
Environmental Register

March 2013 - Number 705

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

Thomas Holbrook, Chairman

Board Members:

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Letter from the Chairman

While continuing work on its rulemaking and adjudicatory dockets during the month of March, the Board was saddened to learn of the death of two former Board Members, first Nicholas Melas and then Richard Kissel. Both of them made immeasurable contributions to the Board's work and to environmental protection in Illinois.

Nicholas Melas was first appointed to the Board in May 1998 and was reappointed in 2000, 2003, and 2005. His tenure continued through November 2008. His distinguished public service career over six decades included 30 years as Commissioner of the Metropolitan Water Reclamation District of Greater Chicago, the last 18 of those years as President of its Board. He had a deep involvement with a wide range of professional, environmental, religious, and community service organizations. He earned both an M.B.A. from the Graduate School of Business as well as a B.S. in Chemistry from the University of Chicago.



During his tenure, Member Melas' commitment and expertise contributed greatly to the Board's work. The time, historical perspective, and knowledge Mr. Melas so freely shared earned the appreciation, respect, and friendship of many persons, particularly his fellow Board members and the Board's staff. Our deepest sympathies go to his family and his wide circle of friends.

Richard Kissel assisted in drafting the original Illinois Environmental Protection Act. Upon its adoption, Governor Ogilvie appointed him as one of the original members of the Illinois Pollution Control Board. In 1973, Mr. Kissel returned to private practice and formed an environmental law practice with a number of colleagues. In April of 1988, he joined Gardner Carton & Douglas. He served as Chair of the firm's Environmental Law Department from its inception until 1996 and also served as Chair and member of the firm's Management Committee. Mr. Kissel received his J.D. from the Northwestern University School of Law in 1961. He had served as an adjunct professor at both the Chicago-Kent College of Law and the University of Illinois School of Public Health.

Richard Kissel will be remembered as a leader in his profession and as a tireless advocate. His roles in drafting the Environmental Protection Act and forming the Pollution Control Board will long influence public policy and environmental protection in the State of Illinois. The Board extends its deepest sympathies to his family and friends.

Sincerely,

A handwritten signature in black ink that reads "Thomas Holbrook". The signature is written in a cursive style with a large, sweeping initial "T".

Thomas Holbrook
Chairman

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Rulemaking Update

Board Adopts Second-Notice Proposal Adding Indoor Inhalation Pathway to TACO

The Board, on March 7, 2013, proposed amendments to the Tiered Approach to Corrective Action Objectives (TACO) rules (35 Ill. Adm. Code 742) for second-notice review by the Joint Committee on Administrative Rules (JCAR) (5 ILCS 100/5-40(c) (2010)). The amendments include the addition of a new exposure route under TACO: the indoor inhalation exposure route. To protect building occupants, this exposure route addresses the potential for vapors to migrate into buildings from subsurface volatile chemical contamination, a process commonly known as “vapor intrusion” or “VI.”

The rulemaking provides, among other things, Tier 1 soil gas and groundwater remediation objectives for the indoor inhalation exposure route. Also as proposed at first notice, the second-notice amendments reflect the addition of 13 chemicals to the TACO tables, update physical and chemical parameters, and revise toxicity values. In addition, to ease the transition of adding a new exposure route to TACO, the amendments will have a 60-day delayed effective date.

Two significant changes to the first-notice rule language were proposed at second notice. First, an institutional control must be placed on the property whenever the indoor inhalation remediation objectives (including Tiers 1 and 2) applied at the site rely upon the assumed presence of a building with a full concrete slab-on-grade or a full concrete basement floor and walls. Second, if a “building control technology” becomes inoperable at a school for five consecutive calendar days during the school year when school is in session, it is the “school administrator” who must notify not only the Illinois Environmental Protection Agency, but also the school board and every parent or legal guardian for all enrolled students.

The Board plans to proceed expeditiously to adopt these TACO amendments as final rules after JCAR’s second-notice review. The final amendments will provide the first set of vapor intrusion rules for remediation sites in Illinois.

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board’s Web site www.ipcb.state.il.us, and may be downloaded from the Web without charge. Hard copies may be obtained from the Clerk’s Office upon payment of reproduction fees as prescribed by Section 6 of the Freedom of Information Act [5 ILCS 140/6].

For more information, contact Richard McGill at (312)-814-6983 or email at Richard.McGill@illinois.gov.

Board Will Hold Additional Hearings to Further Consider Groundwater Monitoring for Clean Construction or Demolition Debris Fill Operations

On March 21, 2013, the Board, adopted an order directing that additional hearings be held concerning groundwater monitoring for Clean Construction or Demolition Debris (CCDD) and Uncontaminated Soil Fill Operations. On August 23, 2012, the Board adopted rule amendments allowing CCDD and uncontaminated soil to be used as fill at quarries, mines, and other excavations. Additionally, the August 23, 2012 order opened a Subdocket B, at the recommendation of the Joint Committee on Administrative Rules (JCAR), to examine the issue of groundwater monitoring at CCDD or uncontaminated soil fill operations. See [Proposed Amendments to Clean Construction or Demolition Debris Fill Operations \(CCDD\): Proposed Amendments to 35 Ill. Adm. Code 1100, R12-9\(B\)](#).

On September 21, 2012, a hearing officer order sought comment from any interested person on whether the Board should require groundwater monitoring at CCDD and uncontaminated soil fill facilities. The hearing officer allowed for comments to be filed until December 1, 2012.

The Board reviewed those comments and, in its March 21, 2013 order, found that additional hearings are necessary on the issue of groundwater monitoring. The Board determined that although the comments provided some suggestions that the Board will explore at hearing, many questions regarding groundwater monitoring remain. The Board therefore directed the hearing officer to schedule hearings and issue questions to be addressed by participants at hearing.

As a basis for considering how a groundwater monitoring program might be implemented, the Board's March 21, 2013 order provided the rule language for groundwater monitoring that had been proposed by the Illinois Environmental Protection Agency. The proposed language can be found through the Clerk's Office On-Line (COOL) on the Board's website at www.ipcb.state.il.us.

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board's Web site and may be downloaded from the Web without charge. Hard copies may be obtained from the Clerk's Office upon payment of reproduction fees as prescribed by Section 6 of the Freedom of Information Act [5 ILCS 140/6].

For more information contact Marie Tipsord at 312-814-4925 or email at marie.tipsord@illinois.gov.

Board Actions

March 7, 2013 via video conference Springfield and Chicago, Illinois

Rulemakings

- | | | |
|--------------|--|-------------|
| R11-9 | <u>IN the Matter of: Tiered Approach to Corrective Action Objectives (TACO) (Indoor Inhalation): Amendments to 35 Ill. Adm. Code 742</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board's land pollution control regulations. | 4-0
Land |
|--------------|--|-------------|

Administrative Citations

- | | | |
|-----------------|--|-----|
| AC 13-29 | <u>IEPA v. Teddy G. Brown, Trustee, and Lawana R. Brown, Trustee and T&T Recycling, Inc.</u> – The Board found that these Williamson County respondents violated Sections 21(p)(1), 21(p)(3), 21(p)(4), and 21(p)(6) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(4), (p)(6) (2010)), and ordered respondents to pay a civil penalty of \$6,000. | 4-0 |
| AC 13-30 | <u>IEPA v. Michael & Janet Mileham d/b/a Mike's Tire & Auto Service</u> – The Board found that these White County respondents violated Sections 55(k)(1) of the Environmental Protection Act (415 ILCS 5/55(k)(1) (2010)), and ordered respondents to pay a civil penalty of \$1,500. | 4-0 |
| AC 13-32 | <u>IEPA v. Nico Development Groups, Inc.</u> – The Board found that this Rock Island County respondent violated Sections 55(k)(1) of the Environmental Protection Act (415 ILCS 5/55(k)(1) (2010)), and ordered respondent to pay a civil penalty of \$1,500. | 4-0 |

AC 13-33	<u>IEPA v. Industrial Demolition, Inc.</u> – The Board accepted for hearing respondent’s petition for review of this administrative citation involving a Macoupin County facility.	4-0
AC 13-34	<u>IEPA v. Colonial Brick Co. Inc. and Rodney N. Brown d/b/a Brown Trucking & Ready Mix</u> – The Board accepted for hearing respondents’ petition for review of this administrative citation involving a Knox County facility.	4-0
AC 13-35	<u>County of Jackson v. Cloyd and Craig Karnes</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	4-0
AC 13-37	<u>County of Vermilion, Illinois v. Charles Long</u> – The Board on its own motion dismissed the administrative citation and closed the docket, for failure to timely serve the administrative citation on respondent.	4-0

Adjudicatory Cases

PCB 04-16	<u>People of the State of Illinois v. Packaging Personified, Inc.</u> – The Board granted complainant’s motion for extension of the record-closing deadline.	4-0 Glosser and Zalewski concurring A-E
PCB 10-9	<u>People of the State of Illinois v. Waste Hauling Landfill, Inc., Jerry Camfield, and Trinity Rail Group, Inc.</u> – In this land enforcement action concerning a Macon County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2010)) as Trinity Rail Group, Inc., (Trinity) only, accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$30,000, and to cease and desist from further violations. Trinity also agreed to pay the People’s attorney’s fees in the amount of \$750.00.	4-0 L-E
PCB 13-1	<u>People of the State of Illinois v. Troy Carter</u> – The Board granted complainant’s motion for summary judgment, finding that respondent violated the specified provisions of the Environmental Protection Act and the Board regulations as alleged in the complaint. The Board ordered respondent to pay a total civil penalty of \$37,008.00, and to cease and desist from further violations.	4-0 L-E
PCB 13-10	<u>Martin Maggio v. County of Winnebago, Winnebago County Board, and Winnebago Landfill Company, LLC</u> – The Board affirmed the Winnebago County Board’s siting approval for the Winnebago Landfill Company’s pollution control facility expansion.	4-0 PCFSR, 3d P
PCB 13-41	<u>People of the State of Illinois v. AmerenEnergy Resources Generating Company, Inc.</u> – The Board granted complainant’s motion for substitution of parties and dismissed respondent’s motion for dismissal. (The above caption reflects this action.)	4-0 L-E

**March 21, 2013
Chicago, Illinois**

Rulemakings

R12-9 (B) In the Matter of: Proposed Amendments to Clean Construction or Demolition Debris (CCDD) Fill Operations: Proposed Amendments to 35 Ill. Adm. Code 1100 – The Board adopted an order directing the hearing officer to schedule hearings and provide participants with questions to be addressed concerning groundwater monitoring issues at hearing. 3-0
Burke and
Zalewski
abstained
Land

Administrative Citations

AC 12-4 IEPA v. Garrison Properties, Inc. & River City Roofing Company, Inc. – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Peoria County facility, the Board found that respondents had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2010)) and ordered respondents to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondents’ petition for review. To effectuate the parties’ intent that respondents pay a total civil penalty of \$1,500, the Board on its own motion, dismissed the alleged violations of Sections 21(p)(3) and 21(p)(7) of the Act (415 ILCS 5/21(p)(3) and 21(p)(7) (2010)). 5-0

AC 12-38 IEPA v. Funk Builders, Inc. – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Woodford County facility, the Board found that respondent had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2010)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondent’s petition for review. To effectuate the parties’ intent that respondent pay a total civil penalty of \$1,500, the Board on its own motion, dismissed the alleged violations of Sections 21(p)(3) and 21(p)(7) of the Act (415 ILCS 5/21(p)(3) and 21(p)(7) (2010)). 5-0

AC 12-51 IEPA v. Northern Illinois Service Company – The Board denied complainant’s motion for leave to amend an administrative citation as unnecessary. 5-0

AC 13-23 IEPA v. IL Valley Urban Lumberjacks, LLC – The Board denied respondent’s motion to reconsider the Board’s January 24, 2013 order. 5-0

AC 13-36 IEPA v. Paul Williams & H S Auto Salvage – The Board found that these Alexander County respondents violated Section 21(p)(1), 21(p)(3), 21(p)(7) and 55(k)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) and 55(k)(1) (2010)), and ordered respondents to pay a civil penalty of \$6,000. 5-0

Adjudicatory Cases

PCB 10-20 People of the State of Illinois v. Montalbano Builders, Inc., an Illinois corporation, First American Properties, L.L.C., an Illinois limited liability company, and MBC XIV, LLC, a revoked Delaware limited liability company – The Board granted complainant’s motion to voluntarily dismiss First American Properties, LLC (First American) from the amended 5-0
W-E

complaint. First American's motion to dismiss Counts I and II of the amended complaint is moot.

PCB 12-101	<u>ConocoPhillips Company v. IEPA</u> – The Board affirmed the Illinois Environmental Protection Agency's imposition of Special Condition 27 in Phillips 66 Company's National Pollutant Discharge Elimination System permit issued on December 22, 2011. The Board remanded the permit for recalculation of the effluent limit for mercury.	3-0 Burke and Holbrook abstained P-A, Water
PCB 12-132	<u>People of the State of Illinois v. Kehrer Brothers Construction, Inc. an Illinois corporation</u> – In this land enforcement action concerning a Clinton 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) (2010)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$6,000.00, and to cease and desist from further violations.	4-0 Holbrook abstained L-E
PCB 13-38	<u>People of the State of Illinois v. Kerry Anderson, d/b/a Bill's Auto Repair</u> – In this land enforcement action concerning a Henry 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) (2010)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$6,000.00, and to cease and desist from further violations.	5-0 L-E
PCB 13-47	<u>People of the State of Illinois v. City of Carlinville</u> – Upon receipt of a complaint accompanied by a proposed stipulation and settlement agreement, and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a facility located in Macoupin County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E

New Cases

March 7, 2013 Board Meeting

AC 13-38 IEPA v. Jeff Wuebbels – The Board accepted an administrative citation against this Clinton County respondent.

March 21, 2013 Board Meeting

PCB 13-47 People of the State of Illinois v. City of Carlinville – Upon receipt of a complaint accompanied by a proposed stipulation and settlement agreement, and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a facility located in Macoupin County facility, the Board ordered publication of the required newspaper notice.

AC 13-39 County of Jackson v. Elmer Rowe and Greg Rowe – The Board accepted an administrative citation against these Jackson County respondents.

AC 13-40 IEPA v. Lloyd Schoenheit and Mark E. Johnson d/b/a MJ Tire Service – The Board accepted an administrative citation against these Edwards County respondents.

R13-18 In the Matter of: Vapor Recovery Rules: Amendments to 35 Ill. Adm. Code Parts 201, 218, and 219 – No action taken.

Calendar

4/4/2012 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago
4/18/2012 11:00 AM	Illinois Pollution Control Board Meeting		Videconference Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago And 1021 N. Grand Avenue East Oliver Holmes Conference Room 2012 N Springfield
5/2/2012 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago
5/7/2013 10:30 AM	PCB 12-124	<u>Broadus Oil Company v. IEPA</u>	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East (North Entrance) Springfield
5/7/2013 10:30 AM	PCB 12-134	<u>Brimfield Auto & Truck v. IEPA</u>	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East (North Entrance) Springfield
5/16/2012 11:00 AM	Illinois Pollution Control Board Meeting		Videconference Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago And 1021 N. Grand Avenue East Oliver Holmes Conference Room 2012 N Springfield
5/21/2013 10:30 AM	AC 12-53	<u>IEPA v. Thomas E. Porter, Beverly J. Bible, and Todd & Tabitha Booten d/b/a C & T Recycling</u>	City Hall Council Chambers 1102 Tower Square Plaza Marion
6/6/2012 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago
6/20/2012 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago

Class III Groundwater Proposed Listing Notice

In accordance with 35 Ill. Adm. Code 620.230(b)(2), the Illinois Environmental Protection Agency (“Illinois EPA”) is publishing a proposed listing of dedicated nature preserves (“DNPs”), to be classified as Class III: Special Resource Groundwater, in the Environmental Register for a 45-day public comment period. The proposed list of DNPs includes: Sand Ridge, Searls Park Prairie, and Yonder Prairie nature preserves. This is the sixth Class III petition received by the Illinois EPA for the proposed listing of DNPs.

Based upon the authority of 35 Ill. Adm. Code 620.230, Class III: Special Resource Groundwater can be established for: groundwater that is demonstrably unique (e.g. irreplaceable sources of groundwater) and suitable for application of a water quality standard more stringent than the otherwise applicable water quality standard specified; groundwater that is vital for a particularly sensitive ecological system; or groundwater contributing to a DNP that has been listed by the Illinois EPA. The Illinois EPA is required to review a written request to list DNPs, and upon confirmation of the technical adequacy, publish the proposed listing of the DNP(s) in the Environmental Register for a 45-day public comment period. Within 60 days after the close of the comment period, the Illinois EPA is required to publish a final listing in the Environmental Register, or provide the requestor with a written response specifying reasons for not publishing a final listing.

The Groundwater Section, Bureau of Water, Illinois EPA, has completed the review required according to the criteria specified in subsection 620.230(b)(1) and finds the petition to be technically adequate. Therefore, the Illinois EPA is publishing the following proposed listings:

Sand Ridge: Exhibit 1

Searls Park Prairie: Exhibit 2

Yonder Prairie: Exhibit 3

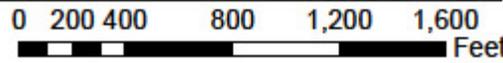
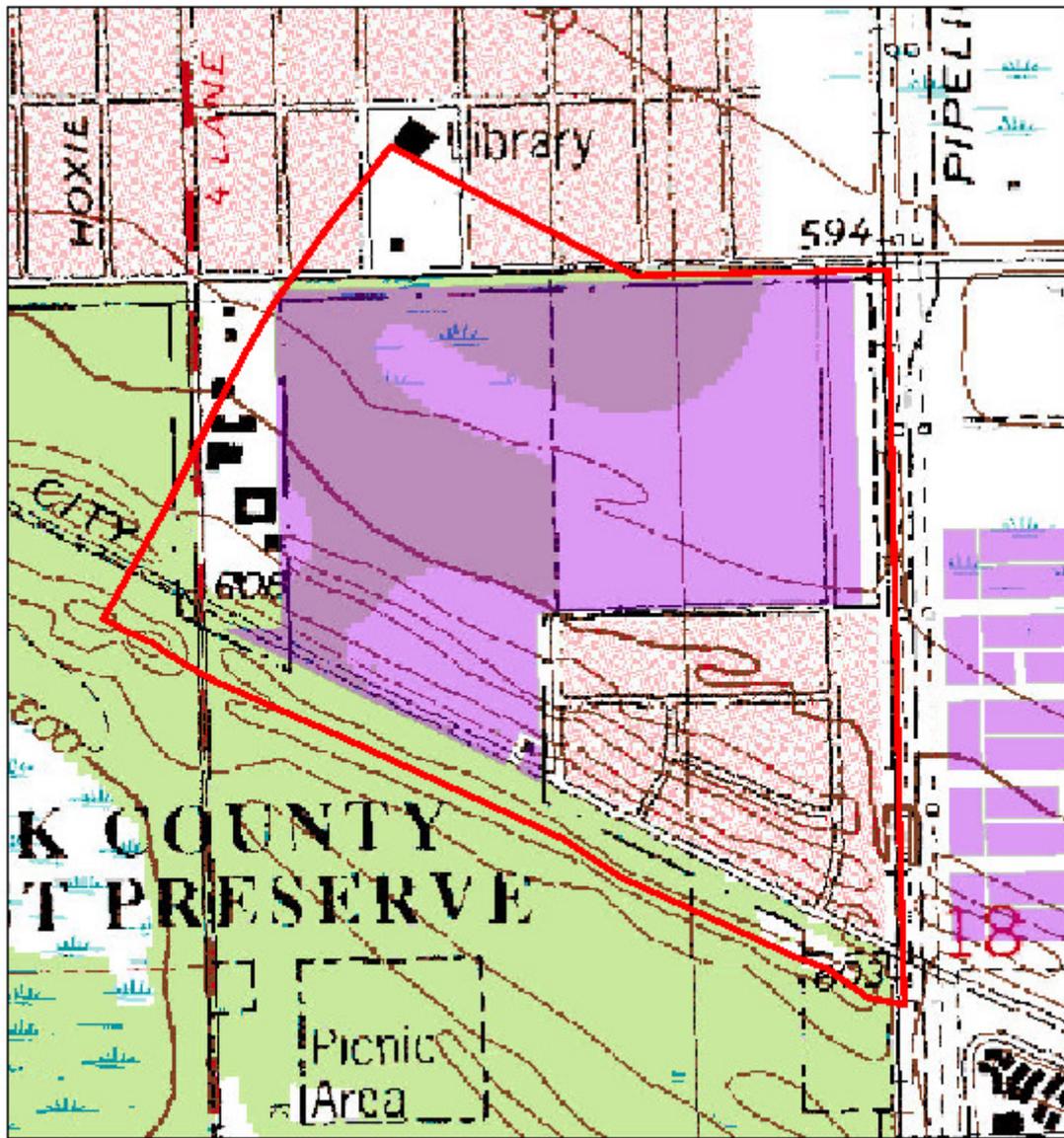
for a 45-day public comment period in the Environmental Register. Questions regarding Class III Groundwater and copies of the proposed listing exhibits can be obtained by mail, telephone or e-mail at the following:

Lynn E. Dunaway, P.G.
Groundwater Section
Division of Public Water Supplies
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 785-4787
lynn.dunaway@illinois.gov

EXHIBIT 1

Sand Ridge Nature Preserve
Class III Designation Proposal

Sand Ridge Class III Groundwater Area



Legend

-  Sand Ridge_Final_GCA
-  Dedicated Nature Preserves

Sand Ridge Nature Preserve Class III Special Resource Groundwater Listing Notice

The Illinois Environmental Protection Agency (Illinois EPA) requests a proposed listing of Sand Ridge, a dedicated nature preserve (DNP), and the area that contributes groundwater to the DNP, as Class III: Special Resource Groundwater. Sand Ridge Nature Preserve is located adjacent to Cook County Forest Preserve in unincorporated South Holland just west of Calumet City. Plant communities at this site include sand prairies and scattered black oak savannas, with wetlands at the base of the sand ridges. The nature preserve is home to two endangered and one threatened plant species. Sand Ridge is a 70 acre tract of land owned by the Cook County Forest Preserve District, located in Section 18, Township 36 North, Range 15 East, Cook County. The groundwater contribution area (GCA), which is proposed for Class III designation, also extends into Section 7, Township 36 North, Range 15 East and Section 13, Township 36 North, Range 14 East, Cook County. The total GCA including the nature preserve and GCA outside the nature preserve is 0.22 square miles (139.2 acres) extending northwest, west and south of the nature preserve.

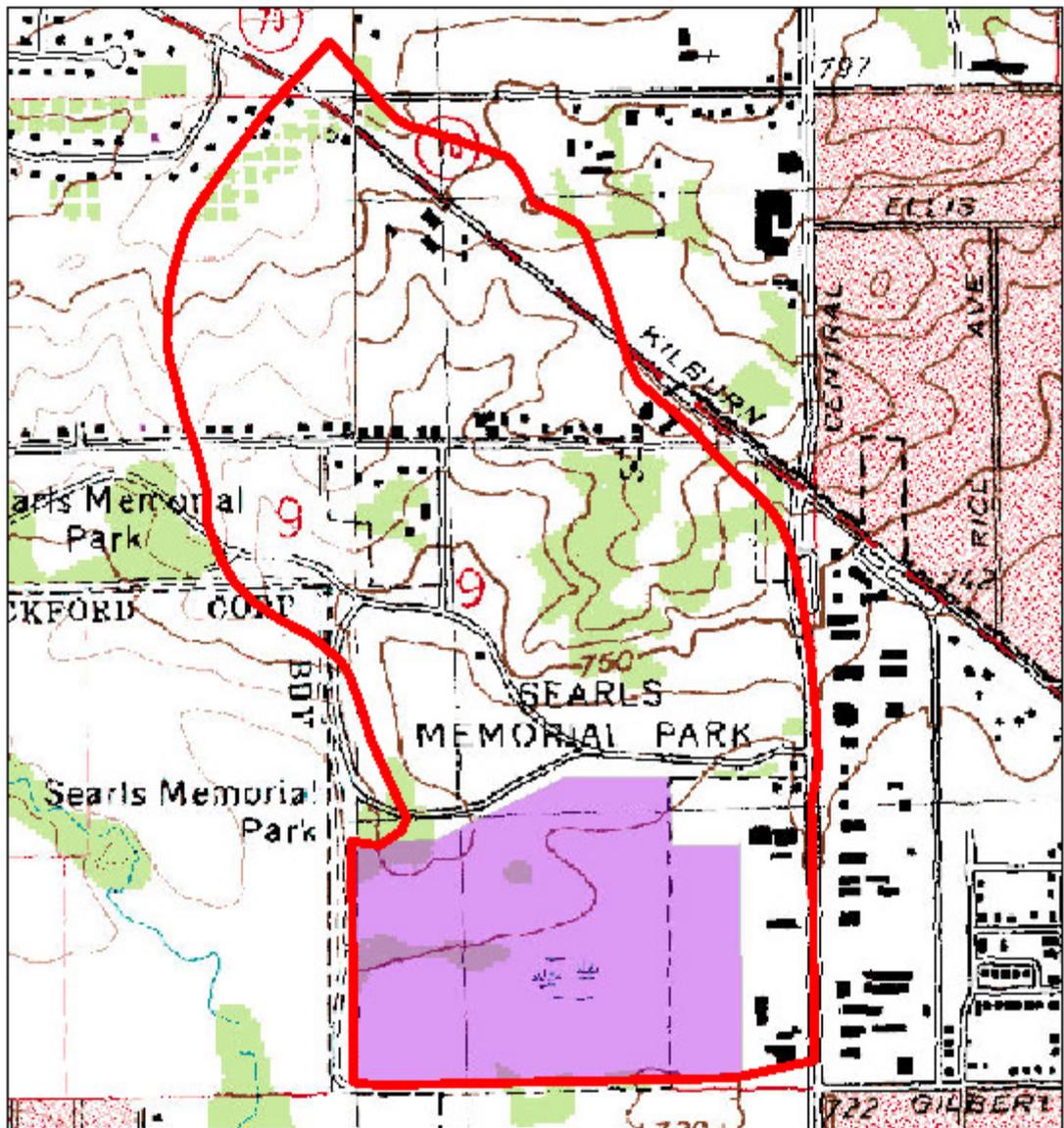
Under the authority of 35 Ill. Adm. Code 620.230, Class III: Special Resource Groundwater can be established for: groundwater that is demonstrably unique (e.g. irreplaceable sources of groundwater) and suitable for application of a water quality standard more stringent than the otherwise applicable water quality standard specified; groundwater that is vital for a particularly sensitive ecological system; or groundwater contributing to a DNP that has been listed by the Illinois EPA. The Illinois EPA is required to review a written request to list DNPs, and upon confirmation of the technical adequacy, publish the proposed listings of the DNP(s) in the Environmental Register for a 45-day public comment period. Within 60 days after the close of the comment period, the Illinois EPA is required to publish a final listing in the Environmental Register.

The Groundwater Section of the Bureau of Water at the Illinois EPA has completed the review required according to the criteria specified in Subsection 620.230(b)(1), and finds the petition to be technically adequate.

EXHIBIT 2

Searls Park Prairie Nature Preserve
Class III Designation Proposal

Searls Park Class III Groundwater Area



Legend

-  SearlsPark_Final_GCA
-  Dedicated Nature Preserves

0 250 500 1,000 1,500 2,000 Feet

Searls Park Prairie Nature Preserve Class III Special Resource Groundwater Listing Notice

The Illinois Environmental Protection Agency (Illinois EPA) requests a proposed listing of Searls Park Prairie, a dedicated nature preserve (DNP), and the area that contributes groundwater to the DNP, as Class III: Special Resource Groundwater. Searls Park Prairie Nature Preserve is located northwest of Rockford in Winnebago County. Plant communities at this site include mesic prairie, wet-mesic prairie and wet prairie, which depend on the specialized hydrogeologic conditions for their continued survival. The prairie is home to an endangered plant species. Searls Park Prairie is a 66 acre tract of land within Searls Memorial Park, owned by the Rockford Park District, located in Section 9, Township 44 North, Range 1 East, Winnebago County. The groundwater contribution area (GCA), is in Sections 4, 9 and 10 Township 44 North, Range 1 East, Winnebago County. The total GCA, for which Class III is proposed, including the nature preserve and GCA outside the nature preserve, is 0.43 square miles (279.2 acres) extending predominantly north, with minor contribution from the east of the nature preserve.

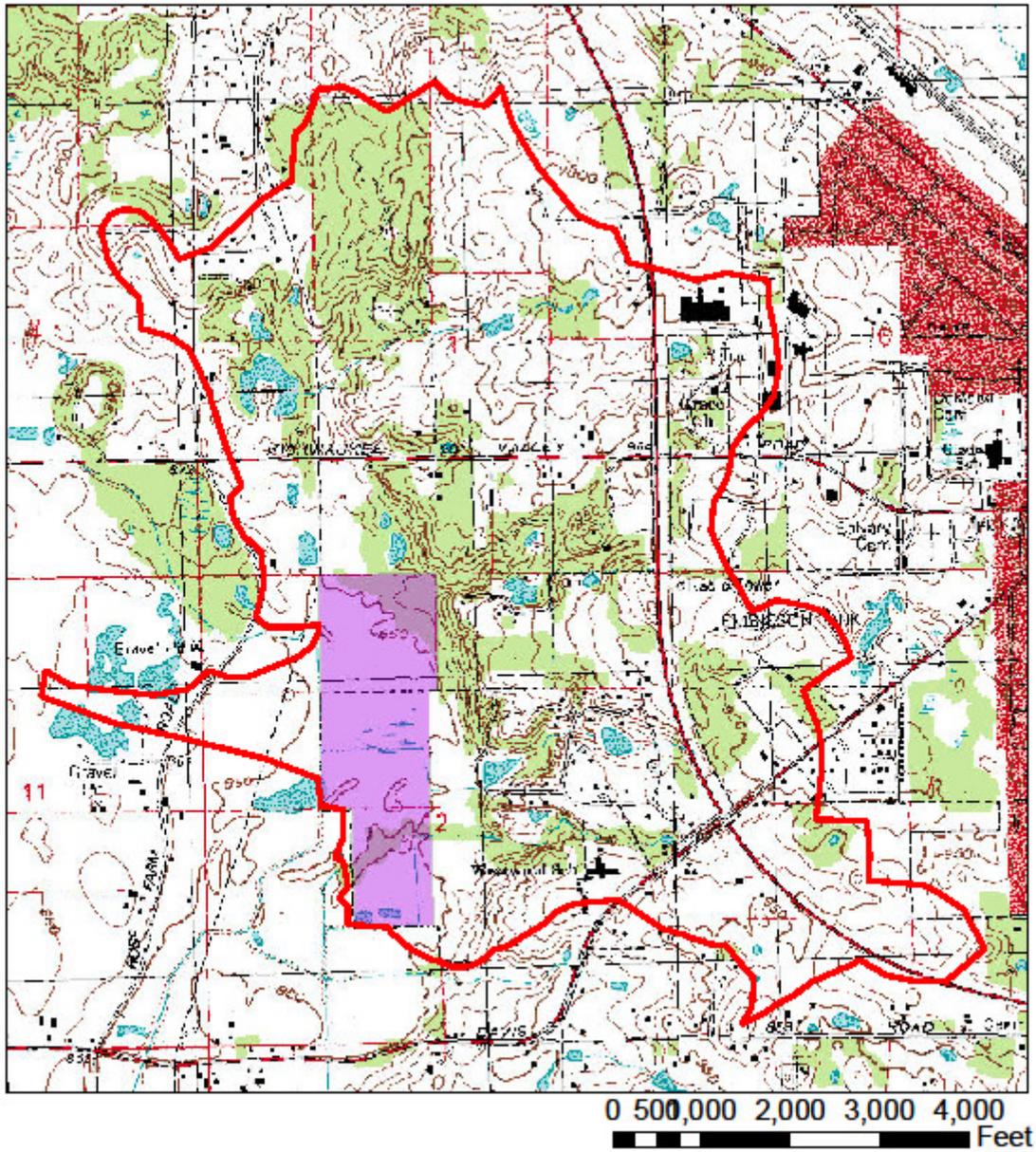
Under the authority of 35 Ill. Adm. Code 620.230, Class III: Special Resource Groundwater can be established for: groundwater that is demonstrably unique (e.g. irreplaceable sources of groundwater) and suitable for application of a water quality standard more stringent than the otherwise applicable water quality standard specified; groundwater that is vital for a particularly sensitive ecological system; or groundwater contributing to a DNP that has been listed by the Illinois EPA. The Illinois EPA is required to review a written request to list DNPs, and upon confirmation of the technical adequacy, publish the proposed listings of the DNP(s) in the Environmental Register for a 45-day public comment period. Within 60 days after the close of the comment period, the Illinois EPA is required to publish a final listing in the Environmental Register.

The Groundwater Section of the Bureau of Water at the Illinois EPA has completed the review required according to the criteria specified in Subsection 620.230(b)(1), and finds the petition to be technically adequate.

EXHIBIT 3

Yonder Prairie Nature Preserve
Class III Designation Proposal

Yonder Prairie Class III Groundwater Area



Legend

-  Yonder Prairie_Final_GCA
-  Dedicated Nature Preserves

Yonder Prairie Nature Preserve Class III Special Resource Groundwater Listing Notice

The Illinois Environmental Protection Agency (Illinois EPA) requests a proposed listing of Yonder Prairie, a dedicated nature preserve (DNP), and the area that contributes groundwater to the DNP, as Class III: Special Resource Groundwater. Yonder Prairie Nature Preserve is located on the western edge of Woodstock, McHenry County, and is part of a larger wetland complex. Plant communities at this site include prairie, wet prairie, wetlands and oak savanna. The diverse communities indicate that groundwater currently retains important flow and geochemical characteristics, which are important to the continued survival of specialized wetland plants. Yonder Prairie is a 103.9 acre tract of land owned by the Land Conservancy of McHenry County, located in Sections 1 and 12, Township 44 North, Range 6 East, McHenry County. The groundwater contribution area (GCA) is in Sections 1, 2, 11 and 12, Township 44 North, Range 6 East; Sections 6 and 7, Township 44 North, Range 7 East and Section 36, Township 45 North, Range 6 East, McHenry County. The total GCA, for which Class III is proposed, including the nature preserve and GCA outside the nature preserve, is 1.97 square miles (1,261 acres) extending predominantly north and east of the nature preserve.

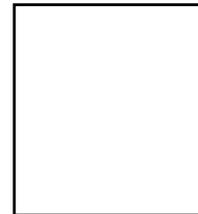
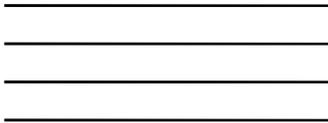
Under the authority of 35 Ill. Adm. Code 620.230, Class III: Special Resource Groundwater can be established for: groundwater that is demonstrably unique (e.g. irreplaceable sources of groundwater) and suitable for application of a water quality standard more stringent than the otherwise applicable water quality standard specified; groundwater that is vital for a particularly sensitive ecological system; or groundwater contributing to a DNP that has been listed by the Illinois EPA. The Illinois EPA is required to review a written request to list DNPs, and upon confirmation of the technical adequacy, publish the proposed listings of the DNP(s) in the Environmental Register for a 45-day public comment period. Within 60 days after the close of the comment period, the Illinois EPA is required to publish a final listing in the Environmental Register.

The Groundwater Section of the Bureau of Water at the Illinois EPA has completed the review required according to the criteria specified in Subsection 620.230(b)(1), and finds the petition to be technically adequate.

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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