
Environmental Register

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J. Philip Novak, Chairman

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Letter from the Chairman

As I prepare this letter on June 8, a number of bills have passed both of the two houses of the Illinois General Assembly. Twelve of those bills have particular interest for the Illinois Pollution Control Board, parties appearing before it, and regulated entities. Although the Governor has not yet acted upon any of them, I've briefly summarized them below. You can obtain more specific information through the General Assembly's Web site at www.ilga.gov.

House Bill 406, sponsored by Representative Robert Rita and Senator James Meeks, amends the Environmental Protection Act (Act) to exclude from its definition of "pollution control facility" the portion of a Cook County site that has obtained local siting approval under the Act for a municipal waste incinerator on or before July 1, 2005 and that is used for a non-hazardous waste transfer station.



House Bill 414, sponsored by Representative Kathy Ryg and Senator Terry Link, amends the Act to provide that a facility accepting exclusively general construction or demolition debris and that as of January 1, 2000 is located in a county with a population of 700,000 or more persons is not a "pollution control facility" under the Act. The bill also makes a similar change regarding waste permits by providing that no permit shall be required for a facility in a county with a population over 700,000 as of January 1, 2000. These provisions do not now specify the January 1, 2000 restriction.

House Bill 433, sponsored by Representative George Scully and Senator Kwame Raoul, amends the Act to provide that the disposal of asbestos-containing material in violation of certain federal regulations is a Class 4 felony.

House Bill 918, sponsored by Representative Kevin Joyce and Senator James Clayborne, also amends the Act. In language providing that siting approval may be granted if the facility is consistent with the county's solid waste management plan, the bill defines that plan as one in effect when the siting application is filed.

House Bill 1149, sponsored by Representative John Millner and Senator Susan Garrett, amends the Act to create the Computer Equipment Disposal and Recycling Commission. The commission's duties include issuing a report of its findings and recommendations related to the disposal and recycling of computer equipment by May 31, 2006.

Senate Bill 241, sponsored by Senator John Cullerton and Representative Tom Holbrook, also amends the Act. The bill provides that, for any release or substantial threat of release for which the Illinois Environmental Protection Agency (Agency) is required to give notice, the Director may issue to any person potentially liable under the Act for the release or substantial threat of release any order that may be necessary to protect the public health and welfare and the environment. The bill under specified conditions authorizes reimbursement for the costs, fees, and expenses of persons receiving these orders. The bill also authorizes the Agency to evaluate the release of contaminants whenever the Agency determines that the soil or groundwater contamination extends beyond the boundary of the site where the release occurred. The bill further provides that the persons to whom the Agency must give notice when certain contamination-related events occur are the persons owning property within 2,500 feet of the subject contamination or within any other distance that the Agency deems appropriate. The bill further provides that the methods by which the Agency gives the required notice shall be determined in consultation with members of the public and regulated community and may include personal notification, public meetings, signs, electronic notification, and print media.

Senate Bill 397, sponsored by Senator James DeLeo and Representative Frank Mautino, creates the Vehicle Emissions Inspection Law of 2005 providing for a new inspection program in specified counties beginning February 1, 2007. Generally, the bill requires testing based primarily on the use of on-board diagnostic systems.

Senate Bill 431, sponsored by Senator Debbie Halvorson and Representative Julie Hamos, amends the Act to provide that, on making a finding that an open dump poses a threat to the public health or to the environment, the Agency may take preventive or corrective action as necessary or appropriate to end the threat. The bill further provides that specified persons may be held liable for the costs of Agency corrective or preventive action resulting

from open dumping, and it establishes defenses against liability for open dumping. The bill provides factors that the Agency must consider before taking preventive or corrective action against open dumping and further provides that the Agency may not expend more than \$50,000 at any single site in response to an open dump except under specified circumstances. In addition, the bill imposes an interim and final permit program so that by July 1, 2008 no person shall use clean construction or demolition debris as fill material in a current or former quarry, mine, or other excavation without an Agency permit. The bill also prohibits certain State employees or their relatives from having a direct financial interest in any waste-disposal operation or clean construction or demolition debris fill operation requiring a permit or in any related corporate entity.

Senate Bill 1701, sponsored by Senator James Clayborne and Representative Tom Holbrook, amends the Act by requiring the Agency to provide an Illinois Toxic Chemical Inventory in cooperation with the U.S. Environmental Protection Agency and based on release forms filed pursuant to specified federal law. For the purposes of the Clean Air Act Permit Program, in the definition of "major source" that is included in the subsection on applicability, the bill makes a change in the list of stationary source categories for which fugitive emissions are to be considered. The bill further provides that a compliance management system documented by a regulated entity as reflecting its due diligence in preventing, detecting, and correcting violations may serve as a substitute for an environmental audit in connection with self-disclosure of non-compliance.

Senate Bill 1787, sponsored by Senator Kirk Dillard and Representative Tom Holbrook, amends the Act by providing that the term "owner" as used in the Petroleum Underground Storage Tank (UST) program includes any person who has submitted to the Agency a written election to proceed under the UST program and has acquired an ownership interest in a site on which one or more registered tanks have been removed, but on which corrective action has not yet resulted in the issuance of a "no further remediation letter" by the Agency.

Senate Bill 1909, sponsored by Senator William Haine and Representative Dan Reitz, amends the Act to include additional materials within the definition of "coal combustion by-product" (CCB). The bill further provides that, in certain circumstances, the EPA must make written beneficial use determinations that coal-combustion waste is a CCB. The bill also sets forth procedures for the application for and approval of a beneficial use determination.

Senate Bill 2040, sponsored by Senator Deanna Demuzio and Representative Jim Watson, amends the Act to provide that a no further remediation letter does not apply to off-site contamination related to the occurrence that has not been remediated due to denial of access to the off-site property. The bill also provides that the no further remediation letter shall apply in favor of an owner of a parcel of real property to the extent the no further remediation letter applies to the occurrence on that parcel.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Philip Novak". The signature is written in a cursive, slightly slanted style.

J. Philip Novak
Chairman

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Federal Update

United States Environmental Protection Agency Adopts Final Rules Under the Clean Air Act to Amend the Transportation Conformity Rule for the New PM_{2.5} National Ambient Air Quality Standard

On May 6, 2005 (70 Fed. Reg. 24279) the United States Environmental Protection Agency (USEPA) adopted a final rule amending the transportation conformity standards for the new Particulate Matter (PM_{2.5}) National Ambient Air Quality Standard to address PM_{2.5} precursors.

The final rule adds the following transportation-related PM_{2.5} precursors to the transportation conformity regulations: nitrogen oxides (NO_x), volatile organic compounds (VOCs), sulfur oxides (SO_x), and ammonia (NH₃). The final rule specifies when each of these precursors must be considered in conformity determinations in PM_{2.5} nonattainment and maintenance areas before and after PM_{2.5} state air quality implementation plans (SIPs) are submitted.

Controls on NO_x and SO_x will be implemented in two phases. Phase I will become effective for NO_x in the year 2009, and for SO_x in 2010. Phase II of the program, which implements incremental reductions from the initial cuts, begins in 2015. The initial emission reductions for NO_x for Illinois in the first phase will require a reduction in emissions from the base of 146,248 tons to 76,230 tons. In 2015, the Phase II Illinois NO_x emissions cap will be 63,525 tons. During the ozone season (May through September), electric generating units in Illinois will be limited to 30,701 tons in Phase I and 28,981 tons in Phase II.

The projected base case SO₂ emissions are not individually noted for Illinois. Nevertheless, USEPA stated that the Phase I SO₂ reductions are to be based on a 50% reduction from existing allowable emissions, and the Phase II reductions in 2015 are based on a 65% reduction. The 2010 Phase I state annual budget for Illinois will be 192,671 tons, and the Phase II limitations in 2015 will be 134,869 tons.

USEPA projects that the PM_{2.5} concentrations in the Chicago metropolitan and Metro East St. Louis areas will decrease by 0.64 to 0.70 micrograms per liter (ug/l) under Phase I. The projected reductions are 0.76 to 0.85 ug/l under Phase II. USEPA did not tabulate projected ozone reductions for Illinois, but did so for other states. USEPA projects reductions in mercury emissions from power plants as a result of the Clean Air Interstate Rule (CAIR), but does not quantify those reductions.

The final rule is effective June 6, 2005. USEPA is imposing a deadline of September 11, 2006 for the states to submit enforceable compliance plans for federal approval.

Materials relevant to this rulemaking are in Public Docket I.D. No. OAR-2003-0049 located at the Air Docket, Environmental Protection Agency, Mailcode: 6102T, 1200 Pennsylvania Ave., NW., Washington, DC 20460; phone: 202-566-1742.

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For further information contact Rudy Kapichak, State Measures and Conformity Group, Transportation and Regional Programs Division, U.S. Environmental Protection Agency, 2000 Traverwood Road, Ann Arbor, MI 48105, e-mail address: kapichak.rudolph@epa.gov, telephone number: (734) 214-4574, fax number 734-214-4052; or Angela Spickard, State Measures and Conformity Group, Transportation and Regional Programs Division, U.S. Environmental Protection Agency, 2000 Traverwood Road, Ann Arbor, MI 48105, e-mail address: spickard.angela@epa.gov, telephone number: (734) 214-4283, fax number 734-214-4052.

If any 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 (2002)).

United States Environmental Protection Agency Proposes Amendments Under the Clean Air Act to Extend the Global Laboratory and Analytical Use Exemption for Essential Class I Ozone Depleting Substances

On May 13, 2005 (70 Fed. Reg. 25725) the United States Environmental Protection Agency (USEPA) proposed amendments to the protection of stratospheric ozone regulations to extend the global laboratory and analytical use exemption for essential class I ozone depleting substances.

USEPA is proposing to extend the global laboratory and analytical use exemption for production and import of class I ozone-depleting substances from December 31, 2005, to December 31, 2007, consistent with recent actions by the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer. The exemption allows persons in the United States to produce and import controlled substances for laboratory and analytical uses that have not been already identified by USEPA as nonessential. USEPA also is proposing to clarify the applicability of the laboratory and analytical use exemption to production and import of methyl bromide after the January 1, 2005, phase-out date.

Written comments on this proposed rule must be received on or before July 12, 2005. Comments should be identified by Docket ID Number OAR-2004-0064 and may be submitted by one of the following methods:

Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

Agency Web site: <http://www.epa.gov/edocket>. EDOCKET, USEPA's electronic public docket and comment system, is USEPA's preferred method for receiving comments. Follow the on-line instructions for submitting comments.

Mail: Air and Radiation Docket, Environmental Protection Agency, Mailcode 6102T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attention: Docket ID No. OAR-2004-0064.

For further information contact Scott Monroe, Essential Use Program Manager, by mail at U.S. Environmental Protection Agency, Stratospheric Protection Division (6205J), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; by telephone: 202-343-9712; or by e-mail: monroe.scott@epa.gov.

United States Environmental Protection Agency Adopts Amendments Under the Clean Air Act to the Clean Air Mercury Rule

On May 18, 2005 (70 Fed. Reg. 28605) the United States Environmental Protection Agency adopted standards of performance for new and existing stationary sources under the Clean Air Mercury Rule. The regulations establish standards of performance for mercury (Hg) for new and existing coal-fired electric utility steam generating units (Utility Units), as defined in Clean Air Act (CAA) section 111.

The amendments to CAA section 111 rules would establish a mechanism by which Hg emissions from new and existing coal-fired Utility Units are capped at specified, nation-wide levels. A first phase cap of 38 tons per year (tpy) becomes effective in 2010, and a second phase cap of 15 tpy becomes effective in 2018. Facilities must demonstrate compliance with the standard by holding one “allowance” for each ounce of Hg emitted in any given year. Allowances are readily transferable among all regulated facilities. USEPA claims that this cap-and-trade approach to limiting Hg emissions is the most cost-effective way to achieve the reductions in Hg emissions from the power sector. Additionally, USEPA stated that an added benefit of the cap-and-trade approach is that it dovetails well with the sulfur dioxide (SO₂) and nitrogen oxides (NO_x) emission caps under the final Clean Air Interstate Rule (CAIR) that was signed on March 10, 2005. CAIR establishes a broadly applicable cap-and-trade program that significantly limits SO₂ and NO_x emissions from the power sector. According to USEPA, the advantage of regulating Hg at the same time and using the same regulatory mechanism as for SO₂ and NO_x is that significant Hg emissions reductions, especially reductions of oxidized Hg, can and will be achieved by the air pollution controls designed and installed to reduce SO₂ and NO_x. Significant Hg emissions reductions can be obtained as a “co-benefit” of controlling emissions of SO₂ and NO_x; thus, the coordinated regulation of Hg, SO₂ and NO_x allows Hg reductions to be achieved in a cost-effective manner.

The final rule also finalizes a performance specification (PS) (Performance Specification 12A, “Specification and Test Methods for Total Vapor Phase Mercury Continuous Emission Monitoring Systems in Stationary Sources”) and a test method (“Quality Assurance and Operating Procedures for Sorbent Trap Monitoring Systems”). USEPA is also taking final action to amend the definition of “designated pollutant.” The existing definition predates the Clean Air Act Amendments of 1990 and, as a result, refers to section 112(b)(1)(A) which no longer exists.

The final rule is effective on July 18, 2005.

For information concerning analyses performed in developing the final rule, contact Mr. William Maxwell, Combustion Group, Emission Standards Division (C439-01), USEPA, Research Triangle Park, North Carolina, 27711; telephone number (919) 541-5430; fax number (919) 541-5450; email address: maxwell.bill@epa.gov.

If any 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 (2002)).

Appellate Update

Illinois Supreme Court Denies Petition for Leave to Appeal Third District Appellate Court Decision Affirming Board Order Vacating Grant of Local Siting Approval for Landfill Expansion in Waste Management of Illinois, Inc. v. Illinois Pollution Control Board, County of Kankakee, County Board of Kankakee, City of Kankakee, Merlin Karlock, Keith Runyon, and Michael Watson, No.100166 (May 25, 2005) (PCB 03-125, PCB 03-133, PCB 03-134, PCB 03-135 (cons.))

In a May 25, 2005 order, the Illinois Supreme Court denied a petition for leave to appeal. Waste Management of Illinois, Inc. v. Illinois Pollution Control Board, County of Kankakee, County Board of Kankakee, City of Kankakee, Merlin Karlock, Keith Runyon, and Michael Watson, No.100166 (May 25, 2005). The Court stated that its mandate would issue to the Appellate Court on June 16, 2005.

Waste Management of Illinois Inc. (WMII) had asked the Court to review a ruling in which the Third District Appellate Court affirmed the Board's decision to vacate the Kankakee County Board's grant of siting approval for a landfill expansion in Waste Management of Illinois, Inc. v. Illinois Pollution Control Board, County of Kankakee, County Board of Kankakee, City of Kankakee, Merlin Karlock, Keith Runyon, and Michael Watson, No. 3-03-0924 (February 4, 2005; see also March 23, 2005 order granting the Board's motion to publish the ruling as a precedential decision).

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The court's February 2005 ruling was previously summarized in detail. See *Environmental Register* No. 608 (February 2005) at pp. 3-7 and No. 609 (March 2005) at pp. 4-5.

In brief, the Board vacated the County Board's decision on jurisdictional grounds. The Board found the County lacked jurisdiction over the siting application because WMII failed to notify a nearby landowner, Brenda Keller, of its siting application in accordance with Section 39.2(b) of the Act (415 ILCS 5/39.2(b) (2002)). Section 39.2(b) of the Act (415 ILCS 5/39.2(b) (2002)) has three distinct elements. First, property owners listed on the authentic tax records must be served notice. Second, property owners who own property within 250 feet of the lot line of the proposed facility must be notified. Third, service on those property owners must be made using certified mail return receipt or personal service.

The Third District was the first appellate court to apply to Section 39.2 (b) of the Act the Illinois Supreme Court's holding in People ex rel. v. \$30,700 U.S. Currency et al., 199 Ill. 2d 142, 766 N.E.2d 1084 (2002) (\$30,700 U.S. Currency). Under \$30,700 U.S. Currency, service is deemed complete once the notice is placed in the mail. In other words, under Section 39.2(b) of the Act (415 ILCS 5/39.2(b) (2002)), an applicant can effect service by mailing the pre-filing notice to property owners certified mail return receipt and the service is proper upon mailing. The Board found the Supreme Court's decision in \$30,700 U.S. Currency effectively overruled the appellate court's decision in Ogle County Board v. PCB, 272 Ill. App. 3d 184, 649 N.E.2d 545 (2nd Dist 1995) (Ogle County) (finding that actual receipt of notice by the landowner, and not just mailing of it by the applicant, was required to effectuate service under Section 39.2 (b) of the Act).

Rule Update

Board Accepts Chemical Industry Council of Illinois' Proposal for Hearing in Plastic Molding Operations: Proposed Amendments to Exemptions from State Permitting Requirements (35 Ill. Adm. Code 201.146) (R05-20)

On May 5, 2005, the Board accepted a proposal for hearing in Plastic Molding Operations: Proposed Amendments to Exemptions from State Permitting Requirements (35 Ill. Adm. Code 201.146) (R05-20). The proposal, filed by the Chemical Industry Council of Illinois (CICI) on April 19, 2005, seeks to amend the Board's air permit regulations.

The amendments propose revisions to the Board's regulations for air construction and operating permits. The proposal seeks to add one category to the existing list of 59 permit exemptions at 35 Ill. Adm. Code 201.146. According to CICI, the purpose of the proposal is to eliminate the burden of state construction and operating permitting of low emitting emission units and activities for both the Environmental Protection Agency and owners and operators of plastic injection equipment. The proposed amendment would include plastic injection molding operations in the categories of emissions units exempt from state air permitting requirements.

CICI states that plastic injection molding operations emit volatile organic material and that emissions from the associated activities covered under the proposed exemption to Section 201.146 of the Board's regulations are negligible. CICI asserts that these are low emission sources that would qualify for the de minimus exemption proposed in the pending R05-19 proceeding, In the Matter of: Proposed Amendments to Exemptions From State Permitting Requirements (35 Ill. Adm. Code 201.146), R05-19 (March 17, 2005). However, according to CICI, the amendments in R05-19 would not provide relief to sources that do not otherwise require a permit.

Hearings are scheduled for July 1, 2005, at 11:00 am at James R. Thompson Center, 100 W. Randolph Street, Room 8-032, Chicago, and July 15, 2005, at 10:00 am at Illinois Pollution Control Board Hearing Room, 1021 North Grand Avenue East, North Entrance, Springfield. Additional details and requirements for the pre-filing of hearing testimony are contained in the May 25, 2005 hearing officer order.

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Copies of the Board's opinion and order in R04-21, as well as the May 25, 2005 hearing officer order, may be obtained by calling Dorothy Gunn at 312-814-3620, or by downloading copies from the Board's Web site at www.ipcb.state.il.us.

For additional information contact Amy Antonioli at 312/814-3665; email address antoniao@ipcb.state.il.us.

Board Adopts Final Opinion and Order in Amendments to the Board's Procedural Rules to Accommodate New Statutory Provisions 35 Ill. Adm. Code 101-130 (R04-24)

On May 19, 2005, the Board adopted a final opinion and order in Amendments to the Board's Procedural Rules to Accommodate New Statutory Provisions 35 Ill. Adm. Code 101-130 (R04-24). The adopted proposal involves amendments intended to reflect provisions of the new State Officials and Employees Ethics Act (5 ILCS 430, *created by* P.A. 93-615, eff. Nov. 19, 2003, *amended by* P.A. 93-617, eff. Dec. 9, 2003), as well as other recent amendments to the Environmental Protection Act (415 ILCS 5 (2002)) and Administrative Procedure Act (5 ILCS 100 (2002)). The adopted amendments, filed with the Secretary of State's Index Department are scheduled for publication in the June 16, 2005 issue of the *Illinois Register*.

The Board opened Docket R04-24 on its own motion to update its procedural rules to include several pieces of legislation discussed below. The Board did not make any substantive changes to the proposal it adopted for first notice on March 18, 2004 (published in the *Illinois Register* on May 7, 2004).

The State Officials and Employees Ethics Act (5 ILCS 430) required changes to the Board's procedural rules on "*ex parte* communications." The Board amended the definition of "*ex parte* communication" in Section 101.202 to track the statutory language in the Ethics Act defining the term. The Board also amended Section 101.114 on *ex parte* communications. The main change to this section reflects new statutory reporting requirements for the Board's ethics officer.

The Board made other changes required by Public Acts that amended the Environmental Protection Act over approximately the past two years:

Changes to the Environmental Protection Act in P.A. 93-152 (effective July 10, 2003) and P.A. 92-574 (effective June 26, 2002) resulted from recommendations of the Illinois Environmental Regulatory Review Commission (IERRC). Created in December 1999 by Executive Order 18, the IERRC was charged with reviewing and recommending improvements to the Environmental Protection Act, which was originally enacted in 1970.

P.A. 93-152, (effective July 10, 2003) amended the Environmental Protection Act in several significant ways: (1) having the Illinois Environmental Protection Agency (IEPA) rather than the Board issue provisional variances (*see* 35 Ill. Adm. Code 101.302(d); Part 104.Subpart C); (2) allowing the Board to adopt settlements in citizen enforcement actions without a public hearing (*see* 35 Ill. Adm. Code 103.301); (3) updating incorporations by reference in Board rules through a new rulemaking procedure that does not require a public hearing or a request that the Department of Commerce and Economic Opportunity, formerly the Department of Commerce and Community Affairs, conduct an economic impact study on the proposed rules (*see* 35 Ill. Adm. Code 102.211); (4) authorizing prevailing citizen complainants before the Board to go to circuit court to enforce a final Board order by injunction or other relief (*see* 35 Ill. Adm. Code Part 103. Subpart F); and (5) clarifying that the administrative citation civil penalty amount of \$1,500 (or \$3,000 for a subsequent violation) is to be imposed for each violation of each provision of Section 21(p) of the Environmental Protection Act (415 ILCS 5/21(p) (2002)) (*see* 35 Ill. Adm. Code 108.500).

P.A. 92-574 (effective June 26, 2002) resulted in a number of non-substantive changes to the Environmental Protection Act. The Board adopted corresponding changes to its procedural rules. For example, the word "duplicitous," confusing when referring to citizen complaints, is changed to "duplicative." *See* 35 Ill. Adm. Code 101.202; Part 103.Subpart B.

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P.A. 93-171 (effective July 10, 2003) amends the Environmental Protection Act's provisions (Sections 52.3-1, 52.3-2, and 52.3-4) addressing Environmental Management Systems Agreements or "EMSAs." EMSAs are agreements between the IEPA and a "sponsor" designed to implement innovative environmental measures not otherwise allowed under the law.

The P.A. 93-171 amendments specify that EMSAs may be executed with participants in the United States Environmental Protection Agency's (USEPA) "Federal Performance Track Program," which is the successor to USEPA's "Federal XL Program." USEPA operates the Federal Performance Track Program to "recognize and reward businesses and public facilities that demonstrate strong environmental performance beyond current regulatory requirements." Section 52.3-1(a)(6). P.A. 93-171 states that the IEPA may terminate an EMSA if the sponsor ceases to participate in the Federal Performance Track Program. The Board amended its procedural rules at Section 106.704 to specify this additional ground for IEPA termination of EMSAs and the sponsors right to appeal that termination to the Board.

P.A. 93-509 (effective August 11, 2002) amends Section 5 of the Environmental Protection Act. Among other things, this legislation reduced the number of Board members from seven to five and correspondingly reduced the number of Board members needed for a majority vote. Accordingly, the Board amended the definition of "Board decision" in the procedural rules to reflect that the favorable vote of at least three rather than four Board members is required for a Board decision. *See* 35 Ill. Adm. Code 101.202; *see also* Section 101.300(d)(1).

Also amended since the Board last completely revised its procedural rules in January 2001 is the Administrative Procedure Act. Due to P.A. 92-330 (effective August 9, 2001), the Administrative Procedure Act now requires rulemaking proposals published in the *Illinois Register* to describe any published study or research report used in developing the rule and where the public may obtain a copy. This new requirement is reflected in changes to the procedural rules at 35 Ill. Adm. Code Sections 102.202, 102.210, and 102.820.

Copies of the Board's opinion and order in R04-24 may be obtained by calling Dorothy Gunn at 312-814-3620, or by downloading copies from the Board's Web site at www.ipcb.state.il.us.

For additional information contact Richard McGill at 312-814-6983; e-mail address mcgillr@ipcb.state.il.us

Board Adopts Final Opinion and Order in Definition of VOM Update, USEPA Amendments (July 1, 2004 through December 31, 2004) (R05-16)

On May 19, 2005, the Board adopted a final opinion and order in Definition of VOM Update, USEPA Amendments (July 1, 2004 through December 31, 2004) (R05-16). This rulemaking adopts amendments to update the definition of "volatile organic material" (VOM) in the Board's air pollution regulations (35 Ill. Adm. Code 211.7150). The update ensures that Illinois' regulations reflect the United States Environmental Protection Agency's (USEPA) most recent exemption of chemical compounds from regulation as ozone precursors. The adopted amendments, filed with the Secretary of State's Index Department and effective May 23, 2005, were published in the *Illinois Register* at 29 Ill. Reg. 8181(June 3, 2005). The Board made only minor, non-substantive changes to the proposal it adopted for public comment.

Section 9.1(e) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(e) (2002)) mandates this rulemaking. That statutory provision requires the Board to exclude from the definition of VOM those compounds determined by USEPA to be exempt from regulation under the state implementation plans for ozone "due to negligible photochemical reactivity." 415 ILCS 5/9.1(e) (2002). In addition, Section 9.1(e) of the Act requires the Board to conduct this rulemaking pursuant to the provisions of Section 7.2(b) of the Act (415 ILCS 5/7.2(b) (2002)) for adopting rules that are "identical in substance" to the federal requirements.

Section 9.1(e) also provides that Title VII of the Act and Section 5-35 of the Administrative Procedure Act (APA) (5 ILCS 100/5-35 (2002)) do not apply to this type of rulemaking. However, as provided in Section 9.1(e) of the

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Act and as required by the federal Clean Air Act (33 U.S.C. § 7410(a) (2003)), the Board held a public hearing on the proposed amendments. The hearing was held in Chicago on Tuesday, April 12, 2005.

The amendments adopted in this rulemaking address two USEPA amendments to the federal definition of “volatile organic compound” (VOC), which is the same as VOM as used in the Illinois regulations. First, on November 29, 2004, USEPA added four compounds to the list of chemical species that are exempt from the federal definition of VOC and, accordingly, are exempt from regulation for control of ozone precursors. Second, also on November 29, 2004, USEPA excluded an additional compound from the VOC definition, for purposes of emissions limitations and VOC content requirements, but retained the compound as VOC for purposes of recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements.

Copies of the Board’s opinion and order in R05-16 may be obtained by calling Dorothy Gunn at 312-814-3620, or by downloading copies from the Board’s Web site at www.ipcb.state.il.us.

For additional information contact the hearing officer, Richard McGill, at 312-814-6983; e-mail address mcgillr@ipcb.state.il.us.

Board Actions

May 5, 2005
Springfield, Illinois

Rulemakings

- R05-20 In the Matter of: Plastic Injection Molding Operations: Proposed Amendments to Exemptions From State Permitting Requirements (35 Ill. Adm. Code 201.146) 5-0
– The Board granted the motion to waive the petition requirement and accepted for hearing the Chemical Industry Council of Illinois’ April 19, 2005 proposal to amend the Board’s air regulations. R, Air

Administrative Citations

- AC 05-59 IEPA v. Dale and Carol Hartley – The Board found that these Edgar County respondents violated Section 21(p)(1) and (p)(3) of the Act (415 ILCS 5/21(p)(1), (p)(3) (2002)), and ordered respondents to pay a civil penalty of \$3,000. 5-0

Decisions

- PCB 04-135 People of the State of Illinois v. GF Office Furniture, Ltd., L.P., Office Suites, Inc., and GF Furniture Holding, Inc. – In this air enforcement action concerning a Cook County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2002)), and accepted a stipulation and settlement agreement. The Board ordered the respondents to pay a total civil penalty of \$30,000, to provide emissions excursion compensation in the amount of \$38,590.26 to the Environmental Protection Agency, pursuant to Section 205.720(b) of the Board’s Air Pollution Regulations (35 Ill. Adm. Code 205.720(b)), and to cease and desist from further violations. 5-0
A-E

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Motions and Other Matters

PCB 00-104	<u>People of the State of Illinois v. The Highlands, L.L.C., Murphy Farms, Inc. a/k/a Murphy Family Farms, and Bion Technologies, Inc.</u> – The Board denied respondent Murphy Farms’ motion to dismiss the second amended complaint. The stay was lifted as of the date of this order and Murphy Farms has 30 days from the date of this order, to answer the complaint.	5-0 A-E
PCB 02-40	<u>Village of Round Lake Park v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this request for variance involving a Lake County facility.	5-0 W-V
PCB 03-82	<u>PPG Industries, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Macon County facility.	5-0 P-A, Air
PCB 03-180 PCB 03-186 PCB 03-187 (cons.)	<u>Royer Oil Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of these underground storage tank appeals involving a Bond County facility.	5-0 UST Appeal
PCB 04-19	<u>Paul and Donna Fredrickson v. Jeff Grelyak</u> – The Board denied respondent’s motion for summary judgment and directed the hearing officer to proceed expeditiously to hearing.	5-0 Citizens A&N-E
PCB 04-100	<u>People of the State of Illinois v. Roberts Environmental Control, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E
PCB 04-131	<u>Circle C, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Jersey County facility.	5-0 UST Appeal
PCB 04-167	<u>L. Keller Oil Properties, Inc./Effingham/Downtown Super K v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving an Effingham County facility.	5-0 UST Appeal
PCB 05-89	<u>People of the State of Illinois v. Redfearn Earthmoving, 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 Jo Daviess County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E

Environmental Register – May 2005

PCB 05-138	<u>BP Products North America, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Madison County facility.	5-0 P-A, RCRA
PCB 05-179	<u>Arthur Keller-Willow Hill (Livestock Waste Management Facilities) (Property Identification Number 94-15-18-300-007) v. IEPA</u> – The Board did not receive any petition for review of the Illinois Environmental Protection Agency’s (IEPA’s) recommendation to deny certification. Consistent with the IEPA’s recommendation, the Board declined to certify that Arthur Keller-Willow Hill’s dead animal compost bin is a pollution control facility and dismissed this matter.	5-0 T-C Water
PCB 05-186	<u>Midwest Petroleum Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a St. Clair County facility.	5-0 UST Appeal
PCB 05-187	<u>Southeastern Community Unit School District No. 337 v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Hancock County facility.	5-0 UST Appeal 90-Day Ext.
PCB 05-188	<u>Road Ranger 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 Macon County facility.	5-0 UST Appeal 90-Day Ext.
PCB 05-189	<u>Wayne & Dennis Swanson 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 Kane County facility.	5-0 UST Appeal 90-Day Ext.
PCB 05-190	<u>Stoller International, Inc. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Livingston County facility.	5-0 UST Appeal 90-Day Ext.
PCB 05-191	<u>People of the State of Illinois v. Castle Ridge Estates, Inc.</u> – The Board accepted for hearing this air enforcement action involving a site located in Madison County.	5-0 W-E
PCB 05-192	<u>People of the State of Illinois v. Bag Makers, Inc.</u> – The Board accepted for hearing this air enforcement action involving a site located in McHenry County.	5-0 A-E

May 19, 2005
Chicago, Illinois

Rulemakings

- R04-24 In the Matter of: Amendments to the Board’s Procedural Rules to Accommodate New Statutory Provisions: 35 Ill. Adm. Code 101-130 – The Board adopted a final opinion and order in this rulemaking amending the Board’s procedural regulations. 5-0
R, Proc.
Rules
- R05-16 In the Matter of: Definition of VOM Update, USEPA Amendments (July 1, 2004 through December 31, 2004) – The Board adopted a final opinion and order amending the Board’s air pollution control regulations to make them “identical in substance” to federal regulations adopted from July 1, 2004 through December 31, 2004. 5-0
R, Air

Adjusted Standards

- AS 05-6 In the Matter of: Petition of Schaeffer Enterprises of Wolf Lake, Inc. for an Adjusted Standard from Tire Storage Rules at 35 Ill. Adm. Code 848.202(b)(5) and 848.404 – The Board dismissed this petition for an adjusted standard due to deficiencies in the petition and petitioner’s failure to publish notice of the filing of the petition by advertisement in a newspaper of general circulation in the area likely to be affected, as required by Section 28.1 of the Environmental Protection Act (415 ILCS 5/28.1(d)(1) (2002)). 5-0
Land

Administrative Citations

- AC 04-82 IEPA v. John Brown d/b/a John Brown Painting – The Board entered an interim opinion and order finding respondent violated Section 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2002)) and assessing a penalty of \$3,000. The Board ordered the Clerk of the Board and the Environmental Protection Agency to file within 14 days a statement of hearing costs, supported by affidavit, with service on respondent. The Board will then issue a final order assessing hearing costs. 5-0
- AC 05-62 IEPA v. F.I.M., Inc. – The Board found that this Adams County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2002)), and ordered respondent to pay a civil penalty of \$1,500. 5-0

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AC 05-63 IEPA v. John R. Malloch – The Board accepted for hearing this petition for review of an administrative citation against this Champaign County respondent. 5-0

AC 05-68 County of Jackson v. Elwood Glasper and Tony Glasper – The Board granted complainant’s motion to voluntarily dismiss this administrative citation. 5-0

Decisions

PCB 05-109 Paul Johnson, Inc. v. IEPA and City of Waterman – The Board granted this DeKalb County petitioner a water well setback exception, with conditions, from 415 ILCS 5/14.2 (2002) of the Environmental Protection Act to allow petitioner to perform in-situ bioremediation via the direct push Geoprobe method. 5-0
WWSE

Motions and Other Matters

PCB 97-179 People of the State of Illinois v. Midwest Grain Products of Illinois, Inc. – The Board granted Patrick M. Flachs’ motion for leave to appear *pro hac vice* on behalf of respondent. 5-0
A-E

PCB 00-117 Ophelia Niemann f/d/b/a Barney’s Garage, Inc. v. IEPA – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Montgomery County facility. 5-0
UST Appeal

PCB 01-130 JR & Sons, Inc. v. IEPA – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeals involving a Champaign County facility. 5-0
UST Appeal

PCB 02-205 Home Oil; Company v. IEPA – The Board granted this St. Clair County facility’s motion for voluntary dismissal of this underground storage tank appeal, in PCB 02-205 only. The appeal docketed as PCB 02-206 remains open. 5-0
UST Appeal
PCB 02-206
(cons.)

PCB 04-85 Robert and Tony Thompson v. IEPA – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving an Alexander County facility. 5-0
UST Appeal

PCB 05-66 People of the State of Illinois v. Petco Petroleum Corporation – The Board granted complainant’s motion for leave file an amended complaint and accepted it for hearing. 5-0
W-E

PCB 05-126 Red Rooster Corporation f/k/a Clark Retail Enterprises, Inc. (Clark Oil #2086) v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Peoria County facility. 5-0
UST Appeal

PCB 05-147 Vision Properties Blue Island, L.L.C. v. IEPA – Having previously granted a 5-0

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	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.	P-A, RCRA
PCB 05-157	<u>Grand Pier Center L.L.C. and American International Specialty Lines Insurance Co. as subrogee of Grand Pier Center L.L.C. v. River East L.L.C., Chicago Dock and Canal Trust, Chicago Dock and Canal Company, and Kerr-McGee Chemical L.L.C.</u> – The Board found that the alleged violations were neither duplicative nor frivolous, denied respondents’ motion to dismiss, struck complainant’s request for attorney fees, and accepted for hearing this matter involving a Cook County site.	5-0 Citizens L-E
PCB 05-194	<u>Rosignol Marathon 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 Wabash County facility.	5-0 UST Appeal 90-Day Ext.
PCB 05-195	<u>Beckman Service v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Marion County facility.	5-0 UST Appeal 90-Day Ext.

New Cases

May 5, 2005 Board Meeting

05-186 Midwest Petroleum Company v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a St. Clair County facility.

05-187 Southeastern Community Unit School District No. 337 v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Hancock County facility.

05-188 Road Ranger 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 Macon County facility.

05-189 Wayne & Dennis Swanson 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 Kane County facility.

05-190 Stoller International, Inc. v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Livingston County facility.

05-191 People of the State of Illinois v. Castle Ridge Estates, Inc. – The Board accepted for hearing this air enforcement action involving a site located in Madison County.

05-192 People of the State of Illinois v. Bag Makers, Inc. – The Board accepted for hearing this air enforcement action involving a site located in McHenry County.

AC 05-066 County of Kankakee v. Municipal Trust & Savings Bank Trust #1697 – The Board accepted an administrative citation against this Kankakee County respondent.

AC 05-067 IEPA v. Donald E. and Mary A. Jennings – The Board accepted for hearing this petition for review of an administrative citation against these Brown County respondents.

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AC 05-068 County of Jackson v. Elwood Glasper and Tony Glasper – The Board accepted for hearing this petition for review of an administrative citation against these Jackson County respondents.

R05-020 In the Matter of: Plastic Injection Molding Operations: Proposed Amendments to Exemptions From State Permitting Requirements (35 Ill. Adm. Code 201.146) – The Board granted the motion to waive the petition requirement and accepted for hearing the Chemical Industry Council of Illinois' April 19, 2005 proposal to amend the Board's air regulations.

May 19, 2005 Board Meeting

05-186 Midwest Petroleum Company v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a St. Clair County facility.

05-187 Southeastern Community Unit School District No. 337 v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Hancock County facility.

05-188 Road Ranger 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 Macon County facility.

05-189 Wayne & Dennis Swanson 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 Kane County facility.

05-190 Stoller International, Inc. v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Livingston County facility.

05-191 People of the State of Illinois v. Castle Ridge Estates, Inc. – The Board accepted for hearing this air enforcement action involving a site located in Madison County.

05-192 People of the State of Illinois v. Bag Makers, Inc. – The Board accepted for hearing this air enforcement action involving a site located in McHenry County.

AC 05-066 County of Kankakee v. Municipal Trust & Savings Bank Trust #1697 – The Board accepted an administrative citation against this Kankakee County respondent.

AC 05-067 IEPA v. Donald E. and Mary A. Jennings – The Board accepted for hearing this petition for review of an administrative citation against these Brown County respondents.

AC 05-068 County of Jackson v. Elwood Glasper and Tony Glasper – The Board accepted for hearing this petition for review of an administrative citation against these Jackson County respondents.

R05-020 In the Matter of: Plastic Injection Molding Operations: Proposed Amendments to Exemptions From State Permitting Requirements (35 Ill. Adm. Code 201.146) – The Board granted the motion to waive the petition requirement and accepted for hearing the Chemical Industry Council of Illinois' April 19, 2005 proposal to amend the Board's air regulations.

Provisional Variances

IEPA 05-005 Lincoln Place Mobile Home Park v. IEPA—The Illinois Environmental Protection Agency granted Lincoln Place Mobile Home Park in Sangamon County a provisional variance from the effluent limitations for total suspended solids and fecal coliform limitations specified in its NPDES permit for the seven day period beginning May 5, 2005. The provisional variance was needed to make needed repairs to their wastewater treatment plant.

Public Act 93-0152 (Senate Bill 222) amended Sections 35-37 of the Illinois Environmental Act (415 ILCS 5/5(b) (2002)) so that provisional variances are issued by the Illinois Environmental Protection Agency (IEPA). If the IEPA grants a provisional variance, then the IEPA must file a copy of its written decision with the Board. The Board must maintain copies of the provisional variances for public inspection. Copies of provisional variances can be obtained by contacting the Clerk's Office at (312) 814-3620, or by visiting the Board's Website at

Environmental Register – May 2005

www.ipcb.state.il.us. If the IEPA denies a provisional variance request, then the applicant may initiate a proceeding with the Board for a full variance.

Calendar

6/2/05 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		Videconference Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago And 1021 N. Grand Avenue East Oliver Holmes Conference Room 2012 N Springfield
6/13/05 11:00 AM	AC 05-20	IEPA v. John Groff (formerly John Groff and Robert Groff)(IEPA file #412-04-AC)	City Hall Council Chambers 101 S. Broadway Salem
6/14/05 10:00 AM	R05-19	In the Matter of: Proposed Amendments to Exemptions From State Permitting Requirements (35 Ill. Adm. Code 201.146)	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East (North Entrance) Springfield
6/16/05 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		James R. Thompson Center Hearing Room 9-040 100 W. Randolph Street Chicago
6/28/05 10:00 AM	AS 05-05	In the Matter of: Petition of Ford Motor Company for Adjusted Standard From 35 Ill. Adm. Code 218.586	James R. Thompson Center Room 11-512 100 W. Randolph Street Chicago
6/29/05 10:00 AM	PCB 05-125	Red Rooster Corporation (f/k/a Clark Retail Enterprises, Inc.)(Clark Oil #2086)(12/6/04 IEPA Determination) v. IEPA	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East (North Entrance) Springfield
6/29/05 10:00 AM	PCB 05-126	Red Rooster Corporation (f/k/a Clark Retail Enterprises, Inc.)(Clark Oil #2086)(12/30/04 IEPA Determination) v. IEPA	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East (North Entrance) Springfield
7/01/05 11:00 AM	R05-20	In the Matter of: Proposed Amendments to Exemptions From State Permitting Requirements for Plastic Injection Molding Operations (35 Ill. Adm. Code 201.146)	James R. Thompson Center Room 8-032 100 W. Randolph Street Chicago

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<p>7/7/05 11:00 AM</p>	<p><u>Illinois Pollution Control Board Meeting</u></p>		<p>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</p>
<p>7/15/05 11:00 AM</p>	<p>R05-20</p>	<p>In the Matter of: Proposed Amendments to Exemptions From State Permitting Requirements for Plastic Injection Molding Operations (35 Ill. Adm. Code 201.146)</p>	<p>Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, (North Entrance) Springfield</p>
<p>7/21/05 11:00 AM</p>	<p><u>Illinois Pollution Control Board Meeting</u></p>		<p>James R. Thompson Center Hearing Room 9-040 100 W. Randolph Street Chicago</p>
<p>7/27/05 10:00 AM</p>	<p>R04-22</p>	<p>In the Matter of: Proposed Amendments to Regulations of Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 732)(Consolidated: R04-22 and R04-23</p>	<p>Lesar Law Building Room 206 1150 Douglas Dr. Carbondale</p>
<p>7/27/05 10:00 AM</p>	<p>R04-23</p>	<p>In the Matter of: Regulation of Petroleum Leaking Underground Storage Tanks (Proposed new 35 Ill. Adm. Code 734)(Consolidated: R04-22 and R04-23</p>	<p>Lesar Law Building Room 206 1150 Douglas Dr. Carbondale</p>
<p>8/4/05 11:00 AM</p>	<p><u>Illinois Pollution Control Board Meeting</u></p>		<p>Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East Springfield</p>
<p>8/18/05 11:00 AM</p>	<p><u>Illinois Pollution Control Board Meeting</u></p>		<p>James R. Thompson Center Hearing Room 9-040 100 W. Randolph Street Chicago</p>
<p>8/25/05 10:30 AM</p>	<p>R04-25</p>	<p>In the Matter of: Proposed Amendments to Dissolved Oxygen Standards 35 Ill. Adm. Code 302.206</p>	<p>Michael A. Bilandic Building Room N505 Fifth Floor 160 N. LaSalle Chicago</p>

Class III Groundwater Listing Notice

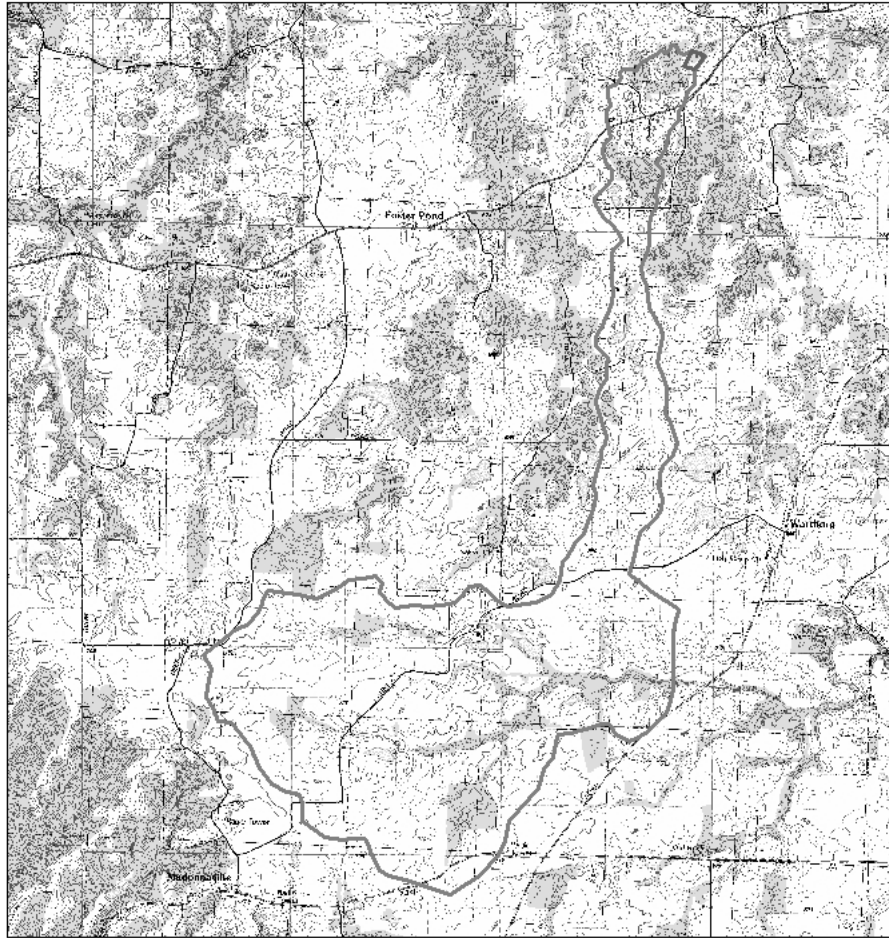
Pautler Nature Preserve III Special Resource Groundwater Listing Notice

The Illinois Environmental Protection Agency (Illinois EPA) requests a proposed listing of Pautler (cave) Nature Preserve, which is a dedicated nature preserve (DNP), and the area that contributes groundwater to the DNP, as Class III: Special Resource Groundwater. The DNP is located in northwestern Monroe County, Illinois, approximately two and one-half miles west of the City of Waterloo. The DNP is comprised of 3.18 acres located in Section 33 of the Waterloo Quadrangle, Township 2 South, Range 10 West of the Third Principal Meridian. The DNP and the groundwater contribution area is an irregularly shaped 2.86 square mile (1,830.39 acre) tract of land. The recharge area is located predominantly to the south and west of the DNP.



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

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

Exhibit 1: Map of proposed Pautler Nature Preserve Class III Special Resource Groundwater area in Monroe County, Illinois, projected on a USGS topographic map. The map is based on the delineation of the groundwater system by Aley and Moss (2001).



Legend

-  Pautler Nature Preserve Boundary
-  Class III Groundwater Boundary



Illinois EPA

12 May 2005

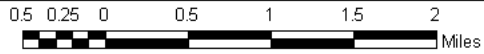
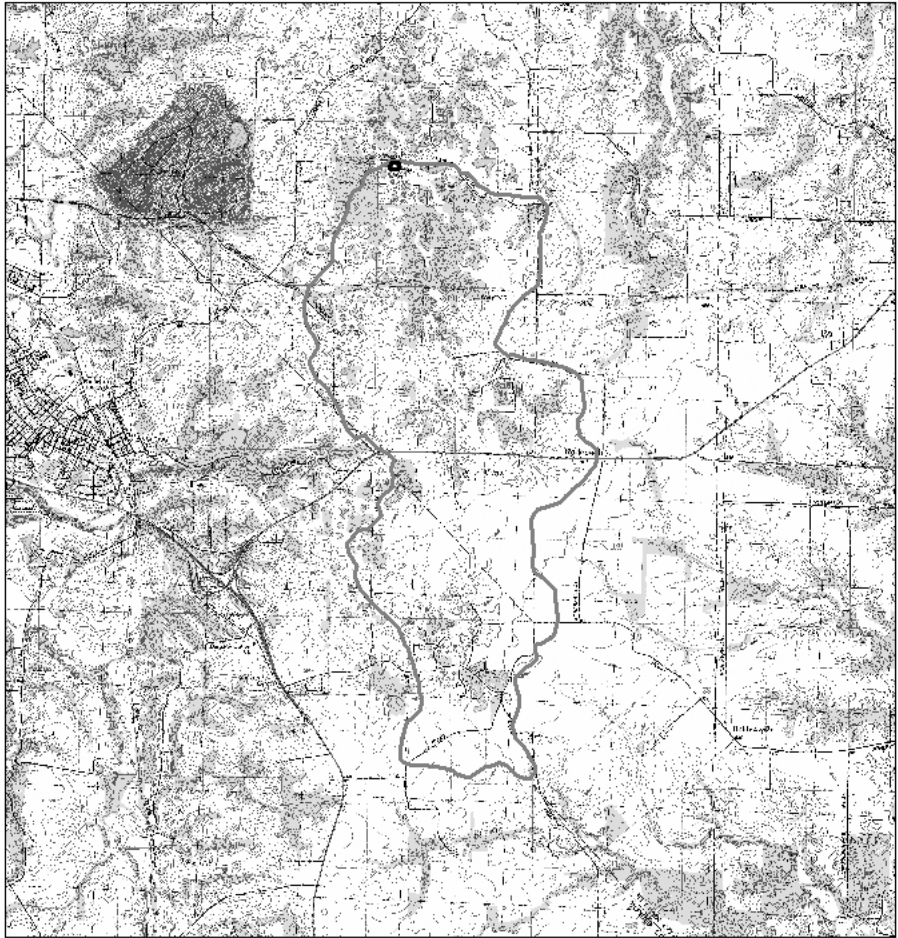
Stemler Nature Preserve III Special Resource Groundwater Listing Notice

The Illinois Environmental Protection Agency (Illinois EPA) requests a proposed listing of Stemler Cave Nature Preserve, which is a dedicated nature preserve (DNP), and the area that contributes groundwater to the DNP, as Class III: Special Resource Groundwater. The DNP is located in western St. Clair County, Illinois, approximately three and one-half miles west of the City of Millstadt. The DNP is comprised of .88 acres in Section 12 of the Waterloo Quadrangle, Township 1 South, Range 10 West of the Third Principal Meridian. The DNP and the groundwater contribution area is an irregularly shaped 3.93 square mile (2,515.19 acre) tract of land. The recharge area is located predominantly to the south of the DNP.



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

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

Exhibit 1: Map of proposed Stemler Cave Nature Preserve Class III Special Resource Groundwater area in St. Clair County, Illinois, projected on a USGS topographic map. The map is based on the delineation of the groundwater system by Aley and Moss (2000).



Legend

-  Stemler Cave N.P.
-  Class III Groundwater Boundary



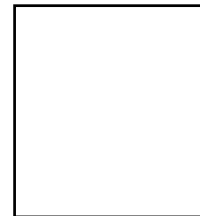
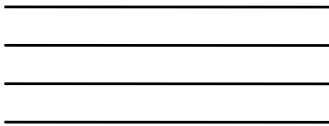
Illinois EPA

13 May 2005

The Illinois Pollution Control Board is an independent five-member board that adopts environmental control standards, rules on enforcement actions, and other environmental disputes for the State of Illinois.

The *Environmental Register* is published monthly by the Board, and contains updates on rulemakings, descriptions of final decisions, the Board's hearing calendar, and other environmental law information.

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Illinois Pollution Control Board
Environmental Register Coordinator
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Springfield, Illinois 62794-9274