



ENVIRONMENTAL REGISTER

April 18, 2019 – Number 750

A PUBLICATION OF THE ILLINOIS POLLUTION CONTROL BOARD

pcb.illinois.gov

BOARD MEMBERS

- ❖ Katie Papadimitriou, Chairman
- ❖ Brenda K. Carter
- ❖ U-Jung Choe
- ❖ Cynthia M. Santos

The **Illinois Pollution Control Board** is an independent five-member board that adopts environmental control regulations and decides enforcement actions and other environmental cases for the State of Illinois.

INSIDE THIS ISSUE

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- ❖ Restricted Status & Critical Review Lists
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CHAIRMAN'S UPDATE

During the first three months of calendar year 2019, the Board's busy rulemaking schedule continued with hearings, proposed rules, and final rules. Below, I highlight these developments and provide links to the corresponding dockets on the Board's website (pcb.illinois.gov), after which I note the departure of a long-serving Board Member.

On January 10, 2019, the Board held a hearing in National Ambient Air Quality Standards (NAAQS), USEPA Amendments (January 1, 2018 through June 30, 2018), [docket R19-6](#). After a post-hearing comment period, the Board adopted final rule amendments on February 14, 2019, keeping Illinois' ambient air quality standards "identical in substance" to the NAAQS.

On January 17, 2019, the Board accepted for hearing a proposal, filed by the Illinois Environmental Protection Agency (IEPA), to amend the Board's manifesting requirements concerning non-hazardous special waste transportation. This rulemaking is captioned Amendments to Manifesting Requirements: Special Waste Hauling 35 Ill. Adm. Code 809, [docket R19-18](#). Hearings are scheduled for May 9 and June 6, 2019.

On January 23, 2019, the Board held its first hearing in Amendments to General Use Water Quality Standards for Chloride, [docket R18-32](#). The environmental consulting firm of Huff & Huff, Inc., the rulemaking proponent, filed an amended proposal on March 14, 2019.

On January 29, 2019, the Board held its fourth hearing in Amendments to 35 Ill. Adm. Code 225.233, Multi-Pollutant Standard (MPS), [docket R18-20](#), and has since received additional written comment. The rulemaking concerns the MPS air pollution control rules, which apply to eight downstate coal-fired power plants owned by subsidiaries of Vistra Energy Corp.

On February 14, 2019, the Board proposed non-substantive first-notice amendments to its potentially infectious medical waste (PIMW) regulations (35 Ill. Adm. Code 1420, 1421, 1422) in Amendments to 35 Ill. Adm. Code Subtitle M: Biological Materials, [docket R18-29](#). Additionally, to consider substantively amending the definition of "Class 4 etiological agent," the Board opened a subdocket B captioned Amendments to Definition of "Class 4 Etiological Agent", 35 Ill. Adm. Code 1420.102, [docket R18-29\(B\)](#).

Also on February 14, 2019, in RCRA Subtitle C Update, USEPA Amendments (January 1, 2018 through June 30, 2018), [docket R19-11](#), the Board proposed amendments "identical in substance" to the United States Environmental Protection Agency's conditional exclusion for hazardous waste airbags that are the subject of a product recall.

On February 26, 2019, the Board held its second hearing in Proposed New 35 Ill. Adm. Code 204, Prevention of Significant Deterioration, Amendments to 35 Ill. Adm. Code Parts 101, 105, 203, 211, and 215, [docket R19-1](#). This rulemaking proposal from IEPA seeks to establish a state Prevention of Significant Deterioration or "PSD" permitting program in Illinois.



On March 28, 2019, in Amendments to 35 Ill. Adm. Code Subtitle D: Mine-Related Water Pollution, docket R18-24, the Board proposed non-substantive first-notice amendments to its mine-related water pollution rules (35 Ill. Adm. Code 401-406). The Board is receiving public comments on the proposal.

Finally, I offer many thanks to former Board Member Carrie Zalewski for her outstanding contributions while at the Board. Ms. Zalewski, who was appointed to the Board by Governor Pat Quinn in 2009, left the Board at the end of last month. She has since been appointed to the Illinois Commerce Commission by Governor JB Pritzker and designated by him as the Commission's Acting Chairman. Ms. Zalewski served the citizens and environment of Illinois with great distinction as a Board Member. We wish her all the very best in the future.

Sincerely,



Katie Papadimitriou
Chairman



RULEMAKING UPDATE

Board Proposes First-Notice Amendments to PIMW Rules and Opens a Subdocket on the Definition of “Class 4 Etiological Agent”

The Board, on February 14, 2019, proposed non-substantive amendments to its potentially infectious medical waste (PIMW) regulations (35 Ill. Adm. Code 1420, 1421, 1422) for first-notice publication in the *Illinois Register*. The PIMW regulations address the treatment, packaging, labeling, storage, transportation, and disposal of PIMW, and apply to PIMW generators, transporters, and receiving facilities. The proposed amendments seek only to streamline, update, and clarify the PIMW regulations.

The Board held two hearings on this proposal and no additional hearings are currently scheduled. The Board will accept public comment on the proposed amendments until April 15, 2019. This rulemaking is captioned Amendments to 35 Ill. Adm. Code Subtitle M: Biological Waste, docket R18-29. Here are links to the Board’s [opinion and order](#) and the Board’s [addendum](#) containing the proposed amendments.

Also, to consider substantively amending the definition of “Class 4 etiological agent,” the Board opened a subdocket B captioned Amendments to Definition of “Class 4 Etiological Agent”, 35 Ill. Adm. Code 1420.102, docket R18-29(B). The hearing officer will issue an order providing the procedures for this subdocket.

For more information, please contact Martín Klein at 312-814-3665 or Martin.E.Klein@Illinois.Gov.

Board Adopts NAAQS Amendments

On February 14, 2019, the Board adopted rule amendments to keep Illinois’ ambient air quality standards “identical in substance” to the National Ambient Air Quality Standards (NAAQS). The amendments reflect actions taken by the United States Environmental Protection Agency during the first half of 2018. Those actions include designating new reference methods for monitoring nitrogen dioxide in ambient air, as well as redesignating the Chicago and Granite City areas as attainment for the 2008 lead NAAQS. The Board removed the 1978 NAAQS for lead from the Illinois rules because they no longer apply to any area in Illinois. The Board also added a note stating that the 1971 NAAQS for sulfur dioxide no longer apply in specified areas of Illinois.

The Board rulemaking is captioned National Ambient Air Quality Standards, USEPA Amendments (January 1, 2018 through June 30, 2018), docket R19-6. Here is a link to the Board’s [opinion and order](#), which includes the adopted rule text. And, here is a link to the Board’s [addendum](#), which provides tables of information concerning the rulemaking. For more information, please contact Michael McCambridge at 312-814-6924 or Michael.McCambridge@Illinois.Gov.



Board Proposes “Identical-in-Substance” Amendments for Hazardous Waste Airbags

On February 14, 2019, the Board proposed—for public comment—amendments to its hazardous waste rules. The proposed amendments are “identical in substance” to rule amendments adopted by the United States Environmental Protection Agency (USEPA) during the second half of 2018. Specifically, the amendments would add USEPA’s conditional exclusion for hazardous waste airbags. Under this exclusion, hazardous waste airbags that are the subject of a product recall are not regulated as hazardous waste when removed from a vehicle by a vehicle service or salvage facility. The airbag waste becomes hazardous waste only when it arrives at an airbag waste collection facility or designated facility. The conditional exclusion relieves these vehicle service and salvage facilities from the burden of complying with hazardous waste generator standards for removing recalled airbags, which facilitates the removal of defective airbags in the Takata airbag recall. The Board further proposed standardizing the requirements using USEPA’s Notification of RCRA Subtitle C Activities (Site Identification Form) (USEPA Form 8700-12).

This Board rulemaking is captioned RCRA Subtitle C Update, USEPA Amendments (January 1, 2018 through June 30, 2018), docket R19-11. Here is a link to the Board’s [opinion and order](#), which includes the proposed rule text. And, here is a link to the Board’s [addendum](#), which provides tables of information concerning the rulemaking. For more information, please contact Michael McCambridge at 312-814-6924 or Michael.McCambridge@Illinois.Gov.

Board Proposes First-Notice Amendments to its Mine-Related Water Pollution Rules

On March 28, 2019, the Board proposed non-substantive amendments to its mine-related water pollution rules (35 Ill. Adm. Code 401-406) for first-notice publication in the *Illinois Register*. The Board’s existing rules on mining operations and mine-related activities establish a permit system that addresses both State permits and National Pollutant Discharge Elimination System permits. The rules also provide water quality and effluent standards. With its first-notice proposal, the Board intends only to streamline, update, and clarify these rules. The proposal includes amendments proposed by the Illinois Environmental Protection Agency.

The Board held two hearings before proceeding to first notice. No additional hearings are scheduled at this time. The Board will accept public comments on the proposed amendments for at least 45 days after they are published in the *Illinois Register*. This rulemaking is captioned Amendments to 35 Ill. Adm. Code Subtitle D: Mine-Related Water Pollution, docket R18-24. Here are the links to the Board’s [opinion and order](#) and the [addendum](#) containing the proposed amendments. For more information, please contact Tim Fox (312-814-6085, Tim.Fox@Illinois.Gov) or Natalie Winquist (312-814-6931, Natalie.Winquist@Illinois.Gov).



BOARD ACTIONS

January 17, 2019 Meeting

By videoconference: IPCB Offices in Chicago and Springfield

RULEMAKINGS

[R19-6](#) National Ambient Air Quality Standards, USEPA Regulations (January 1, 2018 through June 30, 2018) (Air) – The Board extended the deadline for completion of this identical-in-substance rulemaking to March 1, 2019.

[R19-18](#) Amendments to Manifesting Requirements: Special Waste Hauling 35 Ill. Adm. Code 809 (Land) – The Board accepted the Illinois Environmental Protection Agency’s proposal for hearing in this rulemaking to amend the Board’s special waste hauling regulations.

ADMINISTRATIVE CITATIONS

[AC 19-11](#) IEPA v. Dean Kibler (Land) – The Board found that respondent had violated Sections 21(p)(1), 21(p)(3), 21(p)(4), and 55(k)(1) of the Act (415 ILCS 5/21(p)(1), 21(p)(3), 21(p)(4), and 55(k)(1) (2016)). Because there were four violations of Section 21(p), the Board ordered respondent to pay a civil penalty of \$6,000.

[AC 19-12](#) IEPA v. Darryl and Shanna Noe (Land) – The Board granted complainant’s motion for voluntary dismissal of this administrative citation.

[AC 19-13](#) IEPA v. Brian O’Neil and Tammy O’Neil (Land) – The Board granted complainant’s motion for voluntary dismissal of this administrative citation.

ADJUDICATORY CASES

[PCB 14-3](#) Johns Manville v. Illinois Department of Transportation (Citizens Enforcement - Land) – The Board denied complainant’s motion for sanctions in this action concerning a site in Lake County.

[PCB 17-65](#) Webb & Sons, Inc. v. IEPA (UST Appeal) – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal.

[PCB 19-62](#) People of the State of Illinois v. JCC Service, Inc. f/k/a Johnson Painting and Sandblasting (Land – Enforcement, RCRA) – Upon receipt of a proposed stipulation and settlement agreement, and an agreed motion for relief from the hearing requirement in this land enforcement action involving a facility located in Rock Island County, the Board ordered publication of the required newspaper notice.



- PCB 19-64** Weglarz Hotel III, L.L.C., Weglarz Hotel IV, L.L.C., and Weglarz Hotel V, L.L.C., v. The Belt Railway Company of Chicago (Noise – Enforcement, Citizens) – The Board granted respondent’s motion to stay this enforcement case pending resolution of respondent’s federal court action against complainants and the Board Members in their official capacities.
- PCB 19-68** Steven Brison v. Flood Brothers Disposal Co. d/b/a Flood Brothers Disposal & Recycling Services; Flood Brothers Disposal/Recycling Services, an Illinois Corporation (Noise – Enforcement, Citizens) – The Board granted the parties’ agreed motion for dismissal.
- PCB 19-77** People of the State of Illinois v. Peoria Disposal Company (Land, RCRA – Enforcement) – In this land enforcement action concerning a Peoria 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) (2016)), accepted a stipulation and settlement agreement, and ordered respondent to pay a total civil penalty of \$30,000, and to cease and desist from further violations. Respondent also agreed to perform a supplemental environmental project of providing the Illinois Environmental Protection Agency with 2,000 tons of non-hazardous waste disposal, free of charge, with a market value of \$60,000.
- PCB 19-79** Parker's Gas & More, Inc. v. IEPA (UST Appeal) – The Board accepted for hearing this underground storage tank appeal involving a site in Adams County.
- PCB 19-80** Crestview Farms v. IEPA (Water – Tax Certification) – The Board found and certified that specified facilities of Crestview Farms located in Lee County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- PCB 19-81** JMTR-Beswick v. IEPA (Water – Tax Certification) – The Board found and certified that specified facilities of JMTR-Beswick located in Whiteside County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- PCB 19-82** D & A Hog Partnership v. IEPA (Water – Tax Certification) – The Board found and certified that specified facilities of D & A Hog Partnership located in Clark County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- PCB 19-83** Meier Land and Cattle LLC v. IEPA (Water – Tax Certification) – The Board found and certified that specified facilities of Meier Land and Cattle, LLC located in Stephenson County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).



February 14, 2019 Meeting

By videoconference: IPCB Offices in Chicago and Springfield

RULEMAKINGS

- [R18-29](#) Amendments to 35 Ill. Adm. Code Subtitle M – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s potentially infectious medical waste (PIMW) rules.
- [R19-1](#) Proposed New 35 Ill. Adm. Code 204, Prevention of Significant Deterioration, Amendments To 35 Ill. Adm. Code Parts 101, 105, 203, 211, And 215 – The Board took no action on this matter.
- [R19-6](#) National Ambient Air Quality Standards, USEPA Regulations (January 1, 2018 through June 30, 2018) (Air) – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking amending the Board’s air pollution rules.
- [R19-11](#) RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2018 through December 31, 2018) – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s hazardous waste rules.

ADJUDICATORY CASES

- [PCB 15-85](#) Aurora Generation, LLC v. IEPA (Air – Permit Appeal, CAAPP) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.
- [PCB 15-86](#) Rockford Power, LLC and Rockford Power II, LLC v. IEPA (Air – Permit Appeal, CAAPP) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.
- [PCB 15-87](#) Shelby County Energy Center, LLC v. IEPA (Air – Permit Appeal, CAAPP) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.
- [PCB 15-157](#) Gary Polchow v. Village of Rankin (Water, Air – Enforcement, Citizens) – The Board took no action on this matter.
- [PCB 17-21](#) Tri-County Electric Cooperative, Inc. v. IEPA (UST Appeal) – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal.
- [PCB 18-9](#)
[PCB 18-79](#)
(consol.) Yongxin Enterprises, Inc. v. IEPA (UST Appeal) – The Board granted petitioner’s motion for voluntary dismissal of these consolidated underground storage tank appeals.



- PCB 19-59** Leindl v. Hartsburg (Noise – Enforcement, Citizens) – Finding the alleged violations frivolous, the Board declined to accept the complaint for hearing. The Board allowed complainants to file on or before April 1, 2019 an amended complaint curing the deficiencies specified in the order.
- PCB 19-71** Celeste Tapia and Michael W. Edwards v. Miller Container Corporation (Noise – Enforcement, Citizens) – Finding the alleged violations frivolous, the Board granted respondent’s motion to dismiss the complaint. The Board allowed complainants to file on or before March 1, 2019 an amended complaint curing the deficiencies specified in the order.
- PCB 19-72** Guraya, Inc. v. IEPA (UST Appeal) – 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 Henry County facility.
- PCB 19-84** Paul Swanson v. IEPA (Water – Tax Certification) – The Board found and certified that specified facilities of Paul Swanson located in Knox County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- PCB 19-85** People of the State of Illinois v. Williamson Energy, LLC (Water – Enforcement) – The Board accepted for hearing this water enforcement action involving a site in Williamson County.
- PCB 19-86** People of the State of Illinois v. Emerald Cleaners, Inc. d/b/a CD One Price Cleaners (Air – Enforcement) – Upon receipt of a complaint, proposed stipulation and settlement agreement, and an agreed motion for relief from the hearing requirement in this air enforcement action involving a facility located in Lake County, the Board accepted the complaint for hearing and ordered publication of the required newspaper notice.



February 28, 2019 Meeting

By videoconference: IPCB Offices in Chicago and Springfield

RULEMAKINGS

R19-1 Proposed New 35 Ill. Adm. Code 204, Prevention of Significant Deterioration, Amendments To 35 Ill. Adm. Code Parts 101, 105, 203, 211, And 215 – The Board granted the People’s motion under 35 Ill. Adm. Code 101.112(b) to accept the appearance of Jason E. James in this proceeding.

ADMINISTRATIVE CITATIONS

AC 19-14 County of Jackson v. Phillip Qualls (Land) – The Board dismissed this administrative citation for lack of jurisdiction for failure to file the citation with the Board within 10 days after serving the citation on respondent.

AC 19-15 IEPA v. Shelby L. and Shannon D. Walsh (Land) – The Board found that respondents had violated Sections 21(p)(1), (p)(3), and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2016)). Because there were 3 violations of Section 21(p), the Board ordered respondents to pay a civil penalty of \$4,500.

AC 19-17 IEPA v. Harold Poignant, Jr., River Valley Pipe, LLC., and Ironhustler Excavating, Inc. (Land) – The Board found that respondents had violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2016)). Because there were 2 violations of Section 21(p), the Board ordered respondents to pay a civil penalty of \$3,000.

ADJUDICATORY CASES

PCB 15-157 Gary Polchow v. Village of Rankin (Water, Air – Enforcement, Citizens) – The Board found that complainant failed to meet his burden to prove that the Village violated Section 9(a) or 9(c) of the Act (415 ILCS 5/9(a), (c) (2016)), and dismissed this enforcement action.

PCB 19-70 Susanne M. Kirkham and Steven C. Kirkham v. Village of Poplar Grove (Water – Enforcement, Citizens) – Finding the alleged violations frivolous, the Board granted respondent’s motion to dismiss the complaint. The Board allowed complainants to file on or before March 29, 2019 an amended complaint curing the deficiencies specified in the order.

PCB 19-78 Sierra Club v. Illinois Power Generating Company, Illinois Power Resources Generating, LLC, Electric Energy, Inc., and Vistra Energy Corporation (Water – Enforcement, Citizens) – The Board found that the complaint is neither duplicative nor frivolous and accepted it for hearing. The Board granted respondents’ unopposed motion for an extension of time to April 15, 2019 file their answer to the complaint.



PCB 19-87 James C. Niebrugge Marital Share Two Trust v. IEPA (UST Appeal) – The Board accepted for hearing this underground storage tank appeal involving a site in Wayne County.

PCB 19-88 Ron Mueller, Jr. v. IEPA (Water – Tax Certification) – The Board found and certified that specified facilities of Ron Mueller, Jr. located in Ford County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).

PCB 19-89 Derek Menold v. IEPA (Water – Tax Certification) – The Board found and certified that specified facilities of Derek Menold located in Stark County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).



March 14, 2019 Meeting

By videoconference: IPCB Offices in Chicago and Springfield

RULEMAKINGS

[R19-10](#) RCRA Subtitle D Update, USEPA Regulations (July 1, 2018 through December 31, 2018) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its municipal solid waste landfill regulations during the update period of July 1, 2018 through December 31, 2018.

[R19-12](#) UST Update, USEPA Regulations (July 1, 2018 through December 31, 2018) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground storage tank regulations during the update period of July 1, 2018 through December 31, 2018.

[R19-13](#) Wastewater Pretreatment Update, USEPA Regulations (July 1, 2018 through December 31, 2018) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its wastewater pretreatment regulations during the update period of July 1, 2018 through December 31, 2018.

[R19-17](#) UIC Update, USEPA Regulations (July 1, 2018 through December 31, 2018) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground injection control regulations during the update period of July 1, 2018 through December 31, 2018.

ADJUSTED STANDARD

[AS 19-1](#) Petition of Midwest Generation, LLC for an Adjusted Standard from 35 Ill. Adm. Code 811 and 814 (Land) – The Board accepted for hearing this adjusted standard petition concerning a facility in Will County.

ADMINISTRATIVE CITATIONS

[AC 19-9](#) County of Jackson v. Bruce Reese and Bryan Bruce (Land) – The Board found that respondents had violated Sections 21(p)(1) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (7) (2016)). Because there were 2 violations of Section 21(p), the Board ordered respondents to pay a civil penalty of \$3,000.

[AC 19-16](#) IEPA v. Tyler Ferguson, Bradon Finch, Carl Lee and James Hilton (Land) – The Board granted complainant’s motion to dismiss respondents Tyler Ferguson, Carl Lee, and James Hilton. The Board also granted complainant’s motion to withdraw the citation as to the remaining respondent, Bradon Finch, and closed the docket.



ADJUDICATORY CASES

[PCB 07-30](#)

The Premcor Refining Group, Inc. v. IEPA (Air – Permit Appeal, CAAPP) –

[PCB 10-55](#)

(consol.)

The Board granted the joint motion to lift the stay of the uncontested permit conditions while continuing to stay the contested conditions. The Board also granted the parties' request to remand the permit to IEPA.

[PCB 16-24](#)

Flint Hills Resources Joliet, LLC v. IEPA (Time-Limited WQS) – Finding the requested party substitution unnecessary, the Board denied the motion for substitution of petitioner. The Board directed the Clerk to amend the caption of this proceeding as it appears in the order by indicating INEOS Joliet as the petitioner, in place of Flint Hills.

[PCB 19-52](#)

People of the State of Illinois v. Velocity Services LLC (Land – Enforcement, RCRA) – In this land enforcement action concerning a Madison 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) (2016)), accepted a stipulation and settlement agreement, and ordered respondent to pay a total civil penalty of \$5,000, and to cease and desist from further violations. The Board noted that respondent also agreed under the stipulation to perform a supplemental environmental project--providing the Wood River Illinois Emergency Response Unit with two self-contained breathing apparatus, at a total cost of no less than \$8,000.

[PCB 19-62](#)

People of the State of Illinois v. JCC Service, Inc. f/k/a Johnson Painting and Sandblasting (Land– Enforcement, RCRA) – In this land enforcement action concerning a Peoria 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) (2016)), accepted a stipulation and settlement agreement, and ordered respondent to pay a total civil penalty of \$25,000, and to cease and desist from further violations.



March 28, 2019 Meeting

By videoconference: IPCB Offices in Chicago and Springfield

RULEMAKINGS

[R14-10](#) Coal Combustion Waste (CCW) Ash Ponds and Surface Impoundments at Power Generating Facilities: Proposed New 35 Ill. Adm. Code 841 – The Board directed IEPA, as the proponent, to respond by Monday, April 29, 2019, to show cause why this docket should not be closed. The Board also welcomed other participants’ comments by the same deadline.

[R18-24](#) Amendments to 35 Ill. Adm. Code Subtitle D – The Board adopted a first-notice opinion and order in this rulemaking to amend the Board’s mine-related water pollution rules.

ADJUDICATORY CASES

[PCB 06-126](#) AmerenEnergy Resources Generating Company, Edwards Power Station v. IEPA (Air – Permit Appeal) – The Board took no action.

[PCB 12-35](#) People of the State of Illinois v. Six M. Corporation, Inc., an Illinois corporation, Thomas Maxwell, and James McIlvain as Necessary Party (Water – Enforcement) – The Board denied the People’s motion to strike respondents’ claimed affirmative defense and specified affirmative statements.

[PCB 16-28](#) Metropolitan Water Reclamation District of Greater Chicago v. IEPA (Time-Limited WQS) – The Board found that this amended petition contains the required components for a TLWQS petition and is therefore in “substantial compliance” as defined by the Board’s rules governing TLWQS proceedings. The Board directed IEPA to file its recommendation by May 13, 2019.

[PCB 19-59](#) Diana Leindl and Kevin Leindl v. Hartsburg Grain Co. (Noise, Air – Enforcement, Citizens) – The Board directed complainants to file by April 29, 2019, an amended complaint curing the deficiencies specified in the order.

[PCB 19-71](#) Celeste Tapia and Michael W. Edwards v. Miller Container Corporation (Noise – Enforcement, Citizens) – Having previously found the alleged violations frivolous, the Board dismissed the case and closed the docket for failure to file an amended complaint.

[PCB 19-90](#) People of the State of Illinois v. One Earth Energy, LLC (Water – Enforcement) – The Board directed the People to file by April 18, 2019, proof of service of the complaint.



PCB 19-91

People of the State of Illinois v. Village of Leonore (Public Water Supply – Enforcement) – Upon receiving a complaint, a stipulation and proposed settlement, and an agreed motion for relief from the hearing requirement in this land enforcement action involving a facility in LaSalle County, the Board ordered publication of the required newspaper notice.



CALENDAR

Thursday, April 25, 2019 10:00:00 AM

Board Meeting

IPCB Office

1021 N Grand Ave E - Room 1244 N (First Floor)

Springfield, Illinois

- and -

IPCB Office

James R. Thompson Center

100 W Randolph - Room 11-512

Chicago, Illinois

Thursday, May 9, 2019 10:00:00 AM

Board Meeting

IPCB Office

1021 N Grand Ave E - Room 1244 N (First Floor)

Springfield, Illinois

- and -

IPCB Office

James R. Thompson Center

100 W Randolph - Room 11-512

Chicago, Illinois

Thursday, May 9, 2019 1:00:00 PM

Hearing: Amendments to Manifesting Requirements: Special Waste Hauling 35 Ill. Adm. Code 809, R19-18

IPCB Office

1021 N Grand Ave E - Room 1244 N (First Floor)

Springfield, Illinois

- and -

IPCB Office

James R. Thompson Center

100 W Randolph - Room 11-512

Chicago, Illinois



Thursday, May 23, 2019 10:00:00 AM

Board Meeting

IPCB Office
1021 N Grand Ave E - Room 1244 N (First Floor)
Springfield, Illinois

- and -

IPCB Office
James R. Thompson Center
100 W Randolph - Room 11-512
Chicago, Illinois

Thursday, May 23, 2019 10:00:00 AM

Board Meeting

IPCB Office
1021 N Grand Ave E - Room 1244 N (First Floor)
Springfield, Illinois

- and -

IPCB Office
James R. Thompson Center
100 W Randolph - Room 11-512
Chicago, Illinois

Wednesday, June 5, 2019 10:00:00 AM

Hearing: John D. Warsaw v. Illinois Environmental Protection Agency, PCB 18-83

Justice Center Community Room
101 S. Capitol St.
Pekin, Illinois

Thursday, June 6, 2019 10:00:00 AM

Board Meeting

IPCB Office
1021 N Grand Ave E - Room 1244 N (First Floor)
Springfield, Illinois

- and -

IPCB Office
James R. Thompson Center
100 W Randolph - Room 11-512
Chicago, Illinois



Thursday, June 6, 2019 1:00:00 PM

Hearing: Amendments to Manifesting Requirements: Special Waste Hauling 35 Ill. Adm. Code 809, R19-18

IPCB Office

1021 N Grand Ave E - Room 1244 N (First Floor)

Springfield, Illinois

- and -

IPCB Office

James R. Thompson Center

100 W Randolph - Room 11-512

Chicago, Illinois

Thursday, June 20, 2019 10:00:00 AM

Board Meeting

IPCB Office

1021 N Grand Ave E - Room 1244 N (First Floor)

Springfield, Illinois

- and -

IPCB Office

James R. Thompson Center

100 W Randolph - Room 11-512

Chicago, Illinois

* The events listed above are subject to change, and more events may be added.
Here is a link to the [Board's current calendar](#)



RESTRICTED STATUS / CRITICAL REVIEW LISTS

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
 Division of Public Water Supplies
<http://www.epa.illinois.gov>



Illinois Environmental Protection Agency
 Division of Public Water Supplies
 Restricted Status List – Community Water Supplies

April 2019

SYSTEM NAME	SYSTEM ID	EPA REGION	NATURE OF PROBLEM	POPULATION SERVED	LISTING DATE
ABINGDON	IL0950050	5	TOTAL TRIHALOMETHANI MCL VIOLATION	3654	11/29/2018
ALEXANDER WATER DISTRICT	IL1370020	5	TOTAL TRISHALOMETHANES MCL VIOLATION	442	12/17/2018
ANDALUSIA (upper elevation area)	IL1610050	1	LOW SYSTEM PRESSURE	1050	10/1/2003
ANDOVER	IL0730100	1	NO BACKUP SOURCE NO EMERGENCY POWER & NO	600	3/24/2016
AQUA ILLINOIS - CRYSTAL CLEAR WATER CO.	IL1115150	2	PRESSURE TANK INADEQUATE	855	9/16/1988
AQUA ILLINOIS - NUNDA	IL1115600	2	PRESSURE TANK INADEQUATE	570	4/1/2015
AVANTARA LONG GROVE	IL0971110	2	PRESSURE TANK	200	12/1/2003
BAHL WATER CORP	IL0855200	1	NO ELEVATED OR GROUND STORAGE NO CHLORINE FEED SYSTEM; INADEQUATE	700	12/15/1993
BARBERRY ACRES MHP	IL0915145	2	PRESSURE TANK INADEQUATE	61	10/31/2018
BEVERLY HILLSDALE ESTATES, LLC	IL1615530	1	PRESSURE TANK INADEQUATE	63	3/18/1983
BILL-MAR HEIGHTS MHP	IL2015345	1	PRESSURE TANK	160	3/18/1983
BISHOP HILL	IL0730250	1	NO BACKUP SOURCE INADEQUATE	137	11/14/2017
BONNIE	IL0810150	7	ELEVATED STORAGE CAPACITY INADEQUATE	527	7/20/2018
BUFFALO HOLLOW FARMS WATER ASSOCIATION	IL1430080	5	PRESSURE TANK INADEQUATE	45	6/16/2008
CAPRON MHP	IL0075105	1	PRESSURE TANK RADIUM MCL	98	3/18/1983
CARBON CLIFF	IL1610100	1	VIOLATION	2000	1/31/2018
CENTRAL MACOUPIN RURAL WATER DISTRICT	IL1170040	5	MINIMUM CHLORINE RESIDUAL VIOLATION INADEQUATE	1825	8/29/2018
CENTURY PINES APARTMENTS	IL0150020	1	PRESSURE TANK INADEQUATE	50	12/14/1990
CHAIN-O-LAKES MHP	IL0975165	2	PRESSURE TANK	81	12/15/1989



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

April 2019

SYSTEM NAME	SYSTEM ID	EPA REGION	NATURE OF PROBLEM	POPULATION SERVED	LISTING DATE
CHESTERFIELD	IL1170200	5	MINIMUM CHLORINE RESIDUAL VIOLATION	180	8/29/2018
CHRISMAN	IL0450100	4	ARSENIC MCL VIOLATION & NITRITE	1,200	1/31/2018
CLARKS MHP	IL2015425	1	MCL VIOLATION INADEQUATE	80	12/16/1991
COLONIAL MEADOWS	IL1135100	1	PRESSURE TANK ARSENIC MCL VIOLATION & MINIMUM CHLORINE RESIDUAL VIOLATION	190	9/19/2018
COUNTRY VIEW ESTATES SUBDIVISION	IL1415220	6	MINIMUM CHLORINE RESIDUAL VIOLATION	120	12/12/2018
COYNE CENTER COOP	IL1615150	1	INADEQUATE	150	12/15/1997
CRISWELL COURT MHP	IL1975105	1	PRESSURE TANK INADEQUATE	136	12/15/1989
DATTIS MHP	IL0995225	2	PRESSURE TANK INADEQUATE	115	3/18/1983
DAYSRING BIBLE COLLEGE	IL0977189	1	PRESSURE TANK INADEQUATE	60	6/15/1988
DES PLAINES MHP	IL0317775	2	INADEQUATE SOURCE CAPACITY & INADEQUATE	580	3/16/1984
EAST END WATER ASSOCIATION	IL1610140	2	PRESSURE TANK INADEQUATE	40	3/15/2002
EAST MORELAND WATER ASSOCIATION	IL1975600	1	PRESSURE TANK	1055	9/9/2016
EDELSTEIN WATER COOPERATIVE	IL1435150	2	NO ELEVATED OR GROUND STORAGE INADEQUATE GROUND STORAGE & NO EMERGENCY POWER	125	1/1/2015
EHLERS MHP	IL0195645	5	INADEQUATE	112	12/17/1982
ELIZABETH (upper elevation area)	IL0850150	4	PRESSURE TANK	675	6/15/1999
EXETER - MERRITT WATER COOP	IL1710010	1	LOW SYSTEM PRESSURE	765	10/1/2013
FAMILY MANUFACTURED HOME COMMUNITY, LLC	IL2015125	5	INADEQUATE STORAGE CAPACITY	240	12/17/1982
FAYETTE WATER COMPANY (area served by Gateway Water Co.)**	IL0510010	1	PRESSURE TANK TOTAL TRIHALOMETHANES MCL VIOLATION	5025	12/28/2018
FOUNTAIN VALLEY MHP	IL0195945	6	ARSENIC MCL VIOLATION	375	8/2/2016
FOUR STAR CAMPGROUND	IL0990060	4	INADEQUATE	150	6/15/1999
FOX LAWN HOMEOWNERS WATER ASSOCIATION	IL0935150	1	PRESSURE TANK RADIUM MCL VIOLATION & GROSS ALPHA PARTICLE	238	8/2/2016



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

April 2019

SYSTEM NAME	SYSTEM ID	EPA REGION	NATURE OF PROBLEM ACTIVITY MCL VIOLATION	POPULATION SERVED	LISTING DATE
GRANDVIEW MHP	IL1795365	5	INADEQUATE PRESSURE TANK NO ELEVATED OR GROUND STORAGE & A RADIUM MCL VIOLATION	300	3/18/1983
GREAT OAKS AND BEACON HILLS APARTMENTS	IL2015488	1	INADEQUATE GROUND STORAGE & INADEQUATE PRESSURE TANK HALOACETIC ACIDS MCL VIOLATION AND TOC REMOVAL TT VIOLATION	1816	12/17/1982
GREEN MEADOWS ESTATES OF ROCKFORD LLC	IL2015495	1	INADEQUATE PRESSURE TANK HALOACETIC ACIDS MCL VIOLATION AND TOC REMOVAL TT VIOLATION	970	6/15/2012
GREENFIELD	IL0610150	6	INADEQUATE PRESSURE TANK	1200	12/13/2017
HAWTHORN ESTATES SUBDIVISION	IL0630030	2	INADEQUATE PRESSURE TANK	49	4/7/2017
HICKORY HILLS 2ND ADDITION*	IL0730080	1	ARSENIC MCL VIOLATION	93	1/25/2019
HIGHLAND SUBDIVISON	IL0895530	2	INADEQUATE PRESSURE TANK	50	9/16/1983
HILLCREST	IL1410250	1	INADEQUATE SOURCE CAPACITY	1400	2/13/2018
HILLSDALE PROPERTIES	IL1615728	1	INADEQUATE PRESSURE TANK	58	1/14/1982
HILLVIEW SUBDIVISION	IL1975800	2	INADEQUATE PRESSURE TANK	100	3/15/1985
HOLLY HOCK HILL MHP	IL0975245	2	INADEQUATE PRESSURE TANK	52	12/16/1983
HONEYCUTT HILL MHP LLC	IL1955225	1	INADEQUATE PRESSURE TANK	75	9/17/1982
INGALLS PARK SUBDIVISION	IL1975880	2	NO ELEVATED OR GROUND STORAGE	744	9/16/1983
LIBERTY PARK HOMEOWNERS ASSOCIATION	IL0435600	2	INADEQUATE GROUND STORAGE CAPACITY INADEQUATE SOURCE CAPACITY & NITRATE MCL VIOLATION	837	9/17/1992
LIMA	IL0010400	5	INADEQUATE PRESSURE TANK	163	5/4/2016
LINDENWOOD WATER ASSOCIATION	IL1415300	1	INADEQUATE PRESSURE TANK	50	1/13/1982
LINWAY ESTATES MHP	IL0315935	2	NO ELEVATED OR GROUND STORAGE	450	2/28/2017
LISBON NORTH, INC.	IL0631000	2	INADEQUATE PRESSURE TANK	30	9/14/1990



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

April 2019

SYSTEM NAME	SYSTEM ID	EPA REGION	NATURE OF PROBLEM	POPULATION SERVED	LISTING DATE
LYNNWOOD WATER CORPORATION	IL0995336	1	INADEQUATE PRESSURE TANK NO AUTO-START GENERATOR & INADEQUATE HIGH SERVICE PUMP CAPACITY	110	3/18/1983
MALTA	IL0370350	1	INADEQUATE PRESSURE TANK	1175	6/15/2012
MANCUSO VILLAGE PARK MHP	IL2015545	1	INADEQUATE PRESSURE TANK	500	6/18/1982
MANTENO MHP	IL0915385	2	INADEQUATE PRESSURE TANK	144	12/14/1990
MITCHELLSVILLE PWD	IL1655200	7	LOW SYSTEM PRESSURE	1989	10/1/2012
MORNINGSIDE MOBILE ESTATES MHP	IL1075145	5	NITRATE MCL VIOLATION	75	8/11/2016
MOULTRIE COUNTY RURAL WATER DISTRICT (area supplied by Mattoon)**	IL1395150	4	TOTAL TRIHALOMETHANES MCL VIOLATION	2500	12/28/2018
OAK RIDGE SD	IL2035300	1	INADEQUATE PRESSURE TANK	240	3/20/1981
OSCO MUTUAL WATER SUPPLY COMPANY, INC.	IL0735200	1	INADEQUATE PUMP CAPACITY	115	12/15/1989
PARADISE MANOR MHP	IL1617665	1	INADEQUATE PRESSURE TANK	193	2/19/1982
PARK MEADOWLAND WEST MHP	IL0075235	1	INADEQUATE PRESSURE TANK	100	3/18/1982
PAULS MHP	IL0975485	2	INADEQUATE PRESSURE TANK	38	12/16/1983
PINCKNEYVILLE	IL1450150	7	TOTAL TRIHALOMETHANES MCL VIOLATION	6362	10/18/2018
PORTS SULLIVAN LAKE OWNERS ASSOCIATION	IL0971160	2	INADEQUATE PRESSURE TANK	293	6/15/1999
PRAIRIE ROAD PUMP ASSOCIATION	IL2015100	1	INADEQUATE PRESSURE TANK INADEQUATE PRESSURE TANK & NITRATE MCL VIOLATION	150	1/1/2006
RAINBOW LANE MHP	IL2015645	1	INADEQUATE PRESSURE TANK	85	6/17/1983
ROCKLAND MHP	IL0975585	2	INADEQUATE PRESSURE TANK	165	12/16/1983
ROLLING GREEN ESTATES MHP	IL1415245	1	INADEQUATE PRESSURE TANK	191	6/14/1985
ROYAL OAKS MHP	IL1115145	2	INADEQUATE PRESSURE TANK	114	6/17/1983



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

April 2019

SYSTEM NAME	SYSTEM ID	EPA REGION	NATURE OF PROBLEM	POPULATION SERVED	LISTING DATE
SCALES MOUND	IL0850400	1	LOW SYSTEM PRESSURE (at elev. above 990 ft. MSL)	401	9/15/1997
SHANGRI-LA MHP	IL1415285	1	INADEQUATE PRESSURE TANK RADIUM & GROSS ALPHA MCL VIOLATIONS	444	9/16/1983
SHANNON	IL0150300	1	INADEQUATE PRESSURE TANK	758	8/4/2016
SHAWNITA TRC WATER ASSOCIATION	IL1977690	2	NO EMERGENCY GENERATOR	135	9/17/1992
SILVIS HEIGHTS WATER CORP	IL1615750	1	INADEQUATE PRESSURE TANK	1600	12/1/2003
SIX OAKS MHP	IL2015685	1	INADEQUATE PRESSURE TANK AND INADEQUATE CHLORINE RESIDUAL	48	6/18/1982
STEPHENSON MOBILE ESTATES**	IL1775235	1	ARSENIC MCL VIOLATION	223	6/17/1983
STEWARD	IL1030450	1	INADEQUATE PRESSURE TANK LOW SYSTEM PRESSURE (areas served by undersized water mains)	256	4/25/2018
SUBURBAN APARTMENTS (DE KALB UNIV DVL)	IL0375148	1	INADEQUATE PRESSURE TANK	1050	12/16/1992
SUMNER	IL1010300	7	INADEQUATE SOURCE CAPACITY & INADEQUATE PRESSURE TANK	1108	12/13/1985
SUNNY HILLS ESTATES SUBDIVISION	IL0735300	1	INADEQUATE PRESSURE TANK & RADIUM MCL VIOLATION	525	6/15/2000
SUNNYLAND SUBDIVISION	IL1977730	2	INADEQUATE PRESSURE TANK	300	6/12/2018
SWEDONA WATER ASSOCIATION	IL1315200	1	INADEQUATE PRESSURE TANK	157	6/15/1990
SYLVAN LAKE 1ST SUBDIVISION	IL0977100	2	INADEQUATE PRESSURE TANK & RADIUM MCL VIOLATION	210	6/14/1991
TIMBER RIDGE MOBILE ESTATES	IL1775255	1	INADEQUATE PRESSURE TANK	150	6/17/1996
TOWNERS SUBDIVISION	IL0977250	2	ARSENIC MCL VIOLATION	204	1/14/1982
TRIANGLE MHP	IL0195925	4	INADEQUATE TREATMENT CAPACITY	90	6/15/2012
UTL INC - LAKE HOLIDAY	IL0995200	1	INADEQUATE GROUND STORAGE & HIGH	6479	4/1/2015
UTL INC - LAKE WILDWOOD UTILITIES CORP	IL1235200	1		950	10/22/2015



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

April 2019

SYSTEM NAME	SYSTEM ID	EPA REGION	NATURE OF PROBLEM SERVICE PUMP CAPACITY	POPULATION SERVED	LISTING DATE
UTL INC - WALK-UP WOODS WATER COMPANY	IL1115800	2	NO ELEVATED OR GROUND STORAGE	781	12/17/1982
VALLEY VIEW SUBDIVISION (WOODFORD COUNTY)	IL2030010	1	INADEQUATE PRESSURE TANK	100	6/15/2012
VIETZEN MHP	IL0437245	2	INADEQUATE PRESSURE TANK	150	6/17/1983
WILDLIFE MHP	IL0995425	1	INADEQUATE PRESSURE TANK NO ELEVATED OR GROUND STORAGE & INADEQUATE SOURCE CAPACITY	73	9/17/1982
WILLOWAY TERRACE MHP	IL0317595	2	INADEQUATE PRESSURE TANK NO ELEVATED OR GROUND STORAGE & INADEQUATE SOURCE CAPACITY	900	6/15/1984
WOODHAVEN	IL1035100	1	RADIUM MCL VIOLATION	4100	7/26/2018



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

April 2019

SYSTEM NAME	SYSTEM ID	EPA REGION	NATURE OF PROBLEM	POPULATION SERVED	LISTING DATE
CANTON	IL0570250	5	INADEQUATE TREATMENT CAPACITY	13932	3/15/2007
CARBON HILL	IL0630100	2	INADEQUATE TREATMENT CAPACITY	392	12/14/2016
CHATHAM	IL1670300	5	INADEQUATE TREATMENT CAPACITY	14,820	8/31/2017
COAL CITY	IL0630200	2	INADEQUATE TREATMENT CAPACITY	5587	12/14/2016
E J WATER - SANGCHRIS SERVICE AREA	IL1670230	5	INADEQUATE TREATMENT CAPACITY	416	8/31/2017
HILLCREST	IL1410250	1	INADEQUATE STORAGE CAPACITY INADEQUATE SOURCE CAPACITY & INADEQUATE TREATMENT CAPACITY	1400	11/2/2017
LASALLE	IL0990300	1	INADEQUATE TREATMENT CAPACITY	9700	11/1/2004
MACOMB	IL1090350	5	INADEQUATE CLARIFIER CAPACITY	11309	12/14/2016
MASON CITY	IL1250350	5	INADEQUATE STORAGE CAPACITY	2558	1/1/2006
MOUND PWD	IL1635050	6	INADEQUATE PLANT CAPACITY	2200	6/17/1996
QUINCY	IL0010650	5	INADEQUATE CLARIFIER CAPACITY	45000	8/3/2016
SOUTH SANGAMON WATER COMMISSION	IL1670080	5	INADEQUATE TREATMENT CAPACITY	104	8/31/2017
TISKILWA	IL0111050	1	INADEQUATE STORAGE CAPACITY	830	9/20/2017
WHITE HALL	IL0610400	6	INADEQUATE STORAGE CAPACITY	2900	10/1/2012
WITT	IL1350850	5	INADEQUATE TREATMENT CAPACITY	991	3/17/2008



**Illinois Environmental Protection Agency
Division of Public Water Supplies
Restricted Status and Critical Review Lists – Community Water Supplies**

April 2019

WATER SYSTEMS REMOVED FROM PREVIOUS LIST

ATLANTA

VIENNA

***WATER SYSTEMS ADDED**

HICKORY HILLS 2ND ADDITION

****WATER SYSTEM UPDATES**

FAYETTE WATER COMPANY

MOULTRIE COUNTY RURAL WATER DISTRICT

STEPHENSON MOBILE ESTATES



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 January 2, 2018. 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.



CLASS III GROUNDWATER FINAL LISTING NOTICE



Class III Special Resource Groundwater Listing Statement

In accordance with 35 Ill. Adm. Code 620.230(b)(2), the Illinois Environmental Protection Agency (Illinois EPA) publishes a final listing of the following dedicated nature preserves (DNPs), as Class III: Special Resource Groundwater (Class III Groundwater): Barber Fen, Bennett's Terraqueous Gardens and Fon du Lac Seep, Cranberry Slough, and McMahan Woods and Fen nature preserves.

Based upon the authority of 35 Ill. Adm. Code 620.230, Class III Groundwater can be established for groundwater contributing to a DNP that has been listed by the Illinois EPA. The Illinois EPA is required to review a written request to list DNPs, and upon confirmation of the technical adequacy, publish the proposed listing of the DNP(s) in the Environmental Register for a 45-day public comment period. Within 60 days after the close of the comment period, the Illinois EPA is required to publish a final listing in the Environmental Register, or provide the requestor with a written response specifying reasons for not publishing a final listing.

The Groundwater Section of the Bureau of Water at the Illinois EPA completed the review required, per the criteria specified in subsection 620.230(b)(1), and found the petitions to be technically adequate. The proposed listings were published in Number 748 of the Illinois Environmental Register, October 16, 2018. No comments were received during the 45-day public comment period. Therefore, the Illinois EPA is publishing the following final listings of DNPs as Class III Groundwater:

Barber Fen: Exhibit 1
Bennett's Terraqueous Gardens and Fon du Lac Seep: Exhibit 2
Cranberry Slough: Exhibit 3
McMahan Woods and Fen: Exhibit 4

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

Lynn E. Dunaway, P.G.
Groundwater Section
Division of Public Water Supplies
Bureau of Water
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276
(217) 785-4787
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EXHIBIT 1

Barber Fen Nature Preserve Class III Special Resource Groundwater



Barber Fen Nature Preserve Class III Special Resource Groundwater

A) A general description of the site and the surrounding land use.

Barber Fen Nature Preserve is located approximately one half mile northwest of Wonder Lake in McHenry County. Barber Fen is an 87.34 acre tract of land owned in part by Rodney and Libbie Aavang and in part by the McHenry County Conservation District. The DNP is an elongated tract on the north and south sides of Nippersink Creek, located in Section 11, Township 45 North, Range 7 East, McHenry County. The groundwater contribution area (GCA) includes parts of Sections 2, 11, 12, 14, 15, 22 and 23 Township 45 North, Range 7 East, and Section 35, Township 46 North, Range 7 East, McHenry County. The total GCA, for which Class III is proposed, which includes the nature preserve and GCA outside the nature preserve, is 2.3 square miles (1,459.4 acres) composed of two generally wedge-shaped areas, one north and one south of the DNP. Land use in the proposed Class III Area is composed of approximately 60 percent agricultural land, 12 percent forested land, 1 percent wetland and approximately 27 percent residential/urbanized land.

B) A topographic map or other map of suitable scale denoting the location of the dedicated nature preserve.

See Exhibit 1, Attachment 1.

C) A general description of the existing groundwater quality at and surrounding the dedicated nature preserve.

The Illinois Natural Areas Inventory has determined that the presence of the graminoid fen community indicates that the groundwater system retains important geochemical characteristics that support the community. Groundwater monitoring at the fen reported pH ranging from 7.4 to 8.4 standard units, which is mildly alkaline. Mildly alkaline water is typical of calcareous fens. Groundwater samples collected from wells north of the DNP contained concentrations of nitrate from 1.86 to 7.94 milligrams per liter (mg/L) and chloride concentrations from 8.13 to 123.90 mg/L. Elevated concentrations of nutrients can favor invasive species, over natural fen species which developed to thrive in low nutrient environments. Increased chloride can also favor generalist species that are more tolerant of chloride and less dependent on a bicarbonate type water.

D) A general geologic profile of the dedicated nature preserve, based on most reasonably available information, including but not limited to geologic maps and subsurface groundwater flow directions.



The geology of Barber Fen and its groundwater contribution area is derived primarily from clay rich glacial tills and glacial outwash sands and gravels. The fen occurs on both sides of Nippersink Creek, where the creek cut through the Cary Moraine. The moraine, is formed primarily of till, but above the till is approximately 30 feet of sand and gravel. This sand and gravel form the primary conduit for percolating groundwater to move from the slopes of the moraine towards the creek and eventually discharge into the fen. On the slopes of the moraine above the fen, the sand and gravel has only a thin covering of clay and soil usually about five feet thick. Within the fen itself, above the sand and gravel are alluvial deposits and in some areas, peat formed by the buildup of plant matter from the wetland.

E) A description of the interrelationship between groundwater and the nature of the site.

Plant communities at this site include graminoid fen, sedge meadow, mesic forest, wet-mesic flood plain forest, low gradient stream and pond, which depend on the specialized hydrogeologic conditions for their continued survival. The fen is home to one endangered and one threatened plant species and two endangered and one threatened animal species. In addition to the geochemical conditions that support the specialized wetland plants and animals, the influx of cool groundwater creates microclimates which allow certain species, typically found further north, to survive within Barber fen.



BARBER FEN NATURE PRESERVE CLASS III GROUNDWATER AREA

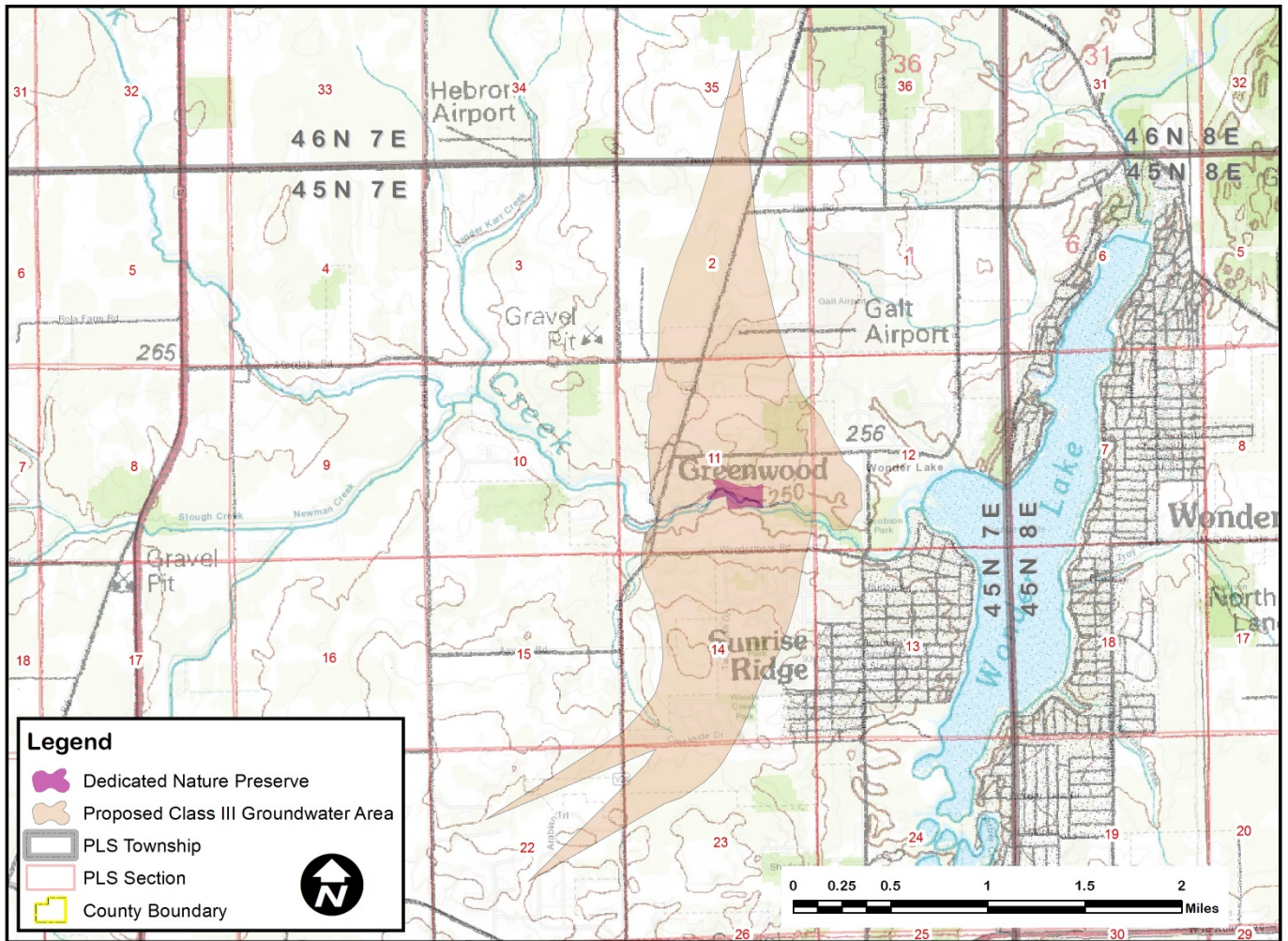


EXHIBIT 2

Bennett's Terraqueous Gardens and Fon du Lac
Seep Nature Preserves
Class III Special Resource Groundwater



Bennett's Terraqueous Gardens and Fon du Lac Seep Nature Preserves
Class III Special Resource Groundwater

A) A general description of the site and the surrounding land use.

Bennett's Terraqueous Gardens and Fon du Lac Seep are both located in the west half of Section 23, Township 26 North, Range 4 West, Tazewell County, and are owned and managed by the Fon du Lac Park District. While Terraqueous Gardens and Fon du Lac Seep were dedicated separately as nature preserves, their boundary is within 50 feet, and both DNPs are within the same Illinois Natural Areas Inventory. Given this close proximity, natural variability in groundwater flow direction makes considering a single Class III area for both DNPs a reasonable action. The groundwater contribution area (GCA) includes parts of Sections 23, 24, 25 and 26 Township 26 North, Range 4 West, Tazewell County. The total GCA, for which Class III is proposed, which includes the nature preserves and GCA outside the nature preserves, is 0.47 square miles (302.3 acres) composed of rectangular shaped area extending southeast of the nature preserves. Land use in the proposed Class III Area is composed of a trace of agricultural land, approximately 53 percent forested land, 9 percent wetland and 38 percent residential/urbanized land.

B) A topographic map or other map of suitable scale denoting the location of the dedicated nature preserve.

See Exhibit 2, Attachment 1.

C) A general description of the existing groundwater quality at and surrounding the dedicated nature preserve.

The geochemical conditions associated with fens and seeps typically result in circumneutral to mildly basic pH values. Samples of water from Bennett's Terraqueous Gardens had pH ranging from 8.3 to 8.7 standard units. Mildly alkaline water is typical of calcareous fens. The diverse nature of the plant community found within the DNPs indicates that the groundwater retains geochemical and temperature characteristics critical to seep and fen environments.

D) A general geologic profile of the dedicated nature preserve, based on most reasonably available information, including but not limited to geologic maps and subsurface groundwater flow directions.

Some areas within the DNPs are covered by a layer of peat, derived from the vegetation which grows in the wetlands. Immediately below the peat where it exists, and immediately



below the top soil where there is no peat is up to 10 feet of modern alluvium composed mostly of clay and silt and some sand or the Equality Formation, which may extend as much as 50 feet below the ground surface. The Equality Formation is primarily fine grained glacial lake deposits, but also contains sand layers which were deposited during episodes of flow. The sands contained within the modern alluvium and the Equality Formation transmit the groundwater responsible for the seeps and wetlands. Below the alluvium and lake sediments is up to 100 feet of Glasford Formation. The Glasford is primarily clay till, but may contain zones of outwash sands. The Glasford inhibits the subsurface groundwater flow from the sands causing the groundwater to come to the surface forming a wetland. The upland areas upgradient of the DNPs is composed of Glasford sediments with a mantle of Peoria Loess on top of it. The Peoria Loess near the Illinois River valley is generally silty to sandy, forming the groundwater recharge area for the DNPs.

E) A description of the interrelationship between groundwater and the nature of the site.

Groundwater discharge creates the seeps inhabited by the rare plant species in the DNPs. The diversity of plants in the DNPs is comparable to pre-settle conditions. Hydrology is the most important factor in the establishment and persistence of wetland ecosystems. Therefore, any alteration of the hydrology, groundwater temperature, pH or geochemistry could have detrimental effects on the continued vitality of these DNPs. The unique hydrology and plant communities are what led to Bennett's Terraqueous Gardens and Fon du Lac Seep being dedicated as nature preserves. Therefore, a consistent supply of high quality groundwater is essential to maintaining the important features of these DNPs.



EXHIBIT 2

ATTACHMENT 1



BENNETT'S TERRAQUEOUS GARDENS AND FON DU LAC SEEP NATURE PRESERVE CLASS III GROUNDWATER AREA

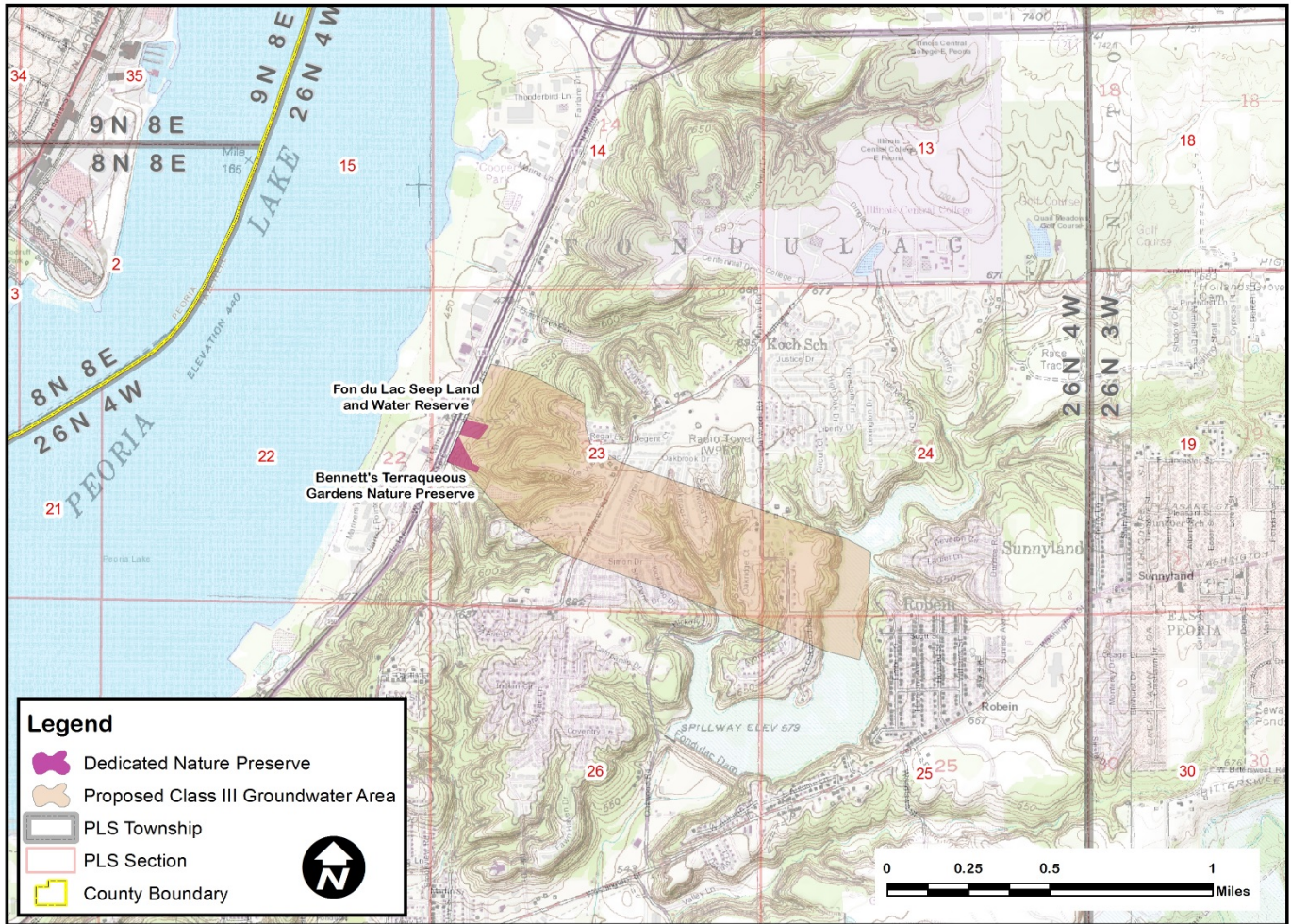


EXHIBIT 3

Cranberry Slough Nature Preserve Class III Special Resource Groundwater



Cranberry Slough Nature Preserve Class III Special Resource Groundwater

A) A general description of the site and the surrounding land use.

Cranberry Slough Nature Preserve is located west of Palos Hills in the Forest Preserve District of Cook County. Cranberry Slough is a 372 acre tract of land within the Palos and Sag Valley Divisions of the Forest Preserve District of Cook County, located in the east half of Section 9 and west half of Section 10, Township 37 North, Range 12 East, Cook County. The groundwater contribution area (GCA) includes parts of Sections 3, 4, 5, 8, 9 and 10 Township 37 North, Range 12 East, Cook County. The total GCA for which Class III is proposed, which includes the nature preserve and GCA outside the nature preserve, is 2.08 square miles (1,330.2 acres) composed of an irregularly shaped area extending primarily northeast and northwest of the nature preserve. Land use in the proposed Class III Area is composed of approximately 10 percent agricultural land, 61 percent forested land, 12 percent wetland and 17 percent residential/urbanized land.

B) A topographic map or other map of suitable scale denoting the location of the dedicated nature preserve.

See Exhibit 3, Attachment 1.

C) A general description of the existing groundwater quality at and surrounding the dedicated nature preserve.

The diverse nature of the plant community found within the DNP indicates that the groundwater retains important geochemical and temperature characteristics. Monitoring has been conducted from three separate water bodies within the DNP, all of which receive a variable groundwater contribution. The following values were collected in July during the early afternoon hours: Temperature as degrees Fahrenheit 70.2, 83.5 and 72.0; pH in standard units 7.7, 8.4 and 7.9; Specific Conductivity in micro-siemens per cubic centimeter 510, 190 and 790; and Oxidation Reduction Potential in millivolts -133, -31 and 64, from West Stream, West Kettle Pond and Wetland along 95th Street near Route 45, respectively.

D) A general geologic profile of the dedicated nature preserve, based on most reasonably available information, including but not limited to geologic maps and subsurface groundwater flow directions.

The geologic materials in the DNP and the groundwater contribution area are composed primarily of clay rich glacial tills that are approximately 100 feet thick. However, the upper portion of the clay tills are interbedded with layers of glacial outwash sand and gravel.



These sands and gravels are the source of the groundwater which create the marshes and wetlands within the DNP. The thick clay till below the sand and gravel impede further infiltration of precipitation, leading to groundwater discharge and wetland formation in topographically lower areas.

E) A description of the interrelationship between groundwater and the nature of the site.

Communities at this site include wet meadow, marsh, bog and ephemeral wetlands, which depend on the specialized hydrogeologic conditions for their continued survival. The shallow sand and gravel provide a permeable medium through which abundant groundwater can migrate to the surface as its downward infiltration is impeded by thick low permeability clays. The slough is home to one endangered plant species, but also supports a wide variety of specialized wetland animals, microbes and plants, 80 percent of which are native species of bog and marsh ecosystems, all of which rely on a consistent supply of high quality groundwater to maintain the important features of this DNP.



EXHIBIT 3

ATTACHMENT 1



CRANBERRY SLOUGH NATURE PRESERVE CLASS III GROUNDWATER AREA

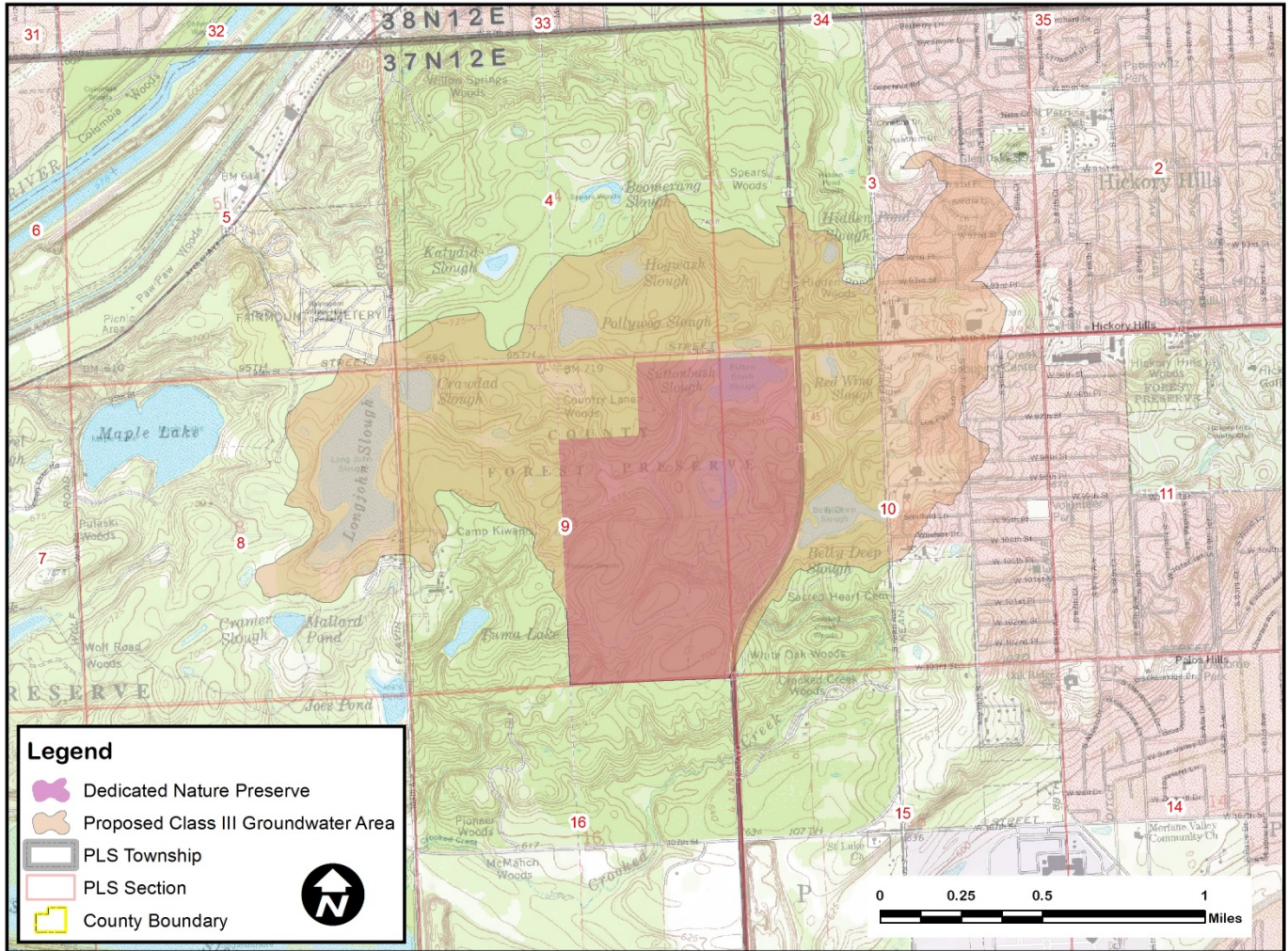


EXHIBIT 4

McMahon Woods and Fen Nature Preserve Class III Special Resource Groundwater



McMahon Woods and Fen Nature Preserve Class III Special Resource Groundwater

A) A general description of the site and the surrounding land use.

McMahon Woods and Fen Nature Preserve is located west of Palos Hills in the Forest Preserve District of Cook County. McMahon Woods and Fen is a 657.8 acre tract of land within the Palos and Sag Valley Divisions of the Forest Preserve District of Cook County, located in Section 16 and the north part of Section 21, Township 37 North, Range 12 East, Cook County. The groundwater contribution area (GCA) includes parts of Sections 8, 9, 10, 15, 16, 17 and 21, Township 37 North, Range 12 East, Cook County. The total GCA for which Class III is proposed, which includes the nature preserve and GCA outside the nature preserve, is 1.8 square miles (1,151 acres) composed of a wedge-shaped area extending predominantly northeast of the nature preserve. Land use in the proposed Class III Area is composed of approximately 15 percent agricultural land, 75 percent forested land, 7 percent wetland and approximately 3 percent residential/urbanized land.

B) A topographic map or other map of suitable scale denoting the location of the dedicated nature preserve.

See Exhibit 4, Attachment 1.

C) A general description of the existing groundwater quality at and surrounding the dedicated nature preserve.

Monitoring has detected elevated chloride concentrations in Crooked Creek, which flows through the DNP. Further, 104th Avenue appears to contribute some chloride in the western portion of the DNP. However, the presence of the graminoid fen, wet meadow and seep ecosystems and the rare communities they support at this DNP indicate that the groundwater system retains important flow and geochemical characteristics the natural inhabitants rely upon. Increased chloride can favor generalist species that are more tolerant of chloride and less dependent on a bicarbonate type water. Therefore, maintaining a high-quality groundwater resource is key to offsetting the surface water inputs that may damage the ecosystems in the DNP.

D) A general geologic profile of the dedicated nature preserve, based on most reasonably available information, including but not limited to geologic maps and subsurface groundwater flow directions.

The geology of McMahon Woods and Fen varies considerably from north to south. The northern part of the DNP is dominated by a ridge of thick clay tills, with some interbedded



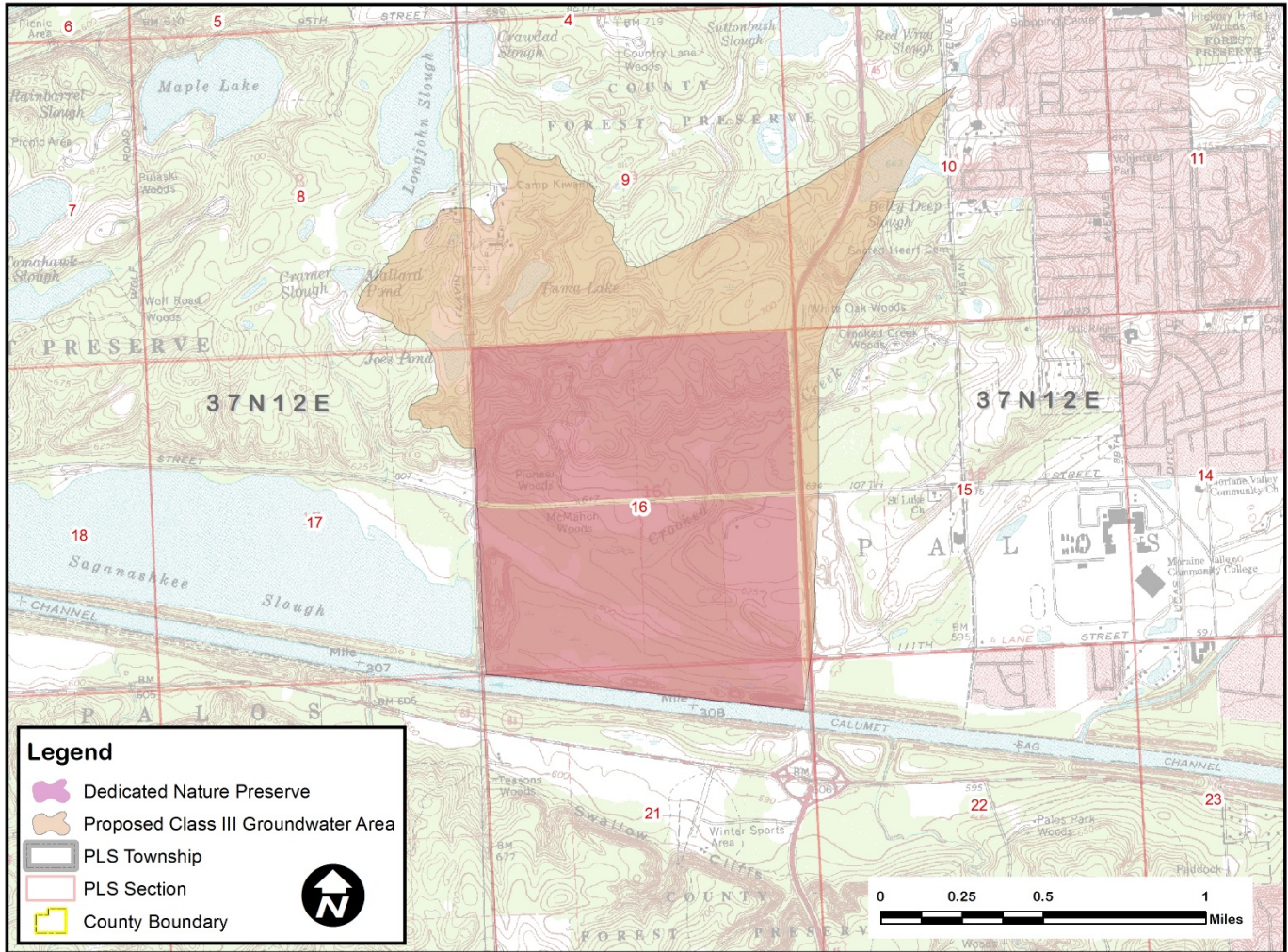
glacial outwash sand and gravel. The northern portion of the DNP is approximately 100 feet higher than the southern edge of the DNP. With a southward progression down the slope, there is an increasing thickness of outwash sand and gravel with a reduced proportion of interbedded clay. At the southern end of the DNP, along the Calumet-Saganashkee Channel, thin clay or sand and gravel deposits overlie Silurian age dolomite.

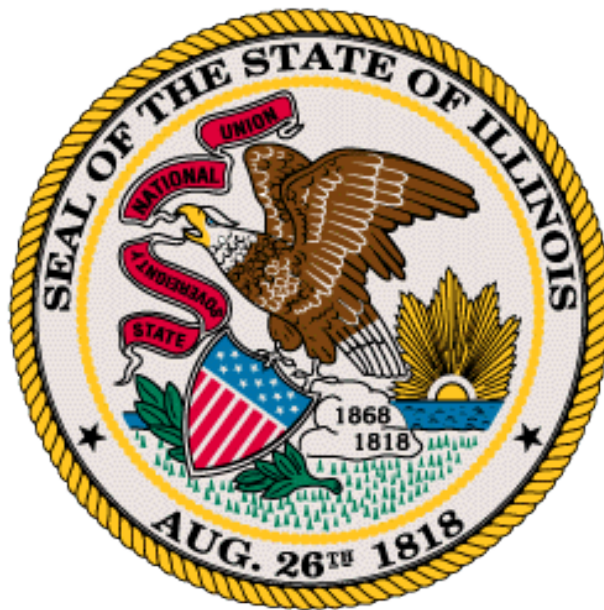
E) A description of the interrelationship between groundwater and the nature of the site.

Groundwater within the DNP is derived from two sources. The glacial outwash sands and gravels contribute groundwater to wetlands that occur along the slopes of the upland areas. However in the low lying areas in the southern part of the DNP, outwash sand and gravel in addition to Silurian age dolomite contribute groundwater to the wetlands. Plant communities at this site include graminoid fen, sedge meadow, mesic forest, wet-mesic flood plain forest, low gradient stream and pond, which depend on the mildly basic groundwater and specialized hydrogeologic conditions for their continued survival. The DNP is home to two endangered and two threatened plant species and one endangered animal species. In addition to the geochemical conditions that support the specialized wetland plants and animals, the influx of cool groundwater creates microclimates which allow certain species to survive within McMahon Woods and Fen. Therefore, a consistent supply of high quality groundwater is essential to maintaining the important features of these DNPs.



MCMAHON WOODS AND FEN NATURE PRESERVE CLASS III GROUNDWATER AREA





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