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# Environmental Register

October 2002 - Number 580

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

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## Federal Update

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### **United States Department of Justice Lodges Consent Decree Under the Comprehensive Environmental Response, Compensation and Liability Act: Estech Chemical Company Site in Calumet City**

On October 3, 2002 (67 Fed. Reg. 62076), the United States (U. S.) Department of Justice published notice in the Federal Register of its September 19, 2002 filing in the U. S. District Court for the Northern District of Illinois of a motion to lodge a proposed consent decree in United States v. General Iron Industries, Inc. et al., Civil Action No. 01 C 4889. In this action the United States sought to recover response costs incurred by the U. S. in connection with the Estech Chemical Company Site in Calumet City, Illinois (the “Site”). The compliant alleges that the U. S. undertook response actions as a result of releases or threatened releases of hazardous substances at the Site, and that General Iron Industries, Inc. (“General Iron”) is jointly and severally liable for the costs of such response actions as a party that arranged for treatment or disposal of hazardous substances at the Site.

Under the proposed consent decree General Iron will pay \$1.8 million to the Hazardous Substances Superfund as partial reimbursement of response costs that the U. S. incurred in connection with the Site through March 15, 2002. The proposed consent decree will not resolve potential liability of General Iron with respect to any costs incurred subsequent to March 15, 2002, including costs of any final response action ultimately selected by for the Site by the United States Environmental Protection Agency (USEPA).

The Department of Justice will receive comments relating to the proposed consent decree until November 2, 2002. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to United States v. General Iron Industries, Inc., et al., D.J. Ref. 90-11-2-06487/1.

The proposed consent decree may be examined at the Office of the U. S. Attorney, 219 South Dearborn Street, Chicago, Illinois 60604, and at U.S. EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois, 60604. A copy of the proposed consent decree may also be obtained by mail from the Consent Decree Library, PO Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing a request to Tonia Fleetwood, fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy, please enclose a check in the amount of \$4.50 (25 cents per page reproduction cost) payable to the U.S. Treasury.

### **United States Environmental Protection Agency Adopts Land Disposal Restrictions: National Treatment Variance To Designate New Treatment Subcategories for Radioactively Contaminated Cadmium-, Mercury-, and Silver-Containing Batteries Under the Resource Conservation and Recovery Act**

On October 7, 2002 (67 Fed. Reg. 62617), the United States Environmental Protection Agency (USEPA) adopted direct final amendments to grant a national treatability variance from the Land Disposal Restrictions treatment

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standards for radioactively contaminated cadmium-, mercury-, and silver-containing batteries by designating new treatment subcategories for these wastes. This rulemaking was adopted in response to a rulemaking petition from the Department of Energy.

In its notice of the rulemaking USEPA stated that the current treatment standards of thermal recovery for cadmium batteries and of roasting and retorting for mercury batteries are technically inappropriate, because any recovered metals would likely contain residual radioactive contamination and not be usable. Additionally, USEPA stated that the current numerical treatment standard for silver batteries is inappropriate, because of the potential increase in radiation exposure to workers associated with manually segregating silver-containing batteries for the purpose of treatment. Macroencapsulation, in accordance with the provisions for treatment standards for hazardous debris, is designated as the required treatment prior to land disposal for the new waste subcategories. This will allow safe disposal of these radioactively-contaminated materials.

This rule is effective on November 21, 2002 without further notice, unless USEPA receives adverse comment by November 6, 2002. If adverse comments are received, USEPA will publish a timely withdrawal in the Federal Register informing the public that this rule will not take effect.

Comments may be submitted electronically, by mail, or through hand delivery to: USEPA Docket Center (EPA/DC), B102, EPA West, 1301 Constitution Ave. NW, Washington, DC 20460-0002.

For further information contact: Mr. John Austin at the Office of Solid Waste, 5302W, U.S. EPA, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20460, telephone number 703-308-0436, email address [austin.john@epa.gov](mailto:austin.john@epa.gov).

The Board will include any necessary amendments to Board rules resulting from this federal action in a future Resource Conservation and Recovery Act identical in substance rulemaking pursuant to Sections 7.2 and 22.4 of the Environmental Protection Act (415 ILCS 5/7.2, 22.4 (2000)).

### **Environmental Appeals Board of the USEPA Dismisses a petition for review of an IEPA Minor New Source Review Program Air Permit issued to Carlton, LLC Zion North Shore Power Plant**

On October 7, 2002 (67 Fed. Reg. 62467), the United States Environmental Protection Agency published a notice of its Environmental Appeals Board's (EAB) final determination for the Carlton LLC, North Shore Power Plant (Carlton), located in the City of Zion, Lake County, IL.

This notice details the EAB's February 28, 2001 decision dismissal of Carlton's a petition for review of a permit issued by the Illinois Environmental Protection Agency (IEPA) pursuant to the regulations under Illinois' minor New Source Review (NSR) program. The EAB dismissed the petition for lack of jurisdiction to review the permit. The EAB stated that its jurisdiction is limited to permits issued under federal regulations and it does not extend to appeals of State-issued minor NSR permits in approved States.

On November 10, 2000, Illinois EPA issued construction permit 99120057 to Carlton for the construction of either three General Electric (GE) frame 7FA simple cycle turbines with a nominal capacity of 187 megawatts each or six GE Frame 7EA simple cycle turbines with a nominal capacity of 98.2 megawatts each. The proposed turbines would fire only natural gas and would be required to use dry low oxides of nitrogen combustors. On December 11, 2000, Verena Owen and the Lake County Conservation Alliance (LCCA) filed a petition for review stating that the proposed facility was not a minor source, but in fact a major source of carbon monoxide, nitrogen oxides, volatile organic materials, and hazardous air pollutants and should be subject to the NSR regulations. IEPA filed a motion to dismiss the petition on January 5, 2001, in which it argued that the EAB lacked jurisdiction to review IEPA's permit decision because the permit issued to Carlton was issued under the Illinois minor NSR program, rather than the Federal Prevention of Significant Deterioration program. On January 22, 2001, the EAB issued an order requesting USEPA's Office of General Counsel (OGC) to prepare an amicus brief on the issue of EAB jurisdiction. OGC subsequently filed an amicus brief advancing the view that the EAB is without jurisdiction in this case.

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The effective date for the EAB's decision is February 28, 2001. Judicial review of this permit decision, to the extent it is available pursuant to section 307(b)(1) of the Clean Air Act, may be sought by filing a petition for review in the United States Court of Appeals for the Seventh Circuit within 60 days of October 7, 2002.

The documents relevant to the above action are available for public inspection during normal business hours at the following address: Environmental Protection Agency, Region 5, 77 West Jackson Boulevard (AR-18J), Chicago, Illinois 60604. To arrange viewing of these documents, call Jorge Acevedo at (312) 886-2263. The EAB decision can be obtained from the USEPA's Web site at <http://www.epa.gov/eab/disk11/carlton.pdf>.

For further information contact: Jorge Acevedo, Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard (AR-18J), Chicago, Illinois 60604.

### **United States Environmental Protection Agency Adopts Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Iron and Steel Manufacturing Point Source Category Under the Clean Water Act**

On October 17, 2002 (67 Fed. Reg. 64215), the United States Environmental Protection Agency (USEPA) adopted Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Iron and Steel Manufacturing Point Source Category. The final rule represents the culmination of the USEPA's effort to revise Clean Water Act (CWA) effluent limitations guidelines and standards for wastewater discharges from the iron and steel manufacturing industry. The final regulation revises technology-based effluent limitations guidelines and standards for certain wastewater discharges associated with metallurgical cokemaking, sintering, and ironmaking operations; and codifies new effluent limitations guidelines and standards for direct reduced ironmaking, briquetting, and forging.

USEPA also revised the regulations for the steelmaking subcategory to provide an allowance for existing basic oxygen furnaces operating semi-wet air pollution control systems; and to establish technology-based effluent limitations guidelines and standards for electric arc furnaces operating semi-wet pollution control systems. USEPA eliminated rule references to the following obsolete operations: beehive cokemaking in the cokemaking subcategory, ferromanganese blast furnaces in the ironmaking subcategory, and open-hearth furnace operations in the steelmaking subcategory.

This regulation is effective November 18, 2002.

For further information contact: George Jett at (202) 566-1070, or Ms. Yu-ting Guilaran at (202) 566-1072.

These amendments may come under the Board's identical in substance rulemaking mandate. If so, the Board will include any necessary amendments in an upcoming identical in substance rulemaking pursuant to Sections 7.2 and 17.5 of the Environmental Protection Act (415 ILCS 5/7.2, 17.5 (2000)).

Otherwise, the Board anticipates that the Illinois Environmental Protection Agency (IEPA) will 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 as a result of this federal action. 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 Adopts National Emission Standards for Hazardous Air Pollutants for Publicly Owned Treatment Works Under the Clean Air Act**

On October 21, 2002 (67 Fed. Reg. 64741), the United States Environmental Protection Agency (USEPA) adopted amendments that promulgated the national emission standards for hazardous air pollutants (NESHAP) for publicly owned treatment works (POTW). USEPA promulgated these amendments as part of a settlement agreement with

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the Pharmaceutical Research and Manufacturers of America (PhRMA) regarding its petition for judicial review of the POTW NESHAP.

The amendments rescind an applicability provision; adopt, for all industrial POTW treatment plants that are area sources of hazardous air pollutants (HAP), the same NESHAP requirements that apply to industrial POTW treatment plants that are major sources of HAP; and exempt industrial POTW treatment plants that are area sources of HAP from the permit requirements in section 502(a) of the Clean Air Act (CAA).

The effective date of the amendments is October 21, 2002.

For further information contact Mr. Robert Lucas, Waste and Chemical Processes Group, Emission Standards Division (C439-03), Office of Air Quality Planning and Standards, U.S. EPA, Research Triangle Park, NC 27711, telephone number (919) 541-0884, facsimile number (919) 541-0246, electronic mail address [lucas.bob@epa.gov](mailto:lucas.bob@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 Adopts Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act**

On October 23, 2002 (67 Fed. Reg. 65219), the United States Environmental Protection Agency adopted guidelines establishing test procedures for the analysis of pollutants to include updated versions of test procedures (i.e., analytical methods) for the determination of chemical, radiological, and microbiological pollutants and contaminants in wastewater and drinking water.

This final rule revises wastewater and drinking water regulations to incorporate the updated versions of analytical methods that have been published by one or more of the following organizations: ASTM International (ASTM; formerly the American Society for Testing and Materials), United States Geological Survey (USGS), United States Department of Energy (DOE), American Public Health Association (APHA), American Water Works Association (AWWA), and Water Environment Federation (WEF). Previously approved versions of the methods remain approved.

This final rule is effective on November 22, 2002.

For information regarding wastewater methods contact Khouane Ditthavong, Engineering and Analysis Division (4303T), USEPA Office of Science and Technology, 1200 Pennsylvania Ave., NW., Washington, DC 20460, telephone number 202-566-1068, e-mail: [Ditthavong.Khouane@epa.gov](mailto:Ditthavong.Khouane@epa.gov). For information regarding the drinking water methods, contact Herbert J. Brass, Technical Support Center (MS 140), USEPA, Office of Ground Water and Drinking, 26 West Martin Luther King Drive, Cincinnati, OH 45268, e-mail: [Brass.Herb@epa.gov](mailto:Brass.Herb@epa.gov).

The Board anticipates that the Illinois Environmental Protection Agency (IEPA) will 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 as a result of this federal action. 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 Adopts New Analytical Methods for the Unregulated Contaminant Monitoring Regulations and National Primary Drinking Water Regulations Under the Safe Drinking Water Act**

On October 29, 2002 (67 Fed. Reg. 65888), the United States Environmental Protection Agency (USEPA) adopted amendments to its unregulated contaminant monitoring regulations to approve analytical methods for chemical and microbiological contaminants.

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The adopted rule approves the analytical method and an associated Minimum Reporting Level (MRL) to support the Unregulated Contaminant Monitoring Regulation's List 2 *Aeromonas* monitoring. This List 2 monitoring will be conducted at 120 large and 180 small Public Water Systems from January 1, 2003 through December 31, 2003. The rule also approves USEPA Method 515.4 to support previously required National Primary Drinking Water Regulation (NPDWR) compliance monitoring for 2,4-D (as acid, salts and esters), 2,4,5-TP (Silvex), dinoseb, pentachlorophenol, picloram and dalapon. In addition, USEPA Method 531.2 was approved to support previously required NPDWR monitoring for carbofuran and oxamyl.

USEPA made minor changes in the format of the table of methods required to be used for organic chemical NPDWR compliance monitoring to improve clarity and to conform to the format of other methods tables. In addition, the Presence-Absence (P-A) Coliform Test listed in the total coliform methods table was inadvertently identified as Method 9221. This has been corrected to 9221 D. Also, detection limits for "Cyanide" were added in the "Detection Limits for Inorganic Contaminants" table for the two cyanide methods, and minor editorial corrections were made.

Additionally, USEPA approved seven of the eight additional industry-developed analytical methods that were proposed to support previously required NPDWR compliance monitoring. These seven methods include: a method for the determination of atrazine, two methods for the determination of cyanide, two methods for the determination of total coliforms and *E. coli*, a method for the determination of heterotrophic bacteria, and a method for the determination of turbidity. With respect to the eighth industry-developed method proposed on March 7, 2002, USEPA is deferring a decision on its approval until additional clarifying information from the vendor is evaluated.

This regulation is effective November 29, 2002.

For information regarding the actions included in this final rule contact David J. Munch, EPA, 26 West Martin Luther King Dr. (MLK 140), Cincinnati, Ohio 45268, telephone number (513) 569-7843, or e-mail at [munch.dave@EPA.gov](mailto:munch.dave@EPA.gov). General information may also be obtained from the EPA Safe Drinking Water Hotline. Callers within the United States may reach the Hotline at (800) 426-4791. The Hotline is open Monday through Friday, excluding Federal holidays, from 9 a.m. to 5:30 p.m. Eastern Time.

The Board is not required to adopt amendments related to unregulated contaminant monitoring, since USEPA directly implements the federal requirements in Illinois with the cooperation of the Illinois Environmental Protection Agency. Therefore, public water supplies in Illinois must engage in unregulated contaminant monitoring and must report their monitoring results to USEPA even though there are no corresponding state regulations.

### **United States Environmental Protection Agency Proposes Amendments to Testing and Monitoring Requirements Under the Resource Conservation and Recovery Act**

On October 30, 2002 (67 Fed. Reg. 66251), the United States Environmental Protection Agency (USEPA) proposed to amend a variety of testing and monitoring requirements throughout the Resource Conservation and Recovery Act (RCRA) regulations. The amendments are part of the USEPA's movement toward a performance-based measurement system (PBMS), as part of its efforts towards "Innovating for Better Environmental Results."

The proposal is intended to allow more flexibility when conducting RCRA-related sampling and analysis, by removing unnecessary required uses of methods found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," also known as "SW-846". Use of SW-846 methods will be required when the method is the only one capable of measuring a particular property (*i.e.*, it is used to measure a required method-defined parameter).

Additionally, USEPA proposed to: withdraw the reactivity method guidelines from SW-846 Chapter Seven; amend the ignitability and corrosivity hazardous waste characteristic regulations by clarifying the use of certain methods; incorporated by reference Update IIIB to SW-846; add Method 25A for analyses conducted in support of certain RCRA air emission standards; and remove a confidence limit requirement for certain feedstream analyses conducted



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under the National Emission Standards for Hazardous Air Pollutants (NESHAP). USEPA also announced the availability of a new guidance document for public comment entitled “RCRA Waste Sampling Draft Technical Guidance.” By making this document available for review and comment, USEPA intends to provide draft guidance on waste sampling that would be beneficial to the public. These changes are intended to make it easier and more cost effective to comply with affected regulations, without compromising human health or environmental protection.

Comment on the proposal must be sent on or before December 30, 2002. Comments should be sent to: OSWER Docket, Environmental Protection Agency, Mailcode: 5305-G, 1200 Pennsylvania Avenue, NW, Washington, DC 20460, Attention Docket ID No. RCRA-2002-0025.

For general information, contact the RCRA Hotline at (800) 424-9346 (toll free) or call (703) 412-9810; or, for hearing impaired, call TDD (800) 553-7672 or TDD (703) 412-3323. For more information on specific aspects of this rulemaking, contact Kim Kirkland, Office of Solid Waste (5307W), U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20460-0002, (703) 308-8855, e-mail address: [kirkland.kim@epa.gov](mailto:kirkland.kim@epa.gov).

If adopted by USEPA, these amendments will require Board identical-in-substance amendments to the RCRA Subtitle C hazardous waste rules. The Board will incorporate any necessary amendments into a future identical-in-substance rulemaking pursuant to Sections 7.2 and 22.4 of the Environmental Protection Act (415 ILCS 5/7.2, 22.4 (2000)).

## Rule Update

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### **Board Adopts Proposal for Public Comment in Noise Rule Update: Amendments to 35 Ill. Adm. Code 900-903 (R03-08)**

On October 3, 2002, the Board adopted a proposal for public comment in Noise Rule Update: Amendments to 35 Ill. Adm. Code 900-903 (R03-08) to amend the Board’s noise regulations.

The noise rules affected are set forth at 35 Ill. Adm. Code 900 and 903. These are general provisions dealing with the definitions of acoustical terminology, prohibition against noise pollution, and sound measurement procedures. The proposed changes involve the updating of definitions and sound measurement procedures. These definitions and measurement procedures were adopted in 1973 and have not been amended or changed since then. The basis for these changes is the American National Standards Institute updates from the years 1998-2001.

The Board also proposes to repeal Part 903, which specifies rules and regulations for the control of noise from motor racing facilities.

The Board has held one hearing in this rulemaking in Chicago and has a second scheduled for November 21, 2002 at the Illinois Pollution Control Board Hearing Room 403, 600 S. Second Street in Springfield. Interested persons are encouraged to contact the hearing officer to be added to the notice list in this docket. Copies of the Board’s opinion and order may be obtained by calling Dorothy Gunn at 312-814-3620, or by downloading copies from the Board’s Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

For additional information contact William Murphy at 312/814-6062; e-mail address [murphyw@ipcb.state.il.us](mailto:murphyw@ipcb.state.il.us)

### **Board Adopts Proposal for Public Comment in RCRA Subtitle C Update, USEPA Amendments (January 1, 2002 through June 30, 2002) (R03-07)**

On October 3, 2002, the Board adopted a proposal for public comment amendments that are “identical in substance” to hazardous waste regulations that the United States Environmental Protection Agency (USEPA) adopted to

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implement Subtitle C of the federal Resource Conservation and Recovery Act of 1976 (RCRA Subtitle C) (42 U.S.C. §§ 6921 *et seq.*). This proposal for public comment includes federal RCRA Subtitle C amendments that USEPA adopted in the period January 1, 2002 through June 30, 2002.

This proposal does not include amendments based on federal actions the Board has already processed in prior dockets. Those actions were those of January 22, 2002, March 13, 2002, April 4, 2002, April 9, 2002, May 8, 2002, and June 4, 2002. The Board expedited consideration of these federal actions in a previous consolidated docket, RCRA Subtitle C Update, USEPA Amendments (January 1, 2001 through June 30, 2001), RCRA Subtitle C Update, USEPA Amendments (July 1, 2001 through December 31, 2001, January 22, 2002, March 13, 2002, and April 9, 2002), UIC Update, USEPA Amendments (July 1, 2001 through December 31, 2001), R02-1/ R02-12/R02-17 (Apr. 18, 2002) (consolidated).

The Board proposed amendments to Illinois rules based on USEPA amendments of February 13, 2002 (67 Fed. Reg. 6792), February 14, 2002 (67 Fed. Reg. 6968), and May 8, 2002 (67 Fed. Reg. 30811). The February 13, 2002 amendments addressed interim emission standards for hazardous waste combustors, the February 14, 2002 action amended the September 30, 1999 hazardous waste combustor rule to facilitate implementation of the rule, and the May 8, 2002 amendments covered correction of segments of the consolidated permit rules of 40 C.F.R. 124 as printed in the 2001 edition of the Code of Federal Regulations. The Board also incorporated numerous nonsubstantive cleanup amendments to the existing text of the Parts opened in this rulemaking.

The Board will receive public comments on this proposal for a period of 45 days following the November 1, 2002 publication in the *Illinois Register*. After that time, the Board will immediately consider adoption of the amendments, making any necessary changes made evident through the public comments. The Board will delay filing any adopted rules with the Secretary of State for 30 days after adoption, particularly to allow additional time for USEPA to review the adopted amendments before they are filed and become effective.

Sections 7.2 and 22.4(a) provide for quick adoption of regulations that are identical in substance to federal regulations that USEPA adopts to implement Sections 3001 through 3005 of RCRA (42 U.S.C. §§ 6921-6925 (2000)). Sections 13(c) and 22.4(a) also provide that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) (5 ILCS 100/5-35 and 5-40 (2000)) do not apply to the Board's adoption of identical-in-substance regulations. The federal RCRA Subtitle C regulations are found at 40 C.F.R. 260 through 266, 268, 270, 271, 273, and 279.

For additional information contact Michael J. McCambridge at 312-814-6924; e-mail address [mccambm@ipcb.state.il.us](mailto:mccambm@ipcb.state.il.us)

### **Board Adopts Second 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 October 17, 2002, the Board adopted a second 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). The Board made only minor nonsubstantive changes to the rules it proposed at first notice and sent the rulemaking, pursuant to the Illinois Administrative Procedure Act (5 ILCS 100/1-1 *et seq.* (2000)), for review and consideration by the Joint Committee on Administrative Rules (JCAR).

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."



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The proposal adopted by the Board for second 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: 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 second notice proposal is substantially similar to the first notice 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 facility's effluent limits under Section 304.120.

The Board did not adopt changes at second notice 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.

Prior to first notice the Board held hearings in this rulemaking in Chicago on January 29, 2002, and in Springfield on March 6, 2002. The first notice proposal, adopted by the Board on June 20, 2002, was published in the *Illinois Register* on July 5, 2002 at 26 Ill. Reg. 9573. During the first notice period the Board held a third hearing on July 25, 2002 solely to address economic impact study issues.

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 Adopts Final Opinion and Order in Proposed Amendments to Ammonia Nitrogen Standards 35 Ill. Adm. Code 302.100, 302.212, 302.213, and 304.122 (R02-19)**

On October 17, 2002, the Board adopted a final opinion and order in Proposed Amendments to Ammonia Nitrogen Standards 35 Ill. Adm. Code 302.100, 302.212, 302.213, and 304.122 (R02-19) to amend the Board's water quality regulations. The adopted amendments were filed with the Secretary of State's Index Department with a November 8, 2002 effective date. The adopted rules will be published in the *Illinois Register* on November 22, 2002.

The adopted amendments are virtually identical to the proposal adopted by the Board at second notice with only minor typographical changes made to the text. The majority of the amendments were made in Part 302 and 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. Additionally, the Board repealed the provisions for Effluent Modified Waters (EMWs) found at 35 Ill. Adm. Code 302.213. 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 adopted amendments require attainment of ammonia chronic standard to be determined by using at least four samples taken at weekly intervals, or at other sampling intervals that statistically represent a 30-day averaging period. Additionally, Section 302.212(c)(3) requires attainment of the sub-chronic standard to be determined by averaging daily sample results collected over a period of four consecutive days. Sections 302.212(c)(2) and (c)(3) require that samples must assure a representative sampling period.

35 Ill. Adm. Code Section 302.Appendix C contains a table of values for the equations presented in 302.212(b) intended to provide an easy alternative to calculation of values for the equations. There are three tables, one for the AS equation at 302.212(b)(1), and one each for the Early Life Stage Present and Early Life Stage Absent equations

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for the ammonia CS at 302.212(b)(2). At second notice, the Board revised the table for the relationship between the AS and pH by removing that portion of the table in which the equation relating AS to pH produced a result greater than 15 mg/L. The AS may be less than 15.0 mg/L (which occurs at higher pHs), but pursuant to 302.212(a) may not exceed 15.0 mg/L; the 15.0 mg/L maximum controls at pHs less than 7.7.

Prior to the Board's first notice opinion and order, adopted on June 6, 2002 and published in the *Illinois Register* on June 21, 2002 at 26 Ill. Reg. 8707, the Board held two hearings. The first hearing was held in Chicago on March 25, 2002, and the second in Springfield on April 23, 2002. During the first notice period the Board held a third hearing on July 25, 2002 solely to address economic impact study issues before proceeding to second notice on September 5, 2002.

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

## Appellate Update

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### **Fourth District Appellate Court Affirms the Board in *Prairie Rivers Network v. The Illinois Pollution Control Board; The Illinois Environmental Protection Agency; and Black Beauty Coal Co.*, No. 4-01-0801 (PCB 01-112)**

In its October 24, 2002 decision, the fourth district appellate court affirmed the Board's decision in *Prairie Rivers Network v. IEPA and Black Beauty Coal Co.*, PCB 01-112 (Aug. 9, 2001). The Board's decision denied Prairie Rivers Network's (Prairie Rivers) petition challenging the Illinois Environmental Protection Agency's (IEPA) decision to issue an NPDES permit to Black Beauty Coal Company (Black Beauty) for overflow from mine reservoirs into a tributary of the Little Vermilion River. The appellate court issued an unpublished order under Supreme Court Rule 23 (155 Ill.2d R. 23) in its case captioned *Prairie Rivers Network v. The Illinois Pollution Control Board; The Illinois Environmental Protection Agency; and Black Beauty Coal Co.*, No. 4-01-0801 (Oct. 24, 2002).

This order addresses several issues of first impression in the first third-party appeal of a National Pollution Discharge Elimination Permit System (NPDES) permit issued by the IEPA since the 1997 authorization of third-party appeals. See 415 ILCS 5/40(e)(1), amended by P. A. 90-74, effective July 30, 1997. Among other things, the court's order provides useful guidance to the parties in future cases before the Board on issues including 1) the standard of review of the Board's decision, 2) the nature of the burden of proof on petitioner, 3) the correct interpretation and inter-relationship of the state and federal regulations governing NPDES permit procedures. In addition to the parties, the Illinois Environmental Regulatory Group and the Vermilion Coal Company as *amici curiae* briefed the issues before the Board.

The chronology of events is important in this case. In August 2000, the IEPA issued a public notice that it had tentatively decided to issue Black Beauty an NPDES permit. The United States Environmental Protection Agency (USEPA) requested 90 days to review the draft permit. The IEPA held a public hearing in which Prairie Rivers participated. After receiving public comment and a US EPA objection to the draft permit, the IEPA revised the permit. The USEPA retracted its objection and the IEPA issued a public notice of its decision to issue a final NPDES permit to Black Beauty. The final permit was generally more restrictive and contained more conditions than the original draft.

The court rejected Prairie Rivers' contention that the Board misapplied the burden of proof. The court stated that the record did not reveal that the Board analyzed its procedural objections on some basis other than whether the IEPA issued the permit in violation of applicable statutory and regulatory provisions. The burden of proof is on any third-party petitioner to show that the permit, as issued, would violate the Environmental Protection Act (Act) or the Board's regulations. See 415 ILCS 4/40(e)(3) (2000).

On the substantive issues of appeal, Prairie Rivers argued that the Board's decision to affirm the IEPA's issuance of the final NPDES permit was in error because (1) the IEPA failed to provide Prairie Rivers a meaningful opportunity to participate in the final NPDES permit writing process; (2) the final permit did not include certain required

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conditions; and (3) the IEPA improperly relied on documents produced by Black Beauty after the public comment period. The appellate court rejected each argument.

First, Prairie Rivers argued that it was denied a meaningful opportunity to participate in the final NPDES writing process. Prairie Rivers contends that after the IEPA revised the draft permit, it should have issued a second draft permit and allowed further public comment. The court noted that the Clean Water Act does not require state NPDES programs to reopen public comment or to prepare a second draft after receiving public comment on the initial draft permit. Because the US EPA approved the Illinois NPDES program, the court evaluated Prairie Rivers' objection solely on the basis of applicable provisions of the Act and state regulations. The Illinois NPDES program did not require the IEPA to reopen public comment nor did any Illinois case law precedent. Consequently, the court held that Prairie Rivers was not denied a meaningful opportunity to participate and that the IEPA followed the appropriate procedures in issuing the final permit. The IEPA was not required to hold a second round of public comment even when the final permit substantially deviated from the draft permit.

The court noted that Prairie Rivers raised several policy reasons why the IEPA should issue a second draft permit and reopen public comment after making drastic revisions to an original draft permit. However, the court held that it was not the forum in which those policy arguments should be addressed. The court suggested that Prairie Rivers should address its proposed change in the regulations to the Board.

Next, Prairie Rivers argued that the IEPA failed to include certain monitoring conditions in the final NPDES permit. Prairie Rivers contended that final permit improperly allowed Black Beauty to develop and submit a biological inventory of the Little Vermilion River around the mine, and an operational plan to assure compliance with the permit. The court held that this issue was moot and refrained from further comment.

Lastly, Prairie Rivers argued that the IEPA improperly relied on key documents Black Beauty produced after the close of the public comment period. The court found that Prairie Rivers failed to show how the IEPA relied on these "key documents." Furthermore, Prairie Rivers failed to cite any authority to support its position. Consequently, the court held that Prairie Rivers had forfeited the issue.

## Board Actions

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**October 3, 2002**

### **Via Video Conference Between Springfield and Chicago, Illinois**

#### **Rulemakings**

- |       |                                                                                                                                                                                                                                                           |                 |
|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| R03-7 | <u>In the Matter of: RCRA Subtitle C Update, USEPA Amendments (January 1, 2002 through June 30, 2002)</u> – The Board adopted a proposal for public comment in this "identical-in-substance" rulemaking to amend the Board's hazardous waste regulations. | 5-0<br>R, Land  |
| R03-8 | <u>In the Matter of: Noise Rule Update: Amendments to 35 Ill. Adm. Code 900 and 903</u> – The Board adopted a proposal for public comment in this rulemaking to amend the Board's noise pollution control regulations.                                    | 5-0<br>R, Noise |

#### **Administrative Citations**

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AC 02-17	<u>IEPA v. Charles Goodwin</u> – The Board denied complainant’s motion for reconsideration.	5-0
AC 02-40	<u>IEPA v. Robert and John Gray d/b/a Gray’s Material Service</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving an Iroquois County facility, the Board found respondents violated Sections 21(p)(1) and (p)(3) Environmental Protection Act (Act) (415 ILCS 5/21(p)(1), (p)(3) (2000), <i>amended by</i> P.A. 92-0574, eff. June 26, 2002) and ordered respondents to pay a civil penalty of \$3,000. The Board also granted the parties’ joint motion to dismiss the alleged violation of Section 21(p)(7) of the Act (415 ILCS 5/21(p)(7) (2000), <i>amended by</i> P.A. 92-0574, eff. June 26, 2002, and dismiss the petition for review.	5-0
AC 03-6	<u>IEPA v. Edward Sapp</u> – The Board found that this Logan County respondent violated Sections 21(p)(1) and (p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3) (2000), <i>amended by</i> P.A. 92-0574, eff. June 26, 2002), and ordered respondent to pay a civil penalty of \$3,000.	4-1 Girard dissented
AC 03-7	<u>IEPA v. Herb Flannel and Wallace Excavating Company</u> – The Board found that these Moultrie County respondents violated Sections 21(p)(1), (p)(3), and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2000), <i>amended by</i> P.A. 92-0574, eff. June 26, 2002), and ordered respondents to pay a civil penalty of \$4,500.	4-1 Girard dissented
AC 03-9	<u>IEPA v. Robert Peters</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving an Adams County facility, the Board found respondent violated Section 21(p)(1) Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (2000), <i>amended by</i> P.A. 92-0574, eff. June 26, 2002) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss the alleged violation of Section 21(p)(5) of the Act (415 ILCS 5/21(p)(5) (2000), <i>amended by</i> P.A. 92-0574, eff. June 26, 2002).	5-0

### Decisions

PCB 03-17	<u>People of the State of Illinois v. Petroleum Fuel &amp; Terminal Company</u> – In this air 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), <i>amended by</i> P.A. 92-0574, eff. June 26, 2002), accepted a final stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$22,000, and to cease and desist from further violations. Respondent agreed to perform by December 31, 2003, a Supplemental Environmental Project or payment of an additional \$28,000 in penalties, if it fails to do so.	5-0 A-E
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PCB 03-23      People of the State of Illinois v. City of Des Plaines and McDonough Associates, Inc. – In this public water supply 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) *amended by* P.A. 92-0574, eff. June 26, 2002), accepted a final stipulation and settlement agreement, and ordered the respondents to pay a total civil penalty of \$26,000, and to cease and desist from further violations.      5-0  
PWS-E

### Provisional Variances

PCB 03-40      Exelon Generation Company, L.L.C. (Dresden Nuclear Generating Station) v. IEPA – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Winnebago County facility a 10-day provisional variance, subject to conditions, from the thermal discharge limits contained in special conditions 4(A), 4(D), and 4(G) of its National Pollution Discharge Elimination System permit number IL0002224.      5-0  
W-V

### Motions and Other Matters

PCB 96-143      People of the State of Illinois v. Michel Grain Company, Inc. a/k/a Michel Fertilizer, Caryle Michel, Ronnie Todd, and Ronnie Todd Land Trust – The Board granted complainant's motion to file a third amended complaint, accepted the complaint for hearing and granted the request to add the Ronnie Todd Land Trust as a respondent in this matter.      5-0  
W-E

PCB 97-69      People of the State of Illinois v. Economy Plating, Inc. – The Board granted complainant's leave to file an amended complaint, correcting the errors in its amended complaint filed on August 12, 2002.      5-0  
A-E

PCB 97-193      People of the State of Illinois v. Community Landfill Company, Inc. – The Board granted complainant's motion for partial summary judgment in part and denied the motion in part. The Board also granted respondent's motion for partial summary judgment in part and denied the motion in part. The Board found that respondent had violated the Environmental Protection Act (415 ILCS 5/1 *et seq.* (2000), *amended by* P.A. 92-0574, eff. June 26, 2002) and Board regulations as specified in counts III, IV, VII, VIII, IX, X, XIII, XIV, XVI, and XXI of the complaint, and as specified in part of count XIX of the complaint. The parties shall proceed to hearing to present evidence on the appropriate penalty to be levied against respondent for these violations. In addition, the parties shall proceed to hearing on counts I, II, VI, XV, XVII, XX, and in part of count XIX to determine the liability of the respondent. The Board dismissed counts XI, XVIII, and XXII.      5-0  
L-E

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PCB 99-134	<u>People of the State of Illinois v. Peabody Coal Company</u> – The Board refused to accept complainant’s third amended complaint in this matter, and ordered complainant to file another amended complaint removing allegations of a violation of Section 302.208 within 14 days or the Board will dismiss this case.	5-0 W-E
PCB 02-6	<u>Gould Electronics, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Stephenson County facility.	5-0 P-A, Land
PCB 02-187	<u>UOP L.L.C. v. IEPA</u> – The Board granted petitioner’s motion to stay the effectiveness of the permit.	5-0 P-A, Air
PCB 02-210	<u>Elston/Webster, LP v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility.	5-0 UST Appeal
PCB 02-212	<u>Shearon, Inc. v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this McHenry County facility.	5-0 UST Fund
PCB 02-216	<u>Prime Time Citgo, Inc. v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Kane County facility.	5-0 UST Fund
PCB 02-218	<u>Ampco Pittsburgh Corporation 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 Cook County facility.	5-0 UST Appeal
PCB 02-220	<u>Newton Community High School 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 Jasper County facility.	5-0 UST Appeal
PCB 02-224	<u>Atchison Amoco Service 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 Randolph County facility.	5-0 UST Fund
PCB 03-30	<u>Jim Siddiqui Property 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.	5-0 UST Fund 90-Day Ext.

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PCB 03-31	<p><u>County of Kankakee and Edward D. Smith, States Attorney of Kankakee County v. The City of Kankakee, Illinois, The City of Kankakee, Illinois City Council, Town and Country Utilities, Inc., and Kankakee Regional Landfill, L.L.C.</u> – The Board accepted for hearing this third-party pollution control facility siting appeal involving a Kankakee County facility and on its own motion consolidated this matter with PCB 03-33 and PCB 03-35.</p>	<p>5-0 P-C-F-S-R 3rd Party</p>
PCB 03-32	<p><u>People of the State of Illinois v. City of Chicago Heights and Robinson Engineering, Ltd.</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 Cook County facility, the Board ordered publication of the required newspaper notice.</p>	<p>5-0 PWS-E</p>
PCB 03-33	<p><u>Byron Sandberg v. The City of Kankakee, Illinois, The City of Kankakee, Illinois City Council, Town and Country Utilities, Inc., and Kankakee Regional Landfill, L.L.C.</u> – The Board accepted for hearing this third-party pollution control facility siting appeal involving a Kankakee County facility and on its own motion consolidated this matter with PCB 03-31 and PCB 03-35. The Board denied respondent Sandberg’s request for waiver of the mandatory filing fee.</p>	<p>5-0 P-C-F-S-R 3rd Party</p>
PCB 03-34	<p><u>Barry Amoco, 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.</p>	<p>5-0 UST Fund 90-Day Ext.</p>
PCB 03-35	<p><u>Waste Management of Illinois, Inc. v. The City of Kankakee, Illinois City Council, Town and Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C.</u> – The Board accepted for hearing this third-party pollution control facility siting appeal involving a Kankakee County facility and on its own motion consolidated this matter with PCB 03-31 and PCB 03-33.</p>	<p>5-0 P-C-F-S-R 3rd Party</p>
PCB 03-36	<p><u>D&amp;R Service 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 Randolph County facility.</p>	<p>5-0 UST Fund 90-Day Ext.</p>
PCB 03-37	<p><u>Illinois Ayers Oil 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 Knox County facility.</p>	<p>5-0 UST Fund</p>
PCB 03-39	<p><u>Mineral Solutions, Inc. v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Tazewell County facility.</p>	<p>5-0 P-A, Land</p>



**October 17, 2002**  
**Via Video Conference Between**  
**Springfield and Chicago, Illinois**

**Rulemakings**

- R02-11      In the Matter of: 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 – The Board adopted a second notice opinion and order in this matter to amend the Board’s water regulations.      6-0  
R, Water
- R02-19      In the Matter of: Proposed Amendments to Ammonia Nitrogen Standards 35 Ill. Adm. Code 302.100, 302.212, 302.213, and 304.122 – The Board adopted a final opinion and order in this matter to amend the Board’s water regulations.      6-0  
R, Water

**Administrative Citations**

- AC 03-1      IEPA v. Tony Luttrell – The Board granted complainant’s motion to amend its September 5, 2002 final opinion in this administrative citation involving a Clay County facility.      6-0

**Decisions**

- PCB 97-20      People of the State of Illinois v. Bentrionics Corporation – The Board granted complainant’s motion to withdraw its request for attorney fees. Having previously found that respondent violated Section 12(a), (d), and (f) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), (d) and (f) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002), and 35 Ill. Adm. Code 307.1101(a)(1), 307.2301(c)(1) and (2) of the Board’s water pollution regulations, the Board ordered the respondent to pay a total civil penalty of \$110,000 and to cease and desist from further violation of the Act.      5-1  
Marovitz  
dissented  
W-E

**Provisional Variance**

- PCB 03-47      City of Benton v. IEPA – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Grundy County facility a 45-day provisional variance, subject to conditions, from the monthly average chlorine residual, total suspended solids, and carbonaceous biochemical oxygen demand effluent limits in its National Pollutant Discharge Elimination System permit number IL0022365, and 35 Ill. Adm. Code 304.120(b) and 304.141(a).      6-0  
W-V

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### Motions and Other Matters

PCB 96-98	<u>People of the State of Illinois v. Skokie Valley Asphalt Company</u> – The Board accepted the second amended complaint, denying the motion to strike.	6-0 W-E
PCB 01-39	<u>Lannis Walters d/b/a Fat Boy Pizza (Get &amp; Go) v. IEPA</u> – The Board granted respondent’s motion to dismiss this underground storage tank appeal involving a Massac County facility.	6-0 UST Fund
PCB 02-221	<u>Crazy D’s Peru, Inc. v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this LaSalle County facility.	6-0 UST Fund
PCB 03-1	<u>Illinois State Toll Highway Authority v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a DeKalb County facility.	6-0 UST Fund
PCB 03-2	<u>Todd’s Service Station v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Tazewell County facility.	6-0 UST Fund
PCB 03-41	<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.	6-0 UST Fund 90-Day Ext.
PCB 03-42	<u>Rantoul Township High School District No. 193 v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Champaign County facility.	6-0 UST Fund
PCB 03-43	<u>Landfill 33, Ltd. v. Effingham County Board and Sutter Sanitation Services</u> – The Board found the petition deficient in this third-party pollution control facility siting review appeal involving a Effingham County facility, and ordered petitioner to file an amended petition to cure specified deficiencies, which must be postmarked no later than October 24, 2002, or the petition would be subject to dismissal.	6-0 P-C-F-S-R 3d Party
PCB 03-44	<u>Pioneer Oil 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 Christian County facility.	6-0 UST Fund 90-Day Ext.
PCB 03-45	<u>Wright Petroleum 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 Hancock County facility.	6-0 UST Appeal 90-Day Ext.

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PCB 03-46      Mahr's Sales & Service 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 Fulton County facility.      6-0  
UST Appeal  
90-Day Ext.

## New Cases

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### October 3, 2002 Board Meeting

**03-030** Jim Siddiqui Property 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.

**03-031** County of Kankakee and Edward D. Smith, States Attorney of Kankakee County v. The City of Kankakee, Illinois, The City of Kankakee, Illinois City Council, Town and Country Utilities, Inc., and Kankakee Regional Landfill, L.L.C. – The Board accepted for hearing this third-party pollution control facility siting appeal involving a Kankakee County facility and on its own motion consolidated this matter with PCB 03-33 and PCB 03-35.

**03-032** People of the State of Illinois v. City of Chicago Heights and Robinson Engineering, Ltd. – 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 Cook County facility, the Board ordered publication of the required newspaper notice.

**03-033** Byron Sandberg v. The City of Kankakee, Illinois, The City of Kankakee, Illinois City Council, Town and Country Utilities, Inc., and Kankakee Regional Landfill, L.L.C. – The Board accepted for hearing this third-party pollution control facility siting appeal involving a Kankakee County facility and on its own motion consolidated this matter with PCB 03-31 and PCB 03-35. The Board denied respondent Sandberg's request for waiver of the mandatory filing fee.

**03-034** Barry Amoco, 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.

**03-035** Waste Management of Illinois, Inc. v. The City of Kankakee, Illinois City Council, Town and Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C. – The Board accepted for hearing this third-party pollution control facility siting appeal involving a Kankakee County facility and on its own motion consolidated this matter with PCB 03-31 and PCB 03-33.

**03-036** D&R Service 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 Randolph County facility.

**03-037** Illinois Ayers Oil 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 Knox County facility.

**03-038** Morry Gabel, Myra Gabel, Don Foreman, Marsha Foreman, Keith Pinsoneault, and Tracy Pinsoneault v. The Wealshire, Inc. – The Board held for a later duplicative/frivolous determination this citizen's noise enforcement action involving a Lake County facility.

**03-039** Mineral Solutions, Inc. v. IEPA – The Board accepted for hearing this permit appeal involving a Tazewell County facility.

**03-040** Exelon Generation Company, L.L.C. (Dresden Nuclear Generating Station) v. IEPA – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Winnebago County facility a 10-day provisional variance, subject to conditions, from the thermal discharge limits contained in special conditions 4(A), 4(D), and 4(G) of its National Pollution Discharge Elimination System permit number IL0002224.

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### October 17, 2002 Board Meeting

**03-041** 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.

**03-042** Rantoul Township High School District No. 193 v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Champaign County facility.

**03-043** Landfill 33, Ltd. v. Effingham County Board and Sutter Sanitation Services – The Board found the petition deficient in this third-party pollution control facility siting review appeal involving a Effingham County facility, and ordered petitioner to file an amended petition to cure specified deficiencies, which must be postmarked no later than October 24, 2002, or the petition would be subject to dismissal.

**03-044** Pioneer Oil 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 Christian County facility.

**03-045** Wright Petroleum 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 Hancock County facility.

**03-046** Mahr's Sales & Service 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 Fulton County facility.

**03-047** City of Benton v. IEPA – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Grundy County facility a 45-day provisional variance, subject to conditions, from the monthly average chlorine residual, total suspended solids, and carbonaceous biochemical oxygen demand effluent limits in its National Pollutant Discharge Elimination System permit number IL0022365, and 35 Ill. Adm. Code 304.120(b) and 304.141(a).

**AC 03-010** IEPA v. Bobby Keller – The Board accepted an administrative citation against this Macoupin County respondent.

## Calendar

11/04/02 9:00 AM	PCB 3-31	County of Kankakee and Edward D. Smith, States Attorney of Kankakee County v. City of Kankakee, Illinois, The City of Kankakee, Illinois City Council, Town and Country Utilitie4s, Inc. and Kankakee Regional Landfill, L.L.C. (Cons. With PCB 0333 & 03-35)	Quality Inn 800 North Kinizie Avenue Bradley
11/06/02 9:00 AM	PCB 3-31	County of Kankakee and Edward D. Smith, States Attorney of Kankakee County v. City of Kankakee, Illinois, The City of Kankakee, Illinois City Council, Town and Country Utilitie4s, Inc. and Kankakee Regional Landfill, L.L.C. (Cons. With PCB 0333 & 03-35)	Quality Inn 800 North Kinizie Avenue Bradley
11/06/02	PCB 99-127	Ted Harrison Oil Company v. IEPA	Conference Room 403 600 South Second Street Springfield
11/07/02	PCB-8	In the Matter of: Noise Rule Update: Amendments to 35 Ill. Adm. Code 900 and 903	James R. Thompson Center Conference Room 11-512 100 West Randolph Street Chicago

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11/07/2002 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		VIDEOCONFERENCE— Chicago/Springfield James R. Thompson Center Conference Room 11-512 100 West Randolph Street/Chicago Hearing Room 403 600 South Second Street/Springfield
11/19/02 9:00 AM	PCB 2-41	Milton C. and Virginia L. Kamholz v. Lawrence and Mariane Sporleder	Public Library, Training Room 414 West Judd Street Woodstock
11/20/02 9:00 AM	PCB 2-41	Milton C. and Virginia L. Kamholz v. Lawrence and Mariane Sporleder	Public Library, Training Room 414 West Judd Street Woodstock
11/21/2002 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		VIDEOCONFERENCE—Chicago/Springfield James R. Thompson Center Conference Room 11-512 100 West Randolph Street/Chicago Hearing Room 403 600 South Second Street/Springfield
11/21/02 1:00 AM	R3-8	In the Matter of: Noise Rule Update: Amendments to 35 Ill. Adm. Code 900 and 903	James R. Thompson Center Conference Room 11-512 100 West Randolph Street Chicago
12/5/2002 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		Conference Room 403 600 South Second Street Springfield
12/09/02 9:00 AM	PCB 3-39	Mineral Solutions, Inc. v. IEPA	Conference Room 403 600 South Second Street Springfield
12/10/02 10:00 AM	PCB 98-148	People v. Doren Poland, Lloyd Yoho, and Briggs Industries, Inc. a/k/a Briggs Plumbing Products, Inc.; Briggs Industries, Inc.; Third-Party Complainant v. Loren West and Abingdon Salvage Company, Inc., Third-Party Respondents	Knox County Courthouse Second Floor 200 South Cherry Street Galesburg
12/11/02 9:00 AM	PCB 3-42	Rantoul Township High School District No. 193 v. IEPA	James R. Thompson Center Conference Room 11-512 100 West Randolph Street Chicago
12/12/02	R3-10	In the Matter of: Revision of the Board's Procedural Rules: 35 Ill. Adm. Code 101-130	600 S. Second Street Hearing Room 403 Springfield
12/18/02 9:00 AM	PCB 2-91 PCB 2-116	Rezmar Corporation v. IEPA (Consolidation of PCB 2-116 and PCB 2-91)	James R. Thompson Center Conference Room 11-512 100 West Randolph Street Chicago
12/19/02 9:00 AM	PCB 3-43	Landfill 33, LTD., v. Effingham County Board and Sutter Sanitation Services	County Building 101 N. Fourth Street County Board Room

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			Effingham
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12/19/02 9:00 AM	PCB 3-52	Stock & Company, LLC, v. Effingham County Board and Sutter Sanitation Services	County Building 101 N. Fourth Street County Board Room Effingham
12/19/2002 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		James R. Thompson Center Conference Room 11-512 100 West Randolph Street Chicago
19/19/02	R3-10	In the Matter of: Revision of the Board's Procedural Rules: 35 Ill. Adm. Code 101-130	James R. Thompson Center Conference Room 9-040 100 West Randolph Street Chicago
12/20/02 9:00 AM	PCB 3-43	Landfill 33, LTD., v. Effingham County Board and Sutter Sanitation Services	County Building 101 N. Fourth Street County Board Room Effingham
12/20/02 9:00 AM	PCB 3-52	Stock & Company, LLC, v. Effingham County Board and Sutter Sanitation Services	County Building 101 N. Fourth Street County Board Room Effingham
2/19/03 9:00 AM	PCB 1-167	People v. ESG Watts, Inc. (Taylor Ridge Landfill)	Conference Room 403 600 South Second Street Springfield
2/20/03 9:00 AM	PCB 01-167	People v. ESG Watts, Inc. (Taylor Ridge Landfill)	Conference 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 October, 2002.

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

NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY	EPA # RGN	NATURE OF PROBLEM	POP. SERVE D	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
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

## Environmental Register – October 2002

NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY	EPA # RGN	NATURE OF PROBLEM	POP. SERVE D	LISTING DATE
Buckingham (Kankakee Co - 0910250)	2	Inadequate Pres Tank	330	03/17/89
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
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	Indequate 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

## Environmental Register – October 2002

NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY	EPA # RGN	NATURE OF PROBLEM	POP. SERVE D	LISTING DATE
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
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
Frwrd-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

## Environmental Register – October 2002

NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY	EPA # RGN	NATURE OF PROBLEM	POP. SERVE D	LISTING DATE
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
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 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

## Environmental Register – October 2002

NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY	EPA # RGN	NATURE OF PROBLEM	POP. SERVE D	LISTING DATE
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
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 Dstrct 3 (Lake Co - 0971451)	2	Inadequate Souce Capacity	234	11/01/01

## Environmental Register – October 2002

NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY	EPA # RGN	NATURE OF PROBLEM	POP. SERVE D	LISTING DATE
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
Shawntita 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
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
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 Holiday Hills (McHenry Co - 1115350)	2	Inadequate Pres Tank	750	09/16/83
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

## Environmental Register – October 2002

NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY	EPA # RGN	NATURE OF PROBLEM	POP. SERVE D	LISTING DATE
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

Bayles Lake Lot Owners Assn (Iroquois Co - 0755110)  
 Little Swan Lake Sndst (Warren Co - 1875050)  
 Sorento (Bond Co - 0050300)



## 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 October, 2002.

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

NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY	EPA # RGN	NATURE OF PROBLEM	POP. SERVE D	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
Highland Hills Sndst (DuPage Co - 0435560)	2	Inadequate Pres Tank	1,100	09/17/92

## Environmental Register – October 2002

NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY	EPA # RGN	NATURE OF PROBLEM	POP. SERVE D	LISTING DATE
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

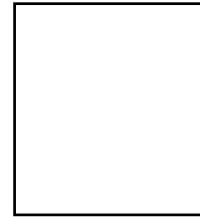
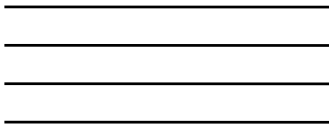
None Removed



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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Environmental Register Coordinator  
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