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# Environmental Register

October 2009 - Number 664

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

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G. Tanner Girard, Acting Chairman

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# Letter from the Chairman

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In October, the Board moved forward in a number of open rulemaking dockets. Below, I've summarized recent activity. As always, information about these and any other proceedings is available through the Clerk's Office Online (COOL) through our Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

R08-9 Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304. On October 5, 2009, the Board held the 33rd day of hearing on this proposal. The Board has scheduled additional days of hearing on November 9 and 10, 2009.

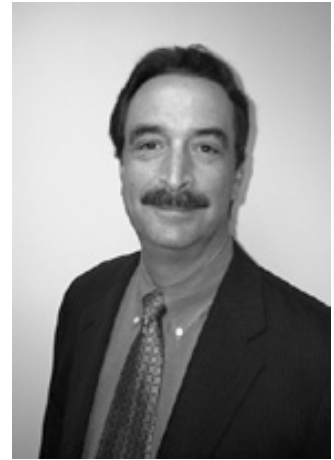
R09-20 In the Matter of: Nitrogen Oxide (NO<sub>x</sub>) Trading Program Sunset Provisions for Electric Generating Units (EGU's): New 35 Ill. Adm. Code 217.751: The Board adopted regulations in its final opinion and order in this docket.

R10-8 In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group II Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219. On October 27, 2009, in Edwardsville the Board held its first hearing on the proposal filed by the Illinois Environmental Protection Agency. The second hearing will begin on December 8, 2009, in Chicago.

R10-10 In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group III Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 218 and 219. On October 23, 2009, the Illinois Environmental Protection Agency filed this proposal under the "fast-track" rulemaking authority at Section 28.5 of the Environmental Protection Act, which was recently re-enacted in Public Act 96-0308. Section 28.5 requires the Board to proceed toward adoption of the proposed regulations by meeting a series of strict deadlines.

Sadly, on another note, my Board colleagues join me in expressing our appreciation to Dr. Shundar Lin, who will be leaving the Board on November 15th.

We are very grateful for Shundar's service to the Board during his tenure. He came to the Board after serving nearly 35 years as Senior Professional Scientist at the Illinois State Water Survey. Throughout his career, he acquired extensive research experience in microbiology, lake and stream water quality, wastewater management, stream sanitation, and environmental engineering. This background and his attention to detail have been great assets to the Board. We will miss Shundar and wish him the best in all of his future endeavors.



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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## Rulemaking Update

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### **In the Matter of: Ameren Ash Pond Closure Rules (Hutsonville Power Station): Proposed 35 Ill. Adm. Code Part 840.101 Through 840.144, R09-21 (Oct. 1, 2009)**

On October 1, 2009, the Board granted the Illinois Environmental Protection Agency's (IEPA) motion for waiver of filing requirements. On August 18, 2009, the IEPA proposed amendments to the regulatory proposal made by Ameren Energy Generating Company (Ameren) on May 19, 2009. One of those proposed amendments added a new section entitled "Incorporations by Reference," which listed eight separate sets of material for incorporation. The IEPA stated that "the titles for which this motion seeks relief from the filing requirements are already in the Board's possession.

Ameren's May 19, 2009 proposal for site-specific rulemaking proposes a new subchapter in the Board's waste disposal regulations to address the closure of surface impoundments. Specifically, Ameren seeks adoption of regulations through which it can close Ash Pond D at its Hutsonville Power Station near Hutsonville, Crawford County. Hearing was held September 29, 2009 in the Crawford County Courthouse Annex in Robinson, and the public comment period was set to close October 30, 2009.

Opinions and orders of the Board, hearing officer orders, hearing transcripts, and other documents in rulemaking records are posted on the Board's Web site and may be downloaded from the Web without charge. Hard copies may be obtained for \$.75 per page from the Clerk's office: Clerk of the Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601.

For additional information contact Tim Fox at 312-814-6085, e-mail address [foxt@ipcb.state.il.us](mailto:foxt@ipcb.state.il.us).

### **Board Adopts Proposal for Public Comment in In the Matter of: Definition of VOM Update, USEPA Regulations (January 1, 2009 through June 30, 2009), (R10-7 (Oct. 1, 2009))**

The Pollution Control Board, on October 1, 2009, adopted a proposal for public comment that would add two compounds to the list of those exempted from the definition of Volatile Organic Material (VOM). The update is needed to ensure that Illinois' regulations reflect the United States Environmental Protection Agency's (USEPA) most recent exemption of chemical compounds from regulation as ozone precursors. The proposal is docketed as In the Matter of: Definition of VOM Update, USEPA Regulations (January 1, 2009 through June 30, 2009) (R10-7).

Specifically, the proposal would add propylene carbonate (PC) (IUPAC name 4-methyl-1,3-dioxolan-2-one; CAS no. 108-32-7), and Dimethyl carbonate (DMC) (IUPAC name; CAS no. 616-38-6). USEPA added these compounds to the list of chemicals exempted from the definition of VOM codified at 40 C.F.R. 51.100(s) on January 21, 2009

Section 9.1(e) of the Environmental Protection Act mandates this rulemaking and requires the Board to exclude from the definition of VOM those compounds determined by USEPA to be exempt from regulation under the state implementation plans for ozone "due to negligible photochemical reactivity." Additionally, the Board is required to conduct this rulemaking pursuant to the provisions of Section 7.2(b) of the Act for adoption rules that are "identical in substance" to federal requirements.

Section 9.1(d) also provides that Title VII of the Act and Section 5-35 of the Administrative Procedure Act do not apply to this type of rulemaking. Accordingly, the Board will not adopt a "First Notice" proposal, or a "Second

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Notice” proposal for review by the Joint Committee on Administrative Rules. However, as provided in Section 9.1(e) of the Act, the Board, before adopting final rule amendments will provide notice of this rulemaking proposal in the *Illinois Register*, holds one public hearing on the proposal as required by the federal Clean Air Act and allow for public comment. Hearing is scheduled for Thursday, November 19, 2009, 1:00 p.m. in the James R. Thompson Center Room, Room 11-512, 100 W. Randolph Street, Chicago.

The Board will accept public comment for at least 45 days after the date of publication of the proposal for public comment in the *Illinois Register*, but the hearing officer may specify a later date for the close of the public comment period. Public comments must be filed with the Clerk of the Board. Public comments may be filed at the following address: Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601. In addition, public comments may be filed electronically through COOL at [www.ipcb.state.il.us](http://www.ipcb.state.il.us). Any questions about electronic filing through COOL should be directed to the Clerk’s Office at (312) 814-3629. The docket number for this rulemaking, R10-7, should be indicated on the public comment.

Opinions and orders of the Board, hearing officer orders, hearing transcripts, and other documents in rulemaking records are posted on the Board’s Web site and may be downloaded from the Web without charge. Hard copies may be obtained for \$.75 per page from the Clerk’s office.

For more information contact Michael McCambridge at (312)-814-6924 or email at [mcambm@ipcb.state.il.us](mailto:mcambm@ipcb.state.il.us).

### **Board Consolidates, and Extends Rulemaking Completion Deadline, in In the Matter of: RCRA Subtitle C Update, USEPA Amendments (July 1, 2008 through December 31, 2008), R09-16 and RCRA Subtitle C Update, USEPA Regulations (July 1, 2009 through June 30, 2009), R10-4 (Oct. 15, 2009)**

On October 15, 2009, the Board consolidated the federal hazardous waste amendments that occurred during the period January 1, 2009 through June 30, 2009, with those that occurred during the period July 1, 2008 through December 31, 2008. Consolidation of these dockets will obviate multiple mailings, conserving Board resources and mailing expenses. Additionally, the Board extended the deadline for filing of amendments until April 15, 2010.

#### **Docket R09-16: July 1, 2008 through December 31, 2008 Amendments**

USEPA amended the federal hazardous waste regulations three times during the period July 1, 2008 through December 31, 2008 as summarized below:

October 30, 2008 (73 Fed. Reg. 64668): Amended Definition of Solid Waste to Exclude reclaimed Secondary Hazardous Materials. USEPA amended the definition of “solid waste” to exclude certain “hazardous secondary materials” (HSMs) from regulation as hazardous waste. The amendments defined HSM as material that undergoes reclamation but which would constitute hazardous waste if discarded. The amendments added four self-implementing exclusions from the definition of solid waste. The amendments also added a new procedure for obtaining exclusion by an administrative “non-waste” determination. Included in the federal amendments are extensive financial assurance requirements that apply to domestic facilities that manage HSMs that are reclaimed by an entity other than the generator.

December 1, 2008 (73 Fed. Reg. 64668): Alternative Standards for Academic Laboratories. USEPA adopted a set of optional alternative hazardous waste generator requirements applicable to college and university laboratories and other facilities affiliated with “eligible academic entities.” An eligible academic entity may opt to comply with the alternative standards in lieu of the generally applicable large-quantity waste generator, small-quantity waste generator, or conditionally exempt small-quantity generator waste regulations. The alternative standards designated laboratory waste as “unwanted material,” and they include provisions relating to waste labeling and accumulation, worker training, hazardous waste determination, and removal from the laboratory. The alternative rules require annual laboratory cleanouts and the assembly of a written “laboratory management plan” that describes the procedures the laboratory will use for managing its waste.

December 19, 2008 (73 Fed. Reg. 77954): Exclusion of Emission-comparable Fuel from the Definition of Solid Waste. USEPA added an exclusion for emission-comparable fuel (ECF) to its existing excluded fuels rule, which previously excluded only “comparable fuels” and “synthesis gas fuels” from the definition of solid waste. USEPA further amended the comparable fuels exclusion to accommodate the addition of the exclusion for ECF.

“Comparable fuels” are secondary materials that have fuel value and which contain hazardous constituents at levels comparable to fuel oil. These are excluded from the definition of solid waste. The new exclusion of ECF overlaps and extends the existing comparable fuels exclusion. ECF is an HSM that results in emissions comparable to the

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burning of fuel oil. ECF must fulfill all the requirements for a comparable fuel, except for the standards for maximum oxygenates and hydrocarbons contents limits. Thus, use of ECF is comparable to use of fuel oil, from the standpoint of emissions, but oxygenate and hydrocarbons contents may be higher in ECF than those found in fuel oil.

### **Docket R10-4: January 1, 2009 through June 30, 2009 Amendments**

USEPA amended the federal hazardous waste regulations once during the period January 1, 2009 through June 30, 2009, as is summarized below:

June 25, 2009 (74 Fed. Reg. 30228): Changed USEPA Office Name. USEPA amended various segments of its regulations to reflect reorganization within its various offices. Among the amendments were revisions to hazardous waste rules. USEPA changed “Office of Solid Waste” to the new name, “Office of Resource Conservation Recovery.”

The due date for this proceeding was based on the earliest federal amendments included in this rulemaking, the October 30, 2008 amendments to the Definition of Solid Waste Rules, Section 7.2(b) of the Act (415 ILCS 5/7.2(b) (2008)). The due date for filing the completed amendments is one year from that date, so the Board must file the amendments with the Office of Secretary of State before October 30, 2009. The Board has been developing a proposal for public comment in this matter, and more time than the Board estimated is necessary to complete that proposal. Due to the volume and complexity of the amendments involved in this consolidated update docket, the Board has not yet completed the proposal. The Board determined an extension of the deadline for completion of these amendments is necessary until April 15, 2010.

Opinions and orders of the Board, hearing officer orders, hearing transcripts, and other documents in rulemaking records are posted on the Board’s Web site and may be downloaded from the Web without charge. Hard copies may be obtained for \$.75 per page from the Clerk’s office.

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### **Board Adopts Final Rules in In the Matter of Nitrogen Oxide (NOx) Trading Program Sunset Provisions for Electric Generating units (EGUs): New 35 Ill. Adm. Code 217.751, R09-20 (Oct. 15, 2009)**

On October 15, 2009, the Illinois Pollution Control Board adopted a final rule which sunsets the provisions for the Nitrogen Oxides (NOx) Trading Program rules for electrical generating units (EGUs). On April 21, 2009, the Illinois Environmental Protection Agency (IEPA) filed a proposal with the Board seeking the change to eliminate an obsolete rule. The proposal was docketed as In the Matter of: Nitrogen Oxide (NOx) Trading Program Sunset Provisions for Electric Generating Units (EGUs): New 35 Ill. Adm. Code 217.751. The Joint Committee on Administrative Rules voted a certificate of “no objection” at its October 14, 2009 meeting. The final rule adopted by the Board is unchanged from the rule as published at first notice. This rule becomes effective upon filing with the Illinois Secretary of State, consistent with participants request that the final rule become filed and effective before the end of November 2009.

In its statement of reasons, the IEPA states that Illinois adopted both the NO<sub>x</sub> rules at 35 Ill. Adm. Code Part 217 and the Clean Air Interstate Rule (CAIR) at 35 Ill. Adm. Code Part 225 after adoption of similar rules by the United States Environmental Protection Agency (USEPA). USEPA has approved both sets of rules for inclusion in the State Implementation Plan (SIP) for ozone attainment. As do the USEPA rules, the CAIR provisions as set forth in 35 Ill. Code Part 225.Subpart E include a trading program for control of NO<sub>x</sub> emissions during the ozone season that replaces the provisions in Part 217.Subpart W for EGUs beginning with the 2009 control period (May 1 through September 30) and thereafter.

But, due to a federal court ruling concerning the federal CAIR rules in *North Carolina v. USEPA*, 531 F.3d 896 (C.A.D.C. Cir. 2008), USEPA must take additional action concerning its rules. To solve the problem, in 40 CFR 51.123(bb)(1)(i), USEPA has provided that states such as Illinois with approved CAIR programs may revise their applicable SIP so that the provisions of the NO<sub>x</sub> SIP Call Trading Program do not apply to affected EGUs.

Adding the New Part 217.751 to sunset the rules beginning with the 2009 ozone control season is the first step to revision of the SIP.

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### **Board Accepts Amended IEPA Proposal in In the Matter of: Reasonably Available control Technology (RACT) for Volatile Organic Material Emissions from Group II Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219, R10-8 (Oct. 15, 2009)**

On October 15, 2009, the Board granted the motion of the Illinois Environmental Protection Agency (IEPA) motion to amend the regulatory proposal the IEPA originally filed on July 9, 2009. The proposal was docketed by the Board as In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group II Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219, R10-8. On September 14, 2009, the IEPA filed a motion to amend its rulemaking proposal. The IEPA proposed 20 amendments to the proposal, many of them stemming from a request or comment by industry representatives. The Board did not receive any responses to the IEPA's motion, and so deems industry to have waived objection. See 35 Ill. Adm. Code 101.500(d).

Generally, the IEPA proposed adopting air pollution regulations to control emissions of volatile organic material (VOM) for Group II Consumer & Commercial Projects in ozone nonattainment areas classified as moderate and above. Two Illinois areas, Chicago and St. Louis/Metro East, have been designated as moderate nonattainment areas for the 8-hour ozone standard. Group II products include industrial cleaning solvents, flat wood paneling coatings, flexible packaging printing materials, lithographic printing materials, and letter press printing materials.

The first hearing in this proceeding was scheduled to begin October 27, 2009 at 9:00 AM in the Madison County Administration Building, County Board Room #203, 157 N. Main St. in Edwardsville. The second hearing is scheduled to begin December 8, 2009 at 9:00 AM in the James R. Thompson Center, Room 9-039, 100 W. Randolph St. in Chicago. Procedural details, including requirements for the pre-filing of hearing testimony, are contained in an August 12, 2009 hearing officer order.

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proposal for public comment in this matter, and more time than the Board estimated is necessary to complete that proposal. Due to the volume and complexity of the amendments involved in this consolidated update docket, the Board has not yet completed the proposal. The Board determined an extension of the deadline for completion of these amendments is necessary until April 15, 2010.

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In its statement of reasons, the IEPA states that Illinois adopted both the NO<sub>x</sub> rules at 35 Ill. Adm. Code Part 217 and the Clean Air Interstate Rule (CAIR) at 35 Ill. Adm. Code Part 225 after adoption of similar rules by the United States Environmental Protection Agency (USEPA). USEPA has approved both sets of rules for inclusion in the State Implementation Plan (SIP) for ozone attainment. As do the USEPA rules, the CAIR provisions as set forth in 35 Ill. Code Part 225.Subpart E include a trading program for control of NO<sub>x</sub> emissions during the ozone season that replaces the provisions in Part 217.Subpart W for EGUs beginning with the 2009 control period (May 1 through September 30) and thereafter.

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Adding the New Part 217.751 to sunset the rules beginning with the 2009 ozone control season is the first step to revision of the SIP.

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representatives. The Board did not receive any responses to the IEPA's motion, and so deems industry to have waived objection. See 35 Ill. Adm. Code 101.500(d).

Generally, the IEPA proposed adopting air pollution regulations to control emissions of volatile organic material (VOM) for Group II Consumer & Commercial Projects in ozone nonattainment areas classified as moderate and above. Two Illinois areas, Chicago and St. Louis/Metro East, have been designated as moderate nonattainment areas for the 8-hour ozone standard. Group II products include industrial cleaning solvents, flat wood paneling coatings, flexible packaging printing materials, lithographic printing materials, and letter press printing materials.

The first hearing in this proceeding was scheduled to begin October 27, 2009 at 9:00 AM in the Madison County Administration Building, County Board Room #203, 157 N. Main St. in Edwardsville. The second hearing is scheduled to begin December 8, 2009 at 9:00 AM in the James R. Thompson Center, Room 9-039, 100 W. Randolph St. in Chicago. Procedural details, including requirements for the pre-filing of hearing testimony, are contained in an August 12, 2009 hearing officer order.

Opinions and orders of the Board, hearing officer orders, hearing transcripts, and other documents in rulemaking records are posted on the Board's Web site and may be downloaded from the Web without charge. Hard copies may be obtained for \$.75 per page from the Clerk's office: Clerk of the Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601.

For additional information contact Tim Fox at 312-814-6085, e-mail address [foxt@ipcb.state.il.us](mailto:foxt@ipcb.state.il.us).

## Board Actions

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**October 1, 2009**

**Chicago, Illinois**

### Rulemakings

<b>R09-21</b>	<u>In the Matter of: Ameren Ashpond Closure Rules (Hutsonville Power Station) Proposed: 35 Ill. Adm. Code 840.101 through 840.144</u> – The Board granted the Illinois Environmental Protection Agency's motion for waiver of filing requirements of materials for incorporation by reference.	5-0 land
<b>R10-7</b>	<u>Definition of VOM Update, USEPA Amendments (January 1, 2009 through June 30, 2009)</u> – – The Board adopted a proposal for public comment in this "identical-in-substance" consolidated rulemaking to amend the Board's volatile organic emission regulations.	5-0 Air

**Administrative Citations**

<b>AC 06-39</b>	<u>City of Chicago Department of Environment v. Speedy Gonzalez Landscaping, Inc.</u>	5-0
<b>AC 06-40</b>	<u>City of Chicago Department of Environment v. Jose R. Gonzalez</u>	
<b>AC 06-41</b>	<u>City of Chicago Department of Environment v. 1601-1759 East 130th Street, LLC</u>	
<b>AC 07-25</b> (cons.)	<u>City of Chicago Department of Environment v. 1601-1759 East 130th Street, LLC</u> – The Board denied the joint motions for reconsideration and for stay filed by Jose R. Gonzalez and 1601-1759 East 130th Street, LLC. Respondents have 45 days, or until November 16, 2009, to pay civil penalty previously ordered. In AC 06-40, the Board assessed Mr. Gonzalez the statutory civil penalty of \$6,000 for the four violations, as well as hearing costs totaling \$1,340.40, for a total amount due of \$7,340.40. In AC 06-41, the Board assessed 130th LLC the statutory civil penalty of \$6,000 for the four violations, as well as hearing costs totaling \$1,189.40, for a total amount due of \$7,189.40.	
<b>AC 08-16</b>	<u>IEPA v. Gene Breeden</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Iroquois County facility, the Board found that respondent violated Section 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(7) (2008)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondent’s petition for review and the alleged violation of Sections 21(p)(1) and (p)(3) of the Act (415 ILCS 5/21(p)(1),(p)(3) (2008)).	5-0
<b>AC 09-44</b>	<u>IEPA v. Gordon Investment Group</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a McDonough County facility, the Board found that respondent violated Section 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(3) (2008)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondent’s petition for review and the alleged violation of Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1),(p)(7) (2008)).	5-0
<b>AC 10-3</b>	<u>IEPA v. Les Curtis</u> – The Board accepted respondent’s petition for review, but directed respondent to file another amended petition to cure deficiencies on or before November 2, 2009.	5-0

**Adjudicatory Cases**

<b>PCB 06-82</b>	<u>People of the State of Illinois v. Barger Engineering, Inc.</u> – In this water enforcement action concerning a White 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) (2006)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$50,000, and to cease and desist from further violations. In addition, Barger Engineering agreed to perform a Supplemental Environmental Project consisting of a \$20,000 donation to the Illinois Petroleum Resources Board to fund cleanups of abandoned oil production sites.	5-0 W-E
<b>PCB 07-146</b>	<u>Fox Moraine, LLC v. United City of Yorkville, City Council: Kendall County, Intervenor</u> – Finding the proceedings were fundamentally fair, the Board	5-0 P-C-F-S-R

## Environmental Register – October 2009

affirmed the May 24, 2007 decision of United City of Yorkville, City Council denying Fox Moraine LLC's request for siting of a pollution control facility.

<b>PCB 09-104</b>	<u>People of the State of Illinois v. Village of Rockton</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Winnebago County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
<b>PCB 09-110</b>	<u>People of the State of Illinois v. E. F. Heil, LLC</u> – In this land enforcement action concerning a Kankakee 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) (2006)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$20,000, and to cease and desist from further violations.	5-0 L-E
<b>PCB 09-122</b>	<u>Osco/Henry Service Company 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 located in Henry County.	5-0 UST Appeal
<b>PCB 09-130</b>	<u>Spirit Energy, L.L.C. 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 located in Jackson County.	5-0 UST Appeal
<b>PCB 10-21</b>	<u>People of the State of Illinois v. Seating Concepts, Inc.</u> – The Board accepted for hearing this air enforcement action involving a site located in Will County.	5-0 A-E

**October 15, 2009**  
**Chicago, Illinois**

### **Rulemakings**

## Environmental Register – October 2009

<b>R 09-16</b>	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2008 through December 31, 2008)</u>	5-0 Land
<b>R10-4</b>	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2009 through June 30, 2009)</u> – The Board on its own motion consolidated these “identical-in-substance” rulemakings to amend the Board’s wastewater pretreatment and extended the deadline for completion of amendments to April 15, 2010.	
<b>R09-20</b>	<u>In the Matter of: Nitrogen Oxide (NOx) Trading Program Sunset Provisions for Electric Generating Units (EGU's): New 35 Ill. Adm. Code 217.751</u> – The Board adopted a final opinion and order in this rulemaking amending the Board’s air pollution control regulations.	5-0 Air
<b>R10-8</b>	<u>In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group II Consumer &amp; Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219</u> – The Board granted the Illinois Environmental Protection Agency’s motion to amend the proposal.	5-0 Air

### Adjudicatory Cases

<b>PCB 04-102</b>	<u>Emerald Performance Materials, L.L.C. (as purchaser of Noveon, Inc.) v. IEPA</u> – The Board found that the Illinois Environmental Protection Agency improperly included in the November 23, 2003 Clean Air Act Permit Program (CAAPP) permit issued to Emerald for the Henry plant various conditions stating, or premised on, applicability of 35 Ill. Adm. Code 214.301 to Emerald’s MBT-C process and condensers. The Board remanded the CAAPP permit for expeditious re-issuance.	5-0 P-A, Water
<b>PCB 06-77</b>	<u>People of the State of Illinois v. Dennis K. Stiegemeier, d/b/a I.L.C. Development</u> – In this water 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) (2006)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$2,500, and to cease and desist from further violations.	5-0 W-E
<b>PCB 09-30</b>	<u>People of the State of Illinois v. Montalbano Builder’s Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a McHenry County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
<b>PCB 09-69</b>	<u>People of the State of Illinois v. Par Development, Inc.</u> – In this land enforcement action concerning a McHenry County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2006)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$20,000, and to cease and desist from further violations.	5-0 W-E
<b>PCB 10-2</b>	<u>City of Chicago Department of General Services 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 located in Cook County.	5-0 UST Appeal

Environmental Register – October 2009

<b>PCB 10-22</b>	<u>People of the State of Illinois v. Western Sand &amp; Gravel Company, LLC</u> – The Board accepted for hearing this land enforcement action involving a site located in LaSalle County.	5-0 L-E
<b>PCB 10-23</b>	<u>United States Steel Corporation, a Delaware corporation v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Madison County facility. No action was taken on petitioner’s motion for partial stay of specified conditions in the construction permit.	5-0 P-A, Air
<b>PCB 10-24</b>	<u>Nathan Holesinger - Fulton v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Nathan Holesinger located in Whiteside County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2008)).	5-0 T-C, W

## New Cases

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### October 1, 2009 Board Meeting

**10-21** People of the State of Illinois v. Seating Concepts, Inc. – The Board accepted for hearing this air enforcement action involving a site located in Will County.

### October 15, 2009 Board Meeting

**10-22** People of the State of Illinois v. Western Sand & Gravel Company, LLC – The Board accepted for hearing this land enforcement action involving a site located in LaSalle County.

**10-23** United States Steel Corporation, a Delaware corporation v. IEPA – The Board accepted for hearing this permit appeal involving a Madison County facility. No action was taken on petitioner’s motion for partial stay of specified conditions in the construction permit.

**10-24** Nathan Holesinger - Fulton v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Nathan Holesinger located in Whiteside County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2008)).

## Calendar

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11/4/09 10:00 AM	AC 09-56	<u>IEPA v. Gary J. and James R. Szczeblewski (IEPA File No. 136-09-AC)</u>	City Hall Council Room 500 W. Main Street Benton
<b>11/5/09 11:00 AM</b>	<b>Illinois Pollution Control Board Meeting</b>		<b>James R. Thompson Center 100 W. Randolph Street Chicago</b>
11/9/09 9:00 AM	R08-09	<u>In the Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304</u>  <b>(Continues until complete or through November 10, 2009)</b>	Michael Bilandic Building Room N-502 160 N. LaSalle Chicago
11/12/09 10:00 AM	AC 08-27	<u>IEPA v. Hiram Vanderheiden, Jr. (IEPA File No. 51-08-AC)</u>	Mason County Courthouse County Board Room 125 N. Plum Havana
<b>11/19/09 11:00 AM</b>	<b>Illinois Pollution Control Board Meeting</b>		<b>James R. Thompson Center 100 W. Randolph Street Chicago</b>
11/19/09 1:00 PM	R10-07	<u>Definition of VOM Update, USEPA Amendments (January 1, 2009 through June 30, 2009)</u>	James R. Thompson Center Suite 11-512 100 W. Randolph Street Chicago

Environmental Register – October 2009

12/2/09 10:00 AM	PCB 07-45	<u>People of the State of Illinois v. General Waste Services, Inc., an Illinois Corporation</u>	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East Springfield
<b>12/3/09 11:00 AM</b>	<b>Illinois Pollution Control Board Meeting</b>		<b>James R. Thompson Center 100 W. Randolph Street Chicago</b>
12/8/09 9:00 AM	R10-08	<u>In the Matter of Reasonable Available Control Technology (RACT) for Volatile Organic Material emissions from Group II Consumer &amp; Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219</u>  <b>(Continues until complete or through December 9, 2009)</b>	James R. Thompson Center Room 9-039 100 W. Randolph Chicago
12/09/09 10:00 AM	R10-10	<u>In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions From Group III Consumer &amp; Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 218 and 219</u>  <b>(Continues day to day until business is complete)</b>	James R. Thompson Center Room 11-512 100 W. Randolph Chicago
<b>12/17/09 11:00 AM</b>	<b>Illinois Pollution Control Board Meeting</b>		<b>James R. Thompson Center 100 W. Randolph Street Chicago</b>



Environmental Register – October 2009

**Illinois Environmental Protection Agency  
Division of Public Water Supplies  
Restricted Status List - Public Water Supplies  
OCTOBER 2009**

<i>SYSTEM NAME</i>	<i>EPA 3 RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
ALTERNATIVE BEHAVIOR TREATMENT CENTER - IL0977189	2	INADEQUATE PRESSURE TANK	50	6/15/1988
ARLINGTON REHABILITATION LIVING CENTER - IL0971110	2	INADEQUATE HYDRO STORAGE	180	12/1/2003
ATHENS – IL1290050	5	INADEQUATE TREATMENT CAPACITY	4350	10/1/2007
AURORA COMMUNITY WATER ASSN - IL0895750	2	INADEQUATE PRESSURE TANK	150	12/16/1988
BAHL WATER CORP - IL085520	1	INADEQUATE PRESSURE TANK	700	12/15/1993
BALCITIS PUMP CORP - IL2015100	1	INADEQUATE STORAGE	150	1/1/2006
BRADLEY HEIGHTS SUBDIVISION - IL2015050	1	INADEQUATE PRESSURE TANK	192	9/13/1985
BUFFALO HOLLOW FARMS WATER ASSOCIATION – IL1430080	5	INADEQUATE PRESSURE STORAGE	44	6/16S/2008
CARROLL HEIGHTS UTILITIES COMPANY - IL0155200	1	INADEQUATE PRESSURE TANK	96	3/20/1981
CENTURY PINES APARTMENTS - IL0150020	1	INADEQUATE PRESSURE TANK	50	12/14/1990
CHESTERFIELD – IL1170200	5	TOTAL TRIHALOMETHANE	180	3/15/2007
COOKSVILLE - IL1130400	4	TTHM & HALOACIDIC ACIDS	300	9/15/2005
COYNE CNTR COOP - IL1615150	1	INADEQUATE PRESSURE TANK	150	12/15/1997
CROPSEY COMMUNITY WATER - IL1135150	4	INADEQUATE PRESSURE TANK	31	3/20/1981
CRYSTAL CLEAR WATER COMPANY - IL1115150	2	INADEQUATE PRESSURE TANK	885	9/16/1988
D L WELL OWNERS ASSOCIATION - IL0975380	2	INADEQUATE PRESSURE TANK	141	3/18/1983
DE KALB UNIV DVL CORP - IL0375148	1	INADEQUATE PRESSURE TANK	1050	12/16/1992
DEERING OAKS SUBDIVISION - IL1115200	2	INADEQUATE PRESSURE TANK	60	12/17/1982
DOVER - IL0110350	1	INADEQUATE PRESSURE TANK	169	5/25/1981
EAST END WATER ASSOCIATION - IL1610140	1	INADEQUATE STORAGE CAPACITY	40	3/15/2002
EAST MORELAND WATER CORPORATION - IL1975640	2	INADEQUATE PRESSURE TANK	135	3/15/1996
EASTMORELAND WTR SERVICE ASSN -	2	INADEQUATE PRESSURE	650	3/20/1981

Environmental Register – October 2009

<i>SYSTEM NAME</i>	<i>EPA 3 RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
IL1975600		TANK		
EVERGREEN VILLAGE SUBDIVISION - IL1615310	1	INADEQUATE PRESSURE TANK	130	3/20/1981
FAIR ACRES SUBDIVISION - IL1975680	2	INADEQUATE PRESSURE TANK	156	10/19/1981
FOREST LAKE ADDITION - IL0975500	2	INADEQUATE PRESSURE TANK	204	12/16/1983
FRWRD-SKYLINE PLANT - IL0895030	2	INADEQUATE PRESSURE TANK	700	9/19/1986
GARDEN STREET IMPROVEMENT ASSOCIATION - IL1975376	2	INADEQUATE PRESSURE TANK	54	9/15/1989
GOOD SHEPHERD MANOR - IL0915189	2	INADEQUATE PRESSURE TANK	25	3/17/1989
GREAT OAKS AND BEACON HILLS APARTMENTS - IL2015488	1	INADEQUATE PRESSURE TANK	2420	12/17/1982
HAWTHORN WOODS - IL0970450	2	INADEQUATE PRESSURE TANK	672	3/15/1995
HEATHERFIELD SUBDIVISION - IL0635150	2	INADEQUATE PRESSURE TANK	75	9/17/1982
HETTICK - IL1170500	5	TRICHALOMETHANE	182	6/15/2002
HIGHLAND SUBDIVISION - IL0895530	2	INADEQUATE PRESSURE TANK	60	9/16/1983
HILLVIEW SUBDIVISION - IL1975800	2	INADEQUATE PRESSURE TANK	100	3/15/1985
HOLY FAMILY VILLA - IL0310280	2	INADEQUATE PRESSURE TANK	200	9/15/1999
INGALLS PARK SUBDIVISION - IL1975880	2	INADEQUATE PRESSURE TANK	745	9/16/1983
LAKE LYNWOOD WATER SYSTEM - IL0735330	1	INADEQUATE PRESSURE TANK	75	8/31/1981
LARCHMONT SUBDIVISION - IL2015290	1	INADEQUATE PRESSURE TANK	64	6/17/1983
LARSON COURT APARTMENTS - IL1615728	1	INADEQUATE PRESSURE TANK	58	1/14/1982
LEGEND LAKES WATER ASSOCIATION - IL2015300	1	INADEQUATE PRESSURE TANK	283	3/14/1991
LIBERTY PARK HOMEOWNERS ASSOCIATION - IL0435600	2	INADEQUATE PRESSURE TANK	837	9/17/1992
LINDENWOOD WATER ASSOCIATION - IL1415300	1	INADEQUATE PRESSURE TANK	50	1/13/1982
LISBON NORTH, INC. - IL0631000	2	INADEQUATE PRESSURE TANK	30	9/14/1990
LONDON MILLS - IL0574620	5	INADEQUATE PRESSURE TANK	447	12/14/1984
LYNN CENTER - IL0735100	1	INADEQUATE PRESSURE	100	3/15/1995

Environmental Register – October 2009

<i>SYSTEM NAME</i>	<i>EPA 3 RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
		TANK		
LYNNWOOD WATER CORPORATION - IL0995336	1	INADEQUATE PRESSURE TANK	110	3/18/1983
M C L W SYSTEM, INC. - IL1315150	1	INADEQUATE SOURCE	98	3/20/1981
MENARD RURAL WATER CO.(SWEETWATER SYSTEM)- IL1290010	5	INADEQUATE SOURCE CAPACITY	490	10/1/2007
MOUND PWD - IL1635050	6	INADEQUATE PLANT CAPACITY	2200	6/17/1996
NORTHWEST BELMONT IMPRV ASSN - IL0435900	2	INADEQUATE PRESSURE TANK	78	9/29/1981
OAK RIDGE SD - IL2035300	1	INADEQUATE PRESSURE TANK	240	3/20/1981
OPHIEM PWS - IL0735150	1	INADEQUATE PRESSURE TANK	100	6/18/1982
OSCO MUTUAL WATER SUPPLY COMPANY, INC. - IL073520	1	INADEQUATE PRESSURE TANK	115	12/15/1989
PANAMA - IL0054720	6	TTHM, DBP, INAD STORAGE	380	1/1/2006
PATOKA - IL1210400	6	INADEQUATE PLANT CAPACITY	731	3/15/1997
POLO DR AND SADDLE RD SUBDIVISION - IL043700	2	INADEQUATE PRESSURE TANK	90	12/17/1982
PORTS SULLIVAN LAKE OWNERS ASSOCIATION - IL0971160	2	INADEQUATE PRESSURE TANK	293	6/15/1999
PRAIRIE RIDGE ASSOCIATION - IL1115730	2	INADEQUATE PRESSURE TANK	130	10/1/2004
RIDGECREST NORTH SUBDIVISION - IL0635250	2	INADEQUATE PRESSURE TANK	60	9/16/1993
RIDGEWOOD 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
ST CHARLES COMMSSION WELLFUND 3 - IL0437040	2	INADEQUATE PRESSURE TANK	30	12/15/1989
STRATFORD WEST APARTMENTS - IL1095200	5	INADEQUATE PRESSURE TANK	39	12/17/1982
SUBURBAN HEIGHTS SUBDIVISION - IL1615800	1	INADEQUATE PRESSURE TANK	82	12/16/1983
SUMMIT HOMEOWNERS ASSOCIATION - IL0975280	2	INADEQUATE PRESSURE TANK	39	3/16/1984

Environmental Register – October 2009

<i>SYSTEM NAME</i>	<i>EPA 3 RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
SUNNY HILL ESTATES SUBDIVISION - IL0735300	1	INADEQUATE PRESSURE TANK	525	6/15/2000
SUNNYLAND SUBDIVISION - IL1977730	2	INADEQUATE PRESSURE TANK	350	9/16/1983
SWEDONA WATER ASSOCIATION - IL1315200	1	INADEQUATE PRESSURE TANK	157	6/15/1990
SYLVAN LAKE 1ST SUBDIVISION - IL0977100	2	INADEQUATE PRESSURE TANK	210	6/14/1991
TOWNERS SUBDIVISION - IL0977250	2	INADEQUATE PRESSURE TANK	210	1/14/1982
UTILITIES INC HOLIDAY HILLS - IL1115350	2	INADEQUATE PRESSURE TANK	729	9/16/1983
UTL INC-LAKE HOLIDAY - IL0995200	1	INAD SOURCE & TREATMENT PLT	5460	9/15/1998
UTL INC-NORTHERN HILLS UTILITIES COMPANY - IL1775050	1	INADEQUATE PRESSURE TANK	500	3/15/1996
UTL INC-WALK-UP WOODS WATER COMPANY - IL1115800	2	INADEQUATE PRESSURE TANK	654	12/17/1982
WEST SHORE PARK SUBDIVISION - IL0977370	2	INADEQUATE PRESSURE TANK	528	6/15/2000
WEST SHORELAND SUBDIVISION - IL0977050	2	INADEQUATE PRESSURE TANK	189	6/14/1991
WIENEN ESTATES - IL0850030	1	INADEQUATE PRESSURE TANK	70	12/15/1997
WONDER LAKE WATER COMPANY - IL1115750	2	INADEQUATE PRESSURE TANK	1442	6/16/1994

**WATER SYSTEMS REMOVED FROM PREVIOUS LIST**

FAHNSTOCK COURT SUBDIVISION – IL1435200

\* DENOTES ADDED WATER SUPPLIES

Environmental Register – October 2009

**Illinois Environmental Protection Agency**  
**Division of Public Water Supplies**  
**Critical Review List - Public Water Supplies**  
**OCTOBER 2009**

<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
ANDALUSIA - IL1610050	1	INADEQUATE PRESSURE TANK	1050	12/1/2003
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
CEDARVILLE - IL1770050	1	EMERGENCY POWER	800	1/1/2006
COLLINSVILLE – IL1194280	6	INADEQUATE STORAGE	29500	1/1/2008
COLUMBIA - IL1330050	6	INADEQUATE PUMPING CAPACITY	8365	3/15/1998
CROPPERS 1ST 4TH AND 5TH ADDITION - IL1615250	1	UNDERSIZED WATERMAINS	650	1/1/2006
EDWARDSVILLE – IL1190250	5	INSUFFICIENT PLANT CAPACITY TO HANDLE PEAK SYSTEM WATER DEMAND	24,900	9/16/2008
EFFINGHAM – IL0490250	4	INADEQUATE DISINFECTION	12384	7/1/2006
ELIZABETH - IL0850150	1	LOW SYSTEM PRESSURE	682	6/15/1999
ELLIS GROVE – IL1570200	6	INSUFFICIENT STORAGE CAPACITY	720	10/1/2007
EXETER-MERRITT WATER COOP - IL1710010	5	INADEQUATE PRESSURE TANK	428	10/1/2004
GALENA - IL0850200	1	LOW SYSTEM PRESSURE	3640	6/15/1999
GRIGGSVILLE – IL1490300	5	INADEQUATE TREATMENT PLANT CAPACITY	1259	10/1/2006
HAMEL - IL1190450	6	INADEQUATE STORAGE CAPACITY	650	1/1/2006
HOLIDAY SHORES SD - IL1195110	6	INADEQUATE STORAGE CAPACITY	3192	1/1/2006
IL AMERICAN-ALTON	6	APPROACHING WATER TREATMENT PLANT CAPACITY	51922	4/1/2009
JOY - IL1310100	1	LOW SYSTEM PRESSURE	373	6/15/1999

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SYSTEM NAME	EPA RGN	NATURE OF PROBLEM	POP SERVED	LISTING DATE
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
MARYVILLE – IL1190750	5	INADEQUATE STORAGE	800	3/17/2008
MASON CITY - IL1250350	5	INADEQUATE STORAGE CAPACITY	2558	1/1/2006
MATHERSVILLE - IL1310200	1	INADEQUATE SYSTEM PRESSURE	793	9/13/2000
MC HENRY SHORES WATER COMPANY - IL1115020	2	LOW SYSTEM PRESSURE	1813	9/17/1992
MECHANICSBURG-BUFFALO WTR CMSN - IL1675150	5	INADEQUATE SOURCE CAPACITY	1350	3/15/1998
O'FALLON – IL1631100	2	INADEQUATE STORAGE CAPACITY	43596	10/1/2006
OTTER LAKE WTR CMSN ADGPTV – IL1175200	5	INADEQUATE PLANT CAPACITY	1251	7/1/2006
SCALES MOUND - IL0850400	1	LOW SYSTEM PRESSURE	400	9/15/1997
SENECA - IL099105	1	INADEQUATE PLANT CAPACITY AND UNDERSIZED WATER MAINS	2053	6/15/1999
SOUTH HIGHWAY PWD - IL0775400	7	LOW SYSTEM PRESSURE & UNDERSIZED WATERMANS	8420	1/1/2006
STOCKTON - IL0850450	1	LOW SYSTEM PRESSURE	1871	6/15/1984
SUMNER - IL1010300	7	LOW SYSTEM PRESSURE	1481	12/13/1985
UTL INC-LAKE MARIAN WATER CORPORATION - IL0895200	2	INAD PRES STORAGE & LOW SYS PRES	924	9/14/1984
WALNUT HILL - IL1210600	6	LOW SYSTEM PRESSURE	1470	6/14/1985
WATERLOO - IL1330300	6	INADEQUATE STORAGE	7614	10/1/2004
WITT – IL1350850	5	INADEQUATE TREATMENT CAPACITY	991	3/17/2008
WORDEN - IL1191200	6	INADEQUATE STORAGE CAPACITY	906	1/1/2006

**WATER SYSTEMS REMOVED FROM PREVIOUS LIST**

CASEYVILLE – IL1630250

**\* DENOTES ADDED WATER SUPPLIES**

## **Restricted Status/Critical Review**

The Environmental Protection Act prohibits the Agency from issuing a construction permit that will cause or extend a violation. A construction permit to expand the distribution system cannot be granted when a water supply has a maximum contaminant level or treatment technique violation, an inadequate source of raw water supply, inadequate treatment plant capacity, finished water storage or distribution system pressure. A Restricted Status List is published quarterly in the Illinois Pollution Control Board Environmental Register to notify those persons considering expansion of a water supply distribution system of that status before large sums of money have been spent on items such as land acquisition, financing and engineering fees. A companion Critical Review List is published concurrently with the Restricted Status List and has the water supplies that are approaching a point where the supply could be placed on Restricted Status. A permit application from a supply on Critical Review will be examined carefully to ensure that the proposed construction will not cause a violation. Restricted Status and Critical Review are presented as a combined list with the status of the water supply denoted as either RS (Restricted Status) or CR (Critical Review). The current list reflects the status as of October 1, 2009. 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.

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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.

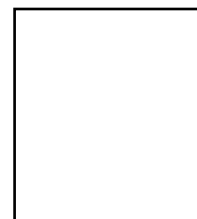
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