
Environmental Register

June 2013 - Number 708

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

Thomas Holbrook, Chairman

Board Members:

Jennifer A. Burke, Deanna Glosser, Jerome D. O'Leary, and Carrie Zalewski

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Letter from the Board

Effective June 30, 2013, Tom Holbrook resigned as Chair of the Illinois Pollution Control Board. He resigned from his position in order to accept his appointment as St. Clair County Clerk, which the St. Clair County Board confirmed on June 24, 2013.

Tom Holbrook was appointed the Board's Chairman by Governor Pat Quinn in 2011. Prior to joining the Board, he had served as member of the Illinois House of Representatives, to which he was first elected in 1994. He was a member of the House Environment & Energy Committee for nearly two decades and Chair of that committee for the last decade of his tenure. He also served on the General Assembly's Joint Committee on Administrative Rules, which gave him considerable knowledge of the rulemaking process.

As Board Chair, Tom helped to strengthen the Board's operations and its ability to continue sound environmental policy making. As his Board colleagues, we have benefitted from his experience and knowledge and are grateful for all of his dedication to the Board's work. We wish him the best of luck in his new position as St. Clair County Clerk and in all of his future endeavors.

Also, on June 4, 2013, Governor Quinn appointed Thomas E. Johnson as the Board's Executive Director. Tom previously served as a Board member from his initial appointment in 2001 until 2012, and he served as Chairman from January 2003 to December 2003. During his Board tenure, Tom played a role in the full range of the Board's cases and its operations. We are pleased that the Board will have the benefit of this experience in his new role as Executive Director and look forward to working with him.

As always, please visit the Board's website (www.ipcb.state.il.us) for information on the Board's docket of rulemaking and contested cases.

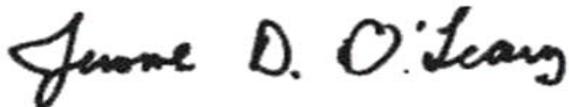
Sincerely,



Jennifer A. Burke



Dr. Deanna Glosser



Jerome D. O'Leary



Carrie K. Zalewski

Inside This Issue:

RULEMAKING UPDATE	P. 1
BOARD ACTIONS	P. 2
NEW CASES	P. 5
BOARD CALENDAR	P. 6
CLASS III GROUNDWATER LISTING	P. 8

Rulemaking Update

In the Matter of RCRA Subtitle C Update, USEPA Amendments (July 1, 2012 through December 31, 2012) **R13-15**

The Board, on June 20, 2013, adopted an opinion and order proposing amendments that would update the Illinois hazardous waste regulations to include amendments adopted by the United States Environmental Protection Agency (USEPA). Normally, the focus of this proceeding would be based on USEPA amendments that occurred during the time period that embraces the second half of calendar year 2012. During this time, however, USEPA did not amend its regulations in a way that would require Board action. Notwithstanding, the Board proposes amendments that are necessary for two purposes within the scope of our statutory mandate: (1) to incorporate corrections that USEPA has communicated to the Board as necessary to make the Illinois regulations at least as stringent as and not inconsistent with the federal hazardous waste requirements; and (2) to update incorporations by reference of federal regulations upon which the hazardous waste requirements depend so that the Illinois regulations do not become less stringent than or inconsistent with the federal hazardous waste requirements.

The Board has further included limited corrective amendments that are not directly derived from USEPA amendments. Notably, the Board has proposed the following: (1) correcting appearances of incorporations by reference in the text; and (2) correcting cross-references in the text; and (3) removing an obsolete provision relative to Performance Track member facilities.

This is an identical-in-substance rulemaking that would update the Illinois hazardous waste regulations. Sections 7.2 and 22.4(a) of the Environmental Protection Act (Act) (415 ILCS 5/7.2 and 22.4(a) (2010)) require the Board to adopt regulations that are “identical in substance” to hazardous waste regulations adopted by the USEPA. These USEPA rules implement Subtitle C of the federal Resource Conservation and Recovery Act of 1976 (RCRA Subtitle C) (42 U.S.C. §§ 6921 *et seq.* (2010)). The federal RCRA Subtitle C hazardous waste management (HWM) regulations are found at 40 C.F.R. 260 through 268, 270 through 273, and 279.

Section 22.4(a) also provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (5 ILCS 100/5-35 and 5-40 (2010)) do not apply to the Board’s adoption of identical-in-substance regulations.

This opinion and order proposes identical-in-substance amendments to 35 Ill. Adm. Code 703, 704, 720, 722, 724, 725, 726, 727, 728, and 739 for public comment. This proposal for public comment would also make limited non-substantive corrections and stylistic revisions to segments of the text that are not otherwise affected by federal amendments.

The Board will cause the proposed amendments to be published in the *Illinois Register* and will hold the docket open to receive public comments for 45 days after the date of publication.

Board orders and other documents in the R13-15 rulemaking record may be obtained through the Clerk’s Office On-Line (COOL) on the Board’s website at www.ipcb.state.il.us. For more information, contact Michael J. McCambridge at 312-814-6924 or michael.mccambridge@illinois.gov.

Board Actions

June 6, 2013
Chicago, Illinois

Adjusted Standards

AS 13-3 Kramer Tree Specialists, Inc. v. IEPA – The Board granted petitioner’s motion for voluntary dismissal. 5-0
Land

Administrative Citations

AC 13-31 County of Jackson v. Christopher Will – The Board extended the deadline for respondent to file an amended petition for review until July 8, 2013. 5-0

AC 13-39 County of Jackson v. Elmer Rowe and Greg Rowe – The Board accepted an amended administrative citation against these Jackson County respondents. 5-0

AC 13-40 IEPA v. Lloyd Schoenheit and Mark E. Johnson d/b/a MJ Tire Service – The Board dismissed respondents’ petition for review for failure to timely file an amended petition as directed. The Board found that these Edwards County respondents violated Sections 21(p)(6) and 55(k)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(6) and 55(k)(1) (2010)), and ordered respondents to pay a civil penalty of \$3,000. 5-0

Adjudicatory Cases

PCB 10-20 People of the State of Illinois v. Montalbano Builders, Inc., an Illinois corporation and MBC XIV, LLC, a revoked Delaware limited liability company – The Board granted complainant’s motion to withdraw its first amended complaint and accepted the second amended complaint for hearing. 5-0
W-E

PCB 11-88 People of the State of Illinois v. Super Mix, Inc. – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a McHenry County facility, the Board ordered publication of the required newspaper notice. 5-0
W-E

PCB 12-21 People of the State of Illinois v. Altivity Packaging, LLC, Intra-Plant Maintenance Corporation, Ironhustler Excavating, Inc., and Ron Bright, d/b/a Quarter Construction – In this land enforcement action concerning a Tazewell 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 as to Altivity Packaging, LLC, only, and ordered the respondent to pay a total civil penalty of \$25,000.00, and to cease and desist from further violations. 5-0
L-E

PCB 12-92 People of the State of Illinois v. S. A. Lewis Construction, Inc – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Macon County facility, the Board ordered publication of the required newspaper notice. 5-0
W-E

PCB 12-126	<u>Ameren Energy Resources v. IEPA</u> – The Board denied petitioner’s motion to reopen this docket and substitute parties.	4-0 Holbrook abstained A-V
PCB 13-12	<u>People of the State of Illinois v. NACME Steel Processing, LLC</u> – The Board granted complainant’s motion for leave to file a reply and the complainant’s motion to strike NACME Steel Processing, LLC’s (NACME) first affirmative defense of a valid federally enforceable state operating permit. The Board denied complainant’s motion to strike NACME’s second and third defenses of laches and waiver.	5-0 A-E
PCB 13-25	<u>People of the State of Illinois v. Diversified Labeling Solutions, Inc.</u> – In this air enforcement action concerning a DuPage 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 \$20,000.00, consisting of a \$15,500 civil penalty for deposit into the Environmental Protection Trust Fund and a \$4,500 payment for deposit into the Environmental Protection Permit and Inspection Fund. The Board also ordered respondent to cease and desist from further violations.	5-0 A-E
PCB 13-28	<u>People of the State of Illinois v. Atkinson Landfill Company</u> – The Board denied Atkinson Landfill Co.’s motion to join the Village of Atkinson and City of Galva as respondents to this proceeding.	5-0 W-E
PCB 13-40	<u>People of the State of Illinois v. Messenger Auto, Inc., d/b/a Messenger Auto & Recycling, William E. Messenger, Sr. and William M. Messenger, Jr.</u> – In this land enforcement action concerning an Ogle 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 \$10,000.00, and to cease and desist from further violations.	5-0 L-E
PCB 13-52	<u>People of the State of Illinois v. Oil Technology, Inc.</u> – In this air enforcement action concerning an Ogle 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 \$3,000.00, and to cease and desist from further violations. Additionally, the stipulation includes a supplemental environmental project (SEP), whereby respondent agrees to provide \$4,500 to the Illinois Clean Diesel Grant Program, which is administered by the Illinois Green Fleets Program, to purchase a direct-fired heater for a school bus engine.	5-0 A-E
PCB 13-60	<u>People of the State of Illinois v. Village of Atkinson</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 Henry County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 13-61	<u>People of the State of Illinois v. City of Galva</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	5-0 W-E

enforcement action involving a Henry County facility, the Board ordered publication of the required newspaper notice.

PCB 13-62	<u>United States Steel Corporation v. IEPA</u> – The Board granted petitioner’s motion for partial stay of the contested conditions within the revised Clean Air Act Permit Program permit.	4-0 Holbrook abstained P-A, Air
PCB 13-64	<u>People of the State of Illinois v. Southern Illinois Regional Landfill, Inc.</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 Jackson County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 13-66	<u>People of the State of Illinois v. Union Pacific Railroad Company and Walsh Construction Company</u> – The Board accepted for hearing this land enforcement action concerning a Cook County facility.	5-0 W-E
PCB 13-67	<u>Prairie Rivers Network and Sierra Club v. Illinois Environmental Protection Agency and Springfield Coal Company, LLC</u> – The Board accepted petitioners’ petition for review involving a facility located in McDonough and Schuyler Counties. The Board directed petitioners to file an amended petition to cure deficiencies.	4-0 Burke abstai ned W- PA, NPDES, 3d P

June 20, 2013
Via video conference
Springfield and Chicago, Illinois

Rulemakings

R13-15	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2012 through December 31, 2012)</u> – The Board adopted a proposal for public comment in this rulemaking to amend the Board’s hazardous waste regulations.	5-0 Land
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Administrative Citations

AC 13-42	<u>IEPA v. James & Pam Green</u> – The Board accepted respondents’ petition for review, but directed respondents to file an amended petition to cure deficiencies on or before July 22, 2013.	5-0
AC 13-43	<u>IEPA v. Mike Munson</u> – The Board found that this Crawford County respondent violated 21(p)(1) and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(7) (2010)), and ordered respondent to pay a civil penalty of \$3,000.	5-0

- AC 13-45** IEPA v. Marshall Brennan – The Board found that this LaSalle County respondent violated Sections 21(p)(1) and 55(k)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) and 55(k)(1) (2010)), and ordered respondent to pay a civil penalty of \$3,000. 5-0
- AC 13-54** IEPA v. Glay McMillen – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket. 5-0

Adjudicatory Cases

- PCB 07-95** People of the State of Illinois v. AET Environmental, Inc. and E.O.R. Energy, LLC – The Board denied respondents’ motion to stay the Board’s September 6, 2012 order pending appeal. 5-0
L-E
- PCB 13-8** Atkinson Landfill Company v. IEPA – The Board granted petitioner’s motion for summary judgment, finding the siting approval submitted was valid. The Board remanded the case to the Illinois Environmental Protection Agency (Agency) for consideration on the merits of the permit application. The Board denied the Agency’s motion for summary judgment. 5-0
P-A, Land
- PCB 13-68** Leslie C. Ko v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Williamson County facility. 5-0
UST Appeal
- PCB 13-69** People of the State of Illinois v. R. A. Peterson, Inc. – The Board accepted for hearing this water enforcement action concerning a Lake County facility. 5-0
W-E

New Cases

June 6, 2013 Board Meeting

AS13-4 In the Matter of: Petition of Brickyard Disposal & Recycling, Inc. Pursuant to 35 Ill. Adm. Code 814.402(b)(3) – No action taken.

PCB 13-64 People of the State of Illinois v. Southern Illinois Regional Landfill, Inc. – 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 Jackson County facility, the Board ordered publication of the required newspaper notice.

PCB 13-65 Natural Resources Defense Council, Prairie Rivers Network, and Sierra Club v. Illinois Environmental Protection Agency and Dynegy Midwest Generation, Inc. – No action taken.

PCB 13-66 People of the State of Illinois v. Union Pacific Railroad Company and Walsh Construction Company – The Board accepted for hearing this land enforcement action concerning a Cook County facility.

PCB 13-67 Prairie Rivers Network and Sierra Club v. Illinois Environmental Protection Agency and Springfield Coal Company, LLC – The Board accepted petitioners’ petition for review involving a facility located in McDonough and Schuyler Counties. The Board directed petitioners to file an amended petition to cure deficiencies.

AC 13-46 IEPA v. Best Kept Lawn, Inc. and David Klauser – The Board accepted an administrative citation against these Adams County respondents.

AC 13-47 County of Perry v. Indiana Properties, Inc. – The Board accepted an administrative citation against this Perry County respondent.

AC13-48 IEPA v. Nico Development Group, Inc. – The Board accepted an administrative citation against this Rock Island County respondent.

AC 13-49 IEPA v. John P. Dunbar – The Board accepted an administrative citation against this Rock Island County respondent.

AC 13-50 IEPA v. R. F. Stewart Family Ltd. Partnership – The Board accepted an administrative citation against this Edwards County respondent.

AC13-51 County of Vermilion v. Marian and Russell Herbold – The Board accepted an administrative citation against these Vermilion County respondents.

AC13-52 County of Vermilion v. Charles Long – The Board accepted an administrative citation against this Vermilion County respondent.

June 20, 2013

PCB 13-68 Leslie C. Ko v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Williamson County facility.

PCB 13-69 People of the State of Illinois v. R. A. Peterson, Inc. – The Board accepted for hearing this water enforcement action concerning a Lake County facility.

AC 13-53 IEPA v. Robert Becerra d/b/a 911 Auto Repair – The Board accepted an administrative citation against this Boone County respondent.

AC 13-54 IEPA v. Glay McMillen – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.

AC13-55 County of Perry v. Union Pacific Railroad – The Board accepted an administrative citation against this Perry County respondent.

Calendar

7/1/2012 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago
7/25/2013 10:30 AM	PCB 12-124	<u>Broadus Oil Company v. IEPA</u>	Illinois Environmental Protection Agency Sangamo room 1021 North Grand Avenue East Springfield
7/25/2013 10:30 AM	PCB 12-134	<u>Brimfield Auto & Truck v. IEPA</u>	Illinois Environmental Protection Agency Sangamo room 1021 North Grand Avenue East Springfield
7/25/2012 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago
7/29/2013 10:30 AM	R08-09(D)	<u>In the Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303, and 304</u>	James R. Thompson Center Room 9-040 100 W. Randolph Street Chicago

8/8/2012 11:00 AM	Illinois Pollution Control Board Meeting	Videoconference 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
8/22/2012 11:00 AM	Illinois Pollution Control Board Meeting	James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago
9/5/2012 11:00 AM	Illinois Pollution Control Board Meeting	James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago
9/19/2012 11:00 AM	Illinois Pollution Control Board Meeting	James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago

Class III Groundwater Listing Statement

In accordance with 35 Ill. Adm. Code 620.230(b)(2), the Illinois Environmental Protection Agency (“Illinois EPA”) publishes a final listing of the following dedicated nature preserves (“DNP(s)”), as Class III: Special Resource Groundwater (Class III Groundwater): Sand Ridge; Exhibit 1, Searls Park Prairie; Exhibit 2, Yonder Prairie; Exhibit 3.

Based upon the authority of 35 Ill. Adm. Code 620.230, Class III 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 written requests to list DNPs as Class III Groundwater. Upon confirmation of the technical adequacy, the Illinois EPA must publish the proposed listing of the DNP in the Environmental Register for a 45-day public comment period. After the comment period the Illinois EPA must, within 60 days, either publish a final listing of the DNP as Class III Groundwater in the Environmental Register or provide a written response to the requestor stating why the DNP will not be listed as Class III Groundwater.

The Groundwater Section of the Bureau of Water, at the Illinois EPA, completed the review required according to the criteria specified in Subsection 620.230(b)(1) and found the petitions to be technically adequate. The proposed listing was published in the March 2013 Environmental Register, Number 705. No comments were received during the 45-day public comment period. Therefore, the Illinois EPA is publishing the following final listing of DNPs as Class III Groundwater in the Environmental Register:

Sand Ridge: Exhibit 1

Searls Park Prairie: Exhibit 2

Yonder Prairie: Exhibit 3

Questions regarding Class III Groundwater and hard copies of the listing exhibits can be obtained by mail, telephone or e-mail at the following:

Lynn E. Dunaway, P.G.
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 Special Resource Groundwater

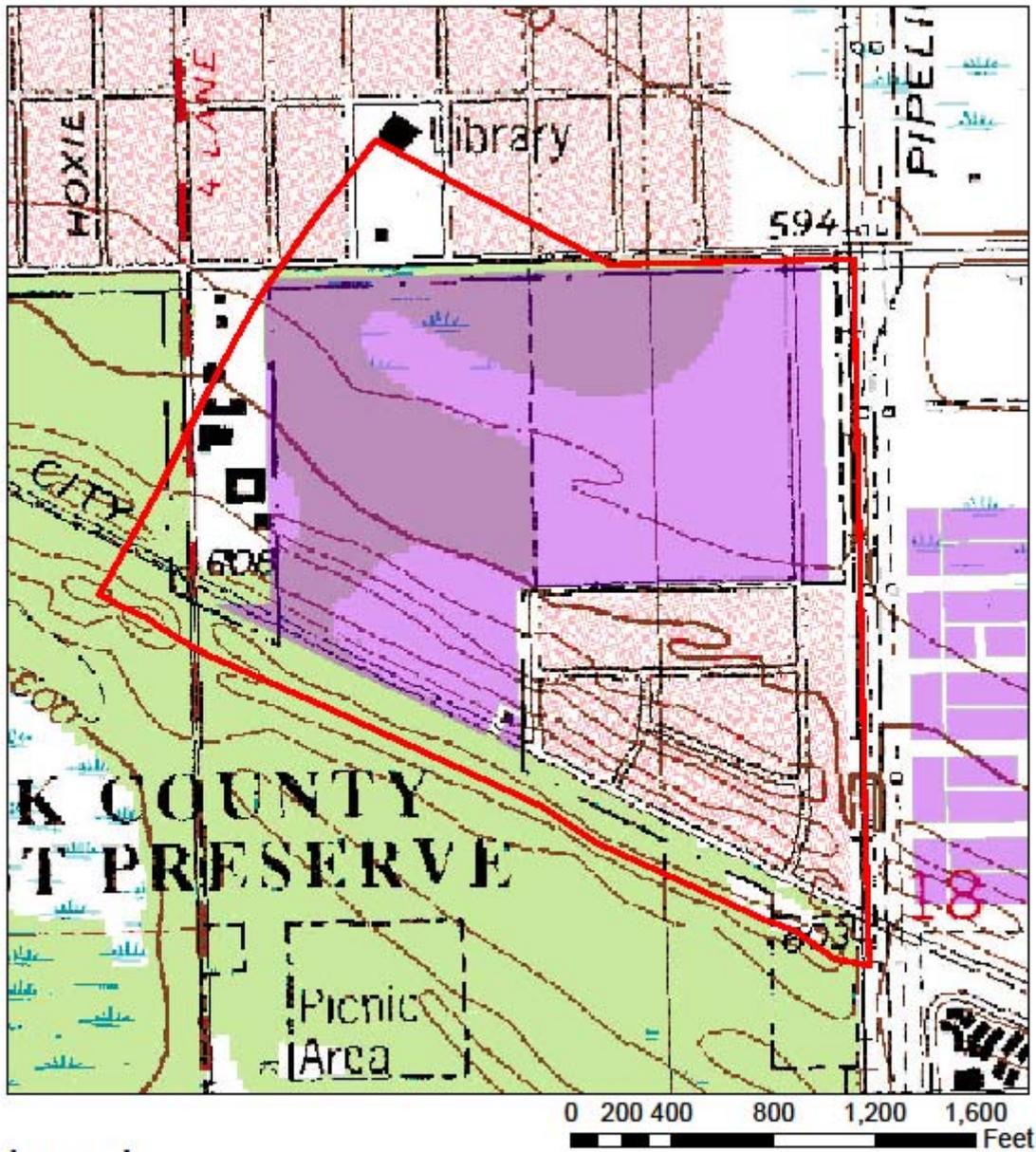
Sand Ridge Nature Preserve Class III Special Resource Groundwater Listing Notice

The Illinois Environmental Protection Agency (Illinois EPA) publishes a final listing of Sand Ridge, a dedicated nature preserve (DNP), and the area that contributes groundwater to the DNP, as Class III: Special Resource Groundwater (Class III 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, located in Section 18, Township 36 North, Range 15 East, Cook County. The Groundwater Contribution Area (GCA) 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 written requests to list DNPs as Class III Groundwater. Upon confirmation of the technical adequacy of a request, the Illinois EPA is required to publish the proposed listing of the DNP in the Environmental Register for a 45-day public comment period. After the comment period, the Illinois EPA can either publish a final listing of the DNP as Class III Groundwater in the Environmental Register or provide a written response to the requestor stating why the DNP will not be listed as Class III Groundwater.

For the Sand Ridge DNP, the Illinois EPA completed the technical adequacy review and published a proposed listing of this DNP as Class III Groundwater in the March 2013 Environmental Register, Number 705. No public comments were received. The Illinois EPA now publishes a final listing of the Sand Ridge Nature Preserve in the Environmental Register as Class III Groundwater.

Sand Ridge Class III Groundwater Area



Legend

-  Sand Ridge_Final_GCA
-  Dedicated Nature Preserves

EXHIBIT 2

Searls Park Prairie

Class III Special Resource Groundwater

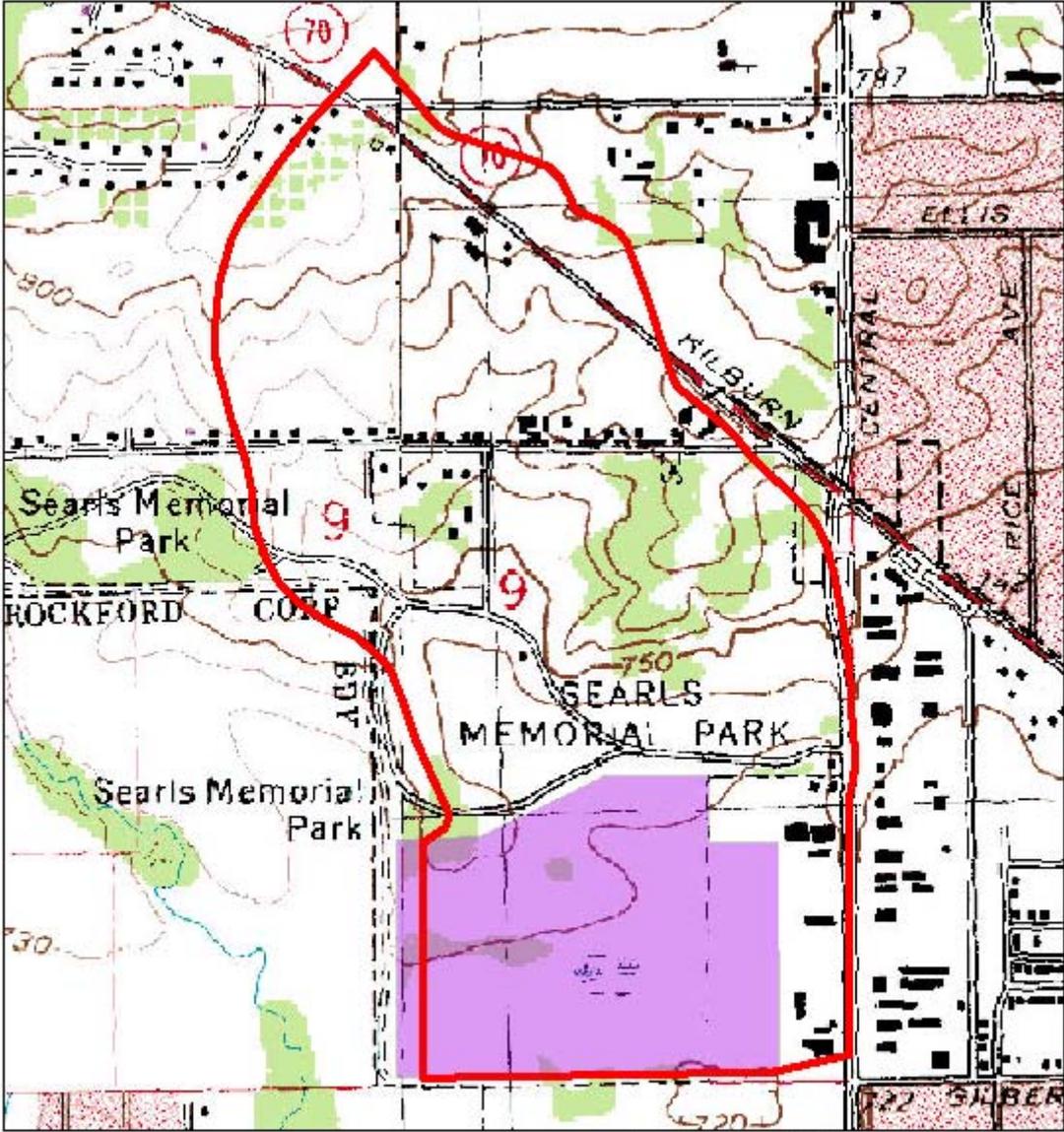
Searls Park Prairie Nature Preserve Class III Special Resource Groundwater Listing Notice

The Illinois Environmental Protection Agency (Illinois EPA) publishes a final 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 (Class III 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 to deliver mineral-rich groundwater for their continued survival. The prairie is home to an endangered plant species. Searls Prairie Park 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, 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 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 written requests to list DNPs as Class III Groundwater. Upon confirmation of the technical adequacy of a request, the Illinois EPA is required to publish the proposed listing of the DNP in the Environmental Register for a 45-day public comment period. After the comment period, the Illinois EPA can either publish a final listing of the DNP as Class III Groundwater in the Environmental Register or provide a written response to the requestor stating why the DNP will not be listed as Class III Groundwater.

For the Searls Park Prairie DNP, the Illinois EPA completed the technical adequacy review and published a proposed listing of this DNP as Class III Groundwater in the March 2013 Environmental Register, Number 705. No public comments were received. The Illinois EPA now publishes a final listing of the Searls Park Prairie Nature Preserve in the Environmental Register as Class III Groundwater.

Searls Park Prairie Class III Groundwater Area



Legend

-  Searls Park Prairie_Final_GCA
-  Dedicated Nature Preserves

EXHIBIT 3

Yonder Prairie

Class III Special Resource Groundwater

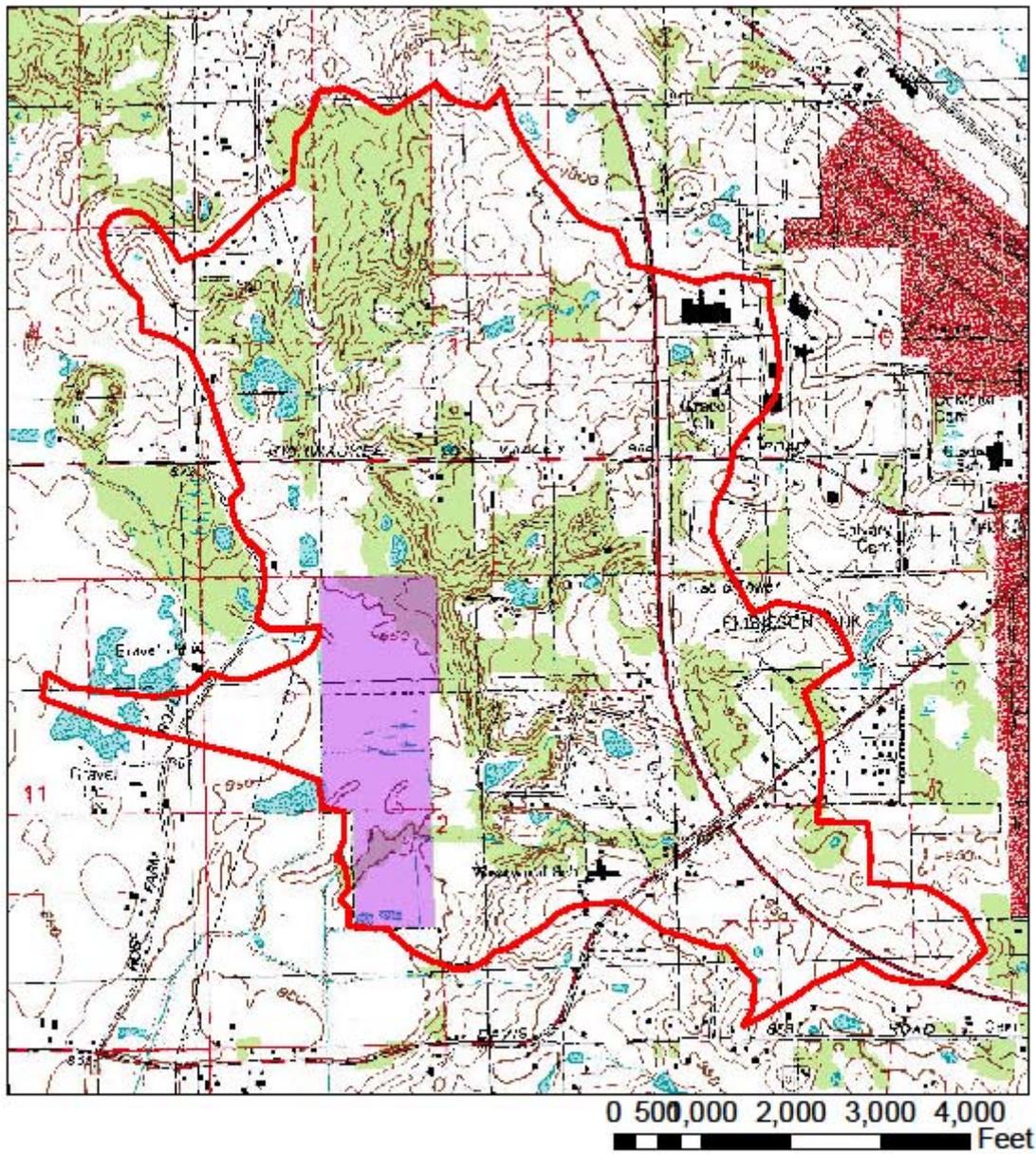
Yonder Prairie Nature Preserve Class III Special Resource Groundwater Listing Notice

The Illinois Environmental Protection Agency (Illinois EPA) publishes a final listing of Yonder Prairie, a dedicated nature preserve (DNP), and the area that contributes groundwater to the DNP, as Class III: Special Resource Groundwater (Class III 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. 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 is 1.97 square miles (1261 acres) extending predominantly north and east of the nature preserve.

Under the authority of 35 Ill. Adm. Code 620.230, Class III 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 written requests to list DNPs as Class III Groundwater. Upon confirmation of the technical adequacy of a request, the Illinois EPA is required to publish the proposed listing of the DNP in the Environmental Register for a 45-day public comment period. After the comment period, the Illinois EPA can either publish a final listing of the DNP as Class III Groundwater in the Environmental Register or provide a written response to the requestor stating why the DNP will not be listed as Class III Groundwater.

For the Yonder Prairie DNP, the Illinois EPA completed the technical adequacy review and published a proposed listing of this DNP as Class III Groundwater in the March 2013 Environmental Register, Number 705. No public comments were received. The Illinois EPA now publishes a final listing of the Yonder Prairie Nature Preserve in the Environmental Register as Class III Groundwater.

Yonder Prairie Class III Groundwater Area



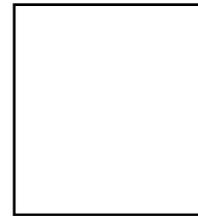
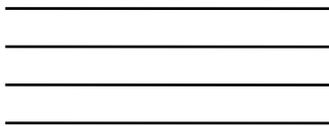
Legend

-  Yonder Prairie_Final_GCA
-  Dedicated Nature Preserves

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.

-----CUT HERE-----



Illinois Pollution Control Board
Environmental Register Coordinator
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P.O. Box 19274
Springfield, Illinois 62794-9274