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# Environmental Register

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G. Tanner Girard, Acting Chairman

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# Letter from the Chairman

During July, there was significant activity in several Board rulemaking dockets, which I've summarized below. As always, information about these proceedings is available through the Clerk's Office Online (COOL) at our Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

On July 7, 2011, the Board adopted a first-notice opinion and order in R08-9(B), Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304.

The Board proposed a rule establishing an effluent limit of 400 fecal coliforms colony forming units (CFU) per 100 mL from March 1 through November 30 for effluent discharges to Primary Contact Recreation Use water segments of the CAWS. The Board is seeking comment on the proposal and specifically the date by which compliance with the rule will be required.

On July 13, 2011, the Illinois Environmental Protection Agency (IEPA) filed a rulemaking proposal docketed by the Board as Amendments to 35 Ill. Adm. Code 223: Standards and Limitations for Organic Material Emissions for Area Sources, R12-8. The IEPA proposes rules to reduce emissions from various consumer products and aerosol coatings.

On July 21, 2011, the Board adopted a second-notice opinion and order in the consolidated rulemaking Nitrogen Oxides Emissions, Amendments to 35 Ill. Adm. Code 217, Illinois Environmental Regulatory Group's Emergency Rulemaking, Nitrogen Oxides Emissions: Amendments to 35 Ill. Adm. Code Part 217, R11-24, 26 (cons.). The Board proposes to extend by three years the compliance deadline for specified nitrogen oxides (NO<sub>x</sub>) requirements.

On July 21, 2011, the Board in a final opinion and order adopted rules in the "fast-track" rulemaking docketed as R11-23, Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions From Group II and Group IV Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219. The adopted rules amend VOM emission regulations applicable to various consumer and commercial products.

On July 26 2011, the Board held the second hearing in R11-18, Triennial Review of Water Quality Standards for Boron, Fluoride and Manganese: Amendments to 35 Ill. Adm. Code 302.Subparts B, C, E, F and 303.312. Water quality standards for boron, fluoride and manganese were established by the Board in 1972 and this proposal would amend those general use water quality standards for the first time since 1972.

On July 27, 2011, the Board held a hearing in Vandalia in rulemaking docket R11-25, Setback Zone for Fayette Water Company Community Water Supply: Amendments to 35 Ill. Adm. Code 618. This IEPA proposal would create a maximum setback zone for six Community Water Supply Wells owned by Fayette Water Company. The wells are located in the Kaskaskia River floodplain in Fayette County and serve 6500 people in Fayette, Shelby, and Effingham Counties.

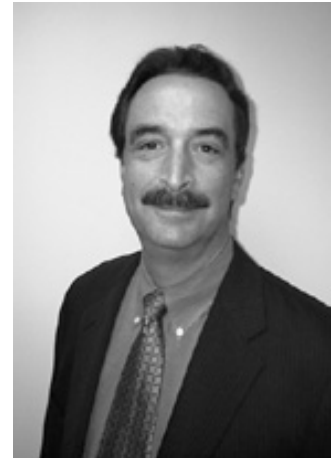
On July 29, 2011, the IEPA filed a rulemaking proposal entitled Proposed Amendments to Clean Construction and Demolition Debris (CCDD) Fill Operations (35 Ill. Adm. Code Part 1100) and docketed by the Board as R12-9. This proposal is in response to Public Act 96-1416 and specifies the use of CCDD as fill material. The Board is required to adopt the rules within one year of the filing of this proposal.

Please visit our website ([www.ipcb.state.il.us](http://www.ipcb.state.il.us)) for more information on the rulemakings described above, as well as information on our docket of contested cases.

Sincerely,



Dr. G. Tanner Girard



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## Appellate Update

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**Third District Affirms Findings of Violation But Remands for Additional Consideration of \$250,000 Joint and Several Penalty in Community Landfill Co., Edward Pruim and Robert Pruim v. Illinois Pollution Control Board, and People of the State of Illinois, ex rel. Lisa Madigan, Attorney General of the State of Illinois, No. 3-09-1026 (3rd Dist. July 27, 2011) (Board’s order in PCB 97-193/PCB 04-207(cons.)(Aug. 20, 2009))**

On July 27, 2011, the Third District Appellate Court issued, in Community Landfill Co., Edward Pruim and Robert Pruim v. Illinois Pollution Control Board, and People of the State of Illinois, ex rel. Lisa Madigan, Attorney General of the State of Illinois, No. 3-09-1026 (3rd Dist. July 27, 2010)(CLC). The court’s ruling was an unpublished order, having no precedential effect, issued under Illinois Supreme Court Rule 23 (166 Ill.2d R.23). The court’s 29-page order was authored by Justice McDade, with Justices Schmidt and Holdridge concurring in the judgment.

In the order, the Third District affirmed the Board’s findings that two corporate officers of Community Landfill Co. (CLC)--Edward and Robert Pruim--violated numerous environmental requirements in connection with the operation of the Morris Community Landfill. *See* People of the State of Illinois v. Community Landfill Co., Edward Pruim and Robert Pruim, PCB 97-193/PCB 04-207(cons.)(Aug. 20, 2009). (CLC did not contest its violations on appeal.) The court also affirmed the total amount of the civil penalty (\$250,000) imposed by the Board against the Pruiims and CLC. However, the court reversed the Board’s ruling that made the Pruiims and CLC jointly and severally liable for the entire penalty. On that point, the court remanded the case to the Board to apportion the penalty, explaining that because the Pruiims shared in some but not all of the CLC violations, the “total injury” is “divisible.” CLC, Order at 28.

The following summary of the Third District’s Rule 23 order begins with a description of the Board proceedings, followed by the court’s rulings on corporate officer liability and civil penalty

### **Proceedings Before the Board**

CLC operates and leases the Morris Community Landfill, which is owned by the City of Morris. Edward and Robert Pruim are the sole owners and officers of CLC. Before the Board, the People filed a second amended complaint against CLC in 1999 and a complaint against the Pruiims in 2004. Both complaints concerned operation of the landfill, and the allegations against the Pruiims “parallel[ed]” those of the second amended complaint against CLC. CLC, Order at 3.

On August 20, 2009, the Board issued its final decision in the PCB 97-193/PCB 04-207consolidated docket. The Board found that CLC committed violations as alleged in 17 counts, while the Pruiims committed violations as alleged in 8 counts. The Board imposed a \$250,000 civil penalty jointly and severally on CLC and the Pruiims. Specifically, the Board found that the Pruiims violated requirements on financial assurance, significant modification (SigMod) permitting, landfill overheight, financial assurance, and closure/postclosure revised cost estimates. The Board held, however, that the Pruiims did not violate requirements for the daily management of the landfill, which provisions were found to have been violated by CLC. The Board ruled that the \$250,000 joint and several penalty would aid in the enforcement of the Environmental Protection Act (Act), recoup the economic benefit accrued from the violations, and deter future violations. CLC, Order at 8.

On appeal before the Third District, CLC did not dispute that it committed the violations found by the Board. The only challenges on appeal were the Pruims' personal liability and the civil penalty. CLC, Order at 3.

### **Corporate Officer Liability**

Generally, the court observed, the law “immunizes corporate officers from corporate liabilities” (quoting People ex. rel. Madigan v. Tang, 346 Ill. App. 3d 277 (1st Dist. 2004)); but when a corporate officer “was personally involved or actively participated in the violations,” the corporate officer will be held “individually liable for a corporation’s violations of the Act” (citing People ex. rel. Burris v. C.J.R. Processing, 269 Ill. App. 3d 1013 (3rd Dist 1995)). CLC, Order at 8. The Pruims argued that they were merely participating in the management of CLC, but the court ruled that the Pruims “clearly had control over the landfill operations for which the Board found them personally liable, and they did not take precautions to prevent the violations.” *Id.* at 24-25. According to the court, “[t]hat conduct is sufficient grounds to impose personal liability for the violations of the Act.” *Id.* at 25 (citing People v. Agpro, 345 Ill. App. 3d 1011 (2nd Dist. 2004)).

The Board’s exoneration of the Pruims on some counts and not others reflects its “consideration of the facts and the application of its discretion to determine what acts constituting a violation the Pruims had personal involvement or active participation in, and those they did not.” CLC, Order at 25. For example, the on-site operator had no reason to know the landfill’s permitted height or whether it had been exceeded. On the other hand, the Pruims were the only persons involved in permitting within CLC, and the Pruims’ permit submittals acknowledge the overheight. Further, the Pruims were the only persons with authority to close the landfill and stop accepting waste. The Board’s decision that the Pruims had personal involvement and actively participated in acts leading to violations was not against the manifest weight of the evidence. *Id.*

The court held, “as a matter of law, that evidence need not include proof that either of [the Pruims] directed the actual physical placement of any particular waste to impose personal liability.” CLC, Order at 25-26. Rather, it is the Pruims’ “control of CLC’s operations as the responsible corporate officers while the company committed the violations, and their failure to prevent them, which forms the basis of their personal liability.” *Id.* at 26 (relying upon C.J.R. Processing, Agpro, and Northeastern Pharmaceutical & Chemical Co., 810 F.2d 726 (8th Cir. 1986)). The court therefore affirmed the Board’s order “finding the Pruims personally liable.” *Id.*

### **Civil Penalty**

The Pruims claimed that the \$250,000 civil penalty imposed is excessive, but failed to point the court to any instance in which the Board failed to consider “any evidence in mitigation.” CLC, Order at 27. Applying the “manifest weight of the evidence” standard of review rather than the traditional penalty standard of “arbitrary, capricious, or unreasonable,” the court held that it was not “clearly evident, plain, or indisputable” that the penalty amount imposed is excessive. *Id.* at 27-28.

The Pruims also claimed that the Board erred in penalizing them “for all of the violations in both complaints” by imposing joint and several liability for the civil penalty. CLC, Order at 26. The Pruims maintained that all of their violations are identical to CLC’s violations, but “CLC committed some violations (five counts) for which the Board exonerated the Pruims of personal liability.” *Id.* The Pruims argued that the Board should have “attributed a portion of the penalties to the violations committed by CLC only, then reduced their joint and several liability for that portion of the penalty.” *Id.* The court agreed.

Relying on a common law tort doctrine, the order states that “[t]he existence of a single, indivisible injury is necessary to establish that multiple defendants are jointly and severally liable.” CLC, Order at 28 (quoting Sakellariadis v. Campbell, 391 Ill. App. 3d 795, 801 (2009), a car accident negligence decision). According to the order:

The Board’s order imposing personal liability on the Pruims for some of CLC’s violations, and finding that the Pruims are not personally liable for other violations, proves that the total injury caused by CLC’s violations is, in at least one respect, divisible.[] Therefore, we reverse the Board’s order imposing joint liability on CLC and the Pruims for all of CLC’s violations, and remand with instructions to the Board to apportion the penalty between the violations for which CLC is liable and those for which both CLC and the Pruims are personally liable. The Board may then impose joint liability on the violations concurrent to CLC and the Pruims individually. But it is axiomatic that the Board may not impose a penalty on the Pruims personally, for which it found they were not personally liable. CLC, Order at 28.

In conclusion, the court affirmed the Board's order finding the Pruiem's personally liable for certain counts. But, the finding of joint and several liability for all of the counts was reversed, and the cause remanded "for the Board to clarify its penalty to impose joint and several liability only for those counts for which CLC and the Pruiems were held liable, with liability attaching to CLC only for the remaining counts for which the Board found the Pruiems were not personally liable." CLC, Order at 28-29.

#### Related Pending Appeal

As of August 1, 2011, a "sister appeal" was still under advisement by the Third District: City of Morris and Community Landfill Co., v. People of the State of Illinois, ex rel. Lisa Madigan, Attorney General of the State of Illinois, the Illinois Pollution Control Board, and the State of Illinois, Nos. 3-09-0847, 3-09-0864 (cons.). In the case before the Board, the Board found CLC and the City of Morris failed to provide adequate closure and post-closure financial assurance for the Morris Community Landfill. People v. Community Landfill Company, Inc. and City of Morris, PCB 03-191 (June 19, 2009). The Board ordered the respondents to stop accepting waste, CLC to pay a civil penalty of \$1,059,534.70, and the City of Morris to pay \$399,308.98.

## Rulemaking Update

### **Board Adopts First Notice Opinion and Order Creating Fecal Coliform Effluent Limit for Primary Contact Recreation Use Waters in Chicago Area Waterway System, R08-9 (B)**

The Illinois Pollution Control Board, on July 7, 2011, adopted a first-notice opinion and order in Subdocket B of the rulemaking docketed as In the Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304. R08-09(B) (July 7, 2011).

The Board proposal would establish an effluent limit of 400 fecal coliform per 100 milligrams per Liter (mL) from March 1 through November 30 for effluent discharges to Primary Contact Recreation Use water segments of the CAWS. The Board declined to establish a fecal coliform effluent limit for other segments of the CAWS and Lower Des Plaines River that are designated as Incidental Contact Recreation Use, Non-contact Recreation Use, and Non-Recreation Use waters at this time.

The proposed rule would apply to the following segments of the CAWS: 1) Lower North Shore Channel from North Side Water Reclamation Plant to confluence with North Branch of the Chicago River; 2) North Branch of the Chicago River from its confluence with North Shore Channel to its confluence with South Branch of the Chicago River and Chicago River; 3) Chicago River; 4) South Branch of the Chicago River; 5) Little Calumet River from its confluence with Calumet River and Grand Calumet River to its confluence with Calumet-Sag Channel; and 6) Calumet-Sag Channel.

Publication of these proposed amendments in the *Illinois Register* is scheduled to be made at 35 Ill. Reg. 12634 (July 29, 2011). Publication will begin a 45-day public comment period, during which anyone may file a public comment with the Board; assuming no publication delay, the first notice public comment period would close September 12, 2011. The Board encourages persons to file public comments on these proposed amendments. The docket number for this rulemaking, R08-09(B), should be indicated on the public comment.

Public comments must be filed with the Clerk of the Board. Public comments may be filed at the following address: Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601.

In addition, public comments may be filed electronically through COOL at [www.ipcb.state.il.us](http://www.ipcb.state.il.us). Any questions about electronic filing through COOL should be directed to the Clerk's Office at (312) 814-3629.

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

For more information contact Marie Tipsord at (312)-814-4925 or email at [tipsorm@ipcb.state.il.us](mailto:tipsorm@ipcb.state.il.us).

**Board Adopts Final Rules Establishing Reasonably Available Control Technology for Volatile Organic Material Emissions From Group II and Group IV Consumer & Commercial Products, R 11-23**

On July 21, 2011, the Illinois Pollution Control Board timely adopted final rules in the rulemaking docketed as In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions From Group II and Group IV Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219, R11-23 (July 21, 2011). The Illinois Environmental Protection (IEPA) filed this rulemaking on March 7, 2011 pursuant to authorities including the “fast-track” rulemaking provisions at Section 28.5 of the Environmental Protection Act (Act).

The rulemaking amends recently-promulgated regulations controlling VOM emissions from the following Group II and Group IV Consumer and Commercial Product Categories: industrial cleaning solvents, flat wood paneling coatings, flexible packaging printing materials, lithographic printing materials, letter press printing materials, miscellaneous metal and plastic parts coatings, automobile and light-duty truck coatings, miscellaneous industrial adhesives, and fiberglass boat manufacturing materials. The IEPA proposed the amendments to these regulations in response to comments by the United States Environmental Protection Agency.

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

For more information contact Tim Fox at (312)-814-6085 or email at [foxt@ipcb.state.il.us](mailto:foxt@ipcb.state.il.us).

**Pollution Control Board Adopts Second Notice Order Extending the Compliance Date for Controlling Nitrogen Oxide Emissions For Certain Sources, R 11-24/R11-26 (cons.)**

On July 21, 2011, the Illinois Pollution Control Board adopted for second notice review by the Joint Committee on Administrative Rules a proposal to extend the date of compliance with the requirements of various Subparts of 35 Ill. Adm. Code Part 217, Nitrogen Oxides (NO<sub>x</sub>) Emissions. The rulemaking is docketed as In the Matter of: Nitrogen Oxides Emissions, Amendments to 35 Ill. Adm. Code 217 and In the Matter of: Illinois Environmental Regulatory Group’s Emergency Rulemaking, Nitrogen Oxides Emissions: Amendments to 35 Ill. Adm. Code Part 217U, R11-24 and R11-26 (cons.).

The Illinois Environmental Protection Agency (IEPA) filed R11-24 on April 4, 2011. On April 22, 2011, the Illinois Environmental Regulatory Group’s (IERG) filed an emergency rulemaking proposing identical changes to those proposed by IEPA in R11-24. On May 19, 2011, the Board denied IERG’s motion for emergency rulemaking and on the Board’s own motion consolidated R11-26 with R11-24. In its July 21, 2011 second notice order, the Board also denied the IERG’s motion to reconsider the May 19, 2011 order. Specifically, the second notice proposal would extend the compliance date for control of NO<sub>x</sub> emissions from various source categories from January 1, 2012 to January 1, 2015. The proposed new compliance date would apply to emissions from source categories such as industrial boilers, process heaters, glass melting furnaces, cement kilns, lime kilns, furnaces used in steel making and aluminum melting, and fossil fuel-fired stations. The IEPA states that extending the compliance date for the requirements under Subparts D, E, F, G, H, I, and M of Part 217 would “satisfy Illinois” obligation to submit a State Implementation Plan to address the requirements under Sections 172 and 182 of the federal Clean Air Act for major sources of NO<sub>x</sub> in areas designated as nonattainment with respect to National Ambient Air Quality Standards.

Opinions and orders of the Board and hearing officer, hearing transcripts, and other documents in rulemaking records are posted on the Board’s Web site and may be downloaded from the Web without charge. Hard copies may be obtained from the Clerk’s office upon payment of reproduction fees as prescribed by Section 6 of the Freedom of Information Act [5 ILCS 140/6] at the following address: Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601.

For more information contact Daniel Robertson at 312-814-6931 or email at [robertsd@ipcb.state.il.us](mailto:robertsd@ipcb.state.il.us).

## Board Actions

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July 7, 2011

Chicago, Illinois

### Rulemakings

**R 08-9(B)**      In The Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304 – The Board adopted a first notice opinion and order in this rulemaking proposal to amend the Board’s water pollution control regulations. 5-0  
Water

### Administrative Citations

**AC 10-25**      IEPA v. Kenneth Verbout – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Bureau County facility, the Board found that respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2010)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondent’s petition for review. To effectuate the parties’ intent that respondent pay a total civil penalty of \$1,500, the Board on its own motion, dismissed the alleged violations of Sections 21(p)(3), 21(p)(7), and 55(k)(1) of the Act (415 ILCS 5/21(p)(3), 21(p)(7), 55(k)(1) (2010)) of the Act. 5-0

**AC 11-23**      IEPA v. Dennis Weiler – The Board found that this Jasper County respondent violated Sections 21(p)(1), 21(p)(7), and 55(k)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(7), 55(k)(1) (2010)), and ordered respondent to pay a civil penalty of \$4,500. 5-0

**AC 11-24**      IEPA v. Dennis Heck and Raymond A. and Deanna Harris – The Board granted complainant’s motion to voluntarily dismiss the administrative citation against Raymond A. Harris. 5-0

**AC 11-25**      IEPA v. Diane Timpe and Jimmy Timpe – The Board found that these Macoupin County respondents violated Sections 21(p)(1) and 55(k)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 55(k)(1) (2010)), and ordered respondents to pay a civil penalty of \$3,000. 5-0

**AC 11-26**      IEPA v. Estate of Kenneth D. Berhenke, Sr. – The Board accepted respondent’s amended petition for review, but directed respondent to file a second amended petition to cure deficiencies. 5-0

**AC 11-27**      IEPA v. James Harris – The Board accepted for hearing respondent’s petition for review of this administrative citation involving a Knox County facility. 5-0

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**AC 11-28**      IEPA v. Thad and Linda Shafer – The Board accepted respondents’ petition for review, but directed respondents to file an amended petition to cure deficiencies.      5-0

**Adjudicatory Cases**

**PCB 04-185**      Midwest Generation EME, LLC v. IEPA – The Board granted respondent’s motion for clarification and corresponding modification of the Board’s April 7, 2011 order.      5-0  
T-S  
Air

**PCB 04-215**      Commonwealth Edison Company v. IEPA      4-0  
**PCB 04-216**      Midwest Generation EME, LLC v. IEPA – The Board granted respondent’s motion for clarification and corresponding modification of the Board’s April 7, 2011 order.      Zalewski abstained  
(Cons.)      T-S  
Air

**PCB 09-66**      Elmhurst Memorial Healthcare and Elmhurst Memorial Hospital v. Chevron U.S.A., Inc. and Texaco, Inc. – The Board granted complainants’ motion to strike respondents’ affirmative defenses IV, V, VI and VIII. The Board denied complainants’ motion to strike respondents’ affirmative defenses II, III and VII.      5-0  
L-E

**PCB 10-70**      Wheeling/GWA Auto Shop v. IEPA – In an interim opinion and order, the Board granted petitioner’s motion for summary judgment and denied respondent’s motion for summary judgment. The Board reversed the respondent’s February 2, 2010 reduction of \$78,915.82 in petitioner’s corrective action plan budget and remanded the matter to the respondent to consider the merits of that portion of petitioner’s budget. Wheeling is directed to file by August 8, 2011, a statement of its legal fees in accordance with this interim opinion. The IEPA may file a response within 14 days after being served with Wheeling’s statement.      5-0  
UST Appeal

**PCB 10-72**      People of the State of Illinois v. Byrom Ward, d/b/a Ward Electric, and Timothy James – In an interim opinion and order, the, the Board granted complainant’s motion for summary judgment and found that respondent’s violated Sections 21(a), 21(e), and 21(p)(1) of the Act (415 ILCS 5/21(a), 21(e), 21(p)(1) (2010)).      5-0  
L-E

**PCB 10-73**      Metropolitan Pier & Exposition Authority v. IEPA – The Board granted petitioner’s motion for summary judgment and denied respondent’s motion for summary judgment. The Board reversed the respondent’s October 30, 2008 determination, and directed the respondent to reimburse petitioner \$392,527.74 from the Underground Storage Tank Fund.      5-0  
UST Appeal

**PCB 10-108**      People of the State of Illinois v. William Charles Real Estate Investment, L.L.C.– 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 Winnebago County facility, the Board ordered publication of the required newspaper notice.      5-0  
W-E



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<b>PCB 10-109</b>	<u>People of the State of Illinois v. Rock River Blending Company</u> – In this water enforcement action concerning a Winnebago County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2010)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$30,000.00, and to cease and desist from further violations.	5-0 L-E
<b>PCB 11-8</b>	<u>City of Joliet v. IEPA</u> – The Board granted the agreed motion for dismissal of this permit appeal without prejudice..	5-0 P-A, Water
<b>PCB 11-55</b>	<u>People of the State of Illinois v. American Excavating &amp; Septic Services, Inc. and CBS Leasing, L.L.C.</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
<b>PCB 11-62</b>	<u>The Premcor Refining Group, Inc. v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Adams County facility.	5-0 UST Appeal
<b>PCB 11-63</b>	<u>Beverly Powers f/k/a/Dick's Super Service v. IEPA</u> – The Board granted Beverly Powers' motion to substitute as named petitioner.	5-0 UST Appeal
<b>PCB 11-85</b>	<u>Holland Energy, LLC v. IEPA</u> – The Board granted petitioner's motion to clarify the Board's June 16, 2011 order granting the stay of contested conditions.	5-0 P-A, Water
<b>PCB 11-91</b>	<u>Ziggy Development, LLC v. IEPA</u> – The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal.	5-0 UST Appeal
<b>PCB 11-93</b>	<u>Assay Farms v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Assay Farms located in Henry County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	5-0 T-C, W
<b>PCB 11-94</b>	<u>Perfume Acres, Inc. v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Perfume Acres, Inc located in Iroquois County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	5-0 T-C, W
<b>PCB 11-95</b>	<u>Mircor Condos, LLC v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Mircor Condos, LLC located in Lee County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	5-0 T-C, W

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<b>PCB 11-96</b>	<u>Ringger Farms, Inc. - Gridley v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Ringger Farms, Inc. located in McLean County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	5-0 T-C, W
<b>PCB 11-97</b>	<u>Jeff and Mitzi Sharer v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Jeff and Mitzi Sharer located in Henderson County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	5-0 T-C, W
<b>PCB 11-98</b>	<u>Perfume Acres v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Perfume Acres located in Iroquois County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	5-0 T-C, W
<b>PCB 11-99</b>	<u>JMTR, LLC - Sterling v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of JMTR, LLC located in Whiteside County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	5-0 T-C, W
<b>PCB 11-100</b>	<u>Keith Naftzger v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Keith Naftzger located in Whiteside County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	5-0 T-C, W
<b>PCB 11-101</b>	<u>George Mattern v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of George Mattern located in Putnam County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	5-0 T-C, W
<b>PCB 11-102</b>	<u>People of the State of Illinois v. Super Mix, Inc.</u> – Upon receipt of a complaint accompanied by a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a DuPage County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E
<b>PCB 11-103</b>	<u>People of the State of Illinois v. Markham Transfer &amp; Recycling, LLC</u> – Upon receipt of a complaint accompanied by a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.	5-0 L-E
<b>PCB 11-104</b>	<u>Mac's Convenience Stores, LLC v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Christian County facility.	5-0 UST Appeal, 90-Day Extension

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<b>PCB 11-105</b>	<u>People of the State of Illinois v. Kolb-Lena Bresse Bleu, Inc., Kolb-Lena, Inc. and Zausner Foods Corp.</u> – The Board accepted for hearing this air enforcement action involving a site located in Stephenson County.	5-0 A-E
<b>PCB 11-106</b>	<u>JKL Pork LLC - Eureka v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of JKL Pork LLC located in Woodford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	5-0 T-C, W
<b>PCB 11-107</b>	<u>Brooks Farms v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Brooks Farms located in Whiteside County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	5-0 T-C, W
<b>PCB 12-1</b>	<u>People of the State of Illinois v. Hoopston Foods, Inc.</u> , – Upon receipt of a complaint accompanied by a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Vermilion County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E

**July 21, 2011**

**Via video conference**

**Springfield and Chicago, Illinois**

### **Rulemakings**

<b>R 11-23</b>	<u>In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group II and Group IV Consumer &amp; Commercial Products: Proposed Amendments to 35 Ill. Adm Code 211, 218, and 219</u> – The Board adopted a final opinion and order in this fast-track rulemaking proposal which amends the Board’s air pollution control regulations.	5-0 Air
<b>R 11-24</b>	<u>In the Matter of: Nitrogen Oxides Emissions, Amendments to 35 Ill. Adm. Code 217</u>	5-0 Air
<b>R 11-26 (cons.)</b>	<u>In the Matter of: Illinois Environmental Regulatory Group's Emergency Rulemaking, Nitrogen Oxides Emissions: Amendments to 35 Ill. Adm. Code Part 217</u> – The Board denied the Illinois Environmental Regulatory Group’s (IERG) motion to reconsider the May 19, 2011 decision denying IERG’s emergency rulemaking proposal. The Board also adopted a second notice opinion and order in this rulemaking proposal to amend the Board’s air pollution control regulations.	

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**Administrative Citations**

<b>AC 11-29</b>	<u>IEPA v. Whelan's Inc &amp; Thomas Whelan</u> – The Board found that these Cook County respondents violated Section 21(p)(1) and 21(p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2010)), and ordered respondents to pay a civil penalty of \$3,000.	5-0
<b>AC 11-30</b>	<u>IEPA v. Rodney Pinter</u> – The Board found that this Bureau County respondent violated Section 21(p)(1) and 21(p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2010)), and ordered respondent to pay a civil penalty of \$3,000.	5-0
<b>AC 11-31</b>	<u>IEPA v. Patrick D. and Monique D. Patterson</u> – The Board accepted respondents' petition for review, but directed respondents to file an amended petition to cure deficiencies.	5-0

**Adjudicatory Cases**

<b>PCB 06-17</b>	<u>Morgan Southern Company v. IEPA</u> – The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal.	5-0 UST Appeal
<b>PCB 09-102</b>	<u>Peter Arendovich v. the Illinois State Toll Highway Authority</u> – The Board denied both motions for summary judgment and to strike.	5-0 N-E, Citizens
<b>PCB 09-108</b>	<u>People of the State of Illinois v. Apollo Plastics Corporation</u> – 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) (2010)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$30,946.00, and to cease and desist from further violations.	5-0 A-E
<b>PCB 11-6</b>	<u>People of the State of Illinois v. American Construction, LLC, Inc., and Real Estate Elmhurst, LLC</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 DuPage County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
<b>PCB 11-21</b>	<u>People of the State of Illinois v. Prairieland Investment Group, LLC, and Kevin S. Cook, d/b/a KC Construction</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 Hancock County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E
<b>PCB 11-54</b>	<u>People of the State of Illinois v. Stewart Spreading, 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 Kendall County facility, the Board ordered publication of the required newspaper notice.	5-0 A, W-E
<b>PCB 11-65</b>	<u>Chevron Environmental Management Company (10/27/09 to 9/3/10) 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 DuPage County facility.	5-0 UST Appeal

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<b>PCB 11-66</b>	<u>Chevron Environmental Management Company (8/1/2008 to 9/27/2009) 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 DuPage County facility.	5-0 UST Appeal
<b>PCB 11-92</b>	<u>People of the State of Illinois v. P &amp; H Mfg. Co</u> – In this air enforcement action concerning a Shelby County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2010)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$38,000.00, and to cease and desist from further violations.	5-0 L-E
<b>PCB 12-2</b>	<u>Ameren Energy Generating Company, Wet Flue Gas Desulfurization Scrubber on Coffeen Unit No. 1 (Property ID No. 04-000-172-00) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Ameren Energy Generating Company located in Montgomery County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	5-0 T-C, A
<b>PCB 12-3</b>	<u>Marathon Petroleum Company, LLC Enhanced Selective Non-Catalytic Reduction (Property ID No. 51-34-021-001) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Marathon Petroleum Company, LLC located in Crawford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	5-0 T-C, A
<b>PCB 12-4</b>	<u>Marathon Petroleum Company, LLC, External Floating Roof on Tank No. 21D-811 (Property ID No. 51-34-021-001) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Marathon Petroleum Company, LLC located in Crawford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	5-0 T-C, A
<b>PCB 12-5</b>	<u>Marathon Petroleum Company, LLC, Ultra-Low Sulfur Diesel Project (Property ID No. 51-34-021-001) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Marathon Petroleum Company, LLC located in Crawford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	5-0 T-C, A
<b>PCB 12-6</b>	<u>Marathon Petroleum Company, LLC, Vent Gas Recovery Project (Property ID No. 51-34-021-001) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Marathon Petroleum Company, LLC located in Crawford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	5-0 T-C, A

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<b>PCB 12-7</b>	<u>WRB Refining, LLC, Alky HM2 NOx Reduction (Property ID No. 19-1-08-34-00-000-001) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	5-0 T-C, A
<b>PCB 12-8</b>	<u>WRB Refining, LLC, Benzene Extraction Unit - Heat Medium Heaters NOx Reduction (Property ID No. 19-1-08-35-00-000-001) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	5-0 T-C, A
<b>PCB 12-9</b>	<u>WRB Refining, LLC, Boiler No. 15 NOx Reduction (Property ID No. 19-1-08-35-00-000-001) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	5-0 T-C, A
<b>PCB 12-10</b>	<u>WRB Refining, LLC, Catalytic Cracking Units Nos. 1 and 2 SO2 and NOx Reduction (Property ID No. 19-1-08-35-00-000-001) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	5-0 T-C, A
<b>PCB 12-11</b>	<u>WRB Refining, LLC, North Property Flare Expansion (Property ID No. 19-1-08-35-00-000-001) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	5-0 T-C, A
<b>PCB 12-12</b>	<u>Congress Development Company v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Cook County facility. The Board grants petitioner’s motion to consolidate PCB 11-90 and PCB 12-12	5-0 P-A, Water
<b>PCB 12-13</b>	<u>People of the State of Illinois v. Knight Hawk Coal, LLC</u> – The Board accepted for hearing this water enforcement action involving a site located in Jackson County.	5-0 W-E
<b>PCB 12-14</b>	<u>Center Point Energy, Mississippi River Transmission, LLC v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Madison County facility.	5-0 P-A, Air, 90-Day Extension

## **New Cases**

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### **July 7, 2011 Board Meeting**

**11-93 Assay Farms v. IEPA** – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Assay Farms located in Henry County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).

**11-94 Perfume Acres, Inc. v. IEPA** – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Perfume Acres, Inc located in Iroquois County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).

**11-95 Mircor Condos, LLC v. IEPA** – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Mircor Condos, LLC located in Lee County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).

**11-96 Ringger Farms, Inc. - Gridley v. IEPA** – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Ringger Farms, Inc. located in McLean County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).

**11-97 Jeff and Mitzi Sharer v. IEPA** – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Jeff and Mitzi Sharer located in Henderson County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).

**11-98 Perfume Acres v. IEPA** – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Perfume Acres located in Iroquois County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).

**11-99 JMTR, LLC - Sterling v. IEPA** – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of JMTR, LLC located in Whiteside County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).

**11-100 Keith Naftzger v. IEPA** – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Keith Naftzger located in Whiteside County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).

**11-101 George Mattern v. IEPA** – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of George Mattern located in Putnam County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).

**11-102 People of the State of Illinois v. Super Mix, Inc.** – Upon receipt of a complaint accompanied by a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a DuPage County facility, the Board ordered publication of the required newspaper notice.

**11-103 People of the State of Illinois v. Markham Transfer & Recycling, LLC** – Upon receipt of a complaint accompanied by a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.

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**11-104** Mac's Convenience Stores, LLC v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Christian County facility.

**11-105** People of the State of Illinois v. Kolb-Lena Bresse Bleu, Inc., Kolb-Lena, Inc. and Zausner Foods Corp. – The Board accepted for hearing this air enforcement action involving a site located in Stephenson County.

**11-106** JKL Pork LLC - Eureka v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of JKL Pork LLC located in Woodford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).

**11-107** Brooks Farms v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Brooks Farms located in Whiteside County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).

**12-1** People of the State of Illinois v. Hoopston Foods, Inc., – Upon receipt of a complaint accompanied by a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Vermilion County facility, the Board ordered publication of the required newspaper notice.

**AC 11-32** IEPA v. Brandon DeHart and Robert Evans – The Board accepted an administrative citation against these Cook County respondents.

**R12-1** UST Update, USEPA Amendments (January 1,2011 through June 30, 2011) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.

**R12-2** Wastewater Pretreatment Update, USEPA Amendments (January 1,2011 through June 30, 2011) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.

**R12-3** Definition of VOM Update, USEPA Amendments (January 1,2011 through June 30, 2011) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.

**R12-4** SDWA Update, USEPA Amendments (January 1,2011 through June 30, 2011) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.

**R12-5** UIC Update, USEPA Amendments (January 1,2011 through June 30, 2011) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.

**R12-6** RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (January 1,2011 through June 30, 2011) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.

**R12-7** RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1,2011 through June 30, 2011) – The Board reserved this docket for a routine update to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period.



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**12-2** Ameren Energy Generating Company, Wet Flue Gas Desulfurization Scrubber on Coffeen Unit No. 1 (Property ID No. 04-000-172-00) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Ameren Energy Generating Company located in Montgomery County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).

**12-3** Marathon Petroleum Company, LLC Enhanced Selective Non-Catalytic Reduction (Property ID No. 51-34-021-001) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Marathon Petroleum Company, LLC located in Crawford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).

**12-4** Marathon Petroleum Company, LLC, External Floating Roof on Tank No. 21D-811 (Property ID No. 51-34-021-001) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Marathon Petroleum Company, LLC located in Crawford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).

**12-5** Marathon Petroleum Company, LLC, Ultra-Low Sulfur Diesel Project (Property ID No. 51-34-021-001) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Marathon Petroleum Company, LLC located in Crawford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).

**12-6** Marathon Petroleum Company, LLC, Vent Gas Recovery Project (Property ID No. 51-34-021-001) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Marathon Petroleum Company, LLC located in Crawford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).

**12-7** WRB Refining, LLC, Alky HM2 NOx Reduction (Property ID No. 19-1-08-34-00-000-001) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).

**12-8** WRB Refining, LLC, Benzene Extraction Unit - Heat Medium Heaters NOx Reduction (Property ID No. 19-1-08-35-00-000-001) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).

**12-99** WRB Refining, LLC, Boiler No. 15 NOx Reduction (Property ID No. 19-1-08-35-00-000-001) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).

**12-10** WRB Refining, LLC, Catalytic Cracking Units Nos. 1 and 2 SO2 and NOx Reduction (Property ID No. 19-1-08-35-00-000-001) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).

**12-11** WRB Refining, LLC, North Property Flare Expansion (Property ID No. 19-1-08-35-00-000-001) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).

**12-12** Congress Development Company v. IEPA – The Board accepted for hearing this permit appeal involving a Cook County facility. The Board grants petitioner’s motion to consolidate PCB 11-90 and PCB 12-12

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**12-13** People of the State of Illinois v. Knight Hawk Coal, LLC – The Board accepted for hearing this water enforcement action involving a site located in Jackson County.

**12-14** Center Point Energy, Mississippi River Transmission, LLC v. IEPA – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Madison County facility.

**12-15** Gary Szczeblewski v. State Fire Marshall, Division of Petroleum & Chemical Safety – No action taken.

**R12-8** In the Matter of: Standards and Limitations for Organic Material Emissions for Area Sources; Amendments to 35 Ill. Adm. Code Part 223 – No action taken.

## Adjusted Standards

### LISTINGS OF ADJUSTED STANDARDS AND COMBINED SEWER OVERFLOW EXCEPTIONS GRANTED BY THE BOARD DURING FISCAL YEAR 2011

Section 28.1(d)(3) of the Environmental Protection Act (Act) (415 ILCS 5/28.1(d)(3) (2006)) requires the Board to annually publish in the *Illinois Register* and *Environmental Register* a listing of all determinations made pursuant to Section 28.1 at the end of each fiscal year. This notice sets forth all adjusted standard and combine sewer overflow exception determinations made by the Board during the fiscal year 2011 (July 1, 2010, through June 30, 2011).

Final Actions Taken by the Pollution Control Board in Adjusted Standards Proceedings During Fiscal Year 2011  
(July 1, 2010 through June 30, 2011)

<u>Docket/Docket Title</u>	<u>Final Determination</u>
<u>In the Matter of: Petition of Cabot Corporation for an Adjusted Standard from 35 Ill. Adm. Code 738.Subpart B, AS 07-6 (October 7, 2010)</u>	The Board granted this petition for reissuance of a previous adjusted standard ( <i>see</i> AS 96-3) for Cabot's inorganic chemical manufacturing facility located in Tuscola, Douglas County. The facility manufactures fumed silica dioxide. The previous adjusted standard allowed Cabot to dispose of hazardous wastes into three underground injection control wells (Well #1, #2, and #3). Cabot now seeks to inject the same hazardous wastes only into Wells #2 and #3, and only through December 31, 2027. On June 1, 2010, USEPA granted Cabot a federal exemption, subject to conditions. The federal and State petitions were similar, and the IEPA recommended that the Board grant the adjusted standard to Cabot. The adjusted standard granted by the Board includes numerous conditions, including some similar to the conditions set by USEPA. The Board's conditions include, but are not limited to, the maximum amounts of certain concentrations of constituents in the injected waste; the volume of waste that may be injected; and testing and reporting requirements. An additional order correcting a typographical error was issued on November 18, 2010.
<u>In the Matter of: Petition of Westwood Lands, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 807.104 and 810.103 or, in the alternative, a finding of inapplicability) AS 09-03, (October 7, 2010)</u>	Petitioner, located in Madison, Madison County, sought a determination that steelmaking slag fines used as raw materials in its process do not constitute "waste" under the Environmental Protection Act. Alternatively, petitioner sought an adjusted standard

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from specified definitions in the Board's solid waste regulations. Due to initial deficiencies in the petition, the Board issued an order on January 7, 2010 stating that it could not determine that the steelmaking slag fines were not a waste or that an adjusted standard was warranted. Petitioner filed a motion to reconsider along with supplemental information. On October 7, 2010, the Board granted the finding of inapplicability, and denied the adjusted standard as moot. The Board found that the steelmaking slag fines petitioner processes to produce coarse and fine metallic fractions in bulk, nugget, and briquette form to be used in steel manufacturing are not a waste under certain conditions. Conditions include, but are not limited to, testing requirements, and ensuring that fines do not contain hazardous waste.

### Final Actions Taken by the Pollution Control Board in Combine Sewer Overflow Exception Proceedings During Fiscal Year 2011 (July 1, 2010 through June 30, 2011)

The Board took no action in combined sewer overflow exception proceedings during fiscal year 2011, as none were filed with the Board or pending during fiscal year 2011.

Request copies, noting the appropriate docket number, to:

John Therriault, Assistant Clerk  
Pollution Control Board  
100 West Randolph Street, Suite 11-500  
Chicago, Illinois 60601  
312-814-3629

Address questions concerning this notice, noting the appropriate docket number, to:

Carol Webb  
Pollution Control Board  
1021 North Grand Avenue East  
Springfield, Illinois 62794-9274  
217-524-8509  
webbc@ipcb.state.il.us

## Calendar

8/4/11 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
8/15/11 1:00 PM	R08-09(C)	<u>In the Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303, and 304</u>  <u>(Continues until complete or through August 17, 2011)</u>	James R. Thompson Center Room 9-040 100 W. Randolph Street Chicago  (If the hearing continues on August 17, 2011, then the hearing will be held in Room 2-025)
8/18/11 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
9/8/11 11:00 am	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
9/22/11 11:00 am	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
9/22/11 1:00 PM	R11-25	<u>In the Matter of: Setback Rulemaking Zone for Fayette Water Company Community Water Supply: Amendments to 35 Ill. Adm. Code 618</u>	Illinois Pollution Control Board Conference Room 11-512 James R. Thompson Center 100 W. Randolph Street Chicago
10/6/11 11:00 am	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
10/6/11 9:00 AM	R12-08	<u>In the Matter of: Standards and Limitations for Organic Material Emissions for Area Sources; Amendments to 35 Ill. Adm. Code Part 223</u>	Illinois Pollution Control Board Conference Room First Floor 1021 N. Grand Avenue East (North Entrance) Springfield
10/20/11 11:00 am	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago

Environmental Register – July 2011

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

**JULY 2011**

<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
ALTERNATIVE BEHAVIOR TREATMENT CENTER - IL0977189	2	INADEQUATE PRESSURE TANK	50	6/15/1988
ARLINGTON REHABILITATION LIVING CENTER - IL0971110	2	INADEQUATE HYDRO STORAGE	180	12/1/2003
ATHENS – IL1290050	5	INADEQUATE TREATMENT CAPACITY	4350	10/1/2007
AURORA COMMUNITY WATER ASSN - IL0895750	2	INADEQUATE PRESSURE TANK	150	12/16/1988
BAHL WATER CORP - IL0855200	1	INADEQUATE PRESSURE TANK	700	12/15/1993
BIGGSVILLE – IL0710050	5	EXCEEDANCES OF GROSS ALPHA AND COMBINED RADIUM MCL'S	350	4/1/2010
BRADLEY HEIGHTS SUBDIVISION - IL2015050	1	INADEQUATE PRESSURE TANK	192	9/13/1985
BRYANT – IL0570200	5	EXCEEDING THE MCLs FOR COMBINED RADIUM	267	10/1/2010
BUFFALO HOLLOW FARMS WATER ASSOCIATION – IL1430080	5	INADEQUATE PRESSURE STORAGE	44	6/16S/2008
CARROLL HEIGHTS UTILITIES COMPANY - IL0155200	1	INADEQUATE PRESSURE TANK	96	3/20/1981
CENTURY PINES APARTMENTS - IL0150020	1	INADEQUATE PRESSURE TANK	50	12/14/1990
COOKSVILLE - IL1130400	4	TTHM & HALOACIDIC ACIDS	300	9/15/2005
COYNE CNTR COOP - IL1615150	1	INADEQUATE PRESSURE TANK	150	12/15/1997
CROPSEY COMMUNITY WATER - IL1135150	4	INADEQUATE PRESSURE TANK	31	3/20/1981
CRYSTAL CLEAR WATER COMPANY - IL1115150	2	INADEQUATE PRESSURE TANK	885	9/16/1988
D L WELL OWNERS ASSOCIATION - IL0975380	2	INADEQUATE PRESSURE TANK	141	3/18/1983
DE KALB UNIV DVL CORP - IL0375148	1	INADEQUATE PRESSURE TANK	1050	12/16/1992
EAST END WATER ASSOCIATION - IL1610140	1	INADEQUATE STORAGE CAPACITY	40	3/15/2002

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<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
EAST MORELAND WATER CORPORATION - IL1975640	2	INADEQUATE PRESSURE TANK	135	3/15/1996
EDELSTEIN WATER COOPERATIVE – IL1435150	5	EXCEEDING THE MCL's FOR COMBINED RADIUM & GROSS ALPHA PARTICLE ACTIVITY	125	10/1/2010
EVERGREEN VILLAGE SUBDIVISION - IL1615310	1	INADEQUATE PRESSURE TANK	130	3/20/1981
FAIR ACRES SUBDIVISION - IL1975680	2	INADEQUATE PRESSURE TANK	156	10/19/1981
FOREST LAKE ADDITION –LAKE CO PW IL0975500	2	INADEQUATE PRESSURE TANK	204	12/16/1983
FRWRD-SKYLINE PLANT - IL0895030	2	INADEQUATE PRESSURE TANK	700	9/19/1986
GREAT OAKS AND BEACON HILLS APARTMENTS - IL2015488	1	INADEQUATE PRESSURE TANK	2420	12/17/1982
HEATHERFIELD SUBDIVISION - IL0635150	2	INADEQUATE PRESSURE TANK	75	9/17/1982
HETTICK - IL1170500	5	TRICHALOMETHANE	182	6/15/2002
HIGHLAND SUBDIVISION - IL0895530	2	INADEQUATE PRESSURE TANK	60	9/16/1983
HILLVIEW SUBDIVISION - IL1975800	2	INADEQUATE PRESSURE TANK	100	3/15/1985
HOLY FAMILY VILLA - IL0310280	2	INADEQUATE PRESSURE TANK	200	9/15/1999
INGALLS PARK SUBDIVISION - IL1975880	2	INADEQUATE PRESSURE TANK	745	9/16/1983
LAKE LYNWOOD WATER SYSTEM - IL0735330	1	INADEQUATE PRESSURE TANK	75	8/31/1981
LARCHMONT SUBDIVISION - IL2015290	1	INADEQUATE PRESSURE TANK	64	6/17/1983
LARSON COURT APARTMENTS - IL1615728	1	INADEQUATE PRESSURE TANK	58	1/14/1982
LEGEND LAKES WATER ASSOCIATION - IL2015300	1	INADEQUATE PRESSURE TANK	283	3/14/1991
LIBERTY PARK HOMEOWNERS ASSOCIATION - IL0435600	2	INADEQUATE PRESSURE TANK	837	9/17/1992
LINDENWOOD WATER ASSOCIATION - IL1415300	1	INADEQUATE PRESSURE TANK	50	1/13/1982
LISBON NORTH, INC. - IL0631000	2	INADEQUATE PRESSURE TANK	30	9/14/1990
LONDON MILLS - IL0574620	5	INADEQUATE PRESSURE TANK	447	12/14/1984
LYNN WATER ASSOCIATION INC - IL0735100	1	INADEQUATE PRESSURE	100	3/15/1995

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<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
		TANK		
LYNNWOOD WATER CORPORATION - IL0995336	1	INADEQUATE PRESSURE TANK	110	3/18/1983
M C L W SYSTEM, INC. - IL1315150	1	INADEQUATE SOURCE	98	3/20/1981
MENARD RURAL WATER COOP.(SWEETWATER SYSTEM)- IL1290010	5	INADEQUATE SOURCE CAPACITY	490	10/1/2007
MOUND PWD - IL1635050	6	INADEQUATE PLANT CAPACITY	2200	6/17/1996
*NORTH HENDERSON – IL1310300	1	INADEQUATE HYDROPNEUMATIC STORAGE	184	7/1/2011
NORTHWEST BELMONT IMPRV ASSN - IL0435900	2	INADEQUATE PRESSURE TANK	78	9/29/1981
OAK RIDGE SD - IL2035300	1	INADEQUATE PRESSURE TANK	240	3/20/1981
OSCO MUTUAL WATER SUPPLY COMPANY, INC. - IL0735200	1	INADEQUATE PRESSURE TANK	115	12/15/1989
PANAMA - IL0054720	6	TTHM, DBP, INAD STORAGE	380	1/1/2006
PATOKA - IL1210400	6	INADEQUATE PLANT CAPACITY	731	3/15/1997
POLO DR AND SADDLE RD SUBDIVISION - IL0437000	2	INADEQUATE PRESSURE TANK	90	12/17/1982
PORTS SULLIVAN LAKE OWNERS ASSOCIATION - IL0971160	2	INADEQUATE PRESSURE TANK	293	6/15/1999
PRAIRIE RIDGE ASSOCIATION - IL1115730	2	INADEQUATE PRESSURE TANK	130	10/1/2004
PRAIRIE ROAD PUMP ASSOCIATION- IL2015100	1	INADEQUATE STORAGE	150	1/1/2006
RIDGECREST NORTH SUBDIVISION - IL0635250	2	INADEQUATE PRESSURE TANK	60	9/16/1993
SHAWNITA TRC WATER ASSOCIATION - IL1977690	2	INADEQUATE PRESSURE TANK	125	9/17/1992
SILVIS HEIGHTS WATER CORP - IL1615750	1	INADEQUATE HYDRO STORAGE	1600	12/1/2003
SKYVIEW SBDV - IL0915526	2	INADEQUATE PRESSURE TANK	45	3/16/1990
STRATFORD WEST APARTMENTS - IL1095200	5	INADEQUATE PRESSURE TANK	39	12/17/1982
SUBURBAN HEIGHTS SUBDIVISION - IL1615800	1	INADEQUATE PRESSURE TANK	82	12/16/1983
SUNNY HILL ESTATES SUBDIVISION - IL0735300	1	INADEQUATE PRESSURE TANK	525	6/15/2000
SUNNYLAND SUBDIVISION - IL1977730	2	INADEQUATE PRESSURE TANK	350	9/16/1983

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<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
SWEDONA WATER ASSOCIATION - IL1315200	1	INADEQUATE PRESSURE TANK	157	6/15/1990
SYLVAN LAKE 1ST SUBDIVISION - IL0977100	2	INADEQUATE PRESSURE TANK	210	6/14/1991
TOWNERS SUBDIVISION - IL0977250	2	INADEQUATE PRESSURE TANK	210	1/14/1982
UTILITIES INC HOLIDAY HILLS - IL1115350	2	INADEQUATE PRESSURE TANK	729	9/16/1983
UTL INC-LAKE HOLIDAY - IL0995200	1	INAD SOURCE & TREATMENT PLT	5460	9/15/1998
UTL INC-NORTHERN HILLS UTILITIES COMPANY - IL1775050	1	INADEQUATE PRESSURE TANK	500	3/15/1996
UTL INC-WALK-UP WOODS WATER COMPANY - IL1115800	2	INADEQUATE PRESSURE TANK	654	12/17/1982
WEST SHORE PARK SUBDIVISION - IL0977370	2	INADEQUATE PRESSURE TANK	528	6/15/2000
WEST SHORELAND SUBDIVISION - IL0977050	2	INADEQUATE PRESSURE TANK	189	6/14/1991
WIENEN ESTATES - IL0850030	1	INADEQUATE PRESSURE TANK	70	12/15/1997
WONDER LAKE WATER COMPANY - IL1115750	2	INADEQUATE PRESSURE TANK	1442	6/16/1994

**WATER SYSTEMS REMOVED FROM PREVIOUS LIST**

GARDEN STREET IMPROVEMENT ASSOCIATION – IL1975376

EAST MORELAND WATER ASSOCIATION – IL1975600

**\* DENOTES ADDED WATER SUPPLIES**

NORTH HENDERSON – IL1310300



Environmental Register – July 2011

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

**JULY 2011**

<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
ANDALUSIA - IL1610050	1	INADEQUATE PRESSURE TANK	1050	12/1/2003
*ANNA-JONESBORO WATER COMMISSION – IL1815050	7	LACKS EXISTING TREATMENT CAPACITY	36	7/1/2011
*ANNA WATER COMMISSION – IL1810050	7	**	5750	7/1/2011
BEASON CHESTNUT PWD - IL1075150	5	INAD PLANT & SOURCE CAP	600	6/15/2004
CANTON – IL0570250	5	INSUFFICIENT TREATMENT CAPACITY	13932	3/15/2007
CEDARVILLE - IL1770050	1	EMERGENCY POWER	800	1/1/2006
COLLINSVILLE – IL1194280	6	INADEQUATE STORAGE	29500	1/1/2008
COLUMBIA - IL1330050	6	INADEQUATE PUMPING CAPACITY	8365	3/15/1998
EDWARDSVILLE – IL1190250	5	INSUFFICIENT PLANT CAPACITY TO HANDLE PEAK SYSTEM WATER DEMAND	24,900	9/16/2008
EFFINGHAM – IL0490250	4	INADEQUATE DISINFECTION	12384	7/1/2006
ELIZABETH - IL0850150	1	LOW SYSTEM PRESSURE	682	6/15/1999
ELLIS GROVE – IL1570200	6	INSUFFICIENT STORAGE CAPACITY	720	10/1/2007
EXETER-MERRITT WATER COOP - IL1710010	5	INADEQUATE PRESSURE TANK	428	10/1/2004
GALENA - IL0850200	1	LOW SYSTEM PRESSURE	3640	6/15/1999
GRIGGSVILLE – IL1490300	5	INADEQUATE TREATMENT PLANT CAPACITY	1259	10/1/2006
HAMEL - IL1190450	6	INADEQUATE STORAGE CAPACITY	650	1/1/2006
HOLIDAY SHORES SD - IL1195110	6	INADEQUATE STORAGE CAPACITY	3192	1/1/2006
IL AMERICAN-ALTON	6	APPROACHING WATER TREATMENT PLANT CAPACITY	51922	4/1/2009
IL AMERICAN-E ST. LOUIS - IL1635040	6	APPROACHING INADEQUATE STORAGE CAPACITY	155382	1/01/2011
*JONESBORO PWS – IL1810250	7	**	1853	7/1/2011

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<i>SYSTEM NAME</i>	<i>EPA RGN</i>	<i>NATURE OF PROBLEM</i>	<i>POP SERVED</i>	<i>LISTING DATE</i>
JOY - IL1310100	1	LOW SYSTEM PRESSURE	373	6/15/1999
LA SALLE - IL0990300	1	INAD PLANT & SOURCE CAPACITY	9700	11/1/2004
LACON - IL1230100	1	UNDERSIZED WATERMAINS	1979	1/1/2006
*LICK CREEK PWD – IL1815100	7	**	1929	7/1/2011
MALDEN - IL0110550	1	UNDERSIZED WATERMAINS	370	1/1/2006
MARION - IL1990550	7	INADEQUATE SOURCE CAPACITY	14610	11/1/2001
MARYVILLE – IL1190750	5	INADEQUATE STORAGE	800	3/17/2008
MASON CITY - IL1250350	5	INADEQUATE STORAGE CAPACITY	2558	1/1/2006
MATHERSVILLE - IL1310200	1	INADEQUATE SYSTEM PRESSURE	793	9/13/2000
MC HENRY SHORES WATER COMPANY - IL1115020	2	LOW SYSTEM PRESSURE	1813	9/17/1992
O'FALLON – IL1631100	2	INADEQUATE STORAGE CAPACITY	43596	10/1/2006
SCALES MOUND - IL0850400	1	LOW SYSTEM PRESSURE	400	9/15/1997
SENECA - IL0991050	1	INADEQUATE PLANT CAPACITY AND UNDERSIZED WATER MAINS	2053	6/15/1999
*SHAWNEE VALLEY PWD – IL1815550	7	**	952	7/1/2011
SOUTH HIGHWAY PWD - IL0775400	7	LOW SYSTEM PRESSURE &UNDERSIZED WATERMAINS	8420	1/1/2006
STOCKTON - IL0850450	1	LOW SYSTEM PRESSURE	1871	6/15/1984
SUMNER - IL1010300	7	LOW SYSTEM PRESSURE	1481	12/13/1985
UTL INC-LAKE MARIAN WATER CORPORATION - IL0895200 PRES	2	INAD PRES STORAGE & LOW SYS	924	9/14/1984
WALNUT HILL - IL1210600	6	LOW SYSTEM PRESSURE	1470	6/14/1985
WATERLOO - IL1330300	6	INADEQUATE STORAGE	7614	10/1/2004
WITT – IL1350850	5	INADEQUATE TREATMENT CAPACITY	991	3/17/2008
WORDEN - IL1191200	6	INADEQUATE STORAGE CAPACITY	906	1/1/2006

**WATER SYSTEMS REMOVED FROM PREVIOUS LIST\***

**DENOTES ADDED WATER SUPPLIES**

\*\* THESE PUBLIC WATER SUPPLIES OBTAIN WATER FROM ANNA-JONESBORO WATER COMMISSION (IL1815050) WHICH LACKS EXISTING TREATMENT CAPACITY.

## **Restricted Status/Critical Review**

The Environmental Protection Act prohibits the Agency from issuing a construction permit that will cause or extend a violation. A construction permit to expand the distribution system cannot be granted when a water supply has a maximum contaminant level or treatment technique violation, an inadequate source of raw water supply, inadequate treatment plant capacity, finished water storage or distribution system pressure. A Restricted Status List is published quarterly in the Illinois Pollution Control Board Environmental Register to notify those persons considering expansion of a water supply distribution system of that status before large sums of money have been spent on items such as land acquisition, financing and engineering fees. A companion Critical Review List is published concurrently with the Restricted Status List and has the water supplies that are approaching a point where the supply could be placed on Restricted Status. A permit application from a supply on Critical Review will be examined carefully to ensure that the proposed construction will not cause a violation. Restricted Status and Critical Review are presented as a combined list with the status of the water supply denoted as either RS (Restricted Status) or CR (Critical Review). The current list reflects the status as of July 1, 2011. An asterisk, \*, beside the water supply indicates public water supplies that have been added to the Restricted Status/Critical Review list since the previous publication.

### **Restricted Status List**

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.

### **Critical Review List**

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.



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.

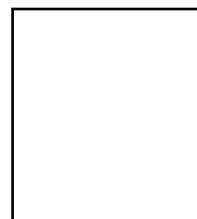
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