
Environmental Register

December 2001 - Number 570

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

Claire A. Manning, Chairman

Board Members:

Ronald C. Flemal, G. Tanner Girard, Thomas E. Johnson,
Samuel T. Lawton Jr., Nicholas J. Melas, Michael E. Tristano

Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601
(312) 814-3620
(312) 814-6032 TDD

Illinois Pollution Control Board
600 South Second Street
Suite 402
Springfield, Illinois 62704
(217) 524-8500

Web Site: <http://www.ipcb.state.il.us>

Letter from the Chairman

As with the beginning of each year, 2001 brought with it hope for advancements on many fronts, including the environment. During 2001, concerns over energy supplies, global warming, and brownfields were among the environmental issues that challenged the world, the nation, and the State of Illinois.



Illinois lawmakers approved Governor George H. Ryan's 3.5 billion dollar incentive package designed to revitalize Illinois' coal industry and to strengthen the State's ability to provide low-cost electricity. The measure creates the Illinois Resource Development and Energy Security Act that combines tax and financial incentives to encourage the development of new, clean-coal fired electric plants. The new law also requires that the Illinois Environmental Protection Agency review the need for a State multi-pollutant strategy to reduce air emissions from older, coal-fired electric plants.

The Pollution Control Board continued to make important changes to the Tiered Approach to Corrective Action Objectives (TACO). Businesses use TACO when determining the extent of cleanup needed for a site. TACO takes into account the risks posed by contaminant exposure routes and property uses. In July, the Board adopted Proposed Amendments to Tiered Approach to Corrective Action Objectives (TACO): 35 Ill. Adm. Code 742, R00-19(B), which updated scientific information and clarified testing procedures. Additionally, the Board sent to second notice Proposed Amendments to Tiered Approach to Corrective Action Objectives (TACO) (MTBE): 35 Ill. Adm. Code 742, R00-19(C), which would add methyl tertiary-butyl ether (MTBE) as a contaminant to be tested for during a site remediation. MTBE was also addressed by the Illinois General Assembly, which adopted the MTBE Elimination Act. That law will, by 2004, prohibit the use, manufacture, and sale of MTBE as a fuel additive and the transportation of fuel containing MTBE in Illinois.

The Board adopted the Pleasant Valley Regulated Recharge Area, located in Peoria County. A regulated recharge area is a defined area with specific regulations to protect groundwater resources. This is the State's first regulated recharge area.

For the first time, the Board heard a third-party appeal of a National Pollutant Discharge Elimination System (NPDES) permit. The Board upheld the Illinois Environmental Protection Agency's determination to grant an NPDES permit to Black Beauty Coal Company. Prairie Rivers Network, the third-party petitioner, has filed an appeal of the Board's decision.

In the enforcement arena, the Board awarded its largest civil fine ever in a case in which the parties have not agreed on a penalty. The Board fined Panhandle Eastern Pipe Line Company \$850,000 for violating air emissions standards under the Environmental Protection Act, including requirements of the federal Prevention of Significant Deterioration program. The Board also awarded the State \$115,750.25 in costs and attorney fees.

These are just a few of the environmental developments in 2001. I hope 2002 brings with it joy and prosperity for you. I look forward to working with you in the coming year on the challenges that continue to emerge in protecting our environment.

Sincerely,

A handwritten signature in cursive script that reads "Claire A. Manning". The signature is written in dark ink and is positioned above the typed name.

Claire A. Manning, Chairman

Inside This Issue:

FEDERAL UPDATE	P. 1
RULE UPDATE	P. 4
APPELLATE UPDATE	P. 8
BOARD ACTIONS	P. 9
NEW CASES	P. 18
BOARD CALENDAR	P. 20
IEPA RESTRICTED STATUS LIST	P. 22
IEPA CRITICAL REVIEW LIST	P. 28

Federal Update

United States Environmental Protection Agency Proposes New Annual Compliance Date With Regard to Regulation of Fuel and Fuel Additives Under the Clean Air Act

On December 3, 2001, USEPA proposed April 15, 2002 as a new annual compliance date for reformulated gasoline (RFG) and reformulated blendstock for oxygenate blending (RBOB). On or after April 15, 2002, no persons except retailers and wholesale purchaser consumers would be able to accept receipt of any RFG other than summer grade RFG. 66 Fed. Reg. 60163.

USEPA intends to help ease the annual spring transition from winter grade RFG to summer grade RFG by increasing RFG inventories during the transition period. Requiring terminals to receive summer grade RFG by a fixed date should help reduce the competitive pressure that keeps terminals from accepting summer grade RFG for as long as possible, and may provide for a smoother transition in certain geographic areas by lengthening the turnover time for terminal tanks.

USEPA is also proposing to simplify the existing blendstock accounting requirements, which would allow refineries more flexibility to transfer gasoline blendstocks from one refinery to another. USEPA is also proposing to update certain ASTM designated analytical test methods for reformulated and conventional gasoline to the most recent ASTM version, and also update several sampling methods to the most recent ASTM version. These updates would allow improvements in the test method procedures and sampling procedures that would ensure better operation for the user of the test methods and sampling procedures.

For further information about this proposed rule, contact Chris McKenna, Chemical Engineer, Office of Transportation and Air Quality, Transportation and Regional Programs Division, at 202/564-9037; e-mail address: mckenna.chris@epa.gov.

If USEPA adopts these rules, and amendments to the Illinois air rules become necessary, the Board would expect the Illinois Environmental Protection Agency to propose amendments using the Clean Air Act “fast-track” procedures at Section 28.5 of the Environmental Protection Act (415 ILCS 5/28.5 (2000)).

United States Environmental Protection Agency Extends Compliance Date for Clean Air Act Standards for Hazardous Air Pollutants for Hazardous Waste Combustors in Final Rule

On December 6, 2001, USEPA took final action extending for one year the compliance date for regulations for incinerators, cement kilns, and lightweight aggregate kilns that burn hazardous waste, which was promulgated on September 30, 1999. 66 Fed. Reg. 63313.

USEPA took this action in response to the opinion in Cement Kiln Recycling Coalition v. USEPA, 255 F.3d 855, 872 (D.C. Cir. 2001), where the court vacated the emission standards known as the hazardous waste combustor “floors” and remanded for further proceedings. Cement Kiln Recycling Coalition, 255 F.3d at 871. The rules are

Environmental Register – December 2001

still in effect, however, because the court has issued an order (at the request of the parties to the proceeding) which stays issuance of the mandate and vacature does not occur until the courts issue a mandate.

The existing regulations require sources to take actions based on the current compliance date, September 30, 2002. Deadlines for some of these actions are imminent. Given that some delay in compliance will be necessitated as a result of the uncertainty created by the court's opinion, and that action is needed now because of imminent deadlines that are keyed to the compliance date, it is not appropriate to require sources to comply with the current regulatory schedule. Consequently, USEPA is extending the compliance date for one year.

The effective date is December 6, 2001. For further information contact Rhonda Minnick at 703/308-8771; e-mail address: minnick.rhonda@epa.gov.

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

United States Environmental Protection Agency Proposes Bakery Partnership Program for Equipment Containing Ozone Depleting Substances at Industrial Bakeries

On December 10, 2001, USEPA proposed a voluntary baking industry partnership program regarding equipment that contains ozone-depleting substances. 66 Fed. Reg. 63696.

USEPA thinks that there are many bakeries that are leaking ozone depleting substances, including chlorofluorocarbons, in excess of permitted levels, and intends to establish a voluntary program for reducing those emissions in an expeditious, highly cost-effective manner. The program generally requires participants to audit certain appliances and phase out Class I industrial process refrigeration appliances. It also provides incentives to replace existing appliances with non-ozone depleting systems, and requires compliance with the leak repair regulations.

Since USEPA is not proposing a rule, participation in the partnership program would be purely voluntary. The program combines the advantages of predictability and reduced penalties with incentives to move away from the use of ozone depleting substances (ODS). Participating companies would be asked to agree to phase out use of the more hazardous Class I ODS by July 15, 2003, reflecting the fact that use of these substances is being rapidly phased out under existing rules. Bakeries that install non-ODS systems by March 15, 2002, could avoid all penalties under this agreement. Bakeries that install non-ODS systems after that date but no later than July 15, 2004 (unless an extension is granted) are limited to penalties of \$10,000 per appliance. All other appliances must pay a per pound penalty for any leaks that cross a high threshold but again, this per pound penalty can be avoided by conversion to non-ODS systems. Companies already under national investigation for violations are not eligible to participate in this program.

For further information contact Charles Garlow at 202/564-1088.

United States Environmental Protection Agency Revises Pesticide Labeling Regulations in a Final Rule Under the Federal Insecticide, Fungicide and Rodenticide Act

On December 14, 2001, USEPA in a final rule revised certain labeling regulations for pesticide products for clarity. 66 Fed. Reg. 64759. USEPA is also interpreting the Federal Insecticide, Fungicide and Rodenticide Act as it applies to nitrogen stabilizers, and revising regulations that contain statutory provisions excluding certain types of products from regulation of pesticides.

This rule becomes effective on February 12, 2002.

For further information contact Jean M. Frane at 703/305-5944; e-mail address: frane.jean@epa.gov.

United States Environmental Protection Agency Addresses Cooling Water Intake Structures for New Facilities Under the National Pollutant Discharge Elimination System of the Clean Water Act in Final Rule

On December 18, 2001, USEPA in a final rule established January 17, 2002 as the effective date for implementing Section 316(b) of the Clean Water Act (CWA) (33 U.S.C. §§ 1251 *et seq.* (2000)) for new facilities that use water withdrawn from rivers, streams, lakes, reservoirs, estuaries, oceans or other waters of the United States for cooling purposes. 66 Fed. Reg. 65255. The final rule establishes national technology-based performance requirements applicable to the location, design, construction, and capacity of cooling water intake structures at new facilities.

The national requirements establish the best technology available, based on a two-track approach, for minimizing adverse environmental impact associated with the use of these structures. Based on size, Track I establishes national intake capacity and velocity requirements as well as location- and capacity-based requirements to reduce intake flow below certain proportions of certain water-bodies (referred to as “proportional-flow requirements”). It also requires the permit applicant to select and implement design and construction technologies under certain conditions to minimize impingement mortality and entrainment.

Track II allows permit applicants to conduct site-specific studies in order to demonstrate that alternatives to the Track I requirements will reduce impingement mortality and entrainment for all life stages of fish and shellfish to a level of reduction comparable to the level the facility would achieve at the cooling water intake structure if it met the Track I requirements.

USEPA expects that this final regulation will reduce impingement and entrainment at new facilities. The final rule establishes requirements that will help preserve aquatic organisms and the ecosystems they inhabit in waters used by cooling water intake structures at new facilities. The potential benefits of the rule include a decrease in expected mortality or injury to aquatic organisms that would otherwise be subject to entrainment into cooling water systems or impingement against screens or other devices at the entrance of cooling water intake structures. Benefits may also accrue at population, community, or ecosystem levels of ecological structures.

This rule becomes effective January 17, 2002. For additional technical information contact Deborah Nagle at 202/260-2656. For additional biological information contact Debbi Hart at 202/260-0905.

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

United States Environmental Protection Agency Gives Final Notice Regarding Standards for the Use or Disposal of Sewage Sludge

On December 21, 2001, USEPA gave final notice of its determination that numeric standards or management practices are not warranted for dioxin and dioxin-like compounds in sewage sludge that is disposed of at a surface disposal site or incinerated in a sewage sludge incinerator. 66 Fed. Reg. 66227.

In December 1999, USEPA proposed to amend the standards for the use or disposal of sewage sludge to limit dioxin and dioxin-like compounds in sewage sludge that is applied to the land. In that proposal, USEPA also stated that it was not proposing amendments to add numeric standards or management practice requirements for dioxins in sewage sludge that is placed in a surface disposal unit or incinerated in a sewage sludge incinerator. Final action on the proposal to amend the standards for the use or disposal of sewage sludge for sewage sludge that is applied to the land will be published separately at a later date.

For further information contact Arleen Plunkett at 202/260-3418; e-mail address: Plunkett.arleen@epa.gov.

Rule Update

Board Adopts Second Notice Proposal in Proposed Amendments to Tiered Approach to Corrective Action Objectives (TACO) (MTBE): 35 Ill. Adm. Code 742, R00-19(C)

On December 6, 2001, the Board proposed rules to amend 35 Ill. Adm. Code 742 for second notice review by the Joint Committee on Administrative Rules (JCAR). The Board made only a few, non-substantive changes to the rules as it had proposed them at first notice September 6, 2001.

This proceeding has a lengthy procedural history. On May 15, 2000, the Illinois Environmental Protection Agency (Agency) filed a proposal to amend the Board's land regulations at 35 Ill. Adm. Code 742, commonly referred to as the Tiered Approach to Corrective Action Objectives (TACO) rules. The TACO rules were originally adopted by the Board on June 5, 1997, in Tiered Approach to Corrective Action Objectives (TACO): 35 Ill. Adm. Code 742, R97-12(A). Part 742 contains procedures for developing remediation objectives based on risks to human health and the environment posed by environmental conditions at sites undergoing remediation in the Site Remediation Program, the Leaking Underground Storage Tank Program, and pursuant to Resource Conservation and Recovery Act Part B permits and closures.

The Board accepted this matter for hearing on May 18, 2000. On July 27, 2000, the Board moved the Agency's proposed rulemaking to first notice. In doing so, the Board divided the proposal into two subdockets, A and B. The Subdocket A amendments were adopted on December 21, 2000 (Proposed Amendments to Tiered Approach to Corrective Action Objectives (TACO): 35 Ill. Adm. Code 742, R00-19(A)), and the Subdocket B amendments were adopted on July 26, 2001 (Proposed Amendments to Tiered Approach to Corrective Action Objectives (TACO): 35 Ill. Adm. Code 742, R00-19(B)).

The cleanup standards for methyl tertiary-butyl ether (MTBE) were originally proposed at first notice as part of the Board's first-notice opinion and order in R00-19(B). See Proposed Amendments to Tiered Approach to Corrective Action Objectives (TACO): 35 Ill. Adm. Code 742, R00-19(B) (July 27, 2000).

On June 7, 2001, the Board opened Subdocket C for the purpose of addressing separately the proposed MTBE cleanup standards that were originally contained in Subdocket B. The Board adopted its first notice opinion and order in this matter on September 6, 2001, and it was published on September 21, 2001, at 25 *Illinois Register* 11994. The Agency filed supplemental comments and exhibits on October 11, 2001. Additionally, on November 1, 2001, the Illinois Petroleum Council filed comments. Both comments supported the substance of the proposal.

The Board made only a few minor, non-substantive changes to the rule from that proposed by the Board in its first notice opinion and order. These minor changes amount to basically typographical changes prompted by comments from the Joint Committee on Administrative Rules.

The subject matter of this proposal was discussed at three public hearings: two in Chicago on August 25, 2000 and September 21, 2000; and one in Springfield on September 11, 2000.

For additional information, contact Amy Jackson at 217/524-8507; e-mail address: jacksona@ipcb.state.il.us.

Board Adopts Second Notice Proposal in Revision to Antidegradation Rules: 35 Ill. Adm. Code 302.105, 303.205, 303.206, and 102.800-102.830, R01-13

On December 6, 2001, the Board proposed rules to amend 35 Ill. Adm. Code 302.105, 303.205, 303.206, and 102.800-102.830 for second notice review by the Joint Committee on Administrative Rules. The Board made several changes to the rules it had proposed at first notice in its September 20, 2001 order.

Environmental Register – December 2001

On August 30, 2000, the Illinois Environmental Protection Agency (Agency) filed a proposal for rulemaking to amend the Board's water "nondegradation" rules. The proposed rules would implement the required federal concepts of antidegradation and outstanding resource waters for the State. The Agency also proposed amendments to the Board's procedural rules at 35 Ill. Adm. Code 106.990-106.995 to include provisions for designating outstanding resource waters in the State.

The Board held two hearings in Chicago and one in Springfield, Illinois. Testimony was heard and 47 public comments were received. For more details on the Board's first notice opinion and order see Revisions to Antidegradation Rules: 35 Ill. Adm. Code 302.105, 303.205, 303.206, and 102.800-102.830, R01-13 (June 21, 2001). On June 21, 2001, after reviewing the comments and testimony and making changes to the proposal based on those comments and testimony, the Board proceeded to adopt a first notice opinion and order. This was published at 24 Ill. Reg. 8732 (July 13, 2001).

The Board held a fourth hearing in Chicago on August 24, 2001. After reviewing the testimony and comments, the Board found that it was appropriate to proceed to second notice with the rule. In response to comments, the Board made a number of changes to the rule. Some changes were agreed to by all of the parties, but many of them were not. They are discussed in detail in the Board's second notice opinion and order.

The proposed amendments add new requirements concerning antidegradation of waters in the State to the Board's current rules found at 35 Ill. Adm. Code 302.105. The proposal would designate the State's water resources to reflect the three tiers of the federal program. The proposal also adds procedures for the implementation of the program as a part of the National Pollutant Discharge Elimination System (NPDES) permit process.

Tier 1 in the federal scheme is based on achieving and maintaining existing stream uses. Tier 1 sets the minimum level of protection and is intended to be the absolute floor of water quality protection for all waters of the United States.

Tier 2 of the federal program addresses waters whose quality exceeds the levels necessary to support the propagation of fish, shellfish, or wildlife and recreation in and on the water. Water quality cannot be lowered below the level necessary to protect the "fishable/swimmable" uses and other existing uses. However, maintaining a level of water quality above the "fishable/swimmable" level is not always required and water quality may be lowered if necessary to accomplish important economic or social development in the area in which the waters are located.

Tier 3 of the federal regulations requires that high quality water, which constitutes outstanding resource waters, must be maintained and protected. Examples of outstanding resource waters could include waters of national and state parks, wildlife refuges or water of exceptional recreational or ecological significance. To reflect Tier 3 in Illinois, the Board is proposing rules at 35 Ill. Adm. Code 303 creating the category of waters classified as "outstanding resource waters" or ORWs. The Board also proposes adding a new subpart to the Board's procedural rules at 35 Ill. Adm. Code 102 to regulate the process for classification of ORWs.

These proposed rules are scheduled for review by the Joint Committee on Administrative Rules at its January 9, 2002 meeting.

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

Board Adopts Second Notice Proposal in Proposed MTBE and Compliance Determination Amendments to Groundwater Quality Standards: 35 Ill. Adm. Code 620, R01-14

On December 6, 2001, the Board proposed rules to amend 35 Ill. Adm. Code 620 for second notice review by the Joint Committee on Administrative Rules (JCAR). As detailed in its second notice opinion and order, the Board made a number of changes from the rules proposed in its first notice order of September 6, 2001. Some of these were made at the request of JCAR, some at the request of the proponent, and others on the Board's own initiative.

Environmental Register – December 2001

On September 1, 2000, the Illinois Environmental Protection Agency (Agency) filed a proposal for rulemaking to amend the Board's Public Water Supply regulations. The proposed regulations would amend the Board's groundwater quality regulations to include methyl tertiary butyl-ether (MTBE). The Agency proposed the addition of an MTBE Class I Potable Resource Groundwater standard and an MTBE Class II General Resource Groundwater standard. The Agency proposed a standard of 70 parts per billion (ppb) for both classes. 35 Ill. Adm. Code 620.410, 620.420. In addition, the Agency proposed a preventive response level for MTBE of 20 ppb. *See* 35 Ill. Adm. Code 620.301.

The proposed regulations also clarify sampling procedures for certain existing drinking water supply wells. The proposed MTBE groundwater standards will serve as a basis for amendments to other regulations. *See generally Proposed Amendments to Tiered Approach to Correction Action Objectives (TACO) (MTBE): 35 Ill. Adm. Code 742, R00-19(C).*

Two public hearings were held in this matter before Board Hearing Officer Joel Sternstein. Testimony was given at both the first hearing held in Springfield on March 1, 2001; and the second hearing held in Chicago on April 5, 2001.

The proposed amendments contained in the Board's first notice opinion and order were published in the *Illinois Register* at 25 Ill. Reg. 11973, September 21, 2001. *See Proposed MTBE and Compliance Determination Amendments to Groundwater Quality Standards: 35 Ill. Adm. Code 620, R01-14 (Sept. 6, 2001).* Three public comments were received.

The Board made no changes in the Agency-proposed standards described above.

For additional information, contact Joel Sternstein at 312/814-3665; e-mail address: sternstj@ipcb.state.il.us

Board Adopts Final Rules in Enhanced Vehicle Inspection and Maintenance (I/M) Regulations: Amendments to 35 Ill. Ad. Code 240.191 – 240.193, R02-8

On December 6, 2001, the Board adopted final rules amending 35 Ill. Adm. Code 240.192 and 240.193. As explained in the Board's opinion, the rules adopted by the Board contain most, but not all, of the Illinois Environmental Protection Agency's (Agency) proposed changes. The rules amend three sections of the Board's existing rules at 35 Ill. Adm. Code 240: Section 240.191 "applicability," 240.192 "onboard diagnostic test standards," and 240.193 "compliance determination."

On August 20, 2001, the Agency filed a proposal to amend the Board's regulations on inspecting and maintaining vehicles to control air emissions. Sections 182(b) and (c) of the federal Clean Air Act (CAA) (42 U.S.C §§ 7511a(b), (c)) require states to implement vehicle "inspection and maintenance" (I/M) programs in areas that do not meet National Ambient Air Quality Standards (NAAQS) for ozone or carbon monoxide. Areas that do not meet NAAQS are referred to as "nonattainment" areas.

The CAA requires "basic" I/M programs in "moderate" and "marginal" ozone nonattainment areas with existing I/M programs. It requires "enhanced" I/M programs in "serious," "severe," and "extreme" ozone nonattainment areas with a population of 200,000 or more. The CAA also requires states to submit, for the approval of the United States Environmental Protection Agency, revisions to their State Implementation Plans that describe a satisfactory I/M program and assure that the I/M program will be implemented.

In Illinois, two areas do not meet the NAAQS for ozone: (1) the Chicago metropolitan nonattainment area, which is a severe nonattainment area; and (2) the Metro-East St. Louis nonattainment area, which is a moderate nonattainment area. Under Illinois' Vehicle Emissions Inspection Law of 1995 (Vehicle Emissions Law) (625 ILCS 5/13B-1 *et seq.* (2000)), the Agency has proposed, and the Board has adopted, as amendments to 35 Ill. Adm. Code 240, an enhanced I/M program for these two nonattainment areas. *See Enhanced Vehicle Inspection and Maintenance (I/M) Regulations: Amendments to 35 Ill. Adm. Code 240, R98-24 (July 8, 1998); R94-20 (Dec. 1, 1994); R94-19 (Dec. 1, 1994).*

Environmental Register – December 2001

On August 23, 2001, the Board accepted the Agency's proposal for hearing and directed that it be filed for publication in the *Illinois Register* as a proposal for public comment. The proposal for public comment appeared in the *Illinois Register* on September 7, 2001, at 25 Ill. Reg. 11328.

The Board held two public hearings in this matter. The first hearing was held in Collinsville on October 12, 2001; and the second hearing was held in Chicago on October 19, 2001. The Agency provided the only testimony and no public comments were filed.

In adopting these rules on December 6, 2001, the Board complied with the Vehicle Emissions Law requirement that rulemaking be completed within 120 days of the filing of the Agency proposal.

For additional information contact John Knittle at 217/278-3111; e-mail address: knittlej@ipcb.state.il.us

Board Accepts for Hearing Amendments to General Permitting Provisions for Portable Emission Units: Amendments to 35 Ill. Adm. Code 201, R02-10

On December 6, 2001, the Board accepted for hearing a proposal for Amendments to General Permitting Provisions for Portable Emission Units: Amendments to 35 Ill. Adm. Code 201, R02-10. On November 30, 2001, the Illinois Environmental Protection Agency (Agency) filed a proposal to amend the Board's air pollution control regulations.

The Agency proposes to amend Section 201.142 and add Section 201.170. The proposal seeks to exempt certain smaller units from the requirement for owners and operators to obtain new construction and operating permits that are required by Section 30 of the Environmental Protection Act (415 ILCS 5/39 (2000)), each time they change the site of an emissions unit or units.

Hearings in this matter will be scheduled soon. For additional information contact Stacy Meyers at 312/814-7011; e-mail address: meyerss@ipcb.state.il.us

Board Accepts for Hearing Water Quality Triennial Review: Amendments to 35 Ill. Adm. Code 35 Ill. Adm. Code 302.208(e)-(g), 302.504(a), 302.575(d), 303.444, 309.141(h); and Proposed 35 Ill. Adm. Code 301.267, 301.313, 301.413, 304.120, and 309.157, R02-11

On December 6, 2001, the Board accepted for hearing a proposal for Water Quality Triennial Review: Amendments to 35 Ill. Adm. Code 35 Ill. Adm. Code 302.208(e)-(g), 302.504(a), 302.575(d), 303.444, 309.141(h); and Proposed 35 Ill. Adm. Code 301.267, 301.313, 301.413, 304.120, and 309.157, R02-11. On November 9, 2001, the Illinois Environmental Protection Agency (Agency) filed a proposal under Section 27 of the Environmental Protection Act (415 ILCS 5/27 (2000)), to amend the Board's water pollution control regulations in order 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."

As part of the triennial review of water quality required under the CWA, the Agency has proposed to amend five existing rules and to add five new ones. The Agency proposed new acute and chronic numeric standards for "BETX" (benzene, ethyl benzene, toluene, and xylene) to replace existing 35 Ill. Adm. Code 302.210, entitled "Other Toxic Substances." The Agency also proposed revised water quality standards for zinc, nickel, and cyanide, in dissolved form. Other proposed amendments would correct an Agency error in certain rules it proposed in R97-25 (Dec. 18, 1997). Lastly, the Agency proposed use of CBOD rather than BOD in NPDES permits regulating domestic and municipal waste.

By order of December 18, 2001, the hearing officer set two hearings and established various prefiling requirements. The hearings are scheduled for 10:00 a.m. January 19, 2002 at the James R. Thompson Center, Room 9-040, 100 W. Randolph Street, Chicago, Illinois; and 10:00 a.m. March 6, 2002 at the Illinois Pollution Control Board, Room 403, 600 S. Second Street, Springfield, Illinois.

Environmental Register – December 2001

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

Board Grants United States Environmental Protection Agency Additional Time to File Public Comment and Extends Board Adoption Deadline in SDWA Update, USEPA Amendments (January 1, 2001 through June 30, 2001: Arsenic Rule), R02-5

Sections 7.2 and 17.5 of the Environmental Protection Act (Act) (415 ILCS 5/7.2, 17.5 (2000)) provide for quick adoption of regulations that are identical in substance (IIS) to federal regulations that the United States Environmental Protection Agency (USEPA) adopts to implement Sections 1412(b), 1414(c), 1417(a), and 1445(a) of the federal Safe Drinking Water Act (SDWA) (42 U.S.C. 300g-1(b), 300g-3(c), 300g-6(a), 300j-4(a) (2000)). On December 20, 2001, the Board granted the December 5, 2001 request of USEPA for an additional 30 days past December 10, 2001 in which to file public comments in this rulemaking. The rules proposed by the Board would update the Illinois drinking water rules to reflect federal rules adopted by USEPA between January 1, 2001 and June 30, 2001.

The Board adopted a proposal for public comment in this rulemaking on October 4, 2001. A notice of proposed amendments appeared in the *Illinois Register* on October 26, 2001. The public comment period began on the date of publication, and it ended after 45 days, or December 10, 2001. The Board granted USEPA's request by extending the public comment period until January 9, 2002.

Granting this request also meant that the Board could not timely complete this rulemaking. Therefore, the Board extended the January 11, 2002 statutory due date by setting forth reasons for delay and extending the time for the Board's adoption of these amendments until February 22, 2002. This additional action was necessary because Section 7.2(b) of the Act mandates that the Board complete its IIS rulemaking proceedings within one year after the earliest federal adoption date of the rules underlying the proceeding. However, Section 7.2(b) further provides that the one-year period for Board action may be extended if necessary to complete the proceeding. To extend the deadline for final Board action, prior to the expiration of the one-year period the Board must (1) make a finding based on the record of the proceeding that the one-year period is insufficient for completion of the rulemaking; (2) state reasons for the extension; and (3) publish a notice of extension in the *Illinois Register* as expeditiously as practicable.

The notice of extension is scheduled for publication in 26 *Illinois Register* 247 (Jan. 4, 2002).

For additional information contact Mike McCambridge at 312/814-6924; e-mail address: mccambm@ipcb.state.il.us

Appellate Update

Fourth District Appellate Court Reverses and Remands the Board in ESG Watts, Inc. v. Pollution Control Board, Case No. 4-00-0861

On December 5, 2001, the Fourth District Appellate Court issued an opinion in ESG Watts, Inc. v. Pollution Control Board, Case No. 4-00-0861. The Fourth District reversed the Board's ruling and remanded the case to the Board "for hearing on the sufficiency of the insurance policy" that ESG Watts had tendered to the Agency as financial assurance. The court found that, under the circumstances of the case, the letter should have been construed as an Illinois Environmental Protection Agency (Agency) disapproval of financial assurance under Section 21.1 of the Environmental Protection Act (Act) (415 ILCS 5/21.1 (2000)). The Board accordingly would have had jurisdiction of ESG Watts' appeal, which the court found to be timely filed.

This case involved a permit appeal of an Agency Section 31 pre-enforcement letter that concerned the adequacy of post-closure care. 415 ILCS 5/31 (2000). The Board declined to review, finding that it was not a final appealable order. ESG Watts also filed two companion appeals to the Third District Appellate Court. The Fourth District

Environmental Register – December 2001

appeal concerned ESG Watts' Sangamon Valley Landfill, while the Third District appeals related to the Viola and Taylor Ridge landfills.

The Fourth District's finding was contrary to the result in the Third District in which, in an unpublished order issued pursuant to Illinois Supreme Court Rule 23 (155 Ill. 2d R. 23), the Third District affirmed the Board in the court's consolidated cases ESG Watts, Inc. v. Pollution Control Board, Nos. 3-00-0773 and 3-00-0774. The Board had affirmed permit denials by the Agency in the Board's consolidated cases ESG Watts, Inc. v. IEPA, PCB 00-158 (Viola Landfill) and PCB 00-159 (Taylor Ridge Landfill) (Aug. 24, 2000) (consolidated).

In two separate orders, in each case the Board declined to review a pre-enforcement letter issued by the Agency under Section 31 of the Act (415 ILCS 5/31 (2000)) directed to ESG Watts. In each case the Board held that the letter did not constitute a final determination from which an appeal could be sought and accordingly was not subject to review. ESG Watts appealed each Board order to the Third District.

The Third District agreed that the Board lacked subject matter jurisdiction. The court noted that, under Section 31(b) of the Act, "before any referral [to the Attorney General] occurs, the [Agency] must issue and serve, by certified mail, a written notice informing the violator that the [Agency] intends to pursue legal action." 415 ILCS 5/31(b) (2000). The court emphasized that the Agency's letter at issue in that appeal "does not state that it is [the Agency's] final action, determination, or intention to pursue legal action regarding Watts' financial assurances for the landfills. Thus, the letter is a facet of pre-enforcement activities according to [S]ection 31 of the Act that does not create an actual controversy."

The panel in the Fourth District included Justices Myerscough, Knecht and Cook (Knecht concurred, and Cook specially concurred). In the special written concurrence, Justice Cook expressed concern about the Agency's actions, stating in part

A business has a right to appeal under section 21.1 of the Act, and it is improper for [the Agency] to attempt to defeat that right by issuing unclear orders which it argues are final if no appeal is taken but argues are nonfinal in the event an appeal is taken.

The sufficiency of the insurance policy as to Sangamon County is already in the process of being appealed in another case before the Board, PCB 00-206. It, and consolidated companion dockets PCB 00-207 and 208, was scheduled for hearing to commence December 10, 2001.

Board Actions

December 6, 2001
Springfield, Illinois

Rulemakings

- | | | |
|-----------|--|-----------------|
| R00-19(C) | <u>In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (TACO) (MTBE): 35 Ill. Adm. Code 742</u> – The Board adopted a second notice opinion and order in this rulemaking which proposes to add methyl tertiary-butyl ether (MTBE) as a contaminant to be tested for under the TACO standards. | 5-0
R, Land |
| R01-13 | <u>In the Matter of: Revisions to Antidegradation Rules: 35 Ill. Adm. Code 302.105, 303.205, 303.206, 102.800, 102.810, 102.820, and 102.830</u> – The Board adopted a second notice opinion and order in this matter to amend the Board's antidegradation water regulations. | 5-0
R, Water |

Environmental Register – December 2001

R01-14	<u>In the Matter of: Proposed MTBE Groundwater Quality Standards Amendments: 35 Ill. Adm. Code 620</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s public water supply regulations by adding a groundwater quality standard for methyl tertiary-butyl ether (MTBE).	5-0 R, PWS
R02-8	<u>In the Matter of: Enhanced Vehicle Inspection and Maintenance (I/M) Regulations: Amendments to 35 Ill. Adm. Code Part 240.191-240.193</u> – The Board adopted a final opinion and order in this rulemaking to amend the Board’s air pollution control regulations as required under the Vehicle Code.	5-0 R, Air
R02-10	<u>In the Matter of: Amendments to General Permitting Provisions for Portable Emission Units: Amendments to 35 Ill. Adm. Code 201</u> – The Board accepted for hearing the Illinois Environmental Protection Agency’s November 30, 2001 proposal to amend the Board’s air pollution control regulations.	5-0 R, Air
R02-11	<u>In the Matter of: Water Quality Triennial Review: Amendments to 35 Ill. Adm. Code 302.208(e)-(g), 302.504(a), 302.575(d), 303.444, 309.141(h); and Proposed 35 Ill. Adm. Code 301.267, 301.313, 301.413, 304.120, and 309.157</u> – The Board accepted for hearing the Illinois Environmental Protection Agency’s November 9, 2001 proposal to amend the Board’s water pollution control regulations.	5-0 R, Water

Adjusted Standard

AS 01-10	<u>In the Matter of: Petition of Dixon Marquette Cement Company for an Adjusted Standard from 35 Ill. Adm. Code Parts 811 and 814</u> – The Board granted the parties’ joint stipulation to correct caption and pleadings to show Prairie Material Sales, Inc. as petitioner and dismissed Dixon Marquette Cement Company from this matter.	5-0 Water
----------	---	--------------

Administrative Citations

AC 01-42	<u>IEPA v. Alan Smith</u> – The Board accepted for hearing this petition for review of an administrative citation against this Champaign County respondent.	5-0
AC 01-43	<u>IEPA v. City of Eldorado</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Saline County facility, the Board found respondent violated Section 21(p)(3) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(3) (2000)) and ordered respondent to pay a civil penalty of \$3,000. The Board also granted the parties’ joint motions to dismiss respondent’s petition for review and the alleged violation of Sections 21(p)(1), (p)(4), and (p)(7) of the Act. 415 ILCS 5/21(p)(1), (4), (7) (2000).	5-0

Environmental Register – December 2001

AC 02-7	<u>IEPA v. Terry and Latisha Springer</u> – The Board dismissed respondents’ petition for review for failure to file an amended petition by November 22, 2001 as ordered on October 18, 2001. The Board found that these Jersey County respondents violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2000)), and ordered respondents to pay a civil penalty of \$1,500.	5-0
AC 02-14	<u>IEPA v. Knox County Landfill Committee</u> – The Board found that this Knox County respondent violated Sections 21(o)(5) and (o)(12) of the Environmental Protection Act (415 ILCS 5/21(o)(5), (12) (2000)), and ordered respondent to pay a civil penalty of \$1,000.	5-0
AC 02-15	<u>Ogle County v. Steven and Karen Gilbert, and Curtis Nelson</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Ogle County facility, the Board found respondent Curtis Nelson (Nelson) violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (2000)) and ordered Nelson to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motions to dismiss the alleged violation of Sections 21(p)(3) and (p)(7) of the Act. 415 ILCS 5/21(p)(3), (7) (2000).	5-0
AC 02-16	<u>IEPA v. Brad Krstic</u> – The Board accepted this petition for review of an administrative citation against this Mercer County respondent.	5-0
AC 02-18	<u>IEPA v. Bradney Luckhart</u> – The Board ordered respondent to file an amended petition for review no later than January 5, 2002.	5-0
AC 02-19	<u>IEPA v. Walter Foster and Tim Brown d/b/a Brown Excavating and Demolition</u> – The Board found that these Knox County respondents violated Sections 21(p)(1) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (7) (2000)), and ordered respondents to pay a civil penalty of \$3,000.	5-0
AC 02-21	<u>IEPA v. Dale Knapp</u> – The Board found that this Peoria County respondent violated Sections 21(p)(1), (3), and (7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (3), (7) (2000)), and ordered respondent to pay a civil penalty of \$4,500.	5-0
 Decisions		
PCB 01-170	<u>Community Landfill Company and City of Morris v. IEPA</u> – The Board affirmed the May 11, 2001 decision of the Illinois Environmental Protection Agency denying petitioners’ supplemental permit application.	5-0 P-A, Land
PCB 02-20	<u>City of Charleston v. IEPA</u> – The Board granted petitioner, a variance, subject to conditions, from 35 Ill. Adm. Code 611.743(a)(1) for its existing drinking water treatment plant in Coles County, Illinois.	5-0 PWS-V

Provisional Variance

Environmental Register – December 2001

PCB 02-68	<u>Kimble Glass, Inc. v. IEPA</u> – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Cook County facility a 45-day provisional variance, subject to conditions, from the air pollution control regulations set forth at 35 Ill. Adm. Code 212.321 and conditions 7.5.5(b) and 7.5.6(a) of its Title V permit.	5-0 W-V
-----------	---	------------

Motions and Other Matters

PCB 96-20	<u>Edward Wesolowski, Jacqueline Wesolowski, Will Burgess, Dorothy Burgess, Frank Rubino, Toby Gruszecki, and Mike Gruszecki v. United States Postal Service, Barrington, Illinois</u> – The Board granted respondent’s motion to dismiss Toby and Mike Gruszecki as complainants and the parties’ joint motion to dismiss this citizen noise enforcement action involving a Cook County facility.	5-0 Citizens, N-E
-----------	--	-------------------------

PCB 99-142	<u>American National Bank and Trust Company of Chicago, a/t/u Trust No. 10357705 v. Robert Dunham, individually and d/b/a Dunham Cleaners</u> – The Board granted the parties’ joint motion to dismiss this citizen Resource Conservation and Recovery Act enforcement action involving a Cook County facility.	5-0 RCRA-E Citizens
------------	---	---------------------------

PCB 00-9	<u>People of the State of Illinois v. Brake’s Enterprises, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this underground storage tank enforcement action involving a Champaign County facility, the Board ordered publication of the required newspaper notice.	5-0 UST-E
----------	--	--------------

PCB 00-206	<u>ESG Watts, Inc. (Sangamon Valley Landfill) v. IEPA</u> – The Board granted petitioner’s motion to voluntarily dismiss PCB 00-206, PCB 00-207, and PCB 00-208. The Board denied petitioner’s motions for summary judgment and directed that PCB 01-62, PCB 01-63, and PCB 01-64 they proceed to hearing.	5-0 P-A, Land
------------	--	------------------

PCB 01-62

PCB 01-63

PCB 01-64

PCB 01-17	<u>People of the State of Illinois v. N.E. Finch and New Castle Properties, L.L.C.</u> – The Board granted a motion to correct complainant’s misnomer of New Castle Properties, and corrected the name to H.S.S Partners.	5-0 A-E
-----------	---	------------

PCB 01-86	<u>Robert and Yvonne Gardner v. Township High School District 211, Gerald Chapman, Superintendent</u> – The Board denied respondent’s motion for summary judgment.	5-0 Citizens N-E
-----------	--	------------------------

PCB 01-139	<u>ESG Watts, Inc. v. IEPA</u> –The Board denied petitioner’s motion for summary judgment.	5-0 P-A, Land
------------	--	------------------

Environmental Register – December 2001

PCB 01-144	<u>People of the State of Illinois v. City of Pana, Housing Authority of Christian County, PrairieLand Construction, Inc. and Rich Williams d/b/a C.R. Williams & Associates Architects; PrairieLand Construction, Inc. Cross-Complainant v. City of Pana, Housing Authority of Christian County, and Rich Williams d/b/a C.R. Williams & Associates Architects, Cross-Respondents</u> – Upon receipt of a request for hearing in this matter, the Board denied the parties’ motion for relief from hearing requirement. The Board directed this matter to proceed to hearing.	5-0 PWS-E
PCB 02-38	<u>Mecalux Illinois, Inc. v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was filed on behalf of this Cook County facility.	5-0 P-A, Air
PCB 02-42	<u>City of Canton v. IEPA</u> – The Board entered an order directing petitioner to file an amended petition on or before December 31, 2001.	5-0 PWS-V
PCB 02-58	<u>Sauer-Danfoss (US) Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal and granted attorney for petitioner’s motion to appear <i>pro hac vice</i> .	5-0 UST Appeal
PCB 02-59	<u>MAC Investments 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.
PCB 02-60	<u>City of East Moline v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Rock Island County facility.	5-0 P-A, 90-Day Ext.
PCB 02-61	<u>Amtrak (Lumber Street Yard, LUST Incident No. 980039) 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 Appeal 90-Day Ext.
PCB 02-62	<u>Amtrak (Lumber Street Yard, LUST Incident Nos. 980038, 982270 and 912018) 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 Appeal 90-Day Ext.
PCB 02-63	<u>People of the State of Illinois v. MII, Inc.</u> – The Board accepted for hearing this air enforcement action involving a Peoria County facility.	5-0 A-E

Environmental Register – December 2001

PCB 02-64	<u>McNeill Twins Oil Company v. IEPA</u> – The Board granted petitioner 30 days in which to retain an attorney and that attorney to file an amended petition for review. If petitioner does not file an amended petition within 30 days, this matter will be dismissed and the docket closed.	5-0 UST Fund
PCB 02-66	<u>J&J Farms, L.L.C. v. IEPA</u> – The Board found and certified that specified facilities of J&J Farms, L.L.C. located in Pike County are “pollution control facilities” for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	5-0 T-C
PCB 02-67	<u>Shinn Lane Production v. IEPA</u> – The Board found and certified that specified facilities of Shinn Lane Production located in Pike County are “pollution control facilities” for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	5-0 T-C

December 20, 2001 Chicago, Illinois

Rulemaking

R02-5	<u>In the Matter of: SDWA Update, USEPA Amendments (January 1, 2001 through June 30, 2001: Arsenic Rule)</u> – The Board granted the request of the United States Environmental Protection Agency for an additional 30 days past December 10, 2001 in which to file public comment.	7-0 R, PWS
-------	---	---------------

Adjusted Standard

AS 01-9	<u>In the Matter of: Petition of Rhodia, Inc. and Thorn Creek Basin Sanitary District for an Adjusted Standard from 35 Ill. Adm. Code 302.208 and 304.105</u> – The Board granted petitioners’ motion for expedited decision.	7-0 Water
---------	---	--------------

Administrative Citations

AC 01-16	<u>County of Sangamon v. Everett Daily</u> – The Board granted respondent’s motion for leave to file a response to complainant’s motion for summary judgment.	7-0
AC 01-17	Cons.	
AC 01-19	<u>IEPA v. William Basil Flynn & Olen G. Parkhill, Jr.</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Champaign County facility, the Board found respondents violated Section 21(p)(3) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(3) (2000)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motions to dismiss respondent’s petition for review.	7-0

Environmental Register – December 2001

AC 02-17	<u>IEPA v. Charles Goodwin</u> – The Board accepted respondent’s amended petition for review and directed this matter to proceed to hearing.	7-0
AC 02-20	<u>IEPA v. Housewright Lumber Company, William A. Housewright, and George Hartmann</u> – The Board accepted for hearing this petition for review of an administrative citation against these Hancock County respondents.	7-0
AC 02-24	<u>IEPA v. Robert Dennis</u> – The Board granted complainant’s motion to withdraw this administrative citation involving a Cass County facility.	7-0

Decisions

PCB 00-9	<u>People of the State of Illinois v. Brake’s Enterprises, Inc. d/b/a Brake’s Amoco</u> – In this underground storage tank enforcement action concerning a Champaign County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2000)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a total civil penalty of \$5,000, and to cease and desist from further violations.	7-0 UST-E
PCB 01-3	<u>People of the State of Illinois v. R & G Construction</u> – In this public water supply enforcement action concerning a Scott County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2000)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a total civil penalty of \$5,000, and to cease and desist from further violations.	7-0 PWS-E
PCB 01-134	<u>People of the State of Illinois v. Kucera Disposal Company</u> – In this land enforcement action concerning a Champaign County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2000)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a total civil penalty of \$12,000, and to cease and desist from further violations.	7-0 L-E

Motions and Other Matters

PCB 94-292	<u>Ernie and Frank Tagliere d/b/a Ravinia Auto Service Center v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Lake County facility.	7-0 UST Fund
PCB 96-180	<u>Environmental Site Developers, Inc. v. White & Brewer Trucking, Inc.</u> – The Board granted the parties’ joint motion to dismiss this citizen water enforcement action involving a Montgomery County facility.	7-0 W-E Citizens

Environmental Register – December 2001

PCB 99-74	<u>General Mills Operations, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this trade secret appeal involving a Kane County facility.	7-0 T-S
PCB 00-92	<u>Stephen M. Lardner v. Dominick’s Finer Foods, Inc., The Landowner of Longmeadow Commons, Waste Management, Mundelein Disposal, and Onyx Waste Services, Inc.</u> – The Board granted the parties’ joint motion to dismiss this citizen noise enforcement action involving a Lake County facility.	7-0 Citizens N-E
PCB 00-188	<u>Ozinga Transportation Services v. IEPA</u> – The Board granted respondent’s motions for summary judgment, to strike, and for leave to file a surreply. The Board denied petitioner’s cross motion for summary judgment. The Board affirmed the respondent’s April 3, 1998 denial of petitioner’s claim for reimbursement.	6-0 Tristano abstained UST Fund
PCB 01-66	<u>People of the State of Illinois v. Camelot Enterprises, Inc., Stephen Einfeldt individually and as president of Camelot Enterprises, Inc., Ivan Johnson individually and as co-owner of Camelot Enterprises, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Kankakee County facility, the Board ordered publication of the required newspaper notice.	7-0 W-E
PCB 02-5	<u>People of the State of Illinois v. Environmental Management & Abatement, Inc., and Danny G. Kohrtd individually and as President of Environmental Management & Abatement, Inc.</u> – The Board denied respondent’s motion to strike and directed that this matter proceed to hearing.	7-0 L-E
PCB 02-14	<u>Ila M. Neathery and Denise C. Fleck v. Greg and Karen Bouillon d/b/a Thirsty’s, and Terrill L. and Sarah E. Loving</u> – The Board granted complainants’ motion to dismiss this citizen noise enforcement action involving a Sangamon County facility.	7-0 Citizens N-E
PCB 02-27	<u>Rezmar 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.	7-0 Melas abstained UST Fund
PCB 02-33	<u>Dynegy Midwest Generation, Inc.</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was filed on behalf of this Macon County facility.	7-0 P-A
PCB 02-58	<u>Sauer-Danfoss (US) Company v. IEPA</u> – Respondent’s motion to extend time for filing record was referred to the hearing officer for disposition.	UST Appeal

Environmental Register – December 2001

PCB 02-69	<u>Fairview Acres, Inc. v. IEPA</u> – The Board found and certified that specified facilities of Fairview Acres, Inc. located in Logan County are “pollution control facilities” for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
PCB 02-70	<u>Bruce Duesterhaus-Fowler v. IEPA</u> – The Board found and certified that specified facilities of Bruce Duesterhaus-Fowler located in Adams County are “pollution control facilities” for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
PCB 02-71	<u>People of the State of Illinois v. FIC America Corporation</u> – The Board accepted for hearing this water enforcement action involving a DuPage County facility.	7-0 W-E
PCB 02-72	<u>Aux Sable Liquid Products v. IEPA</u> – The Board found and certified that specified facilities of Aux Sable Liquid Products located in Grundy County are “pollution control facilities” for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
PCB 02-73	<u>People of the State of Illinois v. Bernie C. Morris</u> – The Board accepted for hearing this water enforcement action involving an Edgar County facility.	7-0 W-E
PCB 02-74	<u>Dan & Jackie Borrowman Farm v. IEPA</u> – The Board found and certified that specified facilities of Dan & Jackie Borrowman Farm located in Pike County are “pollution control facilities” for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
PCB 02-75	<u>Spectrum Preferred Meats, Inc.-Mt. Morris v. IEPA</u> – The Board found and certified that specified facilities of Spectrum Preferred Meats, Inc.-Mt. Morris located in Ogle County are “pollution control facilities” for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
PCB 02-76	<u>The American Coal Company-Galatia v. IEPA</u> – The Board found and certified that the specified perimeter ditch of the American Coal Company-Galatia located in Saline County is a “pollution control facility” for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)). The Board opened a separate docket, PCB 02-83, to address petitioner’s request for preferential tax certification for its landfill.	7-0 T-C
PCB 02-77	<u>People of the State of Illinois v. Millenium Recycling & Solid Waste Consultants, Inc.</u> – The Board accepted for hearing this land enforcement action involving a Cook County facility.	7-0 L-E

Environmental Register – December 2001

PCB 02-78	<u>Ecolab, Inc. v. Occidental Chemical Corporation</u> – The Board held for a later duplicitous/frivolous determination this citizen underground storage tank enforcement action involving a Cook County facility.	UST-E Citizens
PCB 02-79	<u>People of the State of Illinois v. Walter Deemie d/b/a River City Demolition</u> – The Board accepted for hearing this land enforcement action involving a Sangamon County facility.	7-0 A-E
PCB 02-83	<u>The American Coal Company-Galatia v. IEPA</u> – The Board opened a docket to address petitioner’s request for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)) for its facility located in Saline County. Petitioner must file a petition to contest with the Clerk of the Board within 35 days after the respondent served the recommendation. If petitioner fails to timely file a petition, the Board may deny tax certification for the landfill based solely on respondent’s recommendation.	7-0 T-C

New Cases

December 6, 2001 Board Meeting

- 02-58** Sauer-Danfoss (US) Company v. IEPA – The Board accepted for hearing this underground storage tank appeal and granted attorney for petitioner’s motion to appear *pro hac vice*.
- 02-59** MAC Investments v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.
- 02-60** City of East Moline v. IEPA – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Rock Island County facility.
- 02-61** Amtrak (Lumber Street Yard, LUST Incident No. 980039) v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.
- 02-62** Amtrak (Lumber Street Yard, LUST Incident Nos. 980038, 982270 and 912018) v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.
- 02-63** People of the State of Illinois v. MII, Inc. – The Board accepted for hearing this air enforcement action involving a Peoria County facility.
- 02-64** McNeill Twins Oil Company v. IEPA – The Board granted petitioner 30 days in which to retain an attorney and for that attorney to file an amended petition for review. If petitioner does not file an amended petition for review on or before January 5, 2002 this matter will be dismissed, and the docket closed.
- 02-65** GBF Graphics, Inc. v. IEPA – No action taken.
- 02-66** J&J Farms, L.L.C. v. IEPA – The Board found and certified that specified facilities of J&J Farms, L.L.C. located in Pike County are “pollution control facilities” for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).
- 02-67** Shinn Lane Production v. IEPA – The Board found and certified that specified facilities of Shinn Lane Production located in Pike County are “pollution control facilities” for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

Environmental Register – December 2001

02-68 Kimble Glass, Inc. v. IEPA – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Cook County facility a 45-day provisional variance, subject to conditions, from the air pollution control regulations set forth at 35 Ill. Adm. Code 212.321 and conditions 7.5.5(b) and 7.5.6(a) of its Title V permit.

AC 02-23 IEPA v. Kim Joines – The Board accepted an administrative citation against this Douglas County respondent.

AC 02-24 IEPA v. Robert Dennis – The Board accepted an administrative citation against this Cass County respondent.

AC 02-25 IEPA v. Robert Wiersema – The Board accepted an administrative citation against this Cook County respondent.

R02-10 In the Matter of: Amendments to General Permitting Provisions for Portable Emission Units: Amendments to 35 Ill. Adm. Code 201 – The Board accepted for hearing the Illinois Environmental Protection Agency’s November 30, 2001 proposal to amend the Board’s air pollution control regulations.

R02-11 In the Matter of: Water Quality Triennial Review: Amendments to 35 Ill. Adm. Code 302.208(e)-(g), 302.504(a), 302.575(d), 303.444, 309.141(h); and Proposed 35 Ill. Adm. Code 301.267, 301.313, 301.413, 304.120, and 309.157 – The Board accepted for hearing the Illinois Environmental Protection Agency’s November 9, 2001 proposal to amend the Board’s water pollution control regulations.

December 20, 2001 Board Meeting

02-69 Fairview Acres, Inc. v. IEPA – The Board found and certified that specified facilities of Fairview Acres, Inc. located in Logan County are “pollution control facilities” for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

02-70 Bruce Duesterhaus-Fowler v. IEPA – The Board found and certified that specified facilities of Bruce Duesterhaus-Fowler located in Adams County are “pollution control facilities” for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

02-71 People of the State of Illinois v. FIC America Corporation – The Board accepted for hearing this water enforcement action involving a DuPage County facility.

02-72 Aux Sable Liquid Products v. IEPA – The Board found and certified that specified facilities of Aux Sable Liquid Products located in Grundy County are “pollution control facilities” for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

02-73 People of the State of Illinois v. Bernie C. Morris – The Board accepted for hearing this water enforcement action involving a Edgar County facility.

02-74 Dan & Jackie Borrowman Farm v. IEPA – The Board found and certified that specified facilities of Dan & Jackie Borrowman Farm located in Pike County are “pollution control facilities” for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

02-75 Spectrum Preferred Meats, Inc.-Mt. Morris v. IEPA – The Board found and certified that specified facilities of Spectrum Preferred Meats, Inc.-Mt. Morris located in Ogle County are “pollution control facilities” for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

02-76 The American Coal Company-Galatia v. IEPA – The Board found and certified that the specified perimeter ditch of the American Coal Company-Galatia located in Saline County is a “pollution control facility” for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)). The Board opened a separate docket, PCB 02-83, to address petitioner’s request for preferential tax certification for its landfill.

02-77 People of the State of Illinois v. Millenium Recycling & Solid Waste Consultants, Inc. – The Board accepted for hearing this land enforcement action involving a Cook County facility.

Environmental Register – December 2001

02-78 Ecolab, Inc. v. Occidental Chemical Corporation – The Board held for a later duplicitous/frivolous determination this citizen’s underground storage tank enforcement action involving a Cook County facility.

02-79 People of the State of Illinois v. Walter Deemie d/b/a River City Demolition – The Board accepted for hearing this land enforcement action involving a Sangamon County facility.

02-83 The American Coal Company-Galatia v. IEPA – The Board opened a docket to address petitioner’s request for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)) for its facility located in Saline County. Petitioner must file a petition to contest with the Clerk of the Board within 35 days after the respondent served the recommendation. If petitioner fails to timely file a petition, the Board may deny tax certification for the landfill based solely on respondent’s recommendation.

AC 02-26 IEPA v. Maurice Newcomer – The Board accepted an administrative citation against this Carroll County respondent.

AC 02-27 IEPA v. John Firebaugh – The Board accepted an administrative citation against this Jefferson County respondent.

Calendar

1/8/2002 9:00 am	AS 99-1	Petition of the City of Belleville, Illinois for an Adjusted Standard from 35 Ill. Adm. Code 306.305	Bellevue City Hall Council Chamber 101 South Illinois Street Belleville
1/9/2002 9:00 am	AS 99-1	Petition of the City of Belleville, Illinois for an Adjusted Standard from 35 Ill. Adm. Code 306.305	Bellevue City Hall Council Chamber 101 South Illinois Street Belleville
1/10/2002 11:00 am		Illinois Pollution Control Board Meeting	James R. Thompson Center 100 West Randolph Street Conference Room 9-040 Chicago
1/15/2002 9:00 am	PCB 01-54	Richard G. Cotterman v. Jackson Farms	Illinois Pollution Control Board Hearing Room 403 600 South Second street Springfield
1/16/2002 9:00 am	PCB 01-54	Richard G. Cotterman v. Jackson Farms	Illinois Pollution Control Board Hearing Room 403 600 South Second Street Springfield
1/22/2002 9:00 am	AC 01-29	IEPA v. Leslie Yocum, Sandra Yocum, Rick L. Yocum and Shawna B. Yocum (Birmingham/Yocum #1) (IEPA Docket No. 063-01-AC) (Consolidated with AC 01-30)	Schuyler County Courthouse Jury Room 1 102 South Congress Rushville
1/24/2002 9:00 am	AC 02-3	IEPA v. Marvin Hammack and Doris Baker (IEPA No. 290-01-AC)	Schuyler County Courthouse Jury Room 1 102 South Congress Rushville
1/24/2002 11:00 am		Illinois Pollution Control Board Meeting	James R. Thompson Center 100 West Randolph Street Conference Room 9-040 Chicago

Environmental Register – December 2001

1/29/2002 10:00 am	R02-11	Water Quality Triennial Review: Amendments to 35 Ill. Adm. Code 302.208(e)-(g), 302.504(a), 302.575(d), 303.444, 309.141(h); and Proposed 35 Ill. Adm. Code 301.267, 301.313, 301.413, 304.120, and 309.157	James R. Thompson Center Room 9-040 100 West Randolph Street Chicago
1/30/2002 9:00 am	PCB 02-10	Rebecca S. Lawrence v. Northpoint Grade School	McClellan County Courthouse Courtroom 3E 104 West Front Street Bloomington
2/7/2002 11:00 am		Illinois Pollution Control Board Meeting	James R. Thompson Center 100 West Randolph Street Conference Room 9-040 Chicago
2/21/2002 11:00 am		Illinois Pollution Control Board Meeting	James R. Thompson Center 100 West Randolph Street Conference Room 9-040 Chicago
3/6/2002 10:00	R02-11	Water Quality Triennial Review: Amendments to 35 Ill. Adm. Code 302.208(e)-(g), 302.504(a), 302.575(d), 303.444, 309.141(h); and Proposed 35 Ill. Adm. Code 301.267, 301.313, 301.413, 304.120 and 309.157	Illinois Pollution Control Board Hearing Room, 403 600 South Second Street Springfield
3/7/2002 11:00 am		Illinois Pollution Control Board Meeting	Illinois Pollution Control Board Hearing Room 403 600 South Second Street Springfield
3/21/2002 11:00 am		Illinois Pollution Control Board Meeting	James R. Thompson Center 100 West Randolph Street Conference Room 9-040 Chicago
4/4/2002 11:00 am		Illinois Pollution Control Board Meeting	James R. Thompson Center 100 West Randolph Street Conference Room 9-040 Chicago
4/18/2002 11:00 am		Illinois Pollution Control Board Meeting	James R. Thompson Center 100 West Randolph Street Conference Room 9-040 Chicago

IEPA Restricted Status List

Illinois Environmental Protection Agency
 Division of Public Water Supplies
 Restricted Status List -- Public Water Supplies
 January 2002

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 January 2002.

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

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

Environmental Register – December 2001

Bryant (Fulton Co - 0570200)	5	Adjusted Gross Alpha	310	03/15/98
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
Community Srvc Corp (McHenry Co - 1115350)	2	Inadequate Pres Tank	750	09/16/83
Coyne Cntr Coop (Rock Island Co - 1615150)	1	Inadequate Pres Tank	150	12/15/97
Cropsey Cmnty Wtr (McLean Co - 1135150)	4	Inadequate Pres Tank	60	03/20/81
Crystal Clear Wtr Cmpny (McHenry Co - 1115150)	2	Inadequate Pres Tank	900	09/16/88
Crystal Hts Assn (McHenry Co - 1115100)	2	Inadequate Pres Tank	93	06/17/96
D and R Apts (Champaign Co - 0190030)	4	Inadequate Pres Tank	26	09/16/93
Deering Oaks Sbdv (McHenry Co - 1115200)	2	Inadequate Pres Tank	60	12/17/82
DeKalb Univ Dvl Corp (DeKalb Co - 0375148)	1	Inadequate Pres Tank	950	12/16/92
DeWitt Cnty NH (DeWitt Co - 0395129)	4	Inadequate Pres Tank	80	06/17/83
DL Well Owners Assn (Lake Co - 0975380)	2	Inadequate Pres Tank	125	03/18/83
Dover (Bureau Co - 0110350)	1	Inadequate Pres Tank	200	05/25/81
East 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
Elm Oak Mutual Wtr Syst (Lake Co - 0975736)	2	Inadequate Pres Tank	45	06/13/86
Emmett Utl Inc (McDonough Co - 1095200)	5	Inadequate Pres Tank	39	12/17/82
Evergreen Vlg Sbdv (Rock Island Co - 1615310)	1	Inadequate Pres Tank	250	03/20/81

Environmental Register – December 2001

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
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
Highland Sbdv (Kane Co - 0895530)	2	Inadequate Pres Tank	50	09/16/83
Hillview Sbdv (Will Co - 1975800)	2	Inadequate Pres Tank	99	03/15/85
Holy Family Villa (Cook Co - 0310280)	2	Inadequate Pres Tank	200	09/15/99
Hopewell (Marshall Co - 1235150)	1	Adjusted Gross Alpha	805	03/14/01
Huntley Cmnty Sbdv (Will Co - 1975840)	2	Inadequate Pres Tank	48	03/16/84
Ingalls Pk Sbdv (Will Co - 1975880)	2	Inadequate Pres Tank	690	09/16/83
Kewanee (Henry Co - 0730650)	1	Adjusted Gross Alpha	12,900	03/14/01
Kingston Mines (Peoria Co - 1430450)	5	Adjusted Gross Alpha	295	03/14/01
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

Environmental Register – December 2001

* Lakeview Acres (McHenry Co - 1110120)	2	Inadequate Hydro Storage	35	11/01/01
Lakeview Hills Wtr Supply Cp (Whiteside Co - 1955150)	1	Inadequate Pres Tank	146	03/20/81
Lakewood Shores Imprv Assn	2	Adjusted Gross Alpha	760	03/14/01
Land and Water Assn (LaSalle Co - 0995050)	1	Inadequate Pres Storage	110	06/15/01
Larchmont Sbdv (Winnebago Co - 2015290)	1	Inadequate Pres Tank	106	06/17/83
Larson Court Rentals (Rock Island Co - 1615728)	1	Inadequate Pres Tank	48	01/14/82
Legend Lakes Wtr Assn (Winnebago Co - 2015300)	1	Inadequate Pres Tank	225	03/14/91
Liberty Park Homeowners Assn (DuPage Co - 0435600)	2	Inadequate Pres Tank	1,092	09/17/92
Lindenwood Wtr Assn (Ogle Co - 1415300)	1	Inadequate Pres Tank	50	01/13/82
Lisbon North Inc (Grundy Co - 0631000)	2	Inadequate Pres Tank	30	09/14/90
Little Swan Lake Sndst (Warren Co - 1875050)	5	Inadequate Pres Tank	250	03/15/98
Little York (Warren Co - 1870100)	5	Adjusted Gross Alpha	350	03/14/01
London Mills (Fulton Co - 0574620)	5	Inadequate Pres Tank	670	12/14/84
Lostant (LaSalle Co - 0990450)	1	Adjusted Gross Alpha	510	03/14/01
Lynn Cntr (Henry Co - 0735100)	1	Inadequate Pres Tank	147	03/15/95
Lynnwood Water Corp (LaSalle Co - 0995336)	1	Inadequate Pres Tank	114	03/18/83
M C L W Sys Inc (Mercer Co - 1315150)	1	Inadequate Source	100	03/20/81
Maple Leaf Ests Wtr Corp (Monroe Co - 1335100)	6	Inadequate Pres Tank	39	03/20/81
Mapleton (Peoria Co - 1430500)	5	Adjusted Gross Alpha	350	03/15/98
Mayfair Sbdv (Tazewell Co - 1795750)	5	Inadequate Pres Tank	150	03/16/90
Monmouth (Warren Co - 1870150)	5	Adjusted Gross Alpha	9,500	03/14/01
Mound PWD (St Clair Co - 1635050)	6	Inadequate Plant Capacity	1,800	06/17/96
* Muddy (Salin Co - 1650250)	7	Inadequate Hydro Storage	194	11/01/01
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
Olivet Nazarene College (Kankakee Co - 0915279)	2	Inadequate Pres Tank	1,450	03/15/94

Environmental Register – December 2001

Opheim PWS (Henry Co - 0735150)	1	Inadequate Pres Tank	150	06/18/82
Oscos 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 Dstrect 3 (Lake Co - 0971451)	2	Inadequate Souce Capacity	234	11/01/01
* Robinson Palestine Wtr Cmsn (Crawford Co - 0335030)	4	Inadequate Plant Capacity	10,728	11/01/01
Sbdv Wtr Trust No 1 (Kane Co - 0895300)	2	Inadequate Pres Tank	1,120	03/20/81
Shawnita Trc Wtr Assn (Will Co - 1977690)	2	Inadequate Pres Tank	125	09/17/92
Skyview Estates (Kankakee Co - 0915526)	2	Inadequate Pres Tank	65	09/14/84
Sorento (Bond Co - 0050300)	6	Trihalomethane	750	09/16/96
St Charles Cmsn Wlfnd 3 (DuPage Co - 0437040)	2	Inadequate Pres Tank	30	12/15/89
Standard (Putnam Co - 1550300)	1	Adjusted Gross Alpha	300	03/14/01
Sturm Sbdv (Lake Co - 0977010)	2	Inadequate Pres Tank	63	03/16/84
Suburban Heights Sbdv (Rock Island Co - 1615800)	1	Inadequate Pres Tank	114	12/16/83
Summit Homeowners Assn (Lake Co - 0975280)	2	Inadequate Pres Tank	48	03/16/84
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

Environmental Register – December 2001

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
Trivoli PWD (Peoria Co - 1435510)	5	Inadequate Pres Tank	350	06/17/83
Turkey Hollow Well Corp (Rock Island Co - 1615686)	1	Inadequate Pres Tank	32	06/18/82
Utl Inc Lake Holiday (LaSalle Co - 0995200)	1	Inad Source & Treat Plt	4,908	09/15/98
Utl Inc Northern Hls Utl Co(Stephenson Co-1775050)	1	Inadequate Pres Tank	290	03/15/96
Utl Inc Walk-Up Woods Wtr Co(McHenry Co - 1115800)	2	Inadequate Pres Tank	763	12/17/82
Wermes Sbdv (Kane Co - 0895750)	2	Inadequate Pres Tank	150	12/16/88
West Salem (Edwards Co - 0470200)	7	Inadequate Treatment Plant	1,058	03/15/99
West Shore Park Sbdv (Lake Co - 0977370)	2	Inadequate Pres Tank	450	06/15/00
West Shoreland Sbdv (Lake Co - 0977050)	2	Inadequate Pres Tank	220	06/14/91
* Westlake Utl (Winnebago Co - 2010070)	1	Inadequate Source Capacity	25	11/01/01
Whispering Lakes Wtr Sys Inc (Lake Co - 0970220)	2	Adjusted Gross Alpha	375	03/14/01
Wienen Estates (Jo Daviess Co - 0850030)	1	Inadequate Pres Tank	70	12/15/97
Wilmington (Will Co - 1971100)	2	Trihalomethane	5,094	03/14/01
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

IEPA Critical Review List

Illinois Environmental Protection Agency
 Division of Public Water Supplies
 Critical Review List -- Public Water Supplies
 January 2002

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

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

This list is continually being revised as new information becomes available, and therefore, specific inquiries as to the status of any public water supply should be directed to the Division of Public Water Supplies for final determination. This list reflects the status as of January 2002.

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

EPA NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY # DATE	RGN	POP. NATURE OF PROBLEM	LISTING SERVED	
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
Joy (Mercer Co - 1310100)	1	Low System Pressure	495	06/15/99

Environmental Register – December 2001

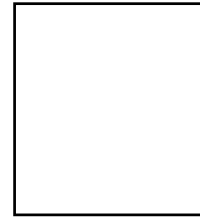
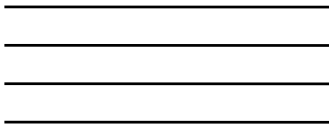
Kincaid (Christian Co - 0210250)	5	Plant Capacity	2,640	06/14/85
LaMoille (Bureau Co - 0110500)	1	Inadequate Plant Capacity	750	06/15/99
Lee (Lee Co - 1034600)	1	Inadequate Pres Tank	350	03/15/98
* Marion (Williamson Co - 1990550)	7	Inadequate Source Capacity	14,610	11/01/01
Mathersville (Mercer Co - 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

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.

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



Illinois Pollution Control Board
Environmental Register Coordinator
600 South Second Street, Suite 402
Springfield, Illinois 62704