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# Environmental Register

June 2002 - 576

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

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Claire A. Manning, Chairman

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## Letter from the Chairman

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The Illinois Pollution Control Board welcomes new Board Member William A. Marovitz, whose term begins July 1, 2002. Marovitz brings a strong legislative background to the Board. He was a State Senator from 1980 to 1993 and a State Representative from 1974 to 1980. During his years in the General Assembly, Marovitz sponsored much of the State's gun control legislation. He also authored the Illinois Hate Crimes Law and served as Chairman of both the Senate Judiciary Committee and the Senate Executive Committee. Marovitz received a J.D. from DePaul University College of Law and a B.A. from the University of Illinois.



Marovitz replaces Samuel T. Lawton, Jr. Lawton left the Board when his term ended June 30, 2002, returning to private practice with the law firm of Altheimer & Gray. Lawton also continues to serve as a distinguished professor of law at John Marshall Law School.

We wish Professor Lawton all the best and thank him for his years of serving Illinois' citizens so well. We also look forward to working with Marovitz in tackling the many important environmental issues facing our State.

Sincerely,

A handwritten signature in cursive script that reads "Claire A. Manning". The signature is written in dark ink on a light background.

Claire A. Manning, Chairman

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## Federal Update

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### **United States Environmental Protection Agency Proposes Effluent Limitation Guidelines and New Source Performance Standards for Construction Sites Under the Clean Water Act**

On June 24, 2002, the United States Environmental Protection Agency (USEPA) proposed new effluent limitation standards for the construction and development category. In its proposal, USEPA presented a range of options to address storm water discharges from construction sites.

The first option is technology-based effluent limitation guidelines and standards (ELGs) for storm water discharges from construction sites required to obtain National Pollutant Discharge Elimination System (NPDES) permits. As a second option, USEPA proposed not to establish ELGs for storm water discharges from those sites, but to allow technology-based permit requirements to continue to be established based upon the best professional judgment of the permit authority (here, the Illinois Environmental Protection Agency (IEPA)). A third option would establish inspection and certification requirements that would be incorporated into the storm water permits issued by USEPA and states, with other permit requirements based on the best professional judgment of the permit authority.

This proposal, if implemented, is expected to significantly reduce the amount of sediment discharged from construction sites. The deposition of sediment from construction site runoff has contributed to the loss of capacity in small streams, lakes, and reservoirs leading to the necessity for mitigation efforts such as dredging or replacement.

Comment must be received by October 22, 2002. USEPA will conduct public meetings for this proposed rule on July 9, 2002; July 23, 2002; July 30, 2002 and additional dates to be announced later.

Submit written comments to: Comment Clerk, Water Docket (4101), US EPA, 1200 Pennsylvania Ave., NW., Washington, DC 20460. Comments may also be sent via e-mail to <mailto:ow-docket@epa.gov> or [vow-docket@epa.gov](mailto:vow-docket@epa.gov)

If USEPA adopts these rules, the Board would anticipate that the Illinois Environmental Protection Agency (IEPA) would determine, as part of the triennial review of the state's water rules required by the Clean Water Act, whether any amendments to the state's water rules are necessary. If so, the Board would expect to receive a regulatory proposal from the IEPA under Section 27 or 28.2 of the Environmental Protection Act (415 ILCS 5/27, 28.2 (2000)).

### **United States Environmental Protection Agency Proposes National Emission Standards for Hazardous Air Pollutants for Surface Coating of Wood Building Products Under the Clean Air Act**

On June 21, 2002, the United States Environmental Protection Agency (USEPA) proposed National Emission Standards for Hazardous Air Pollutants (NESHAPs) for Surface Coating of Wood Building Products.

The USEPA estimated that there are approximately 205 major source facilities in the wood building products (surface coating) source category that emit hazardous air pollutants (HAP), such as xylene, toluene, ethyl benzene,

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ethylene glycol butyl ether (EGBE), other glycol ethers, methyl ethyl ketone (MEK), methyl isobutyl ketone (MIBK), methanol, styrene, and formaldehyde.

As proposed, the standards are estimated to reduce HAP emissions by 3,200 megagrams per year (Mg/yr) (3,500 tons per year (tpy)) or by 61 percent. The reduction in HAP emissions would be achieved by requiring all major source facilities that apply a surface coating to a wood building product to meet the HAP emission standards reflecting the application of the maximum achievable control technology (MACT).

Comments must be submitted on or before August 20, 2002 to: Air and Radiation Docket and Information Center (6102), Attention Docket Number A-97-52, U.S. EPA, 1200 Pennsylvania Avenue, NW, Washington, DC 20460.

For further information contact: Mr. Vinson Hellwig, Coatings and Consumer Products Group, Emissions Standards Division (C539-03), U.S. EPA, Research Triangle Park, North Carolina 27711; telephone number (919) 541-2317; facsimile number (919) 541-5689; e-mail address: <mailto:hellwig.vinson@epa.gov> [hellwig.vinson@epa.gov](mailto:hellwig.vinson@epa.gov).

Pursuant to Section 9.1(b) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(b) (2000)), once adopted by the USEPA, NESHAPs rules are applicable and enforceable under the Act without further action by the Board.

### **United States Environmental Protection Agency Proposes National Emission Standards for Hazardous Air Pollutants for Refractory Manufacturing Products Under the Clean Air Act**

On June 20, 2002, On June 21, 2002, the United States Environmental Protection Agency (USEPA) proposed National Emission Standards for Hazardous Air Pollutants (NESHAPs) for the Refractory Products Manufacturing category.

This action replaces “Refractories Manufacturing” with “Refractory Products Manufacturing” on the list of categories of major sources of hazardous air pollutants (HAP) published under section 112(c) of the Clean Air Act (CAA) and on the source category schedule for national emission standards for hazardous air pollutants (NESHAP). The rulemaking also proposes NESHAPs for new and existing refractory products manufacturing sources. The proposed rule would require all major sources to meet emission standards reflecting the application of maximum achievable control technology (MACT).

USEPA stated that the proposed rule would protect air quality and promote the public health by reducing emissions of several of the HAP listed in section 112(b)(1) of the CAA, including ethylene glycol, formaldehyde, hydrogen fluoride (HF), hydrochloric acid (HCl), methanol, phenol, and polycyclic organic matter (POM). Exposure to these substances has been demonstrated to cause adverse health effects such as irritation of the lung, skin, and mucous membranes, effects on the central nervous system, and damage to the liver, kidneys, and skeleton. Additionally, USEPA has classified the HAP formaldehyde and POM as probable human carcinogens. USEPA estimated that the proposed rule would reduce nationwide emissions of HAP from these facilities by as much as 120 megagrams per year (Mg/yr) (132 tons per year (tons/yr)).

Comments must be submitted on or before August 19, 2002 to: Air and Radiation Docket and Information Center (6102), Attention Docket Number A-2000-50, U.S. EPA, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

For further information contact: Susan Zapata, Minerals and Inorganic Chemicals Group, Emissions Standards Division (C504-05), U.S. EPA, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5167, e-mail address: <mailto:zapata.susan@epa.gov> [zapata.susan@epa.gov](mailto:zapata.susan@epa.gov).

Pursuant to Section 9.1(b) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(b) (2000)), once adopted by the USEPA, NESHAPs rules are applicable and enforceable under the Act without further action by the Board.

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### **United States Environmental Protection Agency Proposes Clean Water Act Effluent Guidelines Program Plan for 2002/2003**

On June 18, 2002, the United States Environmental Protection Agency (USEPA) published its Proposed Effluent Guidelines Program Plan and requested comments on the contents of the proposal.

The proposed Effluent Guidelines Program Plan describes the USEPA's ongoing effluent guidelines development efforts. In this plan, USEPA outlines its national regulations, termed "effluent guidelines," to reduce pollutant discharges from industrial facilities to surface waters and publicly owned treatment works (POTWs).

Comments on the proposed effluent guidelines plan must be received by July 18, 2002, and should be sent to: Patricia Harrigan at the following address: Office of Water, Engineering and Analysis Division (4303T), U.S. EPA, 1200 Pennsylvania Avenue, NW, Washington, DC 20460.

For further information contact: Patricia Harrigan at (202) 566-1666, email address <mailto:harrigan.patricia@epa.gov> [harrigan.patricia@epa.gov](mailto:harrigan.patricia@epa.gov), or Jan Matuszko at (202) 566-1035, email address <mailto:matuszko.jan@epa.gov> [matuszko.jan@epa.gov](mailto:matuszko.jan@epa.gov).

## **Rule Update**

### **Board Adopts First Notice Opinion and Order in Proposed Amendments to Ammonia Nitrogen Standards: 35 Ill. Adm. Code 302.212, 302.213, and 304.122, R02-19**

On June 6, 2002, the Board adopted a first notice opinion and order in Proposed Amendments to Ammonia Nitrogen Standards: 35 Ill. Adm. Code 302.212, 302.213, and 304.122, R02-19. This rulemaking was initiated by a proposal filed on January 17, 2002 by the Illinois Association of Wastewater Agencies (IAWA). IAWA, with support of the Illinois Environmental Protection Agency (IEPA), proposed that the Board amend the Illinois water quality regulations for ammonia to more closely track recent guidance published by the United States Environmental Protection Agency (USEPA). After two public hearings, the Board adopted a first notice proposal that is similar, but not identical, to the IAWA proposal. The first notice proposal was filed with the Secretary of State's Index Department and published in the *Illinois Register* on June 21, 2002 at 26 Ill. Reg. 8707.

The Board's current rules are based on the USEPA's 1984 National Criteria Document (NCD) for ammonia. The proposal adopted by the Board for first notice, based on the IAWA proposal, substantively reflects many of the USEPA's 1999 significant update to the NCD. In summary, the principal features of the proposed amendments are: (1) modification of the acute and chronic general use water quality standards from un-ionized ammonia to total ammonia nitrogen; (2) addition of a sub-chronic general use total ammonia nitrogen water quality standard; and (3) repeal of the rule allowing alternative standards for effluent modified waters (EMW). These features are discussed in more detail below.

Most of the amendments occur within 35 Ill. Adm. Code 302.212, which contains the Board's ammonia water quality standards applicable in general use waters of the State. The amendments to Part 302 include: (1) replacement of current un-ionized ammonia nitrogen standards with total ammonia nitrogen standards; (2) recasting of the formulae for calculation of the acute and chronic water quality standards for total ammonia nitrogen; and (3) the addition of a new standard for ammonia, the sub-chronic standard total ammonia standard.

The IAWA's proposed formulae for determining the total ammonia nitrogen acute, chronic, and sub-chronic standards at Section 302.212(b) mirror the standards recommended in the 1999 ammonia NCD. However, IAWA's proposed attainment requirements at Section 302.212(c)(2) and (c)(3) deviated somewhat from the 1999 ammonia NCD. While the 1999 ammonia NCD recommends using a 30-day average ammonia concentration to show compliance with the ammonia CS, IAWA's proposal required a minimum of four consecutive samples collected over a period of at least 30 days. In case of the sub-chronic standard, while the 1999 ammonia NCD recommends

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that the highest four-day average within the 30-day period be used for demonstrating attainment, IAWA's proposed Section 302.212(c)(3) required daily samples collected over a period of any four consecutive days to show compliance.

The Board noted that although IAWA's proposal included both the chronic and sub-chronic total ammonia standards recommended by the federal guidance, there was no linkage between the averaging periods of the two standards. Under the scenario as proposed by IAWA, the averaging time would be closer to 6 months instead of 30 days, as recommended in the 1999 ammonia document.

In its opinion, the Board expressed its concern that the proposed averaging period allowed for a substantial increase in time. The Board's concern is based on the fact that the 1999 ammonia NCD very clearly states that even the 30-day averaging period is only justified because of the restriction that the highest four-day average concentration of ammonia be less than or equal to the sub-chronic standard. Therefore, at first notice the Board proposed in Section 302.212(c)(2) to limit the averaging period for showing attainment of the ammonia chronic standard to 30 days. This proposed language reflects the 1999 ammonia NCD, and does not, as suggested by IAWA, require taking four samples during the 30 days.

The Board's proposal also contains a provision for seasonally different ammonia standards at Section 302.212(e). This provision is based on the well-accepted principle that ammonia toxicity differs seasonally due to differences in water temperature that produce differences in the proportion of ammonia that is present in the ionized versus un-ionized ammonia forms. The proposal also recognizes the toxicity of ammonia based on the presence of sensitive aquatic life stages during different seasons. It is commonly accepted that early life stages of many aquatic organisms are more sensitive to ammonia than are later and adult forms of the same organisms. The amendments provide that everywhere in Illinois early stage life forms are deemed to be present, for the purpose of this regulation, from March to October, inclusive. Moreover, the proposed amendments authorize the IEPA to apply early life stages present standards outside the March-October period when such stages are present.

Additionally, the Board proposed to repeal the provisions for EMWs found at 35 Ill. Adm. Code 302.213 as the record in this proceeding demonstrates that EMWs have not been a useful construct, that no discharges have applied for EMWs, and that the IEPA has not established any EMWs.

The Board has scheduled a third public hearing solely concerning economic impact study issues on July 25, 2002 at 10:30 a.m. in Room C-500 at the James R. Thompson Center, 100 W. Randolph Street, Chicago. The first hearing was held in Chicago on March 25, 2002, and the second in Springfield on April 23, 2002.

For additional information contact Catherine Glenn at 312/814-6062; e-mail address: glennc@ipcb.state.il.us

### **Board Adopts First Notice Opinion and Order in Water Quality Triennial Review: Amendments to 35 Ill. Adm. Code 302.105, 302.208(e)-(g), 302.504(a), 302.575(d), 309.141(h); and Proposed 35 Ill. Adm. Code 301.267, 301.313, 301.413, 304.120, and 309.157, R02-11**

On June 20, 2002, the Board adopted a first notice opinion and order in Water Quality Triennial Review: Amendments to 35 Ill. Adm. Code 302.105, 302.208(e)-(g), 302.504(a), 302.575(d), 309.141(h); and Proposed 35 Ill. Adm. Code 301.267, 301.313, 301.413, 304.120, and 309.157, R02-11. This rulemaking is based on the Illinois Environmental Protection Agency's (IEPA's) November 9, 2001 proposal as a result of the triennial review of the Board's water regulations to fulfill the requirements of Section 303(c) of the Clean Water Act (CWA) (33 U.S.C. 1313(c)). The CWA requires that, at least once every three years, states must "review water quality standards to ensure that the standards are based on the most current information and are protective of the designated uses of the state." The first notice proposal was filed with the Secretary of State's Index Department and published in the *Illinois Register* on July 5, 2002 at 26 Ill. Reg. 9573.

The proposal adopted by the Board for first notice includes: (1) new acute and chronic numeric standards for benzene, ethyl benzene, toluene, and xylene (BETX) to replace existing 35 Ill. Adm. Code 302.210, entitled "Other Toxic Substances;" (2) revised water quality standards using a dissolved metal standard for zinc and nickel; (3) corrections to an IEPA error in certain rules it proposed and the Board adopted in In the Matter of: Conforming

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Amendments for the Great Lakes Initiative: 35 Ill. Adm. Code Part 302.101; 302.105; 302.Subpart E; 303.443, and 304.222, R97-25 (December 18, 1997) (GLI rules); and (4) the use of CBOD<sub>5</sub> rather than BOD<sub>5</sub> in NPDES permits regulating domestic and municipal waste.

The proposal adopted by the Board is similar in many respects to the proposal filed by the IEPA, though the Board did make substantial changes to the IEPA's proposal. The Board's proposal is substantially similar to the IEPA's proposal concerning BETX, the IEPA's corrections to the GLI rules, and the use of CBOD<sub>5</sub> in permits. Regarding CBOD<sub>5</sub>, testimony and comments presented by the Environmental Law and Policy Center, Prairie Rivers Network, and Sierra Club opposed the proposed change. However, the Board found that the use of CBOD<sub>5</sub>, when combined with ammonia nitrogen testing, resulted in an accurate assessment of treatment efficiency to determine compliance with a wastewater treatment facilities' effluent limits under Section 304.120.

The Board did not proceed to first notice with the amendments proposed by the IEPA that would have changed the basis for the cyanide standard from one derived from cold-water species to one derived from warm-water species. Taking into account that Illinois is home to numerous species of threatened and endangered mussels, the Board found that there was not enough evidence on the record to demonstrate the effects of cyanide on mussels. The hearing record and public comments showed that relaxation of the standard would not prove to be of any real benefit to Illinois dischargers. The Board concluded that the change to the cyanide standard was not justified at this time.

The Board has scheduled a third public hearing concerning both merit and economic impact issues on July 25, 2002 at 11:00 a.m. in Room C-500 at the James R. Thompson Center, 100 W. Randolph Street, Chicago. The first hearing was held in Chicago on January 29, 2002, and the second in Springfield on March 6, 2002.

For additional information contact Marie Tipsord at 312/814-4925; e-mail address: [tipsordm@ipcb.state.il.us](mailto:tipsordm@ipcb.state.il.us)

## Board Actions

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### June 6, 2002 Springfield, Illinois

#### Rulemakings

R02-19	<u>In the Matter of: Proposed Amendments to Ammonia Nitrogen Standards 35 Ill. Adm. Code 302.100, 302.212, 302.213, and 304.122</u> – The Board adopted a first notice opinion and order in this matter to amend the Board's water regulations.	7-0 R, Water
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#### Adjusted Standards

AS 00-5	<u>In the Matter of: Petition of the Ensign-Bickford Company for an Adjusted Standard from 35 Ill. Adm. Code 237.103</u> – The Board granted petitioner's request for hearing on its petition for an adjusted standard.	7-0 Air
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AS 02-1	<u>In the Matter of: Material Service Corporation Petition for an Adjusted Standard from 35 Ill. Adm. Code 302.208, 406.202, and 304.105</u> – The Board granted this Cook County facility an adjusted standard from the mine waste effluent and water quality standard under 35 Ill. Adm. Code 304.105 and 406.202, subject to conditions.	6-0 Melas abstained Water
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### Administrative Citations

AC 01-29 AC 01-30 (Cons.)	<u>IEPA v. Lesslie Yocum, Sandra Yocum, Rick L. Yocum, and Shawna B. Yocum (Birmingham/Yocum #1); IEPA v. Lesslie Yocum and Sandra Yocum (Birmingham/Yocum #2)</u> – The Board entered an interim opinion and order finding respondents violated Sections 21(p)(1) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(7) (2000)) and assessing a penalty of \$6,000. The Board ordered the Clerk of the Board and the Environmental Protection Agency to file within 14 days a statement of hearing costs, supported by affidavit, with service on respondents.	5-2 Girard and Johnson dissented
AC 01-42	<u>IEPA v. Alan Smith</u> – The Board entered an interim opinion and order finding respondent violated Section 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(3) (2000)) and assessing a penalty of \$1,500. The Board ordered the Clerk of the Board and the Environmental Protection Agency to file within 14 days a statement of hearing costs, supported by affidavit, with service on respondent.	7-0
AC 02-16	<u>IEPA v. Brad Krstic</u> – The Board entered an interim opinion and order finding respondent violated Section 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(3) (2000)) and assessing a penalty of \$1,500. The Board ordered the Clerk of the Board and the Environmental Protection Agency to file within 14 days a statement of hearing costs, supported by affidavit, with service on respondent.	7-0
AC 02-54	<u>IEPA v. Rayetta Thompson</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation involving a Union County facility.	7-0
AC 02-55	<u>IEPA v. Barbara Buck</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation involving a Dewitt County facility.	7-0

### Decisions

PCB 00-219	<u>Stephen G. Brill v. Henry Latoria, individually and d/b/a TL Trucking Foodliner</u> – The Board found that respondent violated Sections 9(a) and 24 of the Environmental Protection Act (415 ILCS 5/9(a), 24 (2000)), and Section 900.102 of the Board regulations (35 Ill. Adm. Code 900.102). Respondent was ordered to retain the assistance of a noise expert and prepare a report detailing what steps can be taken to alleviate the noise and air emissions reaching complainant’s residence.	7-0 Johnson concurred Citizens N&A-E
PCB 02-84	<u>People of the State of Illinois v. Bill Palmer d/b/a Commercial Group, Frank Glosky d/b/a Glosky Realty, and R.A.S. Development, Inc.</u> – In this water enforcement action concerning a Kendall 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) (2000)), accepted a final stipulation and settlement agreement, ordered the respondents to pay a total civil penalty of \$24,000, and to cease and desist from further violations.	7-0 W-E



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PCB 02-198	<u>People of the State of Illinois v. Olin Corporation</u> – In this Resource Conservation and Recovery Act 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) (2000)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a total civil penalty of \$9,000, and to cease and desist from further violations.	7-0 RCRA-E
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### Motions and Other Matters

PCB 97-162 PCB 97-163 PCB 97-164 PCB 97-165 PCB 97-204 Consol.	<u>Swearingin Services, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of these underground storage tank appeals involving a Jersey County facility.	7-0 UST Appeals
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PCB 98-88 PCB 98-115 PCB 98-124 PCB 98-125 PCB 98-132 PCB 98-133 PCB 98-134 PCB 98-135 PCB 98-136 PCB 98-137 PCB 98-138 PCB 98-139 PCB 98-157 PCB 99-56 PCB 00-51 PCB 00-52 PCB 00-89 Consol.	<u>Illinois State Toll Highway Authority v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of certain underground storage tank appeals involving Lake, Boone, and Cook Counties facilities. Future orders will only contain the docket numbers for the remaining open cases: PCB 98-115; PCB 98-136; PCB 99-56; PCB 00-51; PCB 00-52; and PCB 00-89.	7-0 UST Appeals
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PCB 00-70	<u>E.G. Vogt Oil Company, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a St. Clair County facility.	7-0 UST Fund
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PCB 00-74	<u>Freeburg Investors Group, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a St. Clair County facility.	7-0 UST Fund
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PCB 00-76	<u>East Side Acquisitions v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a St. Clair County facility.	7-0 UST Fund
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PCB 00-92	<u>Stephen M. Lardner v. Dominick’s Finer Foods, Inc., The Landowner of Longmeadow Commons</u> – The Board granted complainant’s motion for voluntary dismissal of this citizen’s noise enforcement action involving a Lake	7-0 Citizens N-E
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County facility.

PCB 00-94	<u>Linneman Oil Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Monroe County facility.	7-0 UST Fund
PCB 00-139	<u>L. Wolf Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Madison County facility.	7-0 UST Fund
PCB 00-227	<u>People of the State of Illinois v. Goelitz Confectionery Company and Goelitz Confectionery Export Company, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Lake County facility, the Board ordered publication of the required newspaper notice.	7-0 A-E
PCB 01-17	<u>People of the State of Illinois v. N.E. Finch Company and Peoria Associates</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Peoria County facility, the Board ordered publication of the required newspaper notice.	7-0 A-E
PCB 01-77	<u>Village of Park Forest v. Sears, Roebuck &amp; Company</u> – The Board denied respondent’s motion for summary judgment and ordered this matter to proceed to hearing.	7-0 Citizens UST-E
PCB 01-123	<u>Waste Management of Illinois, Inc. d/b/a Waste Management of Peoria v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Tazewell County facility.	7-0 UST Appeal
PCB 01-139	<u>ESG Watts, Inc. v. IEPA</u> – Having received a petition for review filed in the Fourth District Appellate Court by petitioner, the Board declined to consider respondent’s motion for reconsideration of its April 4, 2002 opinion and order, as this matter is no longer before the Board.	7-0 P-A, Land
PCB 01-144	<u>People of the State of Illinois v. Richard Williams d/b/a C.R. Williams &amp; Associates, Architects</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 Christian County facility, the Board ordered publication of the required newspaper notice.	7-0 PWS-E
PCB 01-161	<u>People of the State of Illinois v. Wagner Castings Company</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Macon County facility, the Board ordered publication of the required newspaper notice.	7-0 A-E

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PCB 01-173	<p><u>Cole Taylor Bank under Trust #40323, as successor trustee to Michigan Avenue National Bank of Chicago, under Trust #1904 v. Rowe Industries, Inc., successor to Coleman Cable and Wire Company, and Chapco Carton Company</u> – The Board struck eight of the nine affirmative defenses raised by respondent Chapco, and all seven affirmative defenses raised by respondent Rowe. The Board found that respondents improperly pled affirmative defenses concerning: Sections 31(e) and 33(c) criteria under the Environmental Protection Act (415 ILCS 5/31(e), 33(c) (2000)); act of God; act of third parties; lack of material causation/contribution; and whether any release was permitted by state or federal law. The Board determined that respondents properly raised affirmative defenses concerning <i>res judicata</i> and whether the complaint was duplicitous, but found that these defenses were without merit. This matter shall proceed to hearing on the remaining allegations.</p>	<p>7-0 Citizens L-E</p>
PCB 02-8	<p><u>People of the State of Illinois v. Royster-Clark, 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 LaSalle County facility, the Board ordered publication of the required newspaper notice.</p>	<p>7-0 W-E</p>
PCB 02-21	<p><u>People of the State of Illinois v. J&amp;F Hauling, Inc.</u> – The Board granted complainant’s motion for summary judgment, and found respondent in violation of Sections 21(a), (d)(1) and (2), (e), and (p)(1), and 55(a) of the Environmental Protection Act (415 ILCS 5/21(a), (d)(1) and (2),(e),(p)(1) and 55(a) (2000)) and 35 Ill. Adm. Code 722.111, 808.121, and 812.101(a). The Board directed this matter to hearing on the specific issues of the appropriate penalty amount, costs, and attorney fees.</p>	<p>7-0 RCRA-E</p>
PCB 02-36	<p><u>People of the State of Illinois v. City of Golconda, Brown, Roffmann &amp; Roberts, Inc., and Forby Excavating, Inc.</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 Pope County facility, the Board ordered publication of the required newspaper notice.</p>	<p>7-0 PWS-E</p>
PCB 02-41	<p><u>Milton C. and Virginia L. Kamholz v. Lawrence and Marianne Sporleder</u> – The Board denied complainants’ motion for summary judgment and struck respondents’ affirmative defenses. The Board directed this matter to hearing.</p>	<p>7-0 Citizens A&amp;N-E</p>
PCB 02-83	<p><u>The American Coal Company-Galatia (Landfill) v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this tax certification appeal involving a Saline County facility.</p>	<p>7-0 T-C</p>
PCB 02-109	<p><u>Blake Oil 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 Ogle County facility.</p>	<p>7-0 UST Appeal</p>

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PCB 02-114	<u>Logan Jones, Ltd. Partnership v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	7-0 UST Fund
PCB 02-116	<u>Rezmar Corporation v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	6-0 Melas abstained UST Fund
PCB 02-120	<u>People of the State of Illinois v. Entler Excavating Company, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Macon County facility, the Board ordered publication of the required newspaper notice.	7-0 A-E
PCB 02-184	<u>UAP Richter Company (McDonough County) v. IEPA</u> – The Board accepted for hearing this tax certification appeal involving a McDonough County facility.	7-0 T-C
PCB 02-201	<u>Gere Properties, Inc. v. Jackson County Board and Southern Illinois Regional Landfill, Inc.</u> – The Board accepted for hearing this third-party pollution control facility siting appeal involving a Jackson County facility.	7-0 P-C-F-S-R
PCB 02-202	<u>PM Ag Products, Inc. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Pike County facility.	7-0 UST Fund 90-Day Ext.
PCB 02-203	<u>Gallagher Asphalt 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 Cook County facility.	7-0 UST Fund 90-Day Ext.
PCB 02-204	<u>Illinois State Toll Highway Authority 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 Cook County facility.	7-0 UST Fund 90-Day Ext.
PCB 02-205	<u>Home Oil Company v. IEPA</u> – The Board granted petitioner’s motion to consolidate this matter with PCB 02-206 and accepted for hearing this underground storage tank appeal involving a St. Clair County facility.	7-0 UST Fund
PCB 02-206	<u>Home Oil Company v. IEPA</u> – The Board granted petitioner’s motion to consolidate this matter with PCB 02-205 and accepted for hearing this underground storage tank appeal involving a St. Clair County facility.	7-0 UST Fund

## Environmental Register – June 2002

PCB 02-207	<u>Wallace Pharmaceuticals v. IEPA</u> – The Board accepted for hearing this air variance request involving a Macon County facility. The Board granted petitioner’s motion to withdraw motion for expedited review and/or retroactive relief.	7-0 A-V
PCB 02-209	<u>E.P.M.A. Company 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 Cook County facility.	7-0 UST Fund 90-Day Ext.
PCB 02-210	<u>Elston/Webster, LP v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	7-0 UST Appeal
PCB 02-211	<u>Stein Steel Mill Services, Inc. v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Madison County facility.	7-0 P-A, Air
PCB 02-212	<u>Shearon, Inc. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this McHenry County facility.	7-0 UST Fund 90-Day Ext.
PCB 02-213	<u>People of the State of Illinois v. Action Athletic Equipment, Inc.</u> – The Board accepted for hearing this permit appeal involving a Lake County facility.	7-0 A-E
PCB 02-214	<u>Metropolitan Water Reclamation District of Greater Chicago v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Cook County facility.	7-0 P-A, NPDES

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### June 20, 2002 Chicago, Illinois

#### Rulemaking

R02-11	<u>In the Matter of: Water Quality Triennial Review: Amendments to 35 Ill. Adm. Code 302.208(e)-(g), 302.504(a), 302.575(d), 309.141(h); and Proposed 35 Ill. Adm. Code 301.267, 301.313, 301.413, 304.120, and 309.157</u> – The Board adopted a first notice opinion and order in this matter to amend the Board’s water regulations.	7-0 R, Water
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## Environmental Register – June 2002

### Adjusted Standards

AS 02-5      In the Matter of Petition of Noveon, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 304.122 – The Board accepted this Marshall County facility’s petition for an adjusted standard.      7-0  
Water,  
NPDES

### Administrative Citations

AC 01-39      IEPA v. Ivan R. Smith – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Schuyler County facility, the Board found respondent violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (2000)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motions to dismiss the alleged violations of Section 21(p)(3), (p)(4), and (p)(7) of the Act (415 ILCS 5/21(p)(3), (p)(4), (p)(7) (2000)), to dismiss Lois Smith as a respondent, and dismiss the petition for review.      7-0

AC 02-45      IEPA v. Roeco Enterprises, Inc. – The Board granted respondent’s motions to dismiss its petition for review. The Board found that this Champaign County respondent violated Sections 21(p)(1), (p)(3), and (p)(7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1), (p)(3), and (p)(7) (2000)), and ordered respondent to pay a civil penalty of \$4,500.      6-1  
Girard  
dissented

### Decisions

PCB 00-90      Roger L. Young and Roman K. Young v. Gilster-Mary Lee Corporation – Having previously found that respondent violated Section 24 of the Environmental Protection Act (Act) (415 ILCS 5/24 (2000)) and 35 Ill. Adm. Code 900.102, the Board evaluated respondent’s newly filed noise abatement program. The Board ordered respondent to cease and desist from further violation of the Act.      7-0  
Citizens  
N-E

PCB 00-227      People of the State of Illinois v. Goelitz Confectionery Company and Goelitz Confectionery Export Company, Inc. – In this air enforcement action concerning a Lake 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) (2000)), accepted a final stipulation and settlement agreement, ordered the respondents to pay a total civil penalty of \$175,000, and to cease and desist from further violations.      7-0  
A-E

PCB 02-120      People of the State of Illinois v. Entler Excavating Company – In this air enforcement action concerning a Macon 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) (2000)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a total civil penalty of \$15,000, and to cease and desist from further violations.      7-0  
A-E

## Environmental Register – June 2002

PCB 02-159	<u>The Ensign-Bickford Company v. IEPA</u> – The Board granted this Union County facility a one year variance, subject to conditions, from the air regulation which prohibits open burning found at 35 Ill. Adm. Code 237.102.	7-0 A-V Open Burning
PCB 02-199	<u>People of the State of Illinois v. Great Lakes Terminal &amp; Transport Corporation</u> – In this Resource Conservation and Recovery Act enforcement action concerning a Cook County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2000)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a total civil penalty of \$15,000, and to cease and desist from further violations.	7-0 RCRA-E

### Motions and Other Matters

PCB 92-167	<u>Noveon, Inc. f/k/a BF Goodrich Company (Henry Facility) v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this request for a variance involving a Marshall County facility.	7-0 W-V NPDES
PCB 99-134	<u>People of the State of Illinois v. Peabody Coal Company</u> – The Board granted in part and denied in part respondent’s motion to dismiss or strike the complaint.	7-0 W-E
PCB 99-192	<u>People of the State of Illinois v. Gulco Corporation a/k/a Gutmann Leather Company, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.	7-0 A-E
PCB 02-117	<u>Marlena Mackie 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 Marion County facility.	7-0 UST Fund
PCB 02-129	<u>Sports Aircraft, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a DuPage County facility.	7-0 UST Fund
PCB 02-205 PCB 02-206	<u>Home Oil Company v. IEPA</u> – The Board accepted for hearing the amended petition in these consolidated underground storage tank appeals involving a St. Clair County facility.	7-0 UST Fund



## Environmental Register – June 2002

PCB 02-215	<u>Perfetti Van Melle USA, Inc. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Lake County facility.	7-0 P-A, Air 90-Day Ext.
PCB 02-216	<u>Prime Time Citgo, Inc. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Kane County facility.	7-0 UST Fund 90-Day Ext.
PCB 02-217	<u>Charles Stanford 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 Clay County facility.	7-0 UST Appeal 90-Day Ext.
PCB 02-218	<u>Ampco Pittsburgh Corporation 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 Cook County facility.	7-0 UST Appeal 90-Day Ext.
PCB 02-219	<u>Illinois State Toll Highway Authority (Alsip/Tri State Tollway) 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 Cook County facility.	7-0 UST Fund 90-Day Ext.
PCB 02-220	<u>Newton Community High School 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 Jasper County facility.	7-0 UST Appeal 90-Day Ext.
PCB 02-221	<u>Crazy D's Peru, Inc. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this LaSalle County facility.	7-0 UST Fund 90-Day Ext.
PCB 02-222	<u>Warren Oil Company, Inc. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.	7-0 UST Fund 90-Day Ext.

## New Cases

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### June 6, 2002 Board Meeting

**02-201** Gere Properties, Inc. v. Jackson County Board and Southern Illinois Regional Landfill, Inc. – The Board accepted for hearing this third-party pollution control facility siting appeal involving a Jackson County facility.

**02-202** PM Ag Products, Inc. v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Pike County facility.

**02-203** Gallagher Asphalt 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 Cook County facility.

**02-204** Illinois State Toll Highway Authority 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 Cook County facility.

**02-205** Home Oil Company v. IEPA – The Board granted petitioner's motion to consolidate this matter with PCB 02-206 and accepted for hearing this underground storage tank appeal involving a St. Clair County facility.

**02-206** Home Oil Company v. IEPA – The Board granted petitioner's motion to consolidate this matter with PCB 02-205 and accepted for hearing this underground storage tank appeal involving a St. Clair County facility.

**02-207** Wallace Pharmaceuticals v. IEPA – The Board accepted for hearing this air variance request involving a McDonough County facility. The Board granted petitioner's motion to withdraw motion for expedited review and/or retroactive relief.

**02-208** Brian Finley, Local 3315 of the American Federation of State, County, and Municipal Employees (Cook County Public Defenders Association) and named others v. Acme Barrel Company, Inc. a/k/a Acme Barrel Company, a/k/a IFCO Systems Chicago, Inc. and others – The Board held for a later duplicitous/frivolous determination this citizens' air enforcement action involving a Cook County facility.

**02-209** E.P.M.A. Company 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 Cook County facility.

**02-210** Elston/Webster, LP v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.

**02-211** Stein Steel Mill Services, Inc. v. IEPA – The Board accepted for hearing this permit appeal involving a Madison County facility.

**02-212** Shearon, Inc. v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this McHenry County facility.

**02-213** People of the State of Illinois v. Action Athletic Equipment, Inc. – The Board accepted for hearing this permit appeal involving a Lake County facility.

**02-214** Metropolitan Water Reclamation District of Greater Chicago v. IEPA – The Board accepted for hearing this permit appeal involving a Cook County facility.

**AC 02-55** IEPA v. Barbara Buck – The Board granted complainant's motion for voluntary dismissal of this administrative citation involving a Dewitt County facility.

**AC 02-56** City of Chicago Department of Environment v. City Wide Disposal, Inc. – The Board accepted an administrative citation against this Cook County respondent.

**AC 02-57** City of Chicago Department of Environment v. City Wide Disposal, Inc. – The Board accepted an administrative citation against this Cook County respondent.

**AC 02-58** IEPA v. RCS, Inc. and Robert Fosnock – The Board accepted an administrative citation against these Jersey County respondents.

**AC 02-59** IEPA v. Jason Hari and Canadian National/Illinois Central Railroad – The Board accepted an administrative citation against these Ford County respondents.

## Environmental Register – June 2002

**AS 02-05** In the Matter of Petition of Noveon, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 304.122 – No action taken.

**R02-22** In the Matter of: Emission Reduction Market System Amendments – No action taken.

### June 20, 2002 Board Meeting

**02-215** Perfetti Van Melle USA, Inc. v. IEPA – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Lake County facility.

**02-216** Prime Time Citgo, Inc. v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Kane County facility.

**02-217** Charles Stanford 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 Clay County facility.

**02-218** Ampco Pittsburgh Corporation 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 Cook County facility.

**02-219** Illinois State Toll Highway Authority (Alsip/Tri State Tollway) 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 Cook County facility.

**02-220** Newton Community High School 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 Jasper County facility.

**02-221** Crazy D's Peru, Inc. v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this LaSalle County facility.

**02-222** Warren Oil Company, Inc. v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.

**AC 02-60** IEPA v. Little Dozing Service, Inc. – The Board accepted an administrative citation against this Edgar County respondent.

## Calendar

7/11/2002 11:00 am		Illinois Pollution Control board Meeting	Illinois Pollution Control Board James R. Thompson Center Conference Room 11-512 100 West Randolph Street Chicago
7/12/2002 10:00 am	PCB 01-135	People of the State of Illinois v. Patrick Robert Land Trust	Tazewell County Courthouse Courtroom 306 342 Court Street Pekin
7/16/2002 10:00 am	PCB 02-207	Wallace Pharmaceuticals v. IEPA	Macon County Courthouse Courtroom 5C 253 East Wood Street Decatur
7/17/2002	PCB 02-201	Gere Properties, Inc. v. Jackson County Board and Southern Illinois Regional Landfill, Inc.	Jackson County Health Dept BACS Building Conference Room 415 Health Dept Road Murphysboro

## Environmental Register – June 2002

7/23/2002 9:00 am	PCB 01-129	Mac Investments d/b/a Olympic Oldsmobile v. Office of the State Fire Marshal	James R. Thompson Center Conference Room 11-512 100 West Randolph Street Chicago
7/25/2002 11:00 am	R02-11	Water Quality Triennial Review: Amendments to 35 Adm. Code 302.208(e)-(g), 302.504(a), 302.575(d), 303.444, 309.141(h); and Proposed 35 Ill. Adm. Code 301.267, 301.313, 301.413, 304.120, 309.157	James R. Thompson Center Conference Room C-500 100 west Randolph Street Chicago
7/25/2002 10:30 am	R02-19	Proposed Amendment to Ammonia Nitrogen Standards 35 Ill. Adm. Code 302.100, 302.212, 302.213, and 304.122	James R. Thompson Center Conference Room C-500 100 West Randolph Street Chicago
7/29/2002 9:00 am	PCB 01-77	Village of Park Forest v. Sears, Roebuck & Company	James R. Thompson Center Conference Room 2-025 100 West Randolph Street Chicago
7/30/2002 9:00 am	PCB 01-77	Village of Park Forest v. Sears, Roebuck & Company	James R. Thompson Center Conference Room 2-025 100 West Randolph Street Chicago
7/31/2002 9:00 am	PCB 01-77	Village of Park Forest v. Sears Roebuck & Company	James R. Thompson Center Conference Room 2-025 100 West Randolph Street Chicago
8/8/2002 11:00 am		Illinois Pollution Control Board Meeting	Illinois Pollution Control Board Conference Room 403 600 South Second Street Springfield
8/15/2002 1:30 pm	AS 02-3	Petition of Ford Motor Company (Chicago Assembly Plant) for Adjusted Standard from 35 Ill. Adm. Code 218.986	James R. Thompson Center Conference Room 11-512 100 West Randolph Street Chicago
8/22/2002 11:00 am		Illinois Pollution Control Board Meeting	James R. Thompson Center Conference Room 11-512 100 West Randolph Street Chicago
8/22/2002 10:00 am	PCB 01-156	People of the State of Illinois v. Union Pacific Railroad	Jackson County Courthouse Jury Assembly Room, First Floor 101 Walnut Street Murphysboro
8/23/2002 10:00 am	PCB 01-156	People of the State of Illinois v. Union Pacific Railroad	Jackson County Courthouse Jury Assembly Room, First Floor 101 Walnut Street Murphysboro
8/28/2002 10:00 am	PCB 98-055	Donald McCarrell and Ann McCarrell v. Air Distribution Associates, Inc.	City Council Chambers 404 North Wood Dale Road Wood Dale
8/28/2002 10:00 am	PCB 01-67	Jasper County Highway Department v. IEPA	Jasper County Courthouse County Board Room 100 West Jourdan Street Newton
8/29/2002	AS 00-5	Petition of the Ensign-Bickford Company	Union County Courthouse

## Environmental Register – June 2002

10:00 am		for an Adjusted Standard from 35 Ill. Adm. Code 237.103	1st Fl. Hearing Room 309 West Market Street Jonesboro
8/30/2002 10:00 am	AS 00-5	Petition of the Ensign-Bickford Company For an Adjusted Standard from 35 Ill. Adm. Code 237.103	Union County Courthouse 1st. Fl. Hearing room 309 West Market Street Jonesboro
9/4/2002 9:00 am	PCB 01-153	City of Salem v. IEPA	Illinois Pollution Control Board Hearing Room 403 600 South Second Street Springfield
9/5/2002 9:00 am	PCB 01-153	City of Salem v. IEPA	Illinois Pollution Control Board Hearing Room 403 600 South Second Street Springfield
9/5/2002 11:00 am		Illinois Pollution Control Board Meeting	Chicago/Springfield Videoconference Illinois Pollution Control Board James R. Thompson Center Conference Room 11-512 100 West Randolph Street Chicago And Illinois Pollution Control Board Hearing Room 403 600 South Second Street Springfield
9/17/02 10:00 am	PCB 02-79	People of the State of Illinois v. Walter F. Deemie d/b/a/ River City Demolition	Illinois Pollution Control Board Hearing Room 403 600 South Second Street Springfield
9/19/2002 11:00 am		Illinois Pollution Control Board Meeting	Chicago/Springfield Videoconference Illinois Pollution Control Board James R. Thompson Center Conference Room 11-512 100 West Randolph Street Chicago And Illinois Pollution Control Board Hearing Room 403 600 South Second Street Springfield

## IEPA Restricted Status List

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

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. This list reflects the status as of July 2002.

\* Indicates public water supplies that have been added to the list since the previous publication.

NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY	EPA #RGN	NATURE OF PROBLEM	POP. SERVED	LISTING DATE
Acorn Acres Sbdv (Lake Co - 0975020)	2	Inadequate Pres Tank	250	12/16/83
Alden Long Grove Nursing Center (Lake Co - 0971090)	2	Inadequate Pres Tank	204	06/15/93
Alpha (Henry Co - 0730050)	1	Adjusted Gross Alpha	750	11/01/01
Bahl Wtr Corp (Jo Daviess Co - 0855200)	1	Inadequate Pres Storage	700	12/15/93
Bayles Lake Lot Owners Assn (Iroquois Co - 0755110)	4	Inadequate Pres Tank	500	09/13/00
Biggsville (Henderson Co - 0710050)	5	Adjusted Gross Alpha	350	03/15/98
Bonnie Lane Water Supply (Kendall Co - 0930010)	2	Inadequate Pres Tank	49	09/16/93
Bradford (Stark Co - 1750050)	1	Gross Alpha	650	06/15/98
Bradley Hts Sbdv (Winnebago Co - 2015050)	1	Inadequate Pres Tank	192	09/13/85
Bryant (Fulton Co - 0570200)	5	Adjusted Gross Alpha	310	03/15/98
Buckingham (Kankakee Co - 0910250)	2	Inadequate Pres Tank	330	03/17/89

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Bushnell (McDonough Co - 1090150)	5	Adjusted Gross Alpha	3,300	03/14/01
Byron Woods Sbdv (Rock Island Co - 1610070)	1	Arsenic	216	03/14/01
Carbon Hill (Grundy Co - 0630100)	2	Adjusted Gross Alpha	376	03/14/01
Carroll Hts Utl Cmpny (Carroll Co - 0155200)	1	Inadequate Pres Tank	80	03/20/81
Century Pines Apts (Carroll Co - 0150020)	1	Inadequate Pres Tank	50	12/14/90
Claremont Hls Sbdv (McHenry Co - 1115080)	2	Inadequate Pres Tank	330	03/15/96
Clearview Sbdv (Will Co - 1975360)	2	Inadequate Pres Tank	420	01/13/82
Community Srvc Corp (McHenry Co - 1115350)	2	Inadequate Pres Tank	750	09/16/83
Coyne Cntr Coop (Rock Island Co - 1615150)	1	Inadequate Pres Tank	150	12/15/97
Cropsey Cmnty Wtr (McLean Co - 1135150)	4	Inadequate Pres Tank	60	03/20/81
Crystal Clear Wtr Cmpny (McHenry Co - 1115150)	2	Inadequate Pres Tank	900	09/16/88
Crystal Hts Assn (McHenry Co - 1115100)	2	Inadequate Pres Tank	93	06/17/96
D and R Apts (Champaign Co - 0190030)	4	Inadequate Pres Tank	26	09/16/93
Deering Oaks Sbdv (McHenry Co - 1115200)	2	Inadequate Pres Tank	60	12/17/82
DeKalb Univ Dvl Corp (DeKalb Co - 0375148)	1	Inadequate Pres Tank	950	12/16/92
DeWitt Cnty NH (DeWitt Co - 0395129)	4	Inadequate Pres Tank	80	06/17/83
DL Well Owners Assn (Lake Co - 0975380)	2	Inadequate Pres Tank	125	03/18/83
Dover (Bureau Co - 0110350)	1	Inadequate Pres Tank	200	05/25/81
East End Wtr Assn (Rock Island Co - 1610140)	1	Inadequate Storage Capacity	40	03/15/02
Eaton PWD (Crawford - 0335100)	4	Inadequate Source Capacity	920	03/15/02
East Moreland Wtr Assn (Will Co - 1975600)	2	Inadequate Pres Tank	753	03/20/81
East Moreland Wtr Corp (Will Co - 1975640)	2	Inadequate Pres Tank	135	03/15/96
Edelstein (Peoria Co - 1435150)	5	Adjusted Gross Alpha	125	03/15/98
Edgington Water District (Rock Island Co-1615550)	1	Inadequate Pres Tank	470	03/20/81
Emmett Utl Inc (McDonough Co - 1095200)	5	Inadequate Pres Tank	39	12/17/82
* Evansville (Randolph Co - 1570250)	6	Trihalomethane	73,233	06/15/02
Evergreen Vlg Sbdv (Rock Island Co - 1615310)	1	Inadequate Pres Tank	250	03/20/81

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Fahnstock Court Sbdv (Peoria Co - 1435200)	5	Inadequate Pres Tank	30	05/25/81
Fair Acres Sbdv (Will Co - 1975680)	2	Inadequate Pres Tank	185	10/19/81
Farmington (Fulton Co - 0570500)	5	Adjusted Gross Alpha	2,700	03/14/01
Forest Lake Addn (Lake Co - 0975500)	2	Inadequate Pres Tank	180	12/16/83
Frwr-Skyline Cpy (Kane Co - 0895030)	2	Inadequate Pres Tank	1,300	09/19/86
Galva (Henry Co - 0730450)	1	Adjusted Gross Alpha	2,900	03/14/01
Garden Street Imprv Assn (Will Co - 1975376)	2	Inadequate Pres Tank	62	09/15/89
Gardner (Grundy Co - 0630400)	2	Adjusted Gross Alpha	1,450	03/14/01
Glasford (Peoria Co - 1430350)	5	Adjusted Gross Alpha	1,115	12/15/97
Glenkirk Campus North (Lake Co - 0977189)	2	Inadequate Pres Tank	64	06/15/88
Glenkirk Campus South (Lake Co - 0977199)	2	Inadequate Pres Tank	36	06/15/88
Good Shepherd Mnr (Kankakee Co - 0915189)	2	Inadequate Pres Tank	140	03/17/89
Great Oaks&Beacon Hls Apts (Winnebago Co-2015488)	1	Inadequate Pres Tank	943	12/17/82
Greenwood Outback (LaSalle Co - 0990080)	1	Inadequate Pres Tank		12/15/98
Harbor Lites/Pistakee Fshg Cl (McHenry Co - 1110011)	2	Inadequate Pres Tank	100	03/14/01
Hardinville (Crawford Co - 0330020)	4	Inadequate Source Capacity	2,361	03/15/02
Hawthorn Woods (Lake Co - 0970450)	2	Inadequate Pres Tank	800	03/15/95
Heatherfield Sbdv (Grundy Co - 0635150)	2	Inadequate Pres Tank	91	09/17/82
* Hettick (Macoupin Co - 1170500)	5	Trihalomethane	220	06/15/02
Highland Sbdv (Kane Co - 0895530)	2	Inadequate Pres Tank	50	09/16/83
Hillview Sbdv (Will Co - 1975800)	2	Inadequate Pres Tank	99	03/15/85
Holy Family Villa (Cook Co - 0310280)	2	Inadequate Pres Tank	200	09/15/99
Hopewell (Marshall Co - 1235150)	1	Adjusted Gross Alpha	805	03/14/01
Huntley Cmnty Sbdv (Will Co - 1975840)	2	Inadequate Pres Tank	48	03/16/84
Ingalls Pk Sbdv (Will Co - 1975880)	2	Inadequate Pres Tank	690	09/16/83
Kewanee (Henry Co - 0730650)	1	Adjusted Gross Alpha	12,900	03/14/01
Kingston Mines (Peoria Co - 1430450)	5	Adjusted Gross Alpha	295	03/14/01



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Kirk Wtr Line (Crawford Co - 0330030)	4	Inadequate Source Capacity	72	03/15/02
Knoxville (Knox Co - 0950300)	5	Adjusted Gross Alpha	3,243	03/15/98
Lake Lynwood Wtr Sys (Henry Co - 0735330)	1	Inadequate Pres Tank	98	08/31/81
Lakeview Acres (McHenry Co - 1110120)	2	Inadequate Hydro Storage	35	11/01/01
Lakeview Hills Wtr Supply Cp (Whiteside Co - 1955150)	1	Inadequate Pres Tank	146	03/20/81
Lakewood Shores Imprv Assn	2	Adjusted Gross Alpha	760	03/14/01
Land and Water Assn (LaSalle Co - 0995050)	1	Inadequate Pres Storage	110	06/15/01
Larchmont Sbdv (Winnebago Co - 2015290)	1	Inadequate Pres Tank	106	06/17/83
Larson Court Rentals (Rock Island Co - 1615728)	1	Inadequate Pres Tank	48	01/14/82
Legend Lakes Wtr Assn (Winnebago Co - 2015300)	1	Inadequate Pres Tank	225	03/14/91
Liberty Park Homeowners Assn (DuPage Co - 0435600)	2	Inadequate Pres Tank	1,092	09/17/92
Lindenwood Wtr Assn (Ogle Co - 1415300)	1	Inadequate Pres Tank	50	01/13/82
Lisbon North Inc (Grundy Co - 0631000)	2	Inadequate Pres Tank	30	09/14/90
Little Swan Lake Sndst (Warren Co - 1875050)	5	Inadequate Pres Tank	250	03/15/98
Little York (Warren Co - 1870100)	5	Adjusted Gross Alpha	350	03/14/01
London Mills (Fulton Co - 0574620)	5	Inadequate Pres Tank	670	12/14/84
Lostant (LaSalle Co - 0990450)	1	Adjusted Gross Alpha	510	03/14/01
Lynn Cntr (Henry Co - 0735100)	1	Inadequate Pres Tank	147	03/15/95
Lynnwood Water Corp (LaSalle Co - 0995336)	1	Inadequate Pres Tank	114	03/18/83
M C L W Sys Inc (Mercer Co - 1315150)	1	Inadequate Source	100	03/20/81
Maple Leaf Ests Wtr Corp (Monroe Co - 1335100)	6	Inadequate Pres Tank	39	03/20/81
Mapleton (Peoria Co - 1430500)	5	Adjusted Gross Alpha	350	03/15/98
Mayfair Sbdv (Tazewell Co - 1795750)	5	Inadequate Pres Tank	150	03/16/90
Monmouth (Warren Co - 1870150)	5	Adjusted Gross Alpha	9,500	03/14/01
Mound PWD (St Clair Co - 1635050)	6	Inadequate Plant Capacity	1,800	06/17/96
* Northfield (Cook Co - 0312100)	2	Inadequate Storage Capacity	4,777	06/15/02
Northwest Belmont Imprv Assn (DuPage Co - 0435900)	2	Inadequate Pres Tank	115	09/29/81

## Environmental Register – June 2002

Oak Ridge Sndst (Woodford Co - 2035300)	1	Inadequate Pres Tank	240	03/20/81
Oakview Avenue Wtrwks Inc (Will Co - 1977210)	2	Inadequate Pres Tank	350	03/20/81
Oblong (Crawford Co - 0330150)	4	Inadequate Source Capacity	2,317	03/15/02
Olivet Nazarene College (Kankakee Co - 0915279)	2	Inadequate Pres Tank	1,450	03/15/94
Opheim PWS (Henry Co - 0735150)	1	Inadequate Pres Tank	150	06/18/82
Osco Mutual Wtr Supply Cpy Inc (Henry Co-0735200)	1	Inadequate Pres Tank	115	12/15/89
Park Road Wtr Assn (Will Co - 1977330)	2	Inadequate Pres Tank	60	12/17/82
Park View Wtr Corp (Kane Co - 0895500)	2	Inadequate Pres Tank	150	12/17/82
Patoka (Marion Co - 1210400)	6	Inadequate Plant Capacity	731	03/15/97
Polo Dr & Saddle Rd Sbdv (DuPage Co - 0437000)	2	Inadequate Pres Tank	95	12/17/82
Ports of Sullivan Lake Assn (Lake co - 0971160)	2	Inadequate Pres Tank	638	06/15/99
Prairie Ridge Assn (McHenry Co - 1115730)	2	Inadequate Pres Tank	140	03/16/90
Princeville (Peoria Co - 1430750)	5	Adjusted Gross Alpha	1,815	12/15/97
Ridgecrest North Sbdv (Grundy Co - 0635250)	2	Inadequate Pres Tank	85	09/16/93
Ridgewood Ledges Wtr Assoc. (Rock Island Co-1615670)	1	Inadequate Pres Tank	475	03/20/81
Ridgewood Sbdv (Will Co - 1977650)	2	Inadequate Pres Tank	315	06/18/82
Riverwoods Spcl Dstret 3 (Lake Co - 0971451)	2	Inadequate Source Capacity	234	11/01/01
Robinson Palestine Wtr Cmsn (Crawford Co - 0335030)	4	Inadequate Plant Capacity	10,728	11/01/01
Sbdv Wtr Trust No 1 (Kane Co - 0895300)	2	Inadequate Pres Tank	1,120	03/20/81
Shawnta Trc Wtr Assn (Will Co - 1977690)	2	Inadequate Pres Tank	125	09/17/92
Skyview Estates (Kankakee Co - 0915526)	2	Inadequate Pres Tank	65	09/14/84
Sorento (Bond Co - 0050300)	6	Trihalomethane	750	09/16/96
St Charles Cmsn Wlfnd 3 (DuPage Co - 0437040)	2	Inadequate Pres Tank	30	12/15/89
Standard (Putnam Co - 1550300)	1	Adjusted Gross Alpha	300	03/14/01
Sturm Sbdv (Lake Co - 0977010)	2	Inadequate Pres Tank	63	03/16/84
Suburban Heights Sbdv (Rock Island Co - 1615800)	1	Inadequate Pres Tank	114	12/16/83
Summit Homeowners Assn (Lake Co - 0975280)	2	Inadequate Pres Tank	48	03/16/84

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Sunny Hill Ests Sbdv (Henry Co - 0735300)	1	Inadequate Pres Tank	525	06/15/00
Sunnyland Sbdv (Will Co - 1977730)	2	Inadequate Pres Tank	350	09/16/83
Swedona Wtr Assn (Mercer Co - 1315200)	1	Inadequate Pres Tank	100	06/15/90
Sylvan Lake 1st Sbdv (Lake Co - 0977100)	2	Inadequate Pres Tank	210	06/14/91
Toulon (Stark Co - 1750150)	1	Adjusted Gross Alpha	1,400	12/12/99
Towners Sbdv (Lake Co - 0977250)	2	Inadequate Pres Tank	238	01/14/82
Trimble Wtr Co (Crawford Co - 0335200)	4	Inadequate Source Capacity	350	03/15/02
Trivoli PWD (Peoria Co - 1435510)	5	Inadequate Pres Tank	350	06/17/83
Turkey Hollow Well Corp (Rock Island Co - 1615686)	1	Inadequate Pres Tank	32	06/18/82
Utl Inc Lake Holiday (LaSalle Co - 0995200)	1	Inad Source & Treat Plt	4,908	09/15/98
Utl Inc Northern Hls Utl Co. (Stephenson Co-1775050)	1	Inadequate Pres Tank	290	03/15/96
Utl Inc Walk-Up Woods Wtr Co. (McHenry Co - 1115800)	2	Inadequate Pres Tank	763	12/17/82
Wermes Sbdv (Kane Co - 0895750)	2	Inadequate Pres Tank	150	12/16/88
West Salem (Edwards Co - 0470200)	7	Inadequate Treatment Plant	1,058	03/15/99
West Shore Park Sbdv (Lake Co - 0977370)	2	Inadequate Pres Tank	450	06/15/00
West Shoreland Sbdv (Lake Co - 0977050)	2	Inadequate Pres Tank	220	06/14/91
Westlake Utl (Winnebago Co - 2010070)	1	Inadequate Source Capacity	25	11/01/01
Whispering Lakes Wtr Sys Inc (Lake Co - 0970220)	2	Adjusted Gross Alpha	375	03/14/01
Wienen Estates (Jo Daviess Co - 0850030)	1	Inadequate Pres Tank	70	12/15/97
* Winnetka (Cook Co - 0313330)	2	Inadequate Storage Capacity	12,174	06/15/02
Wonder Lake Wtr Cmpny (McHenry Co - 1115750)	2	Inadequate Pres Tank	1,161	06/16/94
Woodland Hts Ests Sbdv (Peoria Co - 1435760)	5	Inadequate Pres Tank	245	03/20/81
Woodsmoke Ranch Assn (LaSalle Co - 0990030)	1	Inadequate Pres Tank	350	06/15/90
York Cntr Coop (DuPage Co - 0437550)	2	Inadequate Pres Tank	240	06/15/88
2nd Street Wtr Assn (Lake Co - 0971140)	2	Inadequate Pres Tank	33	12/15/95

PUBLIC WATER SUPPLIES REMOVED FROM PREVIOUS LIST

## Environmental Register – June 2002

Elm Oak Mutual Wtr Syst (Lake Co - 0975736)  
Muddy (Saline Co - 1650250)  
Wilmington (Will Co - 1971100)

### **IEPA Critical Review Status List**

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

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, which 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. This list reflects the status as of July 2002.

\* Indicates public water supplies that have been added to the list since the previous publication.

NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY	EPA #RGN	NATURE OF PROBLEM	POP. SERVED	LISTING DATE
Arenzville (Cass Co - 0170050)	5	Inadequate Pres Tank	492	03/14/01
Beecher (Will Co - 1970050)	2	Inadequate Storage Capacity	2,032	03/14/01
Bluford (Jefferson Co - 0810100)	7	Low System Pressure	465	03/20/81
Browning (Schuyler Co - 1690050)	5	Inadequate Source	495	03/15/98
Clayton Camp Point Wtr Cmsn (Adams Co - 0015200)	5	Inad Pumping Capacity	1,200	09/15/98
Clinton (DeWitt Co - 0390050)	4	Inad Plant Capacity	7,437	06/14/91
Columbia (Monroe Co - 1330050)	6	Inad Pumping Capacity	5,893	03/15/98
DePue (Bureau Co - 0110300)	1	Inad Treatment Plant	1,930	12/15/93
Elizabeth (Jo Daviess Co - 0850150)	1	Low System Pressure	700	06/15/99
Evansville (Randolph Co - 1570250)	6	Low System Pressure	1,838	05/25/81
Galena (Jo Daviess Co - 0850200)	1	Low System Pressure	3,790	06/15/99
Georgetown (Vermilion Co - 1830350)	4	Inadequate Water Plant	3,678	06/15/93

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Highland Hills Sndst (DuPage Co - 0435560)	2	Inadequate Pres Tank	1,100	09/17/92
Joy (Mercer Co - 1310100)	1	Low System Pressure	495	06/15/99
Kincaid (Christian Co - 0210250)	5	Plant Capacity	2,640	06/14/85
LaMoille (Bureau Co - 0110500)	1	Inadequate Plant Capacity	750	06/15/99
Lee (Lee Co - 1034600)	1	Inadequate Pres Tank	350	03/15/98
Marion (Williamson Co - 1990550)	7	Inadequate Source Capacity	14,610	11/01/01
Mathersville (Mercer Co - 1310200)	1	Low System Pressure	793	09/13/00
McHenry Shores Wtr Cmpny (McHenry Co - 1115020)	2	Low System Pressure	1,170	09/17/92
Mechanicsburg Buffalo Wtr (Sangamon Co - 1675150)	5	Inadequate Source	1,030	03/15/98
Minonk (Woodford Co - 2030400)	1	Inadequate Source Capacity	2,200	03/14/01
Pheasant Knolls Sbdv (Lake Co - 0970290)	2	Inadequate Pres Tank	130	09/15/98
Scales Mound (Jo Daviess Co - 0850400)	1	Low System Pressure	400	09/15/97
Seneca (LaSalle Co - 0991050)	1	Inadequate Plant Capacity	1,937	06/15/99
South Highway PWD (Jackson Co - 0775400)	7	Low System Pressure	8,189	06/15/92
Stockton (Jo Daviess Co - 0850450)	1	Low System Pressure	1,900	06/15/84
Sumner (Lawrence Co - 1010300)	7	Low System Pressure	1,553	12/13/85
Tower Ridge Sbdv (Rock Island Co - 1615780)	1	Inadequate Pres Tank	70	03/15/94
Utl Inc Lake Marian Wtr Corp (Kane Co - 0895200)	2	Low Sys Pres & Inad Pres Storage	800	09/14/84
Walnut Hill (Marion Co - 1210600)	6	Low System Pressure	1,200	06/14/85
Wonder Lake Wtr Cmpny (McHenry Co - 1115750)	2	Inadequate Storage	1,080	12/14/90

### PUBLIC WATER SUPPLIES REMOVED FROM PREVIOUS LIST

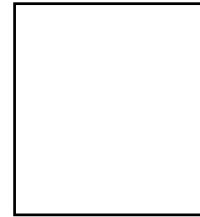
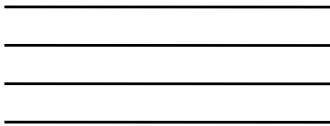
None Removed



The Illinois Pollution Control Board is an independent seven-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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Illinois Pollution Control Board  
Environmental Register Coordinator  
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Springfield, Illinois 62704