
Environmental Register

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G. Tanner Girard, Acting Chairman

Board Members:

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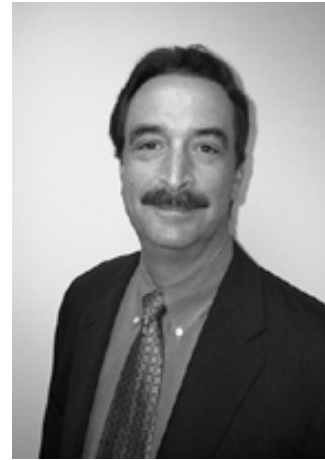
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Letter from the Chairman

As we head toward the summer months, the Board is busy with two important air rules, R07-18 and R06-26, that both had significant action in April. R07-18 is a newly file rulemaking, NO_x Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Section 201.146 and Parts 211 and 217. The proposal was filed on April 6, 2007, by the Illinois Environmental Protection Agency (IEPA). The IEPA filed the proposal pursuant to Section 28.5 of the Illinois Environmental Protection Act (Act). Section 28.5 of the Act requires the Board to proceed toward adoption of a proposed regulation by meeting a series of strict deadlines.



On April 19, 2007, the Board accepted the R07-18 proposal for hearing without commenting on the merits and sent the proposal to first notice. The IEPA indicates that the proposal is intended to satisfy Illinois' obligations under the United States Environmental Protection Agency's (USEPA) nitrogen oxides (NO_x) State Implementation Plan (SIP) Call Phase II. Specifically, IEPA proposes reducing intrastate and interstate transport of NO_x emissions on an annual basis and on an ozone season basis by reducing NO_x emissions from stationary reciprocating internal combustion engines and turbines. The proposal also addresses requirements for reasonable further progress, reasonably available control technology, rate of progress, and attainment demonstrations for National Ambient Air Quality Standards for eight-hour ozone and particulate matter (PM_{2.5}).

The Board's April 19, 2007 order, noted that two objections to IEPA's use of Section 28.5 were received. The Board stated that the rulemaking will continue pursuant to Section 28.5 of the Act until the Board rules on the objections. The first hearing is now scheduled to begin Monday, May 21st, the second on Tuesday, June 19th, and the third, if necessary, on Monday, July 2nd. Please check the Board's website (www.ipcb.state.il.us) for times and locations.

R06-26 was filed on May 30, 2006, by the IEPA and docketed as In the Matter of: Proposed New CAIR SO₂, CAIR NO_x Annual and CAIR NO_x Ozone Season Trading Programs, 35 Ill. Adm. Code 225, Control of Emissions From Large Combustion Sources, Subparts A, C, D, E, and F (R06-26). The Board sent the proposed rule to first notice on April 19, 2007. The rules will reduce intrastate and interstate transport of sulfur dioxide (SO₂) and NO_x emissions from fossil fuel-fired electric generating units on an annual basis and on an ozone season basis for each calendar year. The Board has held five days of hearings, and received numerous public comments.

Specifically, the proposal will add a new Part 225. IEPA proposes the adoption of the Clean Air Interstate Rule (CAIR) SO₂ trading program, the CAIR NO_x Annual trading program and the CAIR NO_x Ozone Season trading programs. IEPA asserts that the proposal is intended to satisfy Illinois' obligations under the USEPA's Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone; Revisions to Acid Rain Program; Revisions to the NO_x SIP Call, 70 *Fed. Reg.* 25162 (May 12, 2005). The proposal is also intended to help meet the IEPA's obligation under the Clean Air Act requirements for the control of fine particulate matter and ozone in the Chicago and Metro East/St. Louis non-attainment areas. Once again, you can follow the rule's progress at the Board's website (www.ipcb.state.il.us).

Sincerely,

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

Dr. G. Tanner Girard

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Federal Update

United States Environmental Protection Agency Adopts Final Rule Under the Clean Air Act to Extend the Reformulated Gasoline Program to the Illinois Portion of the St. Louis, Illinois-Missouri Ozone Nonattainment Area

On April 24, 2007 (72 Fed. Reg. 20237) the United States Environmental Protection Agency (USEPA) adopted a final rule for of regulation of fuels and fuel additives in Illinois. USEPA extended the reformulated gasoline program to the Illinois portion of the St. Louis, Illinois-Missouri Ozone Nonattainment Area.

This action was taken under the authority of Section 211(k)(6) of the Clean Air Act (CAA) which authorizes the Administrator of USEPA to require the sale of reformulated gasoline (RFG) in an ozone nonattainment area classified as marginal, moderate, serious or severe upon the application of the Governor of the state in which the nonattainment area is located. The final rule adopted by the USEPA extends the CAA's prohibition against the sale of conventional gasoline (i.e., gasoline that is not RFG) to the Illinois portion of the St. Louis, Illinois-Missouri moderate ozone nonattainment area.

The USEPA will implement this prohibition for refiners and all other persons in the fuel distribution system other than retailers and wholesale purchaser-consumers on June 1, 2007. For retailers and wholesale purchaser-consumers, USEPA's final action implements the prohibition on July 1, 2007. As of the compliance date for retailers and wholesale purchaser-consumers, this area will be treated as a covered area for all purposes of the Federal RFG program.

This final rule is effective April 20, 2007.

For further information contact Kurt Gustafson, Transportation and Regional Programs Division (Mail Code 6406J), Environmental Protection Agency, 1200 Pennsylvania Ave, NW., Washington, DC 20460; telephone number: 202-343-9219; fax number: 202-343-2800; e-mail address: gustafson.kurt@epa.gov.

If any amendments to the Illinois air rules become necessary, the Board would expect the Illinois Environmental Protection Agency to propose amendments in a future rulemaking.

Rule Update

Board Adopts Final Amendments in Organic Material Emission Standards And Limitations for the Chicago And Metro-East Areas: Proposed Amendments to 35 Ill. Code 218 and 219 (R06-21)

On April 19, 2007, the Board adopted a final opinion and order in Organic Material Emission Standards And Limitations for the Chicago And Metro-East Areas: Proposed Amendments to 35 Ill. Code 218 and 219 (R06-21). The Board made only minor changes from the rules as proposed at first notice; the Joint Committee on Administrative Rules issued a certificate of no objection following its April 18, 2007 meeting. The adopted amendments were filed with the Secretary of State's Index Department and effective on April 30, 2007. The adopted amendments are expected to be published in the *Illinois Register* on May 11, 2007.

The adopted rulemaking, based on a proposal filed by the Illinois Environmental Protection Agency (IEPA) on December 22, 2005, amends the Board's volatile organic material (VOM) rules at 35 Ill. Adm. Code 218 and 219 to allow for the use of add-on controls as a compliance option for operations using cold cleaning solvent degreasing. The amendments affect cold cleaning degreasing operations located in the Chicago and Metro-East ozone nonattainment areas.

The adopted amendments allow the use of add-on controls as an alternative to using solvents with vapor pressure of 1.0 millimeters of mercury (mmHg) or less. Additionally, the adopted amendments allow the use of an equivalent alternative control plan to comply with the control measure requirements. The final amendments include testing procedures and recordkeeping requirements for add-on controls and equivalent alternative controls.

Amendments were also adopted to the "paper coating" note at Appendix H in Part 218 to ensure consistency with the already-amended "paper coating" note at Section 218.204(c). Identical amendments were also proposed to the "paper coating" note at Appendix H in Part 219 to ensure consistency with the already-amended "paper coating" note at Section 219.204(c).

The Board made only minor changes to the rulemaking to adjust the proposed internal effective dates. The Board revised the internal timelines to match the adoption schedule for the rulemaking; the dates were changed from November 30, 2006, to May 30, 2007, and from March 1, 2007, to August 31, 2007. These dates reflect the effective dates for the requirements (May 30, 2007), and the date by which existing add-on controls must be tested for compliance with the proposed standards (August 31, 2007).

Copies of the Board's opinion and order in R06-21 may be obtained by calling the Clerk's office at 312-814-3620, or by downloading copies from the Board's Web site at www.ipcb.state.il.us.

For additional information contact Richard McGill at 312/814-6983 or by email at mcgillr@ipcb.state.il.us.

Board Adopts First Notice Opinion and Order in Proposed New Clean Air Interstate Rule (CAIR) SO₂, NO_x, Annual and NO_x Ozone Season Trading Programs, 35 Ill. Adm. Code 225, Subparts A, C, D, and E (R06-26)

On April 19, 2007, the Board adopted a first notice opinion and order in Proposed New Clean Air Interstate Rule (CAIR) SO₂, NO_x, Annual and NO_x Ozone Season Trading Programs, 35 Ill. Adm. Code 225, Subparts A, C, D, and E (R06-26) to amend the Board's large electrical unit emission (EGU) control regulations at 35 Ill. Adm. Code 225. The amendments propose to adopt Illinois rules to implement the federal CAIR sulfur dioxide (SO₂), CAIR nitrogen oxide (NO_x) Annual, and CAIR NO_x Ozone Season trading programs to reduce intrastate and interstate transport of SO₂ and NO_x emissions. The first notice proposal was filed with the Secretary of State's Index Department and is scheduled for publication in the May 11, 2007, issue of the

Illinois Register.

The rulemaking is based on a proposal filed by the Illinois Environmental Protection Agency (IEPA) with the Board on May 30, 2006. The proposed amendments are intended to satisfy Illinois' obligations under the United States Environmental Protection Agency's (USEPA) Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone; Revisions to Acid Rain Program; Revisions to the NO_x SIP Call (CAIR), 70 Fed. Reg. 25162 (May 12, 2005). The amendments also address, in part, the State's obligation to meet Clean Air Act (CAA) requirements for the control of fine particulate matter (PM_{2.5}) and ozone in the Chicago and Metro East/St. Louis nonattainment areas.

The first notice proposal amends Subpart A and proposes new Subparts C, D, E, and F of Part 225.

Proposed new Subpart C contains regulations and standards to establish a sulfur dioxide (SO₂) trading program in Illinois. The amendments include provisions that establish to which units these rules apply, compliance and emission requirements, permit requirements, and the allocations of allowances under the trading program.

Proposed new Subpart D seeks to add requirements to control NO_x emissions from large electrical generating units through a NO_x trading program. The amendments establish applicability and compliance requirements and establish an annual trading budget for affected units. The regulations include standards to set aside a certain amount of allowances for new units. Additionally, the proposed regulations contain recordkeeping and reporting provisions for units to earn Clean Air Set Aside (CASA) credits if the company sponsors a project that qualifies as an energy efficiency and conservation, renewable energy, or clean technology project.

The proposed new Subpart E includes amendments to establish a NO_x emission control program for the ozone season. Again, this program establishes applicability and compliance requirements, and proposes permit requirements. The amendments propose the timelines to establish the ozone season and set the standards for the ozone allocations. Subpart E also proposes standards for new units set asides and clean air set-asides.

Proposed new Subpart F is the result of a joint motion filed with the Board by the IEPA and Dynegey Midwest Generation. The IEPA and Midwest Generation stated in their motion that on December 10, 2006, they entered into a memorandum of understanding wherein the parties agreed to a timeline for Midwest Generation to achieve deep and sustained reductions in emissions of mercury, SO₂, and NO_x from their coal-fired Illinois EGUs. As a result, the IEPA and Midwest Generation requested that the Board include with a new Subpart F to establish standards for Combined Pollutant Standards (CPS). The proposed Subpart F will establish an alternative means of compliance with the proposed emissions standards for mercury in Subpart B, Section 225.230(a) and will establish specific emissions levels for NO_x, particulate matter (PM), and SO₂. Reductions in mercury, NO_x, PM, and SO₂ emissions will be accomplished through a combination of permanent shut-downs of EGUs, installation of activated halogenated carbon injection systems for reduction of mercury, and the installation of pollution control equipment for NO_x, PM, and SO₂ emissions that will also reduce mercury emissions as a co-benefit. EGUs identified for compliance with the proposed Subpart F are referred to as a CPS Group.

Finally, the proposed amendments contain new definitions and materials to be incorporated by reference to supplement the proposed trading programs.

The Board held two hearings in this rulemaking on October 10, 2006 through October 12, 2006, in Springfield and on November 28, 2006 through November 29, 2006, in Chicago.

Copies of the Board's opinion and order in R06-26 may be obtained by calling the Clerk's office at 312-814-3620, or by downloading copies from the Board's Web site at www.ipcb.state.il.us.

For additional information contact Amy Antonioli at 312/814-3665 or by email at antonioa@ipcb.state.il.us.

Board Extends Adoption Deadline in SDWA Update, USEPA Amendments (January 1, 2006 though June 30, 2006) R07-2; SDWA Update, USEPA Amendments (July 1, 2006 though December 31, 2006) R07-11 (consolidated).

On April 19, 2007, the Board adopted an order extending until August 6, 2007 the final adoption deadline in SDWA Update, USEPA Amendments (January 1, 2006 though June 30, 2006) R07-2; SDWA Update, USEPA Amendments (July 1, 2006 though December 31, 2006) R07-11 (consolidated). This is the second extension that the Board has adopted in this rulemaking. For more information on the first extension in this rulemaking see page 2 of the January 2007 issue of the *Environmental Register*.

The Board stated in its April 19 order that the Board anticipates that it will adopt a proposal for public comment at its May 3, 2007 meeting, and that the proposal will be filed by May 14, 2007 with the Secretary of State's Index Department for publication in the May 25, 2007 *Illinois Register*. If these events timely occur and no additional delay is required to adequately respond to public comments, the Board anticipates adoption of final rules at its July 26, 2007 meeting, and filing of the rules on or before August 6, 2007.

The Board was unable to initiate this rulemaking earlier due to the unusually high demands on staff resources over the last several months as a result of a greatly increased volume of complex federal rulemaking, e.g. the very recently completed consolidated underground injection control, municipal solid waste landfill, and hazardous waste update docket, R06-16/R06-17/R06-18. In addition, the federal rules have proven far more complex and voluminous than originally estimated. The Board estimates that the proposed amendments will be nearly 300 pages in length, including more than 125 pages of new rules.

Copies of the Board's opinion and order in R07-2/11 may be obtained by calling the Clerk's office at 312-814-3620, or by downloading copies from the Board's Web site at www.ipcb.state.il.us.

For additional information contact Michael J. McCambridge at 312-814-6924; e-mail address mccambm@ipcb.state.il.us

Board Opens Docket and Adopts First Notice Opinion and Order in Amendments to the Board's Procedural Rules and Underground Storage Tank Regulations to Reflect P.A. 94-274, P.A. 94-276, and P.A. 94-824 (35 Ill. Adm. Code 101.202, 732.103, 732.702, 734.115, 734.719) (R07-17)

On April 19, 2007, the Board, on its own initiative, adopted a first notice opinion and order in Amendments to the Board's Procedural Rules and Underground Storage Tank Regulations to Reflect P.A. 94-274, P.A. 94-276, and P.A. 94-824 (35 Ill. Adm. Code 101.202, 732.103, 732.702, 734.115, 734.719) (R07-17). This rulemaking proposes amendments to Parts 101, 732, and 734 to incorporate recent statutory changes to the Environmental Protection Act (Act) (415 ILCS 5 /1 et seq.). The Board intends to consider only these statutorily required amendments in this docket. The Board filed the proposed amendments with the Secretary of State's Index Department and publication is scheduled for the May 11, 2007, issue of the *Illinois Register*.

Procedural Rule Changes. The amendments to Part 101 are driven by changes to the Act found in Public Act 94-0824 (P.A. 94-0824). P.A. 94-0824, effective June 2, 2006, amended the Act's definition of "pollution control facility." See 415 ILCS 5/3.330(a)(11.5). Specifically, P.A. 94-0824 added a sixteenth exception to that definition to include processing sites or facilities that receive used oil for purposes of recycling the used oil. This exemption applies to facilities that are:

- (i) located within a home rule unit of local government with a population of at least 30,000 according to the 2000 federal census, that home rule unit of local government has been designated as an Urban Round II Empowerment Zone by the United States Department of Housing and Urban Development, and that home rule unit of local

government has enacted an ordinance approving the location of the site or facility and provided funding for the site or facility; and (ii) in compliance with all applicable zoning requirements [415 ILCS 5/3.330(a)(11.5)].

The Board is amending the definition of “pollution control facility” in its procedural rules to include this additional exemption.

Underground Storage Tank Rule Changes. The amendments to Parts 732 and 734 are driven by changes to the Act found in Public Act 94-274 and 94-276. Public Act 94-0274 (P.A. 94-0274), effective January 1, 2006, amended the Act’s definitions with regard to certain activities taken by the Illinois Environmental Protection Agency (IEPA) in its underground storage tank (UST) program. *See* 415 ILCS 5/57.2 (2006). Specifically, P.A. 94-0274 provides that, in the Title XVI of the Act addressing petroleum USTs,

the term “owner” shall also mean any person who has submitted to the Agency a written election to proceed under this Title and has acquired an ownership interest in a site on which one or more registered tanks have been removed, but on which corrective action has not yet resulted in the issuance of a “no further remediation letter” by the Agency pursuant to this Title. P.A. 94-0274.

The Board’s first notice rulemaking proposes to amend the definition of “owner” in Sections 732.103 and 734.115 of its UST regulations (35 Ill. Adm. Code 732.103, 734.115) to reflect the statutory amendment enacted by P.A. 94-0274.

Public Act 94-0276 (P.A. 94-0276), effective January 1, 2006, amended the Act’s provisions regarding no further remediation (NFR) letters. *See* 415 ILCS 5/57.10(c). Specifically, the P.A. 94-0276 provides that the Act’s subsection addressing the significance of the IEPA’s issuance of an NFR letter “does not apply to off-site contamination related to the occurrence that has not been remediated due to denial of access to the off-site property.” P.A. 94-0276. The Board proposes to amend its regulations regarding NFR letters in Sections 732.702 and 734.710 (35 Ill. Adm. Code 732.702, 734.710) to reflect the statutory amendment enacted by P.A. 92-0276.

The Board has scheduled two hearings in this rulemaking for Wednesday, May 16, 2007, in Chicago, and for Thursday June 7, 2007, in Springfield.

Copies of the Board’s opinion and order in R07-17 may be obtained by calling the Clerk’s office at 312-814-3620, or by downloading copies from the Board’s Web site at www.ipcb.state.il.us.

For additional information contact Tim Fox at 312-814-6885; e-mail address foxt@ipcb.state.il.us

Board Adopts First Notice Opinion and Order, Without Commenting on the Merits of the Proposal, in the Fast Track Rulemaking Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Section 201.146, Parts 211 and 217 (R07-18)

On April 19, 2007, the Board adopted a first notice opinion and order, with out commenting on the merits of the proposal, in Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Section 201.146, Parts 211 and 217 (R07-18). The rulemaking, was filed by the Illinois Environmental Protection Agency (IEPA) April 6, 2007 as a fast track rulemaking under the provisions of Section 28.5 of the Illinois Environmental Protection Act (Act), 415 ILCS 5/28.5 (2004).

Section 28.5 of the Act requires the Board to proceed toward adoption of the proposed regulation by meeting a series of strict deadlines. The Act provides the Board no discretion to extend those deadlines. The Board must submit second notice rules to the Joint Committee on Administrative Rules within 120 or 150 days of the date of the proposal, depending on whether a third hearing is necessary. Consistent with Section 28.5’s tight action deadlines, on April 20, 2007 the Board

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timely filed the first notice order for publication in the *Illinois Register*, scheduled to appear in the May 4, 2007 issue.

The Board received two objections to the use of the fast-track procedures. ANR Pipeline, Natural Gas Pipeline Company, Trunkline Gas Company, and Panhandle Eastern Pipeline Company filed a joint objection on April 16, 2007. On April 17, 2007, the Illinois Environmental Regulatory Group filed its objection. In its April 19, 2007 order, the Board reserved ruling on the objections, noting that until the time for response to the objections has elapsed on May 8, 2007 and the Board can properly rule on the pending objections, the Board must proceed under the Section 28.5 timetable.

IEPA's statement of reasons explains that these proposed NO_x rules are proposed to meet certain obligations of the State of Illinois under the Clean Air Act, 42 U.S.C. § 7401 *et seq.* Specifically, IEPA intends the rules to satisfy Illinois' obligation to submit a State Implementation Plan to address the requirements of the Phase II of the United States Environmental Protection Agency's (USEPA) NO_x State Implementation Plan (SIP) call. The NO_x SIP call required affected states, including Illinois, to regulate NO_x emissions from large stationary internal combustion engines as required by the federal Clean Air Act (CAA). 69 Fed. Reg. 21604 (April 21, 2004). This statewide proposal will also regulate NO_x emissions from turbines and smaller engines, as part of the State's obligation to meet NO_x reasonably available control technology (RACT) requirements for the 8-hour ozone and fine particulate matter (PM_{2.5}) National Ambient Air Quality Standards (NAAQS), reasonable further progress (RFP), and attainment demonstration requirements.

The Board has scheduled hearings in this rulemaking following the schedule established for a fast track rulemaking as follows:

First hearing: Monday, May 21, 2007
9:00 a.m.
IEPA Office Building,
Training Room 12,14 West
1021 N. Grand Ave. East, North Entrance
Springfield, IL

Second hearing: Tuesday, June 19, 2007
(if necessary) 10:00 a.m.
Auditorium, Room C-500
Michael A. Bilandic Building
160 N. LaSalle St., Fifth Floor
Chicago, IL

Third hearing: Monday, July 2, 2007
(if necessary) 1:00 p.m.
IEPA Office Building,
Training Room 12,14 West
1021 N. Grand Ave. East, North Entrance
Springfield, IL

Copies of the Board's opinion and order in R07-18 may be obtained by calling the Clerk's office at 312-814-3620, or by downloading copies from the Board's Web site at www.ipcb.state.il.us.

For additional information contact Tim Fox at 312-814-6885; e-mail address foxt@ipcb.state.il.us.

Appellate Update

Fourth District Affirms Board Decision Imposing \$65,000 Penalty for Groundwater Violations and Awarding \$24,100 in Attorney Fees in Jersey Sanitation Corporation v. Illinois Pollution Control Board and People of the State of Illinois, No. 4-05-0618 (4th Dist., April 23, 2007) (affirming order in PCB 97-2 (February 3, 2005))

In an April 23, 2007 unpublished order under Supreme Court Rule 23 (155 Ill.2d R. 23), the Fourth District Appellate Court affirmed the Board's decision in a State enforcement case, captioned on appeal as Jersey Sanitation Corporation v. Illinois Pollution Control Board and People of the State of Illinois, No. 4-05-0618 (4th Dist., April 23, 2007) (hereinafter Jersey Sanitation (4th Dist.)). The court's decision was written by Justice McCullough, with Justice Steigmann concurring and Justice Appleton dissenting.

The court affirmed on all points the Board's opinion and order in People of the State of Illinois v. Jersey Sanitation Corporation, PCB 97-2 (February 3, 2005) (hereinafter People v. Jersey Sanitation). In its opinion and order, the Board ruled that, as alleged by the People, Jersey Sanitation had violated various permit and regulatory requirements for some 13 years at its sanitary landfill in Jersey County. The Board imposed a \$65,000 penalty and awarded the People \$24,100 in attorney fees.

BOARD PROCEEDING: People v. Jersey Sanitation

The site at issue is a 10-acre sanitary landfill two miles from Jerseyville in Jersey County. The landfill opened in 1975 and stopped accepting waste in September 1992.

Jersey Sanitation Corporation (formed by neighbors who were unhappy with the way the landfill was being run by the original owner) acquired the landfill in 1989.

The People initiated this action July 8, 1996, filing an amended complaint on August 14, 2000, and a second amended complaint on January 8, 2001. In the second amended complaint, the People alleged nine counts of violations regarding the landfill: (1) groundwater contamination; (2) failing to monitor and control leachate; (3) refuse in waters of the State; (4) failing to comply with permit conditions; (5) failing to provide adequate cover on refuse; (6) failing to meet financial assurance requirements; (7) failing to comply with closure requirements; (8) open burning landscape waste; and (9) failing to have a properly certified chief operator.

On April 4, 2002, the Board granted partial summary judgment to Jersey. Specifically, the Board found in favor of Jersey regarding several alleged violations that concerned conditions in a post-closure permit issued to Jersey in 1999 by Illinois Environmental Protection Agency (IEPA). Those permit conditions had been stricken in a related permit appeal before the Board brought by Jersey. IEPA appealed that Board permit decision, and the Fourth District Appellate Court affirmed the Board in a published opinion. See Illinois Environmental Protection Agency v. Jersey Sanitation Corp., 336 Ill. App. 3d 582, 784 N.E.2d 867 (4th Dist. 2003), affirming Jersey Sanitation Corp. v. Illinois Environmental Protection Agency, PCB 00-82 (June 21, 2001).

On February 3, 2005, the Board issued a 39-page final opinion and order in the enforcement proceeding, ruling on the remaining alleged violations and the issue of remedy. The Board found that, over the course of some 13 years, Jersey Sanitation Corporation (Jersey Sanitation) violated 15 provisions of the Environmental Protection Act (Act)(415 ILCS 5/100 et seq. (2004)): Sections 9(a), (c), 12(a), (d), 21(d)(1), (2), 21(e), 21(o)(1), (2), (3), (4), (5), (6), 21.1(a), and 22.17. 415 ILCS 5/9(a), (c), 12(a), (d), 21(d)(1), (2), 21(e), 21(o)(1), (2), (3), (4), (5), (6), 21.1(a), and 22.17 (2004). The Board also found that Jersey Sanitation violated 16 provisions of the Board's regulations: 35 Ill. Adm. Code 237.102(a), 620.420(a), (d), 807.301, 302, 305(a), (c), 313, 314(e), 315, 318(b), (c), 502, 601, 603(b)(1), and 623.

The Board found that Jersey Sanitation knowingly, willfully, and repeatedly violated numerous provisions of the Act and Board regulations. The violations included contaminant exceedences of Board groundwater quality standards for over a dozen years. The Board imposed a civil penalty

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of \$65,000 on Jersey Sanitation, awarded the People \$24,100 in attorney fees, and ordered Jersey Sanitation to cease and desist from further violations. The Board also directed Jersey to take specific steps to bring the landfill site into compliance and prevent further violations.

On March 21, 2005, Jersey moved the Board to reconsider its February 3, 2005 final opinion and order. The People responded on April 4, 2005, opposing the motion. In a June 16, 2005 order, the Board granted Jersey Sanitation's motion to reconsider, but declined to modify the Board's final opinion and order. Jersey Sanitation appealed to the Fourth District Appellate Court.

FOURTH DISTRICT'S DECISION: Jersey Sanitation (4th Dist.)

The court stated the issues on appeal at the outset of its order: "whether the Board erred by (1) finding Jersey violated the Act and Board regulations, (2) imposing on Jersey a civil penalty in the amount of \$65,000, (3) ordering Jersey to take affirmative steps to remedy its violations, and (4) awarding the State attorney fees in the amount of \$24,100." Jersey Sanitation (4th Dist.), slip op. at 1.

Groundwater Violation: The Board found that the State showed by a preponderance of the evidence that the landfill caused inorganic groundwater exceedences. Jersey Sanitation first argued that this finding was against the manifest weight of the evidence.

In a detailed review of the evidence, the court stated that downgradient groundwater samples showed exceedences of contaminants such as dissolved solids, iron, arsenic, sulfate, and chlorides, while upgradient wells showed no exceedences of these contaminants. Jersey Sanitation (4th Dist.), slip op. at 7-8. The court concluded: "Given the consistent correlation between the upgradient wells and downgradient exceedences, and further, evidence of leachate seeps and escaping gas, the Board's finding that the State 'has shown by a preponderance of the evidence that the Jersey Sanitation landfill caused the inorganic exceedences' is not contrary to the manifest weight of the evidence." Id. at 8.

Engineer to Develop Action Plan: The Board, found that Jersey Sanitation failed to retain a professional engineering firm to develop an action plan for IEPA approval. Jersey argued that this finding too was against the manifest weight of the evidence.

The Fourth District noted that the action plan was required of Jersey Sanitation under its 1999 supplemental permit. Jersey Sanitation (4th Dist.), slip op. at 9-10. The court further noted that the Board found Jersey had "ignored this obligation and therefore, Jersey operated its landfill in a manner that threatened the State waters and thus, violated the Act and Board regulations." Id. at 10. The Board's finding was not against the manifest weight of the evidence, held the court, because the record does not show that Jersey Sanitation's engineering firm developed an action plan for IEPA approval. Id.

Waiver: In its order, the Board noted that Jersey Sanitation failed to contest many alleged violations of supplemental permit conditions, and so the Board determined that those violations existed and exacerbated any penalty. Jersey Sanitation argued that the Board's ruling was against the manifest weight of the evidence. Jersey Sanitation (4th Dist.), slip op. at 10.

The court, however, agreed with the Board and the People on appeal, holding that Jersey Sanitation waived these arguments. The court stated that the waiver rule, under which issues not raised by the parties before an administrative agency will generally not be considered for the first time on administrative review, is "necessary to avoid piecemeal litigation and to permit opposing parties an opportunity to refute the arguments presented to the agency." Id. at 10-11. The court recognized that waiver is a limitation on the parties and not on the appellate court's jurisdiction. The court nevertheless chose not to relax the waiver rule in this instance, and declined to consider the waived arguments. Id. at 11.

Closure Violations: The Board found that Jersey Sanitation violated closure requirements after September 1994. Jersey Sanitation contended this finding was contrary to law because the landfill was certified closed in October 1999, effective September 30, 1994. Jersey Sanitation (4th Dist.), slip op. at 11-12.

The court was unconvinced: "Contrary to Jersey's argument, the certificate of closure certified only that closure was completed in accordance with the closure plan, as evidenced by the receipt of certification of completion of closure on June 7, 1999. Further, the [October 1999] permit provided that the postclosure care period began on September 30, 1994. The certificate of closure did not immunize Jersey from liability for violations of the Act and Board regulations over the many years during which Jersey attempted to complete closure." Id. at 12-13 (emphasis in original).

\$65,000 Civil Penalty: Turning to civil penalty, Jersey Sanitation asserted that the Board erred in imposing a penalty in the amount of \$65,000. The Fourth District, quoting its decision in ESG Watts, Inc. v. Illinois Pollution Control Board, 282 Ill. App. 3d 43, 50-51 (4th Dist. 1996), articulated the Board's authority and the court's standard of review: "The Board is vested with broad discretionary powers in the imposition of civil penalties, and its order will not be disturbed upon review unless it is clearly arbitrary, capricious or unreasonable." Jersey Sanitation (4th Dist.), slip op. at 13-14. The court noted that the Board, in considering the Act's Section 33(c) factors, found that a penalty was warranted, relying on the fact that some of Jersey's violations had persisted for 13 years despite the technical feasibility and economic reasonableness of compliance. Id. at 14.

As for the magnitude of penalty, the court explained, the Board noted that the Act authorized it to impose a penalty of up to \$50,000 per violation and \$10,000 per day for each day the violation continued. The court stated that the Board considered the Act's Section 42(h) factors and found that, "given (1) the years of noncompliance, (2) the actual harm to the environment due to contamination of groundwater, (3) Jersey's prior adjudicated violations of the Act, and (4) the economic benefit Jersey received from the failure to provide adequate financial assurances or maintain a proper groundwater monitoring program, a \$65,000 penalty was necessary to deter Jersey and similarly situated entities from violating the Act." Id. at 14-15. The court affirmed the Board's imposition of the \$65,000 civil penalty, holding that the "penalty imposed reflects proper consideration of the applicable statutory factors and is not clearly arbitrary, capricious, or unreasonable." Id. at 15.

Affirmative Remedial Measures: Jersey Sanitation next took issue with the Board's decision to order Jersey Sanitation to take affirmative steps to remedy the violations, arguing that it amounted to a "mandatory injunction," which the Board cannot order. Jersey Sanitation (4th Dist.), slip op. at 15-16.

The court first noted that Section 33(a) of the Act authorizes the Board to "enter such final order, or make such final determination, as it shall deem appropriate under the circumstances." Id. at 15, quoting 415 ILCS 5/33(a). The court then observed that Section 33(b) of the Act provides that "[s]uch [Board] order may include a direction to cease and desist from violations of the Act or the Board's rules and regulations or of any permit or term or condition thereof." Id., quoting 415 ILCS 5/33(b). Under this authority, the court continued, the Board ordered Jersey Sanitation to perform a trend analysis of groundwater sample results and retain a professional engineering firm to develop a groundwater assessment plan. If the results of this work demonstrated exceedences attributable to Jersey Sanitation, then the Board required Jersey Sanitation to submit a corrective action plan to IEPA and to implement the plan within 30 days of IEPA approval. The Board also ordered Jersey Sanitation to cease and desist from further violations. Id. at 15-16.

Jersey Sanitation objected to what it described as the Board's "mandatory injunction" because it is unauthorized under People ex rel. Ryan v. Agpro, Inc., 214 Ill. 2d 222, 224, 824 N.E.2d 270, 272 (2005). Id. at 16. The Fourth District disagreed with this argument, noting that the Illinois Supreme Court in Agpro construed Section 42(e) of the Act, not Section 33(a). The Fourth District stated: "The plain language of section 33(a), under which the Board acted in the instant case, grants the Board the power to make such orders 'as it shall deem appropriate under the circumstances.'" Id. Moreover, the court reasoned, "in ordering that Jersey perform a trend analysis and develop an action plan, the Board simply required compliance with the permit requirements that Jersey agreed to in its 1999 supplemental permit." Id. at 17.

\$24,100 in Attorney Fees: Lastly, the court addressed Jersey Sanitation 's position that the Board erred by granting the People's request for \$24,100 in attorney fees because the Board lacked sufficient information to determine fees and Jersey Sanitation was not given an opportunity to object to the fees. Jersey Sanitation (4th Dist.), slip op. at 17.

The court initially noted that Section 42(f) of the Act authorizes the Board to award costs and reasonable attorney fees and that the trier of fact has the discretion to determine the reasonableness of requested attorney fees. Id. Turning to the facts of the case, the court observed that the People requested costs and reasonable attorney fees in the nine-count second amended complaint, in their opening posthearing brief, and in their reply brief. Id. at 17-18. In their opening posthearing brief, the court noted, the People advised that they would provide a calculation of costs and fees with their reply brief. In turn, the People's reply brief included a request for \$24,100 in attorney fees supported by an affidavit of the Assistant Attorney General "who averred that she expended more than 154 hours on the case but requested only 154 hours, at a rate of \$150 per hour." Id. at 18.

The court stated that Jersey Sanitation did not object and the Board granted the People's request after finding that Jersey Sanitation knowingly, willfully, and repeatedly committed violations and had not contested the rate or number of hours provided by the People. Id. at 18-19. The court noted that Jersey Sanitation then filed a motion asking to Board to reconsider its order, "availing itself of an opportunity to object to the fees." Id. at 19. Jersey Sanitation did not, the court observed, request an evidentiary hearing on attorney fees. The court explained that the Board, in granting Jersey Sanitation's motion to reconsider but declining to modify its order, stated that Jersey Sanitation did not dispute the Board's finding that Jersey Sanitation committed a knowing, willful, or repeated violation of the Act, did not contest the hourly rate or the reasonableness of the hours spent, and did not file a response to the People's request for \$24,100 in attorney fees. The court therefore held that "[b]ased on the foregoing, the Board did not err by granting the State's request for attorney fees in the amount of \$24,100." Id.

Dissenting Opinion:

In a colorful dissent (Jersey Sanitation (4th Dist.), slip op. at 21-29), Justice Appleton stated that he would have reversed the Board based on "manifest weight, collateral estoppel, a paucity of evidence of economic benefit, and a denial of due process with regard to the imposition of attorney fees." Id. at 29.

Board Actions

April 19, 2007
Libertyville, Illinois

Rulemakings

- | | | |
|---------------|--|---------------|
| R06-21 | <u>In the Matter of: Organic Material Emissions Standards and Limitations for the Chicago and Metro-East Areas: Proposed Amendments to 35 Adm. Code 218 and 219</u> – The Board adopted a final opinion and order in this rulemaking which amends the Board's air pollution regulations. | 3-0
R, Air |
| R06-26 | <u>In the Matter of: Proposed New Clean Air Interstate Rule (CAIR) SO₂, NO_x Annual and NO_x Ozone Season Trading Programs, 35 Ill. Adm. Code 225, Subparts A, C, D and E</u> – The Board adopted a first notice opinion and order in this rulemaking to amend the Board's air pollution regulations. The Board granted the SIPCO and Midwest Generation request to withdraw from the | 3-0
R, Air |

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November 30, 2006 motion to dismiss the proposal, leaving Dynegy as the sole remaining movant of the motion to dismiss. On March 13, 2007, Dynegy requested that the Board stay action on the motion to dismiss. The Board granted the motion to stay. The Board granted the motions to amend the proposal by; the Illinois Environmental Protection Agency's (IEPA) November 27, 2006, by Midwest Generation and the IEPA, jointly, February 16, 2007, and Dynegy and the IEPA, jointly, March 13, 2007.

R07-2	<u>In the Matter of: SDWA Update, USEPA Amendments (January 1, 2006 through June 30, 2006; In the Matter of: SDWA Update, USEPA Amendments (July 1, 2006 through December 31, 2006)</u> – The Board extended the deadline for completion of rulemaking in this consolidated docket from April 30, 2007 to August 6, 2007.	3-0
R07-11 (cons.)		R, PWS
R07-17	<u>In the Matter of: Amendments to the Board's Procedural Rules and Underground Storage Tank Regulations to Reflect P.A. 94-0274, P.A. 94-0276, and P.A. 94-0824 (35 Ill. Adm. Code 101.202, 732.103, 732.702, 734.115, 734.710)</u> – The Board adopted a first notice opinion and order in this rulemaking to amend the Board's procedural rules and underground storage tank regulations to reflect recent legislation.	3-0 R, Land
R07-18	<u>In the Matter of: Nitrous Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Section 201.146, Parts 211 and 217</u> – The Board accepted for hearing the Illinois Environmental Protection Agency's (IEPA) April 6, 2007 proposal filed under the Clean Air Act fast track procedures of Section 28.5 of the Environmental Protection Act (415 ILCS 5/28 (2004)). The Board adopted a first notice opinion and order to amend the Board's air pollution control regulations, specifically to satisfy Illinois' obligations under the United States Environmental Protection Agency's nitrogen oxides (NOx) State Implementation Plan Call Phase II. The Board granted the IEPA's motion for waiver of copy requirements and waived the requirement to file nine copies of the materials. No action was taken on the separate objections to use of the fast track procedure filed by the Pipeline Consortium and the Illinois Environmental Regulatory Group on April 16 and 17, 2007; responses are due by May 8, 2007.	3-0 R, Air

Administrative Citations

AC 05-40	<u>IEPA v. Northern Illinois Service Company</u> – The Board construed respondent's motion to modify as a motion to stay payment of part of the penalty and hearing cost in the January 26, 2007 Board Order in this administrative citation involving a Winnebago County facility. The Board granted the stay, but ordered payment of the uncontested \$1,500.	3-0
AC 07-32	<u>IEPA v. Don Jose Tandy</u> – The Board granted complainant's motion for dismissal of this administrative citation and closed the docket.	3-0
AC 07-40	<u>IEPA v. Glen I. And Elizabeth J. Suttles</u> – The Board found that these Morgan County respondents violated Section (p)(1) of the Act (415 ILCS 5/21(p)(1))	3-0

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(2004)), and ordered respondents to pay a civil penalty of \$1,500.

AC 07-41	<u>IEPA v. Glen I. And Elizabeth J. Suttles</u> – The Board found that these Morgan County respondents violated Sections (p)(1) and (p)(3) of the Act (415 ILCS 5/21(p)(1), (p)(3) (2004)), and ordered respondents to pay a civil penalty of \$3,000.	3-0
AC 07-42	<u>IEPA v. Waste Management of Illinois, Inc. and CT Corporation Systems</u> – The Board found that these Peoria County respondents violated Section (o)(12) of the Act (415 ILCS 5/21(o)(12) (2004)), and ordered respondents to pay a civil penalty of \$500.	3-0
AC 07-44	<u>IEPA v. Harold Tomlinson, Larry Tomlinson, and Jerry Tomlinson</u> – The Board granted complainant’s motion to dismiss Jerry Thomlinson from this action. The Board found that the remaining respondents violated Sections 21(p)(1), (3) and (7) of the Act (415 ILCS 5/21(p)(1), (3) and (7) (2004)), assessing a penalty of \$4,500 in this administrative citation involving a Marshall County facility.	3-0
AC 07-45	<u>County of LaSalle v. Wayne and Becky Foster</u> – The Board accepted for hearing this petition for review of an administrative citation against this LaSalle County respondent.	3-0
AC 07-46	<u>IEPA v. Adolph M. Lo</u> – The Board found that this Champaign respondent violated Sections 21(p)(1), (3) and (7) of the Act (415 ILCS 5/21(p)(1), (3) and (7) (2004)) and ordered respondent to pay a penalty of \$4,500.	3-0
AC 07-48	<u>IEPA v. Ben and Destiny Wyant</u> – The Board granted complainant’s motion for dismissal of this administrative citation and closed the docket.	3-0

Decisions

PCB 04-88	<u>Des Plaines River Watershed Alliance, Livable Communities Alliance, Prairie Rivers Network, and Sierra Club v. IEPA and Village of New Lenox</u> – The Board found that, on October 31, 2003, the Illinois Environmental Protection Agency (IEPA) improperly granted an National Pollution Control Elimination System permit to the Village of New Lenox, Will County, for a wastewater treatment plant. The Board remanded the permit to the IEPA for additional review under the antidegradation provisions of the Board rules.	3-0 P-A, NPDES
PCB 05-191	<u>People of State of Illinois v. Castle Ridge Estates</u> – In this water enforcement action concerning a Madison 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) (2004)), and accepted a stipulation and settlement agreement, ordering the respondent to pay a total civil penalty of \$5,000, and to cease and desist from further violations.	3-0 W-E

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PCB 07-37 People of the State of Illinois v. Village of Dorchester – In this public water supply enforcement action concerning a Macoupin 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) (2004)), and accepted a stipulation and settlement agreement, ordering the respondent to pay a total civil penalty of \$300, and to cease and desist from further violations. 3-0
PWS-E

Motions and Other Matters

PCB 04-185 Midwest Generation EME, L.L.C. v. IEPA – The Board granted petitioner’s motion to strike portions of respondent’s supplemental determination. Consistent with the Board’s November 4, 2004 order, petitioner must, within 30 days, file a pleading with the Board responsive to respondent’s supplemental determination, as amended by the April 19, 2007 order. 3-0
T-S
Appeal

PCB 05-30 Village of Frankfort v. IEPA – The Board granted this Will County facility’s motion for voluntary dismissal of this permit appeal. 3-0
P-A, Water

PCB 05-93 York High Neighborhood Committee (a voluntary organization, Janet and Fred Hodge, Patricia and David Bennett, Sheila and Mike Trant, Joe Vosicky, Jean and Peter Conroy, Frank Soldano, Joseph Reamer, Elizabeth and Charles Laliberte v. Elmhurst Public Schools, District 205 – The Board found that the parties’ stipulation and proposed settlement agreement is deficient under the Board’s procedural rules and therefore declined to accept it. The parties have until June 4, 2007, to file an amended stipulation and proposed settlement agreement with the Board, addressing the deficiencies. Failure to do so may result in the case’s dismissal. 3-0
N-E

PCB 06-26 Telzrow Oil Company v. IEPA – The Board granted this Jersey County facility’s motion for voluntary dismissal of this underground storage tank appeal. 3-0
UST Appeal

PCB 06-78 People of the State of Illinois v. North American Lighting, Inc. – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air and water enforcement action involving a Clay County facility, the Board ordered publication of the required newspaper notice. 3-0
A&W-E

PCB 06-151 People of the State of Illinois v. Big River Zinc and Allied Waste Transportation, Inc. d/b/a Midwest Waste – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a St. Clair County facility, the Board ordered publication of the required newspaper notice. 3-0
L-E

PCB 06-160 People of the State of Illinois v. Matrix National Investment Corp. – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Jo Daviess County facility, the Board ordered publication of the 3-0
W-E

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required newspaper notice.

PCB 06-193	<u>People of the State of Illinois v. Ron Fisher Motorsports, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Washington County facility, the Board ordered publication of the required newspaper notice.	3-0 L-E
PCB 07-41	<u>People of the State of Illinois v. Village of Nebo</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this public water supply enforcement action involving a Pike County facility, the Board ordered publication of the required newspaper notice.	3-0 PWS-E
PCB 07-54	<u>Auburn Realty Company, Inc. v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this facility in Christian County.	3-0
PCB 07-60	<u>Mikuska Investments, Ltd. v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this facility in Will County.	3-0
PCB 07-62	<u>R.W. Sheridan Oil Company, Inc. v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this facility in DeWitt County.	3-0
PCB 07-64	<u>Wright Petroleum v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this facility in Hancock County.	3-0
PCB 07-85	<u>T-Town Drive Thru, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving an Effingham County facility.	3-0 UST Appeal
PCB 07-86	<u>People of the State of Illinois v. The Ridges of Coal Valley</u> – The Board accepted for hearing this water enforcement action involving a site located in Rock Island County.	3-0 W-E
PCB 07-87	<u>Estate of Fred Johnson v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Christian County facility.	3-0 UST Appeal 90-Day Ext.

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PCB 07-88	<u>Christian County Farmers Supply Company-Morrisonville (Property Identification Number 13-22-09-100-001) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Christian County Farmers Supply Company, located in Christian County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	3-0 T-C Water
PCB 07-89	<u>Christian County Farmers Supply Company-Pana (Property Identification Number 11-25-15-101-001) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Christian County Farmers Supply Company, located in Christian County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	3-0 T-C Water
PCB 07-90	<u>Christian County Farmers Supply Company-Tovey (Property Identification Number 15-12-08-100-002) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Christian County Farmers Supply Company, located in Christian County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	3-0 Girard T-C Water
PCB 07-91	<u>Dynegy Midwest Generation, Inc. – Wood River Power Station (Property Identification Number 19-1-08-19-00-000-006) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generation, Inc., located in Madison County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	3-0 T-C Water
PCB 07-92	<u>Elite Pork, L.L.C-Esmond (Property Identification Number 19-01-200-003) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Elite Pork, L.L.C., located in Ogle County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	3-0 T-C Water
PCB 07-94	<u>City of Joliet v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Will County facility.	3-0 P-A Water
PCB 07-95	<u>People of the State of Illinois v. AET Environmental, Inc. and E.O.R. Energy, L.L.C.</u> – The Board accepted for hearing this land enforcement action involving a site located in Sangamon County.	3-0 L-E

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PCB 07-98	<u>Roy and Nathan Wiegand Roanoke (Property ID # 11-33-100-004) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Roy and Nathan Wiegand Roanoke, located in Woodford County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	3-0 T-C Water
PCB 07-99	<u>L.W. Paul Supply Co., Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	3-0 UST Appeal
PCB 07-100	<u>Wayne and Susan Bergbower-Newton (Property Identification Number 90-08-16-300-009) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Wayne and Susan Bergbower-Newton, located in Jasper County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	3-0 T-C Water
PCB 07-103	<u>Christian County Farmers Supply Co. (Property Identification Number 07-19-36-100-001) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Christian County Farmers Supply Co., located in Christian County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	3-0 T-C

New Cases

April 19, 2007 Board Meeting

07-084 American Bottom Conservancy and Sierra Club v. City of Madison, Illinois and Waste Management of Illinois, Inc. – The Board accepted for hearing this third-party pollution control facility siting appeal involving a Madison County facility.

07-085 T-Town Drive Thru, Inc. v. IEPA – The Board accepted for hearing this underground storage tank appeal involving an Effingham County facility.

07-086 People of the State of Illinois v. The Ridges of Coal Valley – The Board accepted for hearing this water enforcement action involving a site located in Rock Island County.

07-087 Estate of Fred Johnson v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Christian County facility.

07-088 Christian County Farmers Supply Company-Morrisonville (Property Identification Number 13-22-09-100-001) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Christian County Farmers Supply Company, located in Christian County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).

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07-089 Christian County Farmers Supply Company-Pana (Property Identification Number 11-25-15-101-001) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Christian County Farmers Supply Company, located in Christian County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).

07-090 Christian County Farmers Supply Company-Tovey (Property Identification Number 15-12-08-100-002) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Christian County Farmers Supply Company, located in Christian County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).

07-091 Dynegy Midwest Generation, Inc. – Wood River Power Station (Property Identification Number 19-1-08-19-00-000-006) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generation, Inc., located in Madison County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).

07-092 Elite Pork, L.L.C.-Esmond (Property Identification Number 19-01-200-003) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Elite Pork, L.L.C., located in Ogle County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).

07-093 Equistar Chemicals, L.P. (Property Identification Number 03-20-200-014) v. IEPA – No action taken.

07-094 City of Joliet v. IEPA – The Board accepted for hearing this permit appeal involving a Will County facility.

07-095 People of the State of Illinois v. AET Environmental, Inc. and E.O.R. Energy, L.L.C. – The Board accepted for hearing this land enforcement action involving a site located in Sangamon County.

07-096 Kyle Nash v. Karen Sokolowski – The Board held for a later duplicative/frivolous determination this citizens’ noise enforcement action involving a Cook County facility.

07-097 Kyle Nash v. Louis Jiminez – The Board held for a later duplicative/frivolous determination this citizens’ noise enforcement action involving a Cook County facility.

07-098 Roy and Nathan Wiegand Roanoke (Property ID # 11-33-100-004) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Roy and Nathan Wiegand Roanoke, located in Woodford County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).

07-099 L.W. Paul Supply Co., Inc. v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.

07-100 Wayne and Susan Bergbower-Newton (Property Identification Number 90-08-16-300-009) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Wayne and Susan Bergbower-Newton, located in Jasper County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).

07-101 Midwest Generation, L.L.C. – Powerton Generating Station v. IEPA – No action taken.

07-102 City of O’Fallon v. IEPA – No action taken.

07-103 Christian County Farmers Supply Co. (Property Identification Number 07-19-36-100-001) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation,

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the Board found and certified that specified facilities of Christian County Farmers Supply Co., located in Christian County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).

AC 07-047 County of Ogle v. Rochelle Waste Disposal, LLC and Clyde A. Gelderloos, Chief Operator, and City of Rochelle – The Board accepted an administrative citation against these Ogle County respondents.

AC 07-048 IEPA v. Ben and Destiny Wyant - The Board granted complainant's motion for dismissal of this administrative citation and closed the docket.

AC 07-049 IEPA v. Herman F. and Karen Meyers – The Board accepted an administrative citation against these Massac County respondents.

AC 07-050 IEPA v. Doug Hensley and Eric & Charmin Joseph – The Board accepted an administrative citation against these Henderson County respondents.

AC 07-051 IEPA v. Gene Breeden – The Board accepted an administrative citation against this Iroquois County respondent.

AC 07-052 County of LaSalle v. Mike Johnson – The Board accepted an administrative citation against this LaSalle County respondent.

AC 07-053 IEPA v. Renee C. Lo – The Board accepted an administrative citation against this Champaign County respondent.

AS 07-005 In the Matter of: Petition of Cabot Corporation for an Adjusted Standard from 35 Ill. Adm. Code Part 738, Subpart B – No action taken.

R07-018 In the Matter of: Nitrous Oxide (NO_x) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Section 201.146, Parts 211 and 217 – The Board accepted for hearing the Illinois Environmental Protection Agency's (IEPA) April 6, 2007 proposal filed under the Clean Air Act fast track procedures of Section 28.5 of the Environmental Protection Act (415 ILCS 5/28 (2004)). The Board adopted a first notice opinion and order to amend the Board's air pollution control regulations, specifically to satisfy Illinois' obligations under the United States Environmental Protection Agency's nitrogen oxides (NO_x) State Implementation Plan Call Phase II. The Board granted the IEPA's motion for waiver of copy requirements and waived the requirement to file nine copies of the materials. No action was taken on the separate objections to use of the fast track procedure filed by the Pipeline Consortium and the Illinois Environmental Regulatory Group on April 16 and 17, 2007 responses are due by May 8, 2007.

Provisional Variances

IEPA 07-15 City of Salem v. IEPA – On March 7, 2007 the Illinois Environmental Protection Agency granted a provisional variance from carbonaceous biochemical oxygen demand, total suspended solids and ammonia nitrogen limits of NPDES Permit IL0023264, subject to conditions. The City of Salem requested this provisional variance so that it can take the South Oxidation Ditch No. 2 out of service while the oxidation ditch walls are being raised and new equipment is installed in the oxidation ditch at the wastewater treatment plant. Relief was granted beginning March 2007, and shall continue for no more than 45 days after the date the city notifies the IEPA.

IEPA 07-16 City of Salem v. IEPA – On April 13, 2007, the Illinois Environmental Protection Agency granted a provisional variance from limits for carbonaceous biochemical oxygen demand, total suspended solids, and ammonia nitrogen of NPDES Permit IL0023264, subject to conditions. The city is undergoing improvements to its wastewater treatment plan and requested the

provisional variance to take the North Oxidation Ditch No. 1 out of service while the oxidation ditch walls are being raised and new equipment is installed. Relief is granted beginning April 2007, and shall continue for no more than 45 days after the date the city notifies the IEPA.

Public Act 93-0152 (Senate Bill 222) amended Sections 35-37 of the Illinois Environmental Act (415 ILCS 5/5(b) (2002)) so that provisional variances are issued by the Illinois Environmental Protection Agency (IEPA). If the IEPA grants a provisional variance, then the IEPA must file a copy of its written decision with the Board. The Board must maintain copies of the provisional variances for public inspection. Copies of provisional variances can be obtained by contacting the Clerk's Office at (312) 814-3620, or by visiting the Board's Website at www.ipcb.state.il.us. If the IEPA denies a provisional variance request, then the applicant may initiate a proceeding with the Board for a full variance.

Calendar

<p>5/3/07 11:00 AM</p>	<p><u>Illinois Pollution Control Board Meeting</u></p>		<p>Videoconference Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago And 1021 N. Grand Avenue East Oliver Holmes Conference Room 2012 N Springfield</p>
<p>5/8/07 12:00 PM</p>	<p>AC 05-72</p>	<p>IEPA v. Gary Clover, d/b/a Clover Concrete, Marion, IL</p>	<p>City Hall Council Chambers 1102 Tower Square Marion</p>
<p>5/9/07 8:00 AM</p>	<p>AC 06-39</p>	<p>City of Chicago Department of Environment v. Speedy Gonzalez Landscaping, Inc. (CDOE No. 06-02-AC)</p>	<p>James R. Thompson Center Room 11-512 100 West Randolph Street Chicago, IL</p>
<p>5/9/07 8:00 AM</p>	<p>AC 06-40</p>	<p>City of Chicago Department of Environment v. Jose R. Gonzalez (CDOE No. 06-03-AC, Site Code: 031685103)</p>	<p>James R. Thompson Center Room 11-512 100 West Randolph Street Chicago, IL</p>
<p>5/9/07 8:00 AM</p>	<p>AC 06-41</p>	<p>City of Chicago Department of Environment v. 1601-1759 East 130th Street, LLC (CDOE No. 06-01-AC, Site Code 0316485103)</p>	<p>James R. Thompson Center Room 11-512 100 West Randolph Street Chicago, IL</p>
<p>5/9/07 8:00 AM</p>	<p>AC 07-25</p>	<p>City of Chicago Department of Environment v. 1601-1759 East 130th Street, LLC</p>	<p>James R. Thompson Center Room 11-512 100 West Randolph Street Chicago, IL</p>
<p>5/16/07 1:00 PM</p>	<p>R07-17</p>	<p>In the Matter of: Amendments to the Board's Procedural Rules and Underground Storage Tank Rules to Reflect P.A. 94-0274, P.A. 94-0276 and P.A. 94-0824 (35 Ill. Adm. Code 101.202, 732.103, 732.702, 634.115, and 734.710)</p>	<p>James R. Thompson Center Room 11-512 100 West Randolph Street Chicago, IL</p>

Environmental Register – April 2007

<p>5/17/07 11:00 AM</p>	<p><u>Illinois Pollution Control Board Meeting</u></p>		<p>James R. Thompson Center Room 9-040 100 W. Randolph Street Chicago</p>
<p>5/21/07 9:00 AM</p>	<p>R07-18</p>	<p>In the Matter of: Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Section 201.146, Parts 211 and 217 (Continues as necessary or until June 1, 2007)</p>	<p>IEPA Office Building (North Entrance) Training Room 1214 West 1021 North Grand Avenue East Springfield</p>
<p>6/7/07 11:00 AM</p>	<p><u>Illinois Pollution Control Board Meeting</u></p>		<p>Videoconference Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago And 1021 N. Grand Avenue East Oliver Holmes Conference Room 2012 N Springfield</p>
<p>6/7/07 1:00 PM</p>	<p>R07-17</p>	<p>In the Matter of: Amendments to the Board's Procedural Rules and Underground Storage Tank Rules to Reflect P.A. 94-0274, P.A. 94-0276 and P.A. 94-0824 (35 Ill. Adm. Code 101.202, 732.103, 732.702, 634.115, and 734.710</p>	<p>Illinois Pollution Control Board Conference Room IEPA Office Building (North Entrance) 1021 North Grand Avenue East Springfield</p>
<p>6/19/07 10:00 AM</p>	<p>R07-18</p>	<p>In the Matter of: Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Section 201.146, Parts 211 and 217</p>	<p>Michael A. Bilandic Building Auditorium Fifth Floor, Room C-500 160 N. LaSalle Street Chicago</p>
<p>6/20/07 10:00 AM</p>	<p>R07-18</p>	<p>In the Matter of: Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Section 201.146, Parts 211 and 217</p>	<p>Michael A. Bilandic Building Auditorium Fifth Floor, Room C-500 160 N. LaSalle Street Chicago</p>
<p>6/21/07 10:00 AM</p>	<p>R07-18</p>	<p>In the Matter of: Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Section 201.146, Parts 211 and 217</p>	<p>Michael A. Bilandic Building Auditorium Fifth Floor, Room C-500 160 N. LaSalle Street Chicago</p>

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6/21/07 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>	James R. Thompson Center Room 9-040 100 W. Randolph Street Chicago
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Environmental Register – April 2007

6/22/07 10:00 AM	R07-18	In the Matter of: Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Section 201.146, Parts 211 and 217	Michael A. Bilandic Building Auditorium Fifth Floor, Room C-500 160 N. LaSalle Street Chicago
6/25/07 10:00 AM	R07-18	In the Matter of: Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Section 201.146, Parts 211 and 217	James R. Thompson Center Room 9-031 100 W. Randolph Street Chicago
6/26/07 10:00 AM	R07-18	In the Matter of: Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Section 201.146, Parts 211 and 217	James R. Thompson Center Room 9-031 100 W. Randolph Street Chicago
6/27/07 10:00 AM	R07-18	In the Matter of: Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Section 201.146, Parts 211 and 217	James R. Thompson Center Room 9-031 100 W. Randolph Street Chicago
6/28/07 10:00 AM	R07-18	In the Matter of: Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Section 201.146, Parts 211 and 217	James R. Thompson Center Room 9-031 100 W. Randolph Street Chicago
6/29/07 10:00 AM	R07-18	In the Matter of: Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Section 201.146, Parts 211 and 217	James R. Thompson Center Room 9-031 100 W. Randolph Street Chicago
7/02/07 1:00 PM	R07-18	In the Matter of: Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Section 201.146, Parts 211 and 217 (Continues as necessary or until July 12, 2007)	IEPA Office Building (North Entrance) Training Room 1214 West 1021 North Grand Avenue East Springfield

Environmental Register – April 2007

<p>7/12/07 11:00 AM</p>	<p><u>Illinois Pollution Control Board Meeting</u></p>	<p>Videoconference Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago And 1021 N. Grand Avenue East Oliver Holmes Conference Room 2012 N Springfield</p>
<p>7/26/07 11:00 AM</p>	<p><u>Illinois Pollution Control Board Meeting</u></p>	<p>James R. Thompson Center Room 9-040 100 W. Randolph Street Chicago</p>

CORRECTED COPY

**Illinois Environmental Protection Agency
 Division of Public Water Supplies
 Restricted Status List - Public Water Supplies
 APRIL 2007**

<i>SYSTEM NAME</i>	<i>EP A RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
ALTERNATIVE BEHAVIOR TREATMENT CENTER - IL0977189	2	INADEQUATE PRESSURE TANK	50	6/15/1988
ARLINGTON REHABILITATION LIVING CENTER - IL0971110	2	INADEQUATE HYDRO STORAGE	180	12/1/2003
AURORA COMMUNITY WATER ASSN - IL0895750	2	INADEQUATE PRESSURE TANK	150	12/16/198 8
BAHL WATER CORP - IL0855200	1	INADEQUATE PRESSURE TANK	700	12/15/199 3
BALCITIS PUMP CORP - IL2015100	1	INADEQUATE STORAGE	150	1/1/2006
BRADLEY HEIGHTS SUBDIVISION - IL2015050	1	INADEQUATE PRESSURE TANK	192	9/13/1985
BUCKINGHAM - IL0910250	2	INADEQUATE PRESSURE TANK	340	3/17/1989
CARROLL HEIGHTS UTILITIES COMPANY - IL0155200	1	INADEQUATE PRESSURE TANK	96	3/20/1981

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<i>SYSTEM NAME</i>	<i>EP A RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
* CENTRAL MACOUPIN COUNTY RWD – IL117004	5	TOTAL TRICHALOMETHANE	14000	3/15/2007
CENTURY PINES APARTMENTS - IL0150020	1	INADEQUATE PRESSURE TANK	50	12/14/199 0
CHANDLERVILLE - IL0170200	5	INAD & UNAPPROVED STORAGE	704	1/1/2006
* CHESTERFIELD – IL1170200	5	TOTAL TRICHALOMETHANE	180	3/15/2007
COOKSVILLE - IL1130400	4	TTHM & HALOACIDIC ACIDS	300	9/15/2005
COYNE CNTR COOP - IL1615150	1	INADEQUATE PRESSURE TANK	150	12/15/199 7
CROPSEY COMMUNITY WATER - IL1135150	4	INADEQUATE PRESSURE TANK	31	3/20/1981
CRYSTAL CLEAR WATER COMPANY - IL1115150	2	INADEQUATE PRESSURE TANK	885	9/16/1988
D L WELL OWNERS ASSOCIATION - IL0975380	2	INADEQUATE PRESSURE TANK	141	3/18/1983
DE KALB UNIV DVL CORP - IL0375148	1	INADEQUATE PRESSURE TANK	1050	12/16/199 2
DEERING OAKS SUBDIVISION - IL1115200	2	INADEQUATE PRESSURE TANK	60	12/17/198 2
DOVER - IL0110350	1	INADEQUATE PRESSURE TANK	169	5/25/1981
EAST END WATER ASSOCIATION - IL1610140	1	INADEQUATE STORAGE CAPACITY	40	3/15/2002
EAST MORELAND WATER CORPORATION - IL1975640	2	INADEQUATE PRESSURE TANK	135	3/15/1996
EASTMORELAND WTR SERVICE ASSN - IL1975600	2	INADEQUATE PRESSURE TANK	650	3/20/1981
EATON PWD - IL0335100	4	INADEQUATE SOURCE CAPACITY	920	3/15/2002
EVERGREEN VILLAGE SUBDIVISION - IL1615310	1	INADEQUATE PRESSURE TANK	130	3/20/1981
FAHNSTOCK COURT SUBDIVISION - IL1435200	5	INADEQUATE PRESSURE TANK	35	5/25/1981
FAIR ACRES SUBDIVISION - IL1975680	2	INADEQUATE PRESSURE TANK	156	10/19/198 1

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<i>SYSTEM NAME</i>	<i>EP A RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
FOREST LAKE ADDITION - IL0975500	2	INADEQUATE PRESSURE TANK	204	12/16/198 3
FRWRD-SKYLINE PLANT - IL0895030	2	INADEQUATE PRESSURE TANK	700	9/19/1986
GARDEN STREET IMPROVEMENT ASSOCIATION - IL1975376	2	INADEQUATE PRESSURE TANK	54	9/15/1989
GOOD SHEPHERD MANOR - IL0915189	2	INADEQUATE PRESSURE TANK	25	3/17/1989
GREAT OAKS AND BEACON HILLS APARTMENTS - IL2015488	1	INADEQUATE PRESSURE TANK	2420	12/17/198 2
HAWTHORN WOODS - IL0970450	2	INADEQUATE PRESSURE TANK	672	3/15/1995
HEATHERFIELD SUBDIVISION - IL0635150	2	INADEQUATE PRESSURE TANK	75	9/17/1982
HECKER - IL1330150	6	DISINFECTION BY- PRODUCTS	608	1/15/2005
HETTICK - IL1170500	5	TRICHALOMETHANE	182	6/15/2002
HIGHLAND SUBDIVISION - IL0895530	2	INADEQUATE PRESSURE TANK	60	9/16/1983
HILLVIEW SUBDIVISION - IL1975800	2	INADEQUATE PRESSURE TANK	100	3/15/1985
HOLY FAMILY VILLA - IL0310280	2	INADEQUATE PRESSURE TANK	200	9/15/1999
INGALLS PARK SUBDIVISION - IL1975880	2	INADEQUATE PRESSURE TANK	745	9/16/1983
KIRK WATER LINE INC - IL0330030	4	INADEQUATE SOURCE CAPACITY	72	3/15/2002
LAKE LYNWOOD WATER SYSTEM - IL0735330	1	INADEQUATE PRESSURE TANK	75	8/31/1981
LARCHMONT SUBDIVISION - IL2015290	1	INADEQUATE PRESSURE TANK	64	6/17/1983
LARSON COURT APARTMENTS - IL1615728	1	INADEQUATE PRESSURE TANK	58	1/14/1982
LEGEND LAKES WATER ASSOCIATION - IL2015300	1	INADEQUATE PRESSURE TANK	283	3/14/1991

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<i>SYSTEM NAME</i>	<i>EP A RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
LIBERTY PARK HOMEOWNERS ASSOCIATION - IL0435600	2	INADEQUATE PRESSURE TANK	837	9/17/1992
LINDENWOOD WATER ASSOCIATION - IL1415300	1	INADEQUATE PRESSURE TANK	50	1/13/1982
LISBON NORTH, INC. - IL0631000	2	INADEQUATE PRESSURE TANK	30	9/14/1990
LONDON MILLS - IL0574620	5	INADEQUATE PRESSURE TANK	447	12/14/1984
LYNN CENTER - IL0735100	1	INADEQUATE PRESSURE TANK	100	3/15/1995
LYNNWOOD WATER CORPORATION - IL0995336	1	INADEQUATE PRESSURE TANK	110	3/18/1983
M C L W SYSTEM, INC. - IL1315150	1	INADEQUATE SOURCE	98	3/20/1981
MOECHERVILLE WATER DISTRICT - IL0895300	2	INADEQUATE PRESSURE TANK	975	3/20/1981
MOUND PWD - IL1635050	6	INADEQUATE PLANT CAPACITY	2200	6/17/1996
NORTHWEST BELMONT IMPRV ASSN - IL0435900	2	INADEQUATE PRESSURE TANK	78	9/29/1981
OAK RIDGE SD - IL2035300	1	INADEQUATE PRESSURE TANK	240	3/20/1981
OLIVET NAZARENE UNIVERSITY - IL0915279	1	INADEQUATE PRESSURE TANK	0	3/15/1994
OPHIEM PWS - IL0735150	1	INADEQUATE PRESSURE TANK	100	6/18/1982
OSCO MUTUAL WATER SUPPLY COMPANY, INC. - IL0735200	1	INADEQUATE PRESSURE TANK	115	12/15/1989
PANAMA - IL0054720	6	TTHM, DBP, INAD STORAGE	380	1/1/2006
PATOKA - IL1210400	6	INADEQUATE PLANT CAPACITY	731	3/15/1997
PITTSFIELD - IL1490750	5	DISINFECTION BY- PRODUCTS	4250	1/15/2005
POLO DR AND SADDLE RD SUBDIVISION - IL0437000	2	INADEQUATE PRESSURE TANK	90	12/17/1982

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<i>SYSTEM NAME</i>	<i>EP A RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
PORTS SULLIVAN LAKE OWNERS ASSOCIATION - IL0971160	2	INADEQUATE PRESSURE TANK	293	6/15/1999
PRAIRIE RIDGE ASSOCIATION - IL1115730	2	INADEQUATE PRESSURE TANK	130	10/1/2004
RIDGECREST NORTH SUBDIVISION - IL0635250	2	INADEQUATE PRESSURE TANK	60	9/16/1993
RIDGEWOOD LEDGES WATER ASSOCIATION - IL1615670	1	INADEQUATE PRESSURE TANK	370	3/20/1981
RIDGEWOOD SUBDIVISION - IL1977650	2	INADEQUATE PRESSURE TANK	250	6/18/1982
SHAWNITA TRC WATER ASSOCIATION - IL1977690	2	INADEQUATE PRESSURE TANK	125	9/17/1992
SILVIS HEIGHTS WATER CORP - IL1615750	1	INADEQUATE HYDRO STORAGE	1600	12/1/2003
SKYVIEW SBDV - IL0915526	2	INADEQUATE PRESSURE TANK	45	3/16/1990
SMITHBORO - IL0050250	6	DISINFECTION BY-PRODUCTS	200	1/15/2005
ST CHARLES COMMISSION WELLFUND 3 - IL0437040	2	INADEQUATE PRESSURE TANK	30	12/15/1989
STRATFORD WEST APARTMENTS - IL1095200	5	INADEQUATE PRESSURE TANK	39	12/17/1982
SUBURBAN HEIGHTS SUBDIVISION - IL1615800	1	INADEQUATE PRESSURE TANK	82	12/16/1983
SUMMIT HOMEOWNERS ASSOCIATION - IL0975280	2	INADEQUATE PRESSURE TANK	39	3/16/1984
SUNNY HILL ESTATES SUBDIVISION - IL0735300	1	INADEQUATE PRESSURE TANK	525	6/15/2000
SUNNYLAND SUBDIVISION - IL1977730	2	INADEQUATE PRESSURE TANK	350	9/16/1983
SWEDONA WATER ASSOCIATION - IL1315200	1	INADEQUATE PRESSURE TANK	157	6/15/1990
SYLVAN LAKE 1ST SUBDIVISION - IL0977100	2	INADEQUATE PRESSURE TANK	210	6/14/1991
TOWNERS SUBDIVISION - IL0977250	2	INADEQUATE PRESSURE TANK	210	1/14/1982

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<i>SYSTEM NAME</i>	<i>EP A RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
UTILITIES INC HOLIDAY HILLS - IL1115350	2	INADEQUATE PRESSURE TANK	729	9/16/1983
UTL INC-LAKE HOLIDAY - IL0995200	1	INAD SOURCE & TREATMENT PLT	5460	9/15/1998
UTL INC-NORTHERN HILLS UTILITIES COMPANY - IL1775050	1	INADEQUATE PRESSURE TANK	500	3/15/1996
UTL INC-WALK-UP WOODS WATER COMPANY - IL1115800	2	INADEQUATE PRESSURE TANK	654	12/17/1982
WEST SHORE PARK SUBDIVISION - IL0977370	2	INADEQUATE PRESSURE TANK	528	6/15/2000
WEST SHORELAND SUBDIVISION - IL0977050	2	INADEQUATE PRESSURE TANK	189	6/14/1991
WESTERN WAYNE WATER DISTRICT - IL1910010	7	TRIHALOMETHANE	2262	9/15/2005
WIENEN ESTATES - IL0850030	1	INADEQUATE PRESSURE TANK	70	12/15/1997
WONDER LAKE WATER COMPANY - IL1115750	2	INADEQUATE PRESSURE TANK	1442	6/16/1994
YORK CENTER COOP - IL0437550	2	INADEQUATE PRESSURE TANK	240	6/15/1988

WATER SYSTEMS REMOVED FROM PREVIOUS LIST

COOKSVILLE – IL1130400

DONNELLSON – IL 0054360

EVANSVILLE – IL1570250

WILLIAMSON – IL1191100

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Illinois Environmental Protection Agency
Division of Public Water Supplies
Critical Review List - Public Water Supplies
APRIL 2007

<i>SYSTEM NAME</i>	<i>EP A RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
ANDALUSIA - IL1610050	1	INADEQUATE PRESSURE TANK	1050	12/1/2003
ARENZVILLE - IL0170050	5	INADEQUATE PRESSURE TANK	408	3/14/2001
BEASON CHESTNUT PWD - IL1075150	5	INAD PLANT & SOURCE CAP	600	6/15/2004
BROWNING - IL1690050	5	INADEQUATE SOURCE CAPACITY	175	3/15/1998
* CANTON – IL0570250	5	INSUFFICIENT TREATMENT CAPACITY	13932	3/15/2007
CASEYVILLE - IL1630250	6	INADEQUATE STORAGE	9900	10/1/2004
CEDARVILLE - IL1770050	1	EMERGENCY POWER	800	1/1/2006
COLUMBIA - IL1330050	6	INADEQUATE PUMPING CAPACITY	8365	3/15/1998
CROPPERS 1ST 4TH AND 5TH ADDITION - IL1615250	1	UNDERSIZED WATERMANS	650	1/1/2006
DE PUE - IL0110300	1	INADEQUATE TREATMENT PLANT	1729	12/15/1993
EFFINGHAM – IL0490250	4	INADEQUATE DISINFECTION	12384	7/1/2006
ELIZABETH - IL0850150	1	LOW SYSTEM PRESSURE	682	6/15/1999
EXETER-MERRITT WATER COOP - IL1710010	5	INADEQUATE PRESSURE TANK	428	10/1/2004
GALENA - IL0850200	1	LOW SYSTEM PRESSURE	3640	6/15/1999
GRIGGSVILLE – IL1490300	5	INADEQUATE TREATMENT PLANT CAPACITY	1259	10/1/2006

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<i>SYSTEM NAME</i>	<i>EP A RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
HAMEL - IL1190450	6	INADEQUATE STORAGE CAPACITY	650	1/1/2006
HOLIDAY SHORES SD - IL1195110	6	INADEQUATE STORAGE CAPACITY	3192	1/1/2006
JOY - IL1310100	1	LOW SYSTEM PRESSURE	373	6/15/1999
LA MOILLE - IL0110500	1	INADEQUATE PLANT CAPACITY	750	6/15/1999
LA SALLE - IL0990300	1	INAD PLANT & SOURCE CAPACITY	9700	11/1/2004
LACON - IL1230100	1	UNDERSIZED WATERMANS	1979	1/1/2006
LEE - IL1034600	1	INADEQUATE PRESSURE TANK	350	10/1/2004
MALDEN - IL0110550	1	UNDERSIZED WATERMANS	370	1/1/2006
MARION - IL1990550	7	INADEQUATE SOURCE CAPACITY	14610	11/1/2001
MASON CITY - IL1250350	5	INADEQUATE STORAGE CAPACITY	2558	1/1/2006
MATHERSVILLE - IL1310200	1	INADEQUATE SYSTEM PRESSURE	793	9/13/2000
MC HENRY SHORES WATER COMPANY - IL1115020	2	LOW SYSTEM PRESSURE	1813	9/17/1992
MECHANICSBURG-BUFFALO WTR CMSN - IL1675150	5	INADEQUATE SOURCE CAPACITY	1350	3/15/1998
O'FALLON – IL1970050	2	INADEQUATE STORAGE CAPACITY	43596	10/1/2006
OTTER CREEK LAKE UTILITIES DISTRICT - IL2015320	1	INADEQUATE STORAGE CAPACITY	2753	1/1/2006
OTTER LAKE WTR CMSN ADGPTV – IL1175200	5	INADEQUATE PLANT CAPACITY	1251	7/1/2006

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<i>SYSTEM NAME</i>	<i>EP A RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
ROBINSON-PALESTINE WATER COMMISSION – IL0335030	4	INADEQUATE PLANT CAPACITY	11317	1/1/2007
SCALES MOUND - IL0850400	1	LOW SYSTEM PRESSURE	400	9/15/1997
SENECA - IL0991050	1	INADEQUATE PLANT CAPACITY	2053	6/15/1999
SOUTH HIGHWAY PWD - IL0775400	7	LOW SYSTEM PRESSURE & UNDERSIZED WATERMANS	8420	1/1/2006
STOCKTON - IL0850450	1	LOW SYSTEM PRESSURE	1871	6/15/1984
SUMNER - IL1010300	7	LOW SYSTEM PRESSURE	1481	12/13/1985
UTL INC-LAKE MARIAN WATER CORPORATION - IL0895200	2	INAD PRES STORAGE & LOW SYS PRES	924	9/14/1984
WALNUT HILL - IL1210600	6	LOW SYSTEM PRESSURE	1470	6/14/1985
WATERLOO - IL1330300	6	INADEQUATE STORAGE	7614	10/1/2004
WORDEN - IL1191200	6	INADEQUATE STORAGE CAPACITY	906	1/1/2006

WATER SYSTEMS REMOVED FROM PREVIOUS LIST

NAUVOO – IL0670500

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

Environmental Register – April 2007

proposed construction will not cause a violation. Restricted Status and Critical Review are presented as a combined list with the status of the water supply denoted as either RS (Restricted Status) or CR (Critical Review). The current list reflects the status as of January 1, 2006. An asterisk, *, beside the water supply indicates public water supplies that have been added to the Restricted Status/Critical Review list since the previous publication.

Restricted Status List

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

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

A public water supply on the Restricted Status List will not be issued permits for water main extensions, except for certain limited situations, or unless the supply has been granted a variance from the Illinois Pollution Control Board for the violation, or from permit issuance requirements of Section 39 of the Act.

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

Critical Review List

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

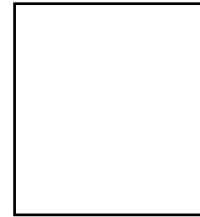
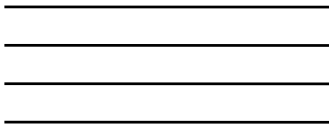
A supply will be placed on the Critical Review List when Agency records indicate that it is approaching any of the violations that would place it on the Restricted Status List.

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

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

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

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