
Environmental Register

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Letter from the Chairman

During July, the Board took action on various dockets. One of the more significant cases (PCB 08-93) involved landfill permitting, which is usually decided by well-settled case law. In this instance some novel issues were raised. I will also review activity in our identical-in-substance rulemaking dockets, which are necessary to keep our environmental rules up to date with federal amendments. As always, information about all of the Board's proceedings during July is available on our website (www.ipcb.state.il.us) through the Clerk's Office Online (COOL).

On July 10, 2008, the Board dismissed the case entitled, People of Williamson County ex rel. State's Attorney Charles Garnati and Williamson County Board v. Kibler Development Corporation, Marion Ridge Landfill, Inc., and Illinois Environmental Protection Agency, PCB 08-93. Williamson County first filed a petition for review to appeal a permit modification for an existing municipal waste and non-hazardous special waste landfill on May 29, 2008. The Illinois Environmental Protection Agency (IEPA) had issued the permit modification to the landfill's owner, Kibler Development Corporation (Kibler), and operator, Marion Ridge Landfill, Inc. (Landfill).



On June 23, 2008, the IEPA filed a limited appearance and a motion challenging the Board's jurisdiction. The motion asserted that the Board's authority to hear third-party permit appeals is limited to circumstances in which the legislature specifically authorizes such appeals. On June 25, 2008, Kibler and the Landfill filed a joint motion to strike and dismiss the petition, similarly alleging that petitioners lacked standing to bring the matter and that the Board lacked jurisdiction. Responding to the motions, Williamson County contended that they participated in the process of issuing the permit and had standing to bring the appeal.

The Board found that Williamson County lacked standing and that the Board therefore had no jurisdiction under Section 40 of the Environmental Protection Act (Act), 415 ILCS 5/40 (2006). The Board therefore granted the respondents' motions to dismiss. The Board noted that dismissal of the permit appeal in no way precludes or otherwise affects the State's Attorney's ability to proceed with any other action authorized by the Act.

Under the Board's rulemaking authority, we reserved seven identical-in-substance dockets on July 10, 2008, for updating rules that may be adopted by the USEPA in seven specified programs. Under Section 7.2 of the Act, the legislature obligates the Board to adopt "identical-in-substance" rules in response to federal rules implementing (1) exemptions to the definition of volatile organic material (VOM) under the Clean Air Act (415 ILCS 5/9.1(e) (2006)); (2) hazardous waste, municipal solid waste landfill, and limited aspects of underground storage tank rules under Subtitles C, D, and I of the Resource Conservation and Recovery Act (415 ILCS 5/22.4(a) and (d) and 22.40 (2006)); (3) Underground Injection Control and National Primary Drinking Water Standards under the Safe Drinking Water Act (415 ILCS 5/13(c) and 17.5(2006)); and (4) wastewater pretreatment standards under the Federal Water Pollution Control Act (415 ILCS 5/ 13.3 (2006)). If the United States Environmental Protection Agency (USEPA) adopts rules or amends existing rules in these programs, the Board is required to adopt rules "identical-in-substance" to the corresponding federal regulations.

Each of the reserved dockets cover USEPA activity in the first half of calendar year 2008. After verifying whether it becomes necessary to amend any Illinois rules, the Board will either prepare a rulemaking proposal reflecting USEPA action or will dismiss the reserved docket as unnecessary. Progress in these dockets can be followed at www.ipcb.state.il.us.

Sincerely,

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

Dr. G. Tanner Girard

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Rule Update

Board Grants Motion for a Hearing Following First Notice in *In the Matter of: Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil, 35 Ill. Adm. Code 808, 809, R06-20 (July 10, 2008)*

After conducting two public hearings, the Illinois Pollution Control Board issued its first notice opinion and order in *In the Matter of: Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil, 35 Ill. Adm. Code 808, 809, R06-20* (May 1, 2008). See *Environmental Register* No. 648 at 2-3 (June 2008). The first notice proposal was published at 32 *Illinois Register* 8085-8102 (May 30, 2008). On July 10, 2008, the Board granted the motion of the proponent NORA (An Association of Responsible Recyclers) for an additional hearing preceded by a pre-hearing conference.

In its first-notice opinion and order on May 1, 2008, the Board stated that it sought comment on whether to amend Part 739 so that those regulations would require in a single tracking document information satisfying the various informational requirements that may apply to shipments of used oil. In the event that any participant wished to amend Part 739 in that manner, the Board also sought comment in the form of regulatory language that might be proposed to effect such an amendment.

On June 4, 2008, NORA requested an additional hearing. See the Illinois Administrative Procedure Act, 5 ILCS 100/5-40 (2006) The Board shall hold a public hearing if the Board receives a request to do so within 14 days after *Illinois Register* publication of first notice of the proposed rule from, *inter alia*, an association representing at least 100 interested persons; see also 415 ILCS 5/27, 28 (2006). NORA states that it "is a trade association comprised of more than 200 companies providing used oil collection and recycling services." NORA further states that a hearing would enable NORA to respond to the Board's specific requests for comment by participants on whether to amend Part 739 and the Board's request for comment in the form of regulatory language that might be proposed. The Board granted the motion, having received no responses in opposition.

A July 17, 2008 hearing officer order set a July 28, 2008 pre-hearing conference for discussion of potential hearing dates.

Copies of the Board's opinion and order, as well as hearing officer orders, in R06-20 may be obtained by calling the Clerk's office at 312-814-3620, or by downloading copies from the Board's Web site at www.ipcb.state.il.us.

For more information contact Tim Fox at (312)-814-6085 or email at foxt@ipcb.state.il.us.

Board Denies Motion to Stay Proceedings in *In the Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Water Way System and Lower Des Plaines River Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303, and 304, R08-9 (July 21, 2008)*

On July 21, 2008, the Board denied the Metropolitan Water Reclamation District of Greater Chicago's (District) motion to stay the proceedings in this rulemaking. *In the Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Water Way System and Lower Des Plaines River Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303, and 304, R08-9* (July 21, 2008). The proposal seeks to amend the Board's rules for Secondary Contact and Indigenous Aquatic Life Uses to update the designated uses and criteria necessary to protect existing uses of the waterbodies that were a part of the engineering effort that reversed the flow of the Chicago

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River and the Lower Des Plaines River. This proposal was discussed in detail in *Environmental Register* No. 641 at 2 (November 2008).

In making its ruling, the Board considered and discussed the seven responses received to the District's June 12, 2008 motion. Three of the responses supported the District's motion, while four opposed the motion.

The District argued that the hearings have shown that the proposal has major problems scientifically, legally and from a policy perspective. Because of these problems the District asked the Board to stay the proceedings until additional studies are completed and the results can be considered.

In denying the motion, the Board noted that there have already been 11 days of hearing beginning in January 2008, including one evening hearing between the April hearings and the hearings scheduled for September. The Board was not convinced that an additional delay is warranted at this time. The hearing process and information gathering by the Board will continue at least until the Board has heard testimony from all participants who wish to testify on all aspects of the Illinois Environmental Protection Agency's (IEPA) October 26, 2007 proposal. Additional testimony will provide a more complete record and enable the Board to make the best possible decisions regarding the IEPA's proposed rules. The Board found that this process is proceeding in an appropriate manner and a stay is not necessary at this time.

The next hearing in this matter is scheduled to begin September 8, 2008. Pre-filing requirements and procedures are discussed in the May 19, 2008 hearing officer order.

Copies of the Board's opinion and orders, as well as hearing officer orders, in R08-9 may be obtained by calling the Clerk's office at 312-814-3620, or by downloading copies from the Board's Web site at www.ipcb.state.il.us.

For more information contact Marie Tipsord at (312)-814-4925 or email at tipsorm@ipcb.state.il.us.

Appellate Update

Fifth District Vacates Board Order Overruling IEPA Denial of Public Hearing in NPDES Permit Appeal and Remands Permit for Further Board Proceedings in U. S. Steel Corp. v. Illinois Environmental Protection Agency and Illinois Pollution Control Board, No. 5-07-0295 (Fifth Dist. July 22, 2008) (vacating and remanding Board order reversing grant of permit in American Bottom Conservancy v. Illinois Environmental Protection Agency and United States Steel Corporation - Granite City Works, PCB 06-171 (July 22, 2006))

The Fifth District Appellate Court vacated and remanded the Board's order in a permit appeal. U. S. Steel Corp. v. Illinois Environmental Protection Agency and Illinois Pollution Control Board, No. 5-07-0295 (Fifth Dist. July 22, 2008) (U. S. Steel (Fifth Dist.)). In its order, the Board found that the Illinois Environmental Protection Agency (IEPA or Agency) inappropriately denied, under 35 Ill. Adm. Code 309.115(a), a public hearing request by the American Bottom Conservancy (ABC). The Board accordingly found that the IEPA improperly granted a permit under the National Pollutant Discharge Elimination System (NPDES) to the United States Steel Corporation (U.S. Steel) for its Granite City Works, and the Board invalidated the permit. American Bottom Conservancy v. Illinois Environmental Protection Agency and United States Steel Corporation - Granite City Works, PCB 06-171 (July 22, 2006) (U. S. Steel, PCB 06-171).

The sole issue on appeal was whether the Board had applied the correct standard of review to the IEPA's hearing denial. The Fifth District Appellate Court determined that the Board should have applied an "abuse of discretion standard." U. S. Steel (Fifth Dist.), slip op. at 9. Since the Board did not, the court vacated the Board's order and remanded the action to the Board for further proceedings not inconsistent with this [court's] opinion." Id. As is the Board's custom, upon completion of any additional court proceedings, the Board will acknowledge receipt of the Court's mandate by order. That order will direct what future course the proceeding will take before the Board.

Additional discussion of the court's opinion follows discussion of the Board's action below.

The Board's Decision in U. S. Steel, PCB 06-171.

On May 8, 2006, ABC timely filed a petition contesting issuance of an NPDES permit issued pursuant to Section 40(e) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/40(e)(2006)). U. S. Steel, PCB 06-171, slip op. at 1. The permit was issued by the IEPA on March 31, 2006, to U.S. Steel for its steelmaking facility at 20th and State Streets, in Granite City, Madison County. The NPDES permit governs U.S. Steel's discharges of some 25 million gallons per day of wastewater from its Granite City Works' facility into Horseshoe Lake.

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In a December 19, 2004 notice of the proposed NPDES permit, the IEPA stated that the public notice period started on December 19, 2004 and ended on January 18, 2005. On January 17, 2005, Kathleen Logan Smith submitted a comment to the IEPA on behalf of the Health & Environmental Justice (HEJ) that requested a public hearing.

On January 18, 2005, American Bottom filed a comment (jointly submitted by four other organizations, including the Sierra Club, Webster Groves Nature Study Society, HEJ, and the Neighborhood Law Office) that Horseshoe Lake is impaired and has a negative impact on the community that utilizes the lake for recreation and as a food source. The comment stated that the named organizations request that the IEPA hold a public hearing for the above-entitled permit; that the receiving waters for this permit is Horseshoe Lake at Horseshoe Lake State Park in Madison County; and that the lake is used recreationally by outdoor enthusiasts, bird watchers, nature lovers, fishers, hunters and families, as well as low-income and minority folks for subsistence fishing. Finally, the letter asked the IEPA to hold a public hearing in order to allow citizens to ask questions and present information and testimony.” U. S. Steel, PCB 06-171, slip op. at 3.

The ABC comment also raised the following issues: (1) that allowing U.S. Steel to put additional lead and ammonia into the lake would be contrary to the federal Clean Water Act and the IEPA’s Bureau of Water’s mission; (2) that U.S. Steel should be added to a list of potential contributors to the impairment of the lake; (3) that U.S. Steel had violated ammonia and “other” limits in the past; (4) that the IEPA should hold a public hearing; and (5) that the public comment period should be extended 30 days if the IEPA denied the request for a public hearing. U. S. Steel, PCB 06-171, slip op. at 3-4.

The IEPA did not hold a public hearing. On March 8, 2006, the IEPA issued an NPDES permit to U.S. Steel. The IEPA reissued the NPDES permit on March 31, 2006, after responding to the American Bottom comments filed after the comment period. U. S. Steel, PCB 06-171, slip op. at 4.

In its appeal to the Board, ABC argued that the IEPA’s failure to hold a public hearing violated the Board’s rule for NPDES permit issuance at 35 Ill. Adm. Code 309.115(a). The rule provides, in pertinent part, that:

The Agency shall hold a public hearing on the issuance or denial of an NPDES permit or group of permits whenever the Agency determines that there exists a significant degree of public interest in the proposed permit or group of permits (*instances of doubt shall be resolved in favor of holding the hearing*), to warrant the holding of such a hearing.

Any person, including the applicant, may submit to the Agency a request for a public hearing or a request to be a party at such a hearing to consider the proposed permit or group of permits. Any such request for public hearing shall be filed within the 30-day public comment period and shall indicate the interest of the party filing such a request and the reasons why a hearing is warranted. 35 Ill. Adm. Code 309.115(a)(1), (2) (2006) (emphasis added).

In reaching its decision on the merits of ABC’s appeal, the Board declined to apply the “abuse of discretion” standard to the IEPA’s decision on the hearing issue:

In reviewing the Agency’s decision not to hold a public hearing, the Board applies the standard applicable to all reviews of an Agency’s permit decision - whether or not the issuance of the permit violates the Act or Board regulations. Thus, the Board does not apply an “abuse of discretion” standard as advocated by U.S. Steel. The regulation at issue is Section 309.115(a), which requires the Agency to hold a public hearing if the Agency determines that there is significant public interest. U. S. Steel, PCB 06-171, slip op. at 13.

The Board concluded that the two public comments filed in this case evidence a significant degree of public interest in the proposed permit. The Board remarked that American Bottom has a membership of approximately 100 people, Sierra Club has approximately 26,000 members in Illinois and 650 members in the area around Horseshoe Lake, Webster Groves Nature Study Society has over 400 members, and HEJ has approximately 500 members. U. S. Steel, PCB 06-171, slip op. at 13.

Finally, the Board noted that Section 309.115(a) expressly provides that “instances of doubt shall be resolved in favor of holding the hearing.” *See* 35 Ill. Adm. Code 309.115(a). The Board found that

This caveat coupled with the strong showing of public interest in the draft permit, renders the Agency’s decision in violation of Section 309.115(a). Thus, the permit as issued violates Section 309.115(a) of the Board’s regulations. U. S. Steel, PCB 06-171, slip op. at 14.

The Appellate Court’s Ruling in U. S. Steel (Fifth Dist.)

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After reviewing the facts in the case, the Fifth District then set out the standards by which appellate courts review rulings of lower tribunals such as the Board. U. S. Steel (Fifth Dist.), slip op at 1-5. Finding that the correct interpretation of 35 Ill. Adm. Code 309.115(a) is a question of law, the court concluded that its review of the Board’s decision would be de novo, citing Elementary School District 159 v. Schiller, 221 Ill. 2d 130, 144 (2006). Id. at 5. In so ruling, the court was unpersuaded by the Board’s argument that the manifest-weight of the evidence standard of review should apply. Id. at 6.

The court found that the

unambiguous and plain language of section 309.115(a) vests discretion in the Agency to hold a public hearing whenever it determines that there exists a significant degree of public interest in the proposed permit. The regulation does not state that the Agency must hold a hearing whenever there is a significant degree of public interest. It states that the Agency must hold a public hearing whenever it determines that there exists a significant degree of public interest in a proposed permit. U. S. Steel (Fifth Dist.), slip op at 6-7 (emphasis in original).

The court noted that the appellate court had previously recognized that the IEPA’s decision to hold a hearing under section 309.115 is a discretionary one under Borg-Warner Corp. v. Mauzy, 100 Ill. App. 3d 862, 867 (1981), and that the Board itself had referred to the discretionary nature of the IEPA decision in Marathon Oil Co. v. IEPA, PCB 92-166 (Mar. 31, 1994). Under these circumstances, the court found that the Board improperly reviewed the IEPA’s hearing decision using a de novo standard, since “the Agency’s [hearing determination is discretionary and relates to a procedural issue.” U. S. Steel (Fifth Dist.), slip op at 8.

In its concluding summary, the Fifth District found that the Board “erred as a matter of law in applying the incorrect standard of review to the IEPA’s decision not to hold a public hearing” under the Board’s rule at 35 Ill. Adm. Code 309.115. U. S. Steel (Fifth Dist.), slip op. at 9. The court directed that, on remand for further proceedings not inconsistent with the opinion,

the Board must use an abuse of discretion standard. It must review the Agency’s decision not to hold a public hearing to determine whether the agency (sic) made an arbitrary decision, without using conscientious judgment, or if, in view of all the circumstances, the Agency overstepped the bounds of reason, ignored the law, and thereby caused substantial prejudice. In re Marriage of Munger, 339 Ill. App. 3d 1104, 1107 (2003). Only if the Agency abused its discretion would the permit as issued violate the Act or regulations. *Id.*

As previously stated, upon receipt of the mandate from the Fifth District Appellate Court, the Board will issue an order outlining the further course of proceedings in this case.

Board Actions

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Via Videoconference

Springfield and Chicago, Illinois

Rulemakings

R06-20	<u>In the Matter of: Proposed Amendments to the Board’s Special Waste Regulations Concerning Used Oil, 35 Ill. Adm. Code 808.809 – The Board granted NORA, An Association of Responsible Recyclers’ motion for an additional hearing following first notice.</u>	Land 4-0
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Administrative Citations

AC 07-24	<u>IEPA v. C. John Blickhan</u> – The Board granted complainant’s motion to	4-0
AC 08-19	consolidate AC 07-24 with AC 08-19.	

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Adjudicatory Cases

PCB 07-32	<u>People of the State of Illinois v. Lake Arlann Drainage District, Cochran & Wilken, Inc., and Southwind Construction Corp.</u> – In this water enforcement action involving a Tazewell County facility, upon receipt of a proposed stipulation and settlement agreement and agreed motions to request relief from the hearing requirement on behalf of respondent Southwind Construction Corp, the Board ordered publication of the required newspaper notice. Also in a separate opinion and order, 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)), and accepted two stipulation and settlement agreements on behalf of Lake Arlann Drainage District and Cochran & Wilken, ordering the respondents to pay a total civil penalty of \$35,000.00, and to cease and desist from further violations.	4-0 W-E
PCB 07-96	<u>Kyle Nash v. Karen Sokolowski</u> – The Board found that the amended complaint is neither duplicative nor frivolous and accepts the amended complaint for hearing.	4-0 Citizens N-E
PCB 07-97	<u>Kyle Nash v. Louis Jimenez</u> – The Board found that the amended complaint is neither duplicative nor frivolous and accepts the amended complaint for hearing.	4-0 Citizens N-E
PCB 08-36	<u>Dave McGhee v. IEPA</u> – The Board granted this Douglas County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
PCB 08-59	<u>John Blickhan v. IEPA</u> – The Board accepted for hearing this permit appeal involving an Adams County facility.	4-0 P-A, Land
PCB 08-76	<u>Anne McDonagh and Davd Fishbaum v. Richard Michelin and Amy Michelin</u> – The Board found that the alleged violation is neither duplicative nor frivolous, accepts the complaint for hearing.	4-0 Citizens N-E
PCB 08-93	<u>People of Williamson County ex rel State’s Attorney Charles Garnati and the Williamson County Board v. Kibler Development Corporation, Marion Ridge Landfill, Inc., and Illinois Environmental Protection Agency</u> – The Board granted the respondents’ motion to dismiss for lack of jurisdiction, denied as moot Illinois Environmental Protection Agency's motion to stay and extend discovery, canceling the hearing scheduled for July 28, 2008.	4-0 P-A, Land Third Party
PCB 08-94	<u>People of the State of Illinois v. CFC International, Inc.</u> , – In this air enforcement action concerning a Cook County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2006)), and accepted a stipulation and settlement agreement, ordering the respondent to pay a total civil penalty of \$60,000, and to cease and desist from further violations.	4-0 A-E
PCB 08-99	<u>Knapp 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 Perry County facility.	4-0 UST Appeal, 90 Day Ext.
PCB 08-100	<u>People of the State of Illinois v. City of Geneva</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	4-0 W-E

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involving a Kane County facility, the Board ordered publication of the required newspaper notice.

PCB 08-101	<u>Waste Management of Illinois, Inc. v. IEPA</u> – The Board granted this request for a 30-day extension of time to file an underground storage tank appeal on behalf of this Madison County facility.	4-0 P-A, Land, 90 Day Ext.
PCB 08-102	<u>People of the State of Illinois v. City of Coffeen</u> – The Board accepted for hearing this water enforcement action involving a site located in Montgomery County.	4-0 W-E
PCB 08-103	<u>KCBX Terminals Company v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Cook County facility. No action was taken on petitioner’s motion for partial stay of specified conditions in the construction permit.	4-0 P-A, Air
PCB 09-1	<u>Archer Daniels Midland Company, Quincy v. IEPA</u> – The Board granted this request for a 60-day extension of time to file an underground storage tank appeal on behalf of this Adams County facility.	4-0 P-A, Water 90 Day Ext.
PCB 09-2	<u>People of the State of Illinois v. Centerpoint Properties Trust, a real estate investment trust, and FCL Investors, Inc., an Illinois corporation formerly known as FCL Builders, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in Lake County.	4-0 W-E

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Rulemakings

R08-9	<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> – The Board denied the Metropolitan Water Reclamation District of Greater Chicago’s motion to stay the proceedings.	Water 4-0
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Administrative Citations

AC 08-29	<u>IEPA v. Keister's, Inc.</u> – The Board accepted respondent’s amended petition for review of administrative citation.	4-0
AC 08-33	<u>County of Vermillion, Illinois v. Rex Greene</u> – The Board found that this Vermillion County respondent violated Sections 21(p)(1) and (3) of the Act (415 ILCS 5/21(p)(1), (3) (2006)), and ordered respondent to pay a civil penalty of \$3,000.	4-0

Adjudicatory Cases

PCB 06-116	<u>People of the State of Illinois v. William Warren and Halleck Warren, d/b/a Hickory Shores Resort, and Hickory Shores Recreations, LTD</u> – Upon receipt of a proposed stipulation and settlement agreements and agreed	4-0 W-E
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motions to request relief from the hearing requirement in this water enforcement action involving a Clinton County facility, the Board ordered publication of the required newspaper notice.

PCB 08-61	<u>Ameren Energy Generating Company v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was filed on behalf of this facility located in Morgan County.	4-0 P-A, Land
PCB 08-86	<u>City of Quincy v. IEPA</u> – The Board accepted for hearing this permit appeal involving an Adams County facility.	4-0 P-A, Land
PCB 08-91	<u>People of the State of Illinois v. Surface Manufacturing Company</u> – Upon receipt of a proposed stipulation and settlement agreements and agreed motions to request relief from the hearing requirement in this water enforcement action involving a Boone County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E
PCB 08-98	<u>People of the State of Illinois v. Farmers & Traders Bancshares, Inc., an Illinois corporation, and Pedriana Gustafson, Inc.,</u> – Upon receipt of a proposed stipulation and settlement agreements and agreed motions to request relief from the hearing requirement in this water enforcement action involving a DeKalb County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E
PCB 08-103	<u>KCBX Terminals Company v. IEPA</u> – The Board granted petitioner’s motion for a partial stay of the construction permit.	4-0 P-A, Air
PCB 09-3	<u>People of the State of Illinois v. Praedium Development Corporation and Plaza Excavating, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in Lake County.	4-0 W-E
PCB 09-4	<u>Woodward & Sons, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Champaign County facility.	4-0 UST Appeal
PCB 09-5	<u>People of the State of Illinois v. Alden Bennett Construction Company, Inc. and Bloomingdale Horizon I Limited Partnership</u> – The Board accepted for hearing this water enforcement action involving a site located in DuPage County.	4-0 W-E

New Cases

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08-99 Knapp 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 Perry County facility.

08-100 People of the State of Illinois v. City of Geneva – 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 Kane County facility, the Board ordered publication of the required newspaper notice.

08-101 Waste Management of Illinois, Inc. v. IEPA – The Board granted this request for a 30-day extension of time to file an underground storage tank appeal on behalf of this Madison County facility.

08-102 People of the State of Illinois v. City of Coffeen – The Board accepted for hearing this water enforcement action involving a site located in Montgomery County.

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8-103 KCBX Terminals Company v. IEPA – The Board accepted for hearing this permit appeal involving a Cook County facility. No action was taken on petitioner’s motion for partial stay of specified conditions in the construction permit.

09-1 Archer Daniels Midland Company, Quincy v. IEPA – The Board granted this request for a 60-day extension of time to file an underground storage tank appeal on behalf of this Adams County facility.

09-2 People of the State of Illinois v. Centerpoint Properties Trust, a real estate investment trust, and FCL Investors, Inc., an Illinois corporation formerly known as FCL Builders, Inc. – The Board accepted for hearing this water enforcement action involving a site located in Lake County.

AC 08-34 IEPA v. Joseph Combs – The Board accepted an administrative citation against this Greene County respondent.

AC 08-35 IEPA v. George R. Ford – The Board accepted an administrative citation against this Fulton County respondent.

AC 08-36 IEPA v. Charles F. Kinsel – The Board accepted an administrative citation against this Fulton County respondent.

AC 08-37 IEPA v. Nancy Koltzenburg d/b/a K & N Excavating and Rentals – The Board accepted an administrative citation against this Hancock County respondent.

AC 08-38 County of Vermilion, Illinois v. Illinois Landfill, Inc. – The Board accepted an administrative citation against this Vermilion County respondent.

AC 09-1 County of Vermilion, Illinois v. Connie Yount – The Board accepted an administrative citation against this Vermilion County respondent.

R09-1 UIC Update, USEPA Amendments (January 1, 2008 through June 30, 2008) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.

R09-2 RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (January 1, 2008 through June 30, 2008) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.

R09-3 RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2008 through June 30, 2008) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.

R09-4 UST Update, USEPA Amendments (January 1, 2008 through June 30, 2008) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.

R09-5 Wastewater Pretreatment Update, USEPA Amendments (January 1, 2008 through June 30, 2008) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.

R09-6 Definition of VOM Update, USEPA Amendments (January 1, 2008 through June 30, 2008) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.

R09-7 SDWA Update, USEPA Amendments (January 1, 2008 through June 30, 2008) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.

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09-1 People of the State of Illinois v. Praedium Development Corporation and Plaza Excavating, Inc. – The Board accepted for hearing this water enforcement action involving a site located in Lake County.

09-2 Woodward & Sons, Inc. v. IEPA – The Board accepted for hearing this underground storage tank appeal involving an Champaign County facility.

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09-3 People of the State of Illinois v. Alden Bennett Construction Company, Inc. and Bloomingdale Horizon I Limited Partnership – The Board accepted for hearing this water enforcement action involving a site located in DuPage County.

AC 09-2 IEPA v. Theodore & Elizabeth Hollenbeak and Hollenbeak Concrete, Inc. – The Board accepted an administrative citation against these Brown County respondents.

AC 09-3 IEPA v. Frank H. and Mary Lou Record and Frank Record d/b/a Quality Disposal – The Board accepted an administrative citation against these Fulton County respondents.

AC 09-4 County of Jackson v. Lester Johnson and Arthur Cross – The Board accepted an administrative citation against these Jackson County respondents.

Adjusted Standards

LISTINGS OF ADJUSTED STANDARDS AND COMBINED SEWER OVERFLOW EXCEPTIONS GRANTED BY THE BOARD DURING FISCAL YEAR 2008

Section 28.1(d)(3) of the Environmental Protection Act (Act) (415 ILCS 5/28.1(d)(3) (2006)) requires the Board to annually publish in the *Illinois Register* and *Environmental Register* a listing of all determinations made pursuant to Section 28.1 at the end of each fiscal year. This notice sets forth all adjusted standard and combine sewer overflow exception determinations made by the Board during the fiscal year 2008 (July 1, 2007, through June 30, 2008).

Final Actions Taken by the Pollution Control Board in Adjusted Standards Proceedings During Fiscal Year 2008 (July 1, 2007 through June 30, 2008)

Docket/Docket Title

In the Matter of: Petition of the Illinois Department of Transportation, District 8, for an Adjusted Standard from 35 Ill. Adm. Code 302.208(g) (NPDES Permit No. ILD007095) AS 07-07, (July 26, 2007)

In the Matter of: Proposed Extension of Adjusted Standard Applicable to Illinois-American Water Company's Alton Public Water Supply Facility Discharge to the Mississippi River Under 35 Ill. Adm. Code 304.124 and 304.106 AS 07-02, (October 18, 2007)

In the Matter of: Petition of Johns Manville for an Adjusted Standard from 35 Ill. Adm. Code 811.310, 811.311, 811.318, 811.320, and 814 AS 04-04, (December 6, 2007)

Final Determination

The Board dismissed this petition after the Illinois Department of Transportation (IDOT) filed a motion to withdraw. IDOT's petition concerned discharge from its East St. Louis District 8 Bowman Avenue Pump Station and Missouri Avenue Pumping System. IDOT refiled this petition as AS 08-1. That docket has been stayed pending adoption of the Board's triennial review of sulfate and total dissolved solids water quality standards (R07-9). Those rules are currently in the second-notice period.

The Board granted a new adjusted standard to Illinois-American Water Company (IAWC) to replace the expiring one granted in 2000 for the public water supply treatment facility in Alton, Madison County. After a public hearing on August 28, 2007, the Board found that IAWC's sediment reduction program, known as the Piasa Creek Watershed Project, had fulfilled expectations. The project, as administered by the Great Rivers Land Trust, has won various awards, as well as national recognition and community support. The Board further found that IAWC satisfied all conditions of the original adjusted standard, and justified the grant of a permanent one.

The Board granted an adjusted standard to Johns Manville (JM) for relief from the landfill closure requirements pertaining to landfill gas monitoring and management, and groundwater monitoring for its landfill located in Waukegan, Illinois. The Board

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In the Matter of: Petition of the City of Chicago Heights for an Adjusted Standard from 35 Ill. Adm. Code 810.103, 814.102, and 814.501(c) AS 08-04, (December 20, 2007)

In the Matter of: Petition of the City of Chicago Heights for an Adjusted Standard from 35 Ill. Adm. Code 810.103, 814.102, and 814.501(c) AS 08-07, (February 21, 2008)

In the Matter of: Petition of Biomedical Technology Solutions Inc. for an Adjusted Standard from 35 Ill. Adm. Code 1422 AS 08-06, (April 3, 2008)

In the Matter of: Petition of Midwest Generation, L.L.C., Waukegan Generating Station for an Adjusted Standard from 35 Ill. Adm. Code 225.230 AS 07-03, (June 5, 2008)

In the Matter of: Petition of Midwest Generation, L.L.C., Waukegan Generating Station for an Adjusted Standard from 35 Ill. Adm. Code 225.230 AS 07-04, (June 5, 2008)

found that JM demonstrated that factors relating to JM are substantially and significantly different from the factors considered by the Board in adopting the rules of general applicability. Further, the Board found that granting the adjusted standard would not result in environmental or health effects significantly more adverse than the effects considered by the Board in adopting the rule of general applicability.

The Board dismissed this petition for an adjusted standard for the City of Chicago Heights (City) for failure to timely publish the newspaper notice required by Section 28.1(d)(1) of the Act.

The Board dismissed this petition for lack of jurisdiction. The City of Chicago Heights (City) sought to close the Fitz-Mar landfill under the Board's Part 807 non-hazardous solid waste landfill regulations rather than the Board's Part 811 non-hazardous solid waste landfill regulations. The Board found that the City's newspaper notice failed to advise the public of the right to request a public hearing. The Board further cited numerous informational deficiencies in the petition.

The Board granted Biomedical Technology Solutions, Inc. (BMTS) an adjusted standard from the testing requirements for units treating potentially infectious medical waste (PIMW). BMTS, based in Colorado, is pursuing the Illinois market to sell its "Demolizer" unit, a countertop medical waste treatment device for treating PIMW. The Board found that BMTS justified its request, and granted the adjusted standard to allow BMTS to substitute *Bacillus atrophaeus* (ATCC9372), in lieu of the listed organisms, when performing an initial efficacy test of its "Demolizer" dry heat sterilization technology.

The Board dismissed the petition for an adjusted standard following Midwest Generation's motion to withdraw. In its motion to withdraw, Midwest Generation stated that it had chosen to opt in to the Combined Pollutant Standard at 35 Ill. Adm. Code 225, Subpart F, which provides sufficient flexibility to address the issues intended to be addressed by this adjusted standard.

The Board dismissed the petition for an adjusted standard following Midwest Generation's motion to withdraw. In its motion to withdraw, Midwest Generation stated that it had chosen to opt in to the Combined Pollutant Standard at 35 Ill. Adm. Code 225, Subpart F, which provides sufficient flexibility to address the issues intended to be addressed by this adjusted standard.

Final Actions Taken by the Pollution Control Board in Combine Sewer Overflow Exception Proceedings During Fiscal Year 2008 (July 1, 2007 through June 30, 2008)

The Board took no action in combined sewer overflow exception proceedings during fiscal year 2008, as none were filed with the Board or pending during fiscal year 2008.

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Request copies, noting the appropriate docket number, to:

Name: John Therriault, Assistant Clerk
 Address: Pollution Control Board
 100 West Randolph Street, Suite 11-500
 Chicago, Illinois 60601
 Telephone: 312-814-3629

Address **questions** concerning this notice, noting the appropriate docket number, to:

Name: Carol Webb
 Address: Pollution Control Board
 1021 North Grand Avenue East
 Springfield, Illinois 62794-9274
 Telephone: 217-524-8509
 email: webbc@ipcb.state.il.us

Calendar

8/7/08 11:00 AM	Illinois Pollution Control Board Meeting		VIDOECONFERENCE James R. Thompson Center 100 W. Randolph Street Chicago And Illinois Pollution Control Board Hearing Room (1244 N, First Floor) 1021 N. Grand Avenue East (North Entrance) Springfield
8/18/08 3:00 PM	AS 08-10	<u>In the Matter of: RCRA Delisting</u> <u>Adjusted Standard Petition of Peoria</u> <u>Disposal Company</u>	Peoria Public Library Basement Auditorium 107 NE Monroe Peoria
8/20/08 9:00 AM	AS 08-08	<u>In the Matter of: Petition of Citgo</u> <u>Petroleum Corporation and PDV</u> <u>Midwest Refining, L.L.C. for Adjusted</u> <u>Standard from Ammonia Nitrogen</u> <u>Discharge Levels at 35 Ill. Adm. Code</u> <u>304.122</u>	Village of Boling Brook Board Room 375 W. Briarcliff Road Bolingbrook
8/21/08 11:00 AM	Illinois Pollution Control Board Meeting		VIDOECONFERENCE James R. Thompson Center 100 W. Randolph Street Chicago And Illinois Pollution Control Board Hearing Room (1244 N, First Floor) 1021 N. Grand Avenue East (North Entrance) Springfield

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9/3/08 11:00 AM	AC 07-30	<u>IEPA v. Bobby G. Myers and Donald D. Myers (IEPA No. 375-06-AC)</u>	Union County Courthouse 309 W. Market Street Jonesboro
9/4/08 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
9/8/08 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> (Continues until complete or through September 10, 2008)	James R. Thompson Center Room 9-040 100 West Randolph Chicago
9/18/08 11:00 AM	Illinois Pollution Control Board Meeting		VIDECONFERENCE James R. Thompson Center 100 W. Randolph Street Chicago And Illinois Pollution Control Board Hearing Room (1244 N, First Floor) 1021 N. Grand Avenue East (North Entrance) Springfield
10/1/08 10:30 AM	R06-20	<u>In the Matter of: Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil, 35 Ill. Adm. Code 808, 809</u>	Illinois Pollution Control Board Videconference Room (11-512 James R. Thompson Center 100 W. Randolph Street Chicago
10/2/08 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
10/14/08 10:00 AM	R08-19	<u>In the Matter of: Nitrogen Oxides Emissions From Various Source Categories, Amendments to 35 Ill. Adm. Code Parts 211 and 217</u> (Continues until complete or through October 17, 2008)	Illinois Environmental Protection Agency Training Room 1414 West 1021 North Grand Avenue East, North Entrance Springfield
10/16/08 11:00 AM	Illinois Pollution Control Board Meeting		Illinois Pollution Control Board Hearing Room (1244 N, First Floor) 1021 N. Grand Avenue East (North Entrance) Springfield

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**Illinois Environmental Protection Agency
Division of Public Water Supplies
Restricted Status List - Public Water Supplies
JULY 2008**

<i>SYSTEM NAME</i>	<u>EPA RGN</u>	<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 - IL0855200	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
CHANDLERVILLE - IL0170200	5	INAD & UNAPPROVED STORAGE	704	1/1/2006
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 - IL1975600	2	INADEQUATE PRESSURE TANK	650	3/20/1981
EVERGREEN VILLAGE SUBDIVISION - IL1615310	1	INADEQUATE PRESSURE TANK	130	3/20/1981

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FAHNSTOCK COURT SUBDIVISION - IL1435200	5	INADEQUATE PRESSURE TANK	35	5/25/1981
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 TANK	100	3/15/1995
LYNNWOOD WATER CORPORATION - IL0995336	1	INADEQUATE PRESSURE TANK	110	3/18/1983
M C L W SYSTEM, INC. - IL1315150	1	INADEQUATE SOURCE	98	3/20/1981
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

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OPHIEM PWS - IL0735150	1	INADEQUATE PRESSURE TANK	100	6/18/1982
OSCO MUTUAL WATER SUPPLY COMPANY, INC. - IL0735200	1	INADEQUATE PRESSURE TANK	115	12/15/1989
PANAMA - IL0054720	6	TTHM, DBP, INAD STORAGE	380	1/1/2006
PATOKA - IL1210400	6	INADEQUATE PLANT CAPACITY	731	3/15/1997
POLO DR AND SADDLE RD SUBDIVISION - IL0437000	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 COMMISSION WELLFUND 3 - IL0437040	2	INADEQUATE PRESSURE TANK	30	12/15/1989
STRATFORD WEST APARTMENTS - IL1095200	5	INADEQUATE PRESSURE TANK	39	12/17/1982
SUBURBAN HEIGHTS SUBDIVISION - IL1615800	1	INADEQUATE PRESSURE TANK	82	12/16/1983
SUMMIT HOMEOWNERS ASSOCIATION - IL0975280	2	INADEQUATE PRESSURE TANK	39	3/16/1984
SUNNY HILL ESTATES SUBDIVISION - IL0735300	1	INADEQUATE PRESSURE TANK	525	6/15/2000
SUNNYLAND SUBDIVISION - IL1977730	2	INADEQUATE PRESSURE TANK	350	9/16/1983
SWEDONA WATER ASSOCIATION - IL1315200	1	INADEQUATE PRESSURE TANK	157	6/15/1990
SYLVAN LAKE 1ST SUBDIVISION - IL0977100	2	INADEQUATE PRESSURE TANK	210	6/14/1991
TOWNERS SUBDIVISION - IL0977250	2	INADEQUATE PRESSURE TANK	210	1/14/1982
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

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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
YORK CENTER COOP - IL0437550	2	INADEQUATE PRESSURE TANK	240	6/15/1988

WATER SYSTEMS REMOVED FROM PREVIOUS LIST

OLIVET NAZARENE UNIVERSITY – IL0915279

*** DENOTES ADDED WATER SUPPLIES**

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Illinois Environmental Protection Agency
Division of Public Water Supplies
Critical Review List - Public Water Supplies
JULY 2008

<i>SYSTEM NAME</i>	<u>EPA RGN</u>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTIN G DATE</i>
ANDALUSIA - IL1610050	1	INADEQUATE PRESSURE TANK	1050	12/1/2003
ARENZVILLE - IL0170050	5	INADEQUATE PRESSURE TANK	408	3/14/2001
BEASON CHESTNUT PWD - IL1075150	5	INAD PLANT & SOURCE CAP	600	6/15/2004
BROWNING - IL1690050	5	INADEQUATE SOURCE CAPACITY	175	3/15/1998
CANTON – IL0570250	5	INSUFFICIENT TREATMENT CAPACITY	13932	3/15/2007
CASEYVILLE - IL1630250	6	INADEQUATE STORAGE	9900	10/1/2004
CEDARVILLE - IL1770050	1	EMERGENCY POWER	800	1/1/2006
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
DE PUE - IL0110300	1	INADEQUATE TREATMENT PLANT	1729	12/15/1993
EFFINGHAM – IL0490250	4	INADEQUATE DISINFECTION	12384	7/1/2006
ELIZABETH - IL0850150	1	LOW SYSTEM PRESSURE	682	6/15/1999
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
JOY - IL1310100	1	LOW SYSTEM PRESSURE	373	6/15/1999
LA MOILLE - IL0110500	1	INADEQUATE PLANT CAPACITY	750	6/15/1999
LA SALLE - IL0990300	1	INAD PLANT & SOURCE CAPACITY	9700	11/1/2004
LACON - IL1230100	1	UNDERSIZED WATERMAINS	1979	1/1/2006

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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	4359	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 - IL0991050	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

OTER CREEK LAKE UTILITIES DISTRICT – IL2015320

*** 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 July 1, 2008. An asterisk, *, beside the water supply indicates public water supplies that have been added to the Restricted Status/Critical Review list since the previous publication.

Restricted Status List

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

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

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

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

Critical Review List

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

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

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

Environmental Register – July 2008

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

DIVISION OF WATER POLLUTION CONTROL

RESTRICTED STATUS LIST

In order to comply with 35 Illinois Administrative Code Section 306.401, Illinois Pollution Control Board Regulations, the Illinois EPA has prepared the following list of facilities which are on Restricted Status. Restricted Status is defined as the Agency determination that a sewer or lift station has reached hydraulic capacity or that a sewage treatment plant has reached design capacity, such that additional sewer connection permits may no longer be issued without causing a violation of the Act or Regulations. Please note that the list is continually being revised to reflect the current situation. Therefore, if you have any questions on the capability of a treatment facility or transport system, please contact this Agency for a final determination. This listing reflects the status as of June 30, 2008.

Facility names followed by an asterisk (*) indicates that construction is underway to ultimately alleviate problems, which resulted in imposition of Restricted Status. Facilities followed by a double asterisk (**) are additions to the list.

<u>FACILITY NAME</u>	<u>RESPONSIBLE AUTHORITY</u>	<u>COUNTY</u>	<u>REMAINING CAPACITY</u>
Bourbonnais (Belle Aire Subd.)	Village of Bourbonnais	Kankakee	0
Camelot Utilities Wastewater Collection System	Camelot Utilities	Will	0
Camp Point (a portion mh 60-68)	Village of Camp Point	Adams	0
Clearview S.D.	Clearview S.D.	McLean	0
Davis Junction	Village of Davis Junction	Ogle	0
East Alton	City of East Alton	Madison	0
Farmington	City of Farmington	Fulton	0
Hurst & Blairville Collection SYSTEM	City of Hurst	Williamson	0
Port Byron STP	Village of Port Byron	Rock Island	0
Richmond WWTP	Village of Richmond	McHenry	0
Rosewood Heights S.D.- Ninth Street LS	Rosewood Heights S.D.	Madison	0
South Palos Twp. SD	South Palos Twp.	South Palos Twp.	0
Sundale Utilities – Washington Estates STP	Sundale Utilities Corporation	Tazewell	0
Taylorville-Shawnee Ave. PUMP STATION	City of Taylorville	Christian	0
Utilities Unlimited	Utilities Unlimited	Will	0
Washington (Rolling Meadows)	City of Washington	Tazewell	0

Deletions from previous quarterly report: None

Additions from previous quarterly report: None

Environmental Register – July 2008

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

DIVISION OF WATER POLLUTION CONTROL

CRITICAL REVIEW LIST

In order to comply with 35 Illinois Administrative Code Section 306.401, Illinois Pollution Control Board Regulations, the Illinois Environmental Protection Agency has prepared the following list of facilities which are on Critical Review. Critical Review as defined as the Agency determination that a sewer or lift station is approaching hydraulic capacity or that a sewage treatment plant is approaching design capacity such that additional sewer connection permit applications will require close scrutiny to determine whether issuance would result in a violation of the Act or Regulations. Please note that these lists are continually being revised to reflect the current situation. Therefore, if you have any questions on the capability of a treatment facility or transport system, please contact the Agency for a final determination. This listing reflects the status as of June 30, 2008.

Facility names followed by a double asterisk (***) are additions to the list.

FACILITY <u>NAME</u>	RESPONSIBLE <u>AUTHORITY</u>	<u>COUNTY</u>	REMAINING <u>CAPACITY</u>	PE ADDED SINCE <u>LAST LIST</u>
Algonquin	Village of Algonquin	Kane	58	551
Aqua Illinois, Inc. University Park	Aqua Illinois, Inc.	Will	711	0
Antioch STP	Village of Antioch	Lake	373	0
Beardstown SD	City of Beardstown	Cass	1,548	20
Benton-Southeast STP	City of Benton	Franklin	60	0
Bethalto (L.S. #1)	Village of Bethalto	Madison	87	0
Carrier Mills	Village of Carrier Mills	Saline	836	0
Carrollton	City of Carrollton	Greene	140	0
Citizens Utilities Co. of Ill.- River Grange	Citizens Utilities Co. of Ill.	Will	10	0
Charleston	City of Charleston	Coles	5,041	11
Downers Grove S.D.	Downers Grove S.D.	DuPage	0	0
East Dundee STP	Village of E. Dundee	Kane	508	0
Elkville	Village of Elkville	Jackson	6	0
Ferson Creek Utilities Co.	Utilities, Inc.	Will	70	0
Harvard WWTP	City of Harvard	McHenry	0	150
LCPWD-Diamond- Sylvan STP	County of Lake Public Works Department	Lake	0	0
Lockport	City of Lockport	Will County	0	182
Moline (North Slope)	City of Moline	Rock Island	1,151	0
Morris STP	City of Morris	Grundy	0	0
New Lenox STP 1***	Village of New Lenox	Will	0	4
Paris STP	City of Paris	Edgar	0	0
Rock Island (Main)	City of Rock Island	Rock Island	2,824	0
Streator	City of Streator	LaSalle/ Livingston	449	0
Wasco Sanitary District	Wasco Sanitary District	Kane	637	
Wauconda – Remaining Collection System & Lakeview Villa LS	Village of Wauconda	Lake	***	0
Wauconda WWTP	Village of Wauconda	Lake		0

Deletions from previous quarterly report: None

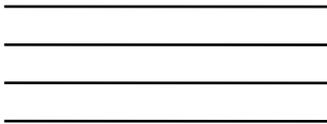
Additions from previous quarterly report: Wasco Sanitary District

***Contact IEPA – Permit Section

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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