 1

# ATTACHMENT 1



# MOEWS DORE SEEP CLASS III GROUNDWATER AREA



# EXHIBIT 2

## Long Run Seep Nature Preserve Class III Special Resource Groundwater



## **Long Run Seep Nature Preserve Class III Special Resource Groundwater**

### **A) A general description of the site and the surrounding land use.**

Long Run Seep Nature Preserve, a dedicated nature preserve (DNP), is located on the east bluff of the Des Plaines River on the northern edge of Lockport. Long Run Seep is an 82.8 acre tract of land owned by the Illinois Department of Natural Resources, located in western portions of Sections 2 and 11 eastern portions of Sections 1 and 12 Township 36 North, Range 10 of the Third Principal Meridian in Will County. The groundwater contribution area (GCA), which is proposed for Class III designation, extends as broad lobe in both Will and Cook Counties. The GCA is located in all or portions of the following: Sections 1, 2, 11, 12 and 13 Township 36 North, Range 10 East; Sections 1-27 and 35, Township 36 North, Range 11 East; and Section 3 Township 35 North, Range 12 East in Will County. The GCA is also located in all or portions of Sections 4, 5, 6, 7, 8, 9, 15, 16, 17, 18, 19, 20, 21, 27, 28, 29, 30, 33 and 34 Township 36 North, Range 12 East; Sections 31 and 32, Township 37 North, Range 12 East; and Sections 33, 34, 35 and 36 Township 37 North, Range 11 East in Cook County. The total GCA including the nature preserve and GCA outside the nature preserve is 41.36 square miles (26,473 acres) extending primarily east of the nature preserve including portions of Lockport, Goodings Grove, and Orland Park. Land use in the proposed Class III Area is composed of approximately 33 percent agricultural land, 20 percent forested land, 44 percent residential/urban land, and approximately 3 percent wetlands.

### **B) A topographic map or other map of suitable scale denoting the location of the dedicated nature preserve.**

See Exhibit 2, Attachment 1.

### **C) A general description of the existing groundwater quality at and surrounding the dedicated nature preserve.**

The presence of rare native plant communities at Long Run Seep indicates that the groundwater which feeds the wetland retains specific flow and geochemical characteristics necessary for their survival. The groundwater characteristics associated with fens and seeps are pH values around 7.0 standard units or above, low concentrations of nutrients that would favor more aggressive generalist plant species, and cations dominated by calcium and magnesium, instead of, for example, sodium. Confirming these general characteristics, pH monitoring conducted in 1997 indicated a pH at Long Run Seep of 7.6 standard units. The consistent temperature and rate of discharge of the groundwater that flows from the seeps also helps to create microclimates of more moderate temperatures proximate to the seeps.

### **D) A general geologic profile of the dedicated nature preserve, based on most reasonably available information, including but not limited to geologic maps and subsurface groundwater flow directions.**



Long Run Seep DNP is located along the eastern edge of the Des Plaines River Valley, which was formed during the last glacial episode. Glacial melt water eroded into the upper most bedrock which is composed of Silurian age dolomite. The dolomite is a major regional aquifer producing primarily from fractures. Overlaying the dolomite are recent river alluvium and glaciofluvial and glacial deposits. The Henry Formation, which is primarily a sand and gravel unit, is present in the subsurface within most of the proposed Class III area. The dolomite is near the lands surface on the western side of the DNP, and buried by only a few feet of unconsolidated material. To the east, in the Class III GCA, the dolomite may be buried beneath as much as 100 feet of Henry Formation and glacial fine grained, clayey glacial tills. Due to the presence of the river valley in close proximity to glacial moraine deposits, the sand and gravel and the clays form a complex geologic setting. It is known, however, that where the Henry Formation directly overlays the dolomite they have a direct hydrologic connection from the porous sands and gravels into the fractured dolomite. Both the Silurian dolomite and the Henry Formation contribute water to Long Run Seep DNP.

**E) A description of the interrelationship between groundwater and the nature of the site.**

The discharge of cool, mineralized groundwater is critical to the formation and maintenance of wetland seep and fen environments. Without enough groundwater discharge, with acceptable mineral content, the one state endangered and two state threatened plant species, and one state and federally endangered insect species that are found at Long Run Seep may not have acceptable water quality to thrive in this location. Changes to groundwater quality due to mining of the aquifer that supplies water to Long Run Seep, or other anthropogenic changes to groundwater quality or quantity could make the groundwater discharging into Long Run Seep less conducive to supporting the unique plant and animal communities that live there.

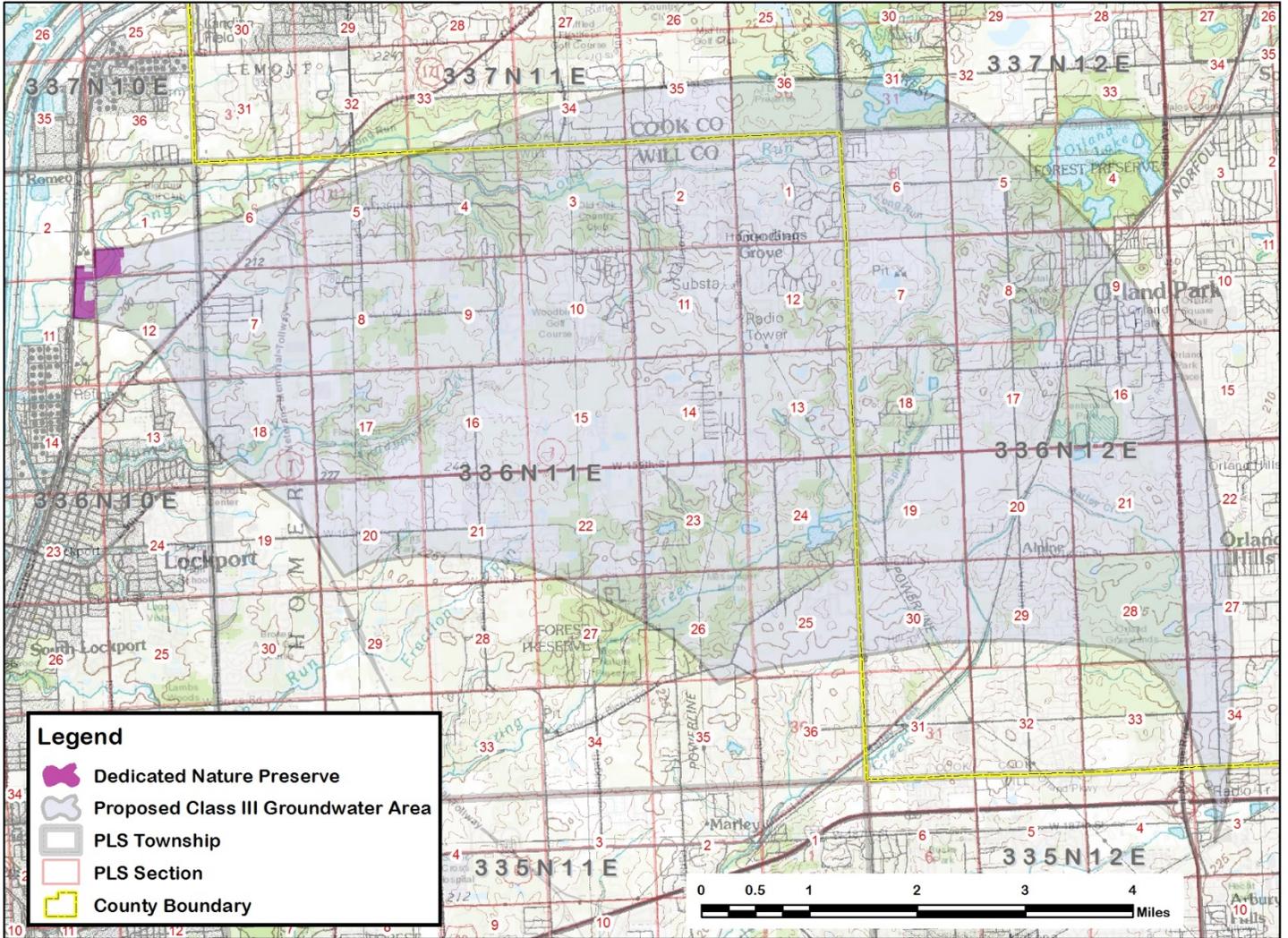


# EXHIBIT 2

# ATTACHMENT 1



## LONG RUN SEEP CLASS III GROUNDWATER AREA



# EXHIBIT 3

## Apple River Canyon Nature Preserve Class III Special Resource Groundwater



## **Apple River Canyon Nature Preserve Class III Special Resource Groundwater**

### **F) A general description of the site and the surrounding land use.**

Apple River Canyon Nature Preserve, a dedicated nature preserve (DNP), is located within Apple River Canyon State Park approximately 10 miles northwest of Stockton. Apple River Canyon is 441.5 acres in three tracts of land owned by the Illinois Department of Natural Resources, located in Sections 8, 17 and 18 Township 28 North, Range 4 East and Sections 23, 24, and 26 Township 28 North, Range 3 East of the Forth Principal Meridian in Jo Daviess County. The groundwater contribution area (GCA), which is proposed for Class III designation, extends as two broad lobes. One lobe extends primarily northward, in Jo Daviess County to the Illinois-Wisconsin State line. The other lobe extends primarily eastward in Jo Daviess and Stephenson Counties. The GCA is located in all or portions of the following: Sections 1, 2, 11, 12, 13, 14, 23, 24, 25 and 26 Township 28 North, Range 3 East; Sections 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 35 and 36, Township 29 North, Range 3 East; Sections 1-30, 33, 34, 35 and 36, Township 28 North, Range 4 East; Sections 13-36, Township 29 North, Range 4 East; Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 29 and 30, Township 28 North, Range 5 East and Sections 19, 30, 31 and 32, Township 29 North, Range 5 East in Jo Daviess County. The GCA is also located in all or portions of Sections 10, 11, 12, 13, 14 and 15 Township 28 North, Range 5 East in Stephenson County. The total GCA including the nature preserve and GCA outside the nature preserve is 80.97 square miles (51,821 acres) extending mostly north, northeast and east of the nature preserve. Land use in the proposed Class III Area is composed of approximately 79 percent agricultural land, 19 percent forested land and approximately 2 percent residential/urban land.

### **G) A topographic map or other map of suitable scale denoting the location of the dedicated nature preserve.**

See Exhibit 3, Attachment 1.

### **H) A general description of the existing groundwater quality at and surrounding the dedicated nature preserve.**

The presence of specialized wetland plant communities near the seeps indicate that the groundwater within the groundwater contribution area retains the mineral qualities in which those species evolved. Changes to the groundwater quality can impact the seeps and the plants they support. The karst conditions result in occasional quick flushes of groundwater during high precipitation events. However, once those storm events end, the groundwater reverts to slower percolation which results in mineralized groundwater, which in general have pH values above 7.0 standard units and are rich in calcium.



**I) A general geologic profile of the dedicated nature preserve, based on most reasonably available information, including but not limited to geologic maps and subsurface groundwater flow directions.**

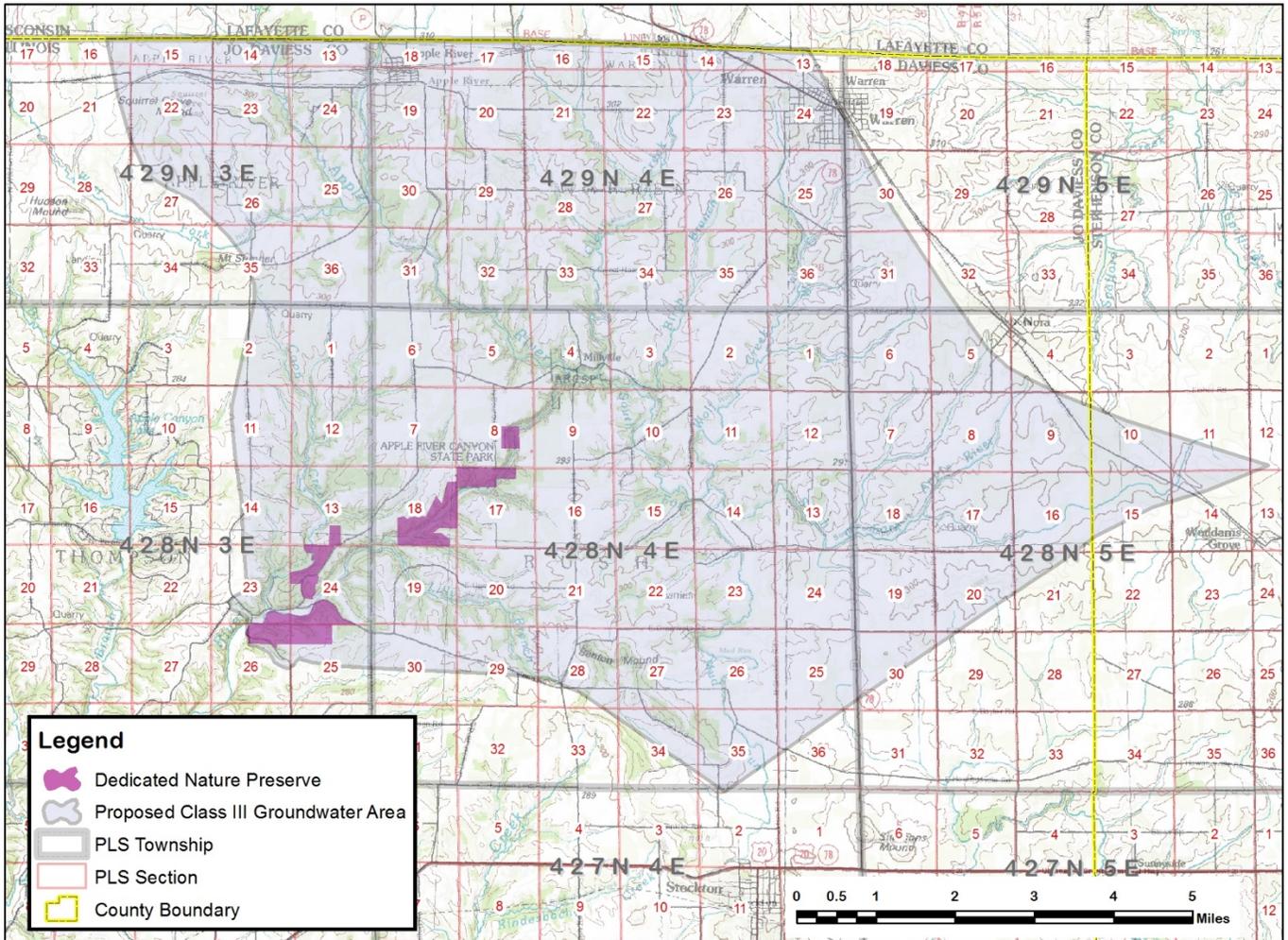
The geology in the proposed Class III Area is significantly different than most of northern Illinois. This part of the State is known as the driftless area and does not have the relatively thick glacial clay tills and glacial outwash sands and gravels common in much of the rest of Illinois. In the driftless area 5-15 feet of windblown silt, known as the Peoria Loess cover limestone and dolomite (carbonate) bedrock of the Ordovician Age. In the vicinity of the DNP the carbonate bedrock is karst, with enlarged fractures and channels caused by the solution of the bedrock by groundwater percolation. This geologic setting results in steep rock walled canyons, which create unique environments.

**J) A description of the interrelationship between groundwater and the nature of the site.**

Because of this geology that is unique in Illinois, the DNP is home to eight state endangered and four state threatened plant species. Plant communities at this site include dry prairies and dry dolomite prairie, which result from the excessively well drained karst subsurface. Wetland communities that arise from the seeps where the channels and fractures in the bedrock overlay less fractured zones in the bedrock, causing the groundwater to emerge to the surface, with its highly mineralized groundwater favoring unique plant species. There are also dolomite cliff plant communities, which grow only in exposed and nearly soilless cliff exposures.



# APPLE RIVER CANYON CLASS III GROUNDWATER AREA





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