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# Environmental Register

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

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Claire A. Manning, Chairman

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## Letter from the Chairman

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The 2001 Illinois Environmental Conference sponsored by the Illinois State Bar Association in Chicago was a huge success. Diana Jagiella, Board Member Elena Kezelis, Richard Saines, Kendra Pohn, D.K. Hirner and many others are to be commended for their hard work. The Conference was a comprehensive forum for sharing and gathering information about environmental laws and regulations.



United States Environmental Protection Agency Region V Administrator, Tom Skinner, gave a marvelous presentation on the Bush administration's perspectives on environmental programs. I am sure anyone who attended Mr. Skinner's session left with a better understanding of the administration's vision for future environmental regulation. On the State level, Senator William Mahar and Representative Brent Hassert did a great job discussing the issues surrounding P.A. 92-12/92-13, commonly known as the coal bill.

Elena Kezelis and Katherine Hodge of Hodge, Dwyer & Zeman were able to give seminar participants insight about practicing before the Illinois Pollution Control Board, both from the perspective of the Board and from an experienced practitioner. Practicing before the Board has changed since new procedural rules went into effect at the beginning of the year, and this seminar provided crucial information for those who appear before the Board on a regular basis and those who may appear before the Board in the future.

The Conference could not have been a success without the support of the United States Environmental Protection Agency, Illinois Environmental Protection Agency, Office of the Illinois Attorney General, Illinois Emergency Management Agency, Illinois Department of Natural Resources, and the City of Chicago Department of Environment. The Illinois Environmental Regulatory Group, Air & Waste Management Association, Illinois Institute of Technology-Chicago Kent College of Law, and the Lake Michigan Federation were also instrumental in organizing this diverse exchange about environmental law and regulation.

Based on the success of this year's Conference, another one is being planned for next year. I look forward to seeing you then.

Sincerely,

A handwritten signature in cursive script that reads "Claire A. Manning". The signature is written in dark ink on a light background.

Claire A. Manning, Chairman

## Inside This Issue:

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FEDERAL UPDATE	P. 1
RULE UPDATE	P. 3
APPELLATE UPDATE	P. 5
BOARD ACTIONS	P. 8
NEW CASES	P. 13
BOARD CALENDAR	P. 15
IEPA RESTRICTED STATUS LIST	P. 18
IEPA CRITICAL REVIEW LIST	P. 24

## Federal Update

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### **United States Environmental Protection Agency Proposes Minor Revisions to Public Notification Rule and Consumer Confidence Report Rule Under the National Primary Drinking Water Regulations Implementing the Safe Drinking Water Act**

On September 7, 2001, USEPA proposed minor revisions to the public notification and consumer confidence report rules under the National Primary Drinking Water regulations. 66 Fed. Reg. 46927.

The proposed revisions make specific changes to the health effects language for di(2-ethylhexyl) adipate (DEHA) and di(2-ethylhexyl) phthalate (DEHP) in the Public Notification (PN) Rule (65 Fed. Reg. 26020 (May 4, 2000)) and the Consumer Confidence Report (CCR) Rule (63 Fed. Reg. 44511 (August 19, 1998)). USEPA is also clarifying the proper use of the Integrated Risk Information System database. In addition, the proposed rules correct mistakes in Appendix A of the CCR Rule. These minor changes to Appendix A address errors in the list of major sources in drinking water for copper, the placement of regulatory and health effects information for the disinfection byproducts (*i.e.*, bromate, chloramines, chlorite, chlorine, and chlorine dioxide), and reference to chloride dioxide instead of chlorine dioxide. USEPA is not reopening its consideration of the health effects statements in the PN and CCR Rules for contaminants other than DEHA and DEHP.

Public comments on the proposed rule must be received by October 9, 2001. For further information contact Kathleen Williams at 202/260-2589; e-mail address: [williams.kathleena@epa.gov](mailto:williams.kathleena@epa.gov).

The Board will include any necessary amendments to its drinking water rules in an upcoming identical in substance rulemaking pursuant to Sections 7.2 and 13.3 or 17.5 of the Environmental Protection Act (415 ILCS 5/7.2, 13.3, 17.5 (2000)).

### **United States Environmental Protection Agency Adopts National Priorities List for Uncontrolled Hazardous Waste Sites Under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 in Final Rule**

On September 13, 2001, USEPA in a final rule adopted national priorities list for uncontrolled hazardous waste sites under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 U.S.C. §§ 9601 *et seq.* (2000)), as amended. 66 Fed. Reg. 47583.

The final rule requires that the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States. The National Priorities List (NPL) constitutes this list. The NPL is intended primarily to guide USEPA in determining which sites warrant further investigation. These further investigations will allow USEPA to assess the nature and extent of public health and environmental risks associated with the site and to determine what CERCLA-financed remedial action(s), if any, may be appropriate. This rule adds 11 new sites to the General Superfund Section of the NPL.

## Environmental Register – September 2001

The effective date for this amendment to the NCP is October 15, 2001. For further information contact Yolanda Singer at 703/603-8835; or the Superfund Hotline at 800/424-9346 or 703/412-9810.

### **United States Environmental Protection Agency Proposes National Priorities List for Uncontrolled Hazardous Waste Sites Under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980**

On September 13, 2001, USEPA proposed a national priorities list for uncontrolled hazardous waste sites. 66 Fed. Reg. 47612. The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C. §§ 9601 *et seq.* (2000)), requires that the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) include a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States.

The National Priorities List (NPL) constitutes this list. The NPL is intended primarily to guide USEPA in determining which sites warrant further investigation. These further investigations will allow USEPA to assess the nature and extent of public health and environmental risks associated with the site and to determine what CERCLA-financed remedial action(s), if any, may be appropriate. The proposed rule would add 17 new sites to the NPL: 16 sites to the General Superfund Section of the NPL and one site to the Federal Facilities Section.

Public comments must be received by November 13, 2001. For further information contact Yolanda Singer at 703/603-8835; or the Superfund Hotline at 800/424-9346 or 703/412-9810.

### **United States Environmental Protection Agency Proposes National Emission Standards for Hazardous Air Pollutants to Regulate Hydrochloric Acid Production Under the Clean Air Act**

On September 18, 2001, USEPA proposed national emission standards for hazardous air pollutants (NESHAP) for hydrochloric acid (HCl) production facilities, including HCl production at fume silica facilities. 66 Fed. Reg. 48173.

USEPA has identified these facilities as major sources of hazardous air pollutants (HAP) emissions, primarily HCl, which is associated with a variety of adverse health effects. These adverse health effects include chronic health disorders (for example, effects on the central nervous system, blood, and heart) and acute health disorders (for example, irritation of eyes, throat, and mucous membranes and damage to the liver and kidneys). The proposed NESHAP would implement Section 112(d) of the Clean Air Act (CAA) (42 U.S.C. §§ 7401 *et seq.* (2000)), by requiring all HCl production facilities that are major sources to meet HAP emission standards reflecting the application of the maximum achievable control technology.

USEPA estimates that these proposed NESHAP would reduce nationwide emissions of HAP from HCl production by approximately 1,620 Megagrams per year (Mg/yr) (1,790 tons per year (tpy)). The emissions reductions achieved by these proposed NESHAP, when combined with the emissions reductions achieved by other similar standards, would provide protection to the public and achieve a primary goal of the CAA.

Public comments must be received by November 19, 2001. If anyone contacts USEPA requesting a public hearing by October 9, 2001, a public hearing will be held on October 18, 2001. For further information contact Bill Maxwell at 919/541-5430; e-mail address [maxwell.bill@epa.gov](mailto:maxwell.bill@epa.gov).

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

### **United States Environmental Protection Agency Proposes Guidelines Establishing Test Procedures for Analysis of Pollutants and Whole Effluent Toxicity Test Methods Under the Clean Water Act**

On September 28, 2001, USEPA proposed guidelines establishing test procedures for the analysis of pollutants; whole effluent toxicity test methods. 66 Fed. Reg. 49793. USEPA proposes to ratify its approval of several analytic test procedures measuring “whole effluent toxicity,” which USEPA standardized in an earlier rulemaking.

## Environmental Register – September 2001

This proposal would also modify some of those test procedures. USEPA is proposing to satisfy obligations in a settlement agreement designed to resolve litigation over that earlier rulemaking. The proposed changes are intended to improve the performance of whole effluent toxicity tests, and thus increase confidence in the reliability of the results obtained using the test procedures.

Public comments must be received by November 27, 2001. For further information contact Marion Kelly at 202/260- 7117. For technical information contact Teresa J. Norberg-King at 218/529-5163.

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

## Rule Update

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

On September 6, 2001, the Board adopted for first notice publication in the *Illinois Register* proposed cleanup standards for methyl tertiary-butyl ether (MTBE) in Proposed Amendments to Tiered Approach to Corrective Action Objectives (TACO) (MTBE): 35 Ill. Adm. Code 742, R00-19(C). This docket was opened by the Board on June 7, 2001, for the purpose of addressing the MTBE cleanup standards that were originally contained in the May 15, 2000 proposal by the Illinois Environmental Protection Agency (Agency) to amend 35 Ill. Adm. Code 742 of the Board's land regulations. The rules in Part 742 are commonly referred to as the Tiered Approach to Corrective Action Objectives (TACO) rules.

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

The cleanup standards for MTBE were originally proposed at first-notice as part of the Board's first notice opinion and order in R00-19(B). See Proposed Amendments to Tiered Approach to Corrective Action Objectives (TACO): 35 Ill. Adm. Code 742, R00-19(B) (July 27, 2000). By creating a separate Subdocket C for the MTBE amendments, the Board intended to coordinate this rulemaking with another pending Agency proposal that would add groundwater quality standards for MTBE. See generally Proposed MTBE Groundwater Quality Standards Amendments: 35 Ill. Adm. Code 620, R01-14.

The proposed amendments will be published in the *Illinois Register*, whereupon a 45-day public comment period will begin. During the public comment period, any interested persons may file public comments with the Board pertaining to this proposal.

While public hearings have not been held in this Subdocket, three public hearings were held in Subdockets A and B. At the time of the public hearings, the proposed MTBE cleanup standards were part of Subdocket B. The first and third hearings were held in Chicago on August 25 and September 21, 2000. The second hearing was held in Springfield on September 11, 2000.

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

### **Board Adopts First Notice Proposal in Proposed MTBE and Compliance Determination Amendments to**

## Environmental Register – September 2001

### **Groundwater Quality Standards: 35 Ill. Adm. Code 620, R01-14**

On September 6, 2001, the Board adopted proposed rules for first notice publication in the *Illinois Register* in Proposed MTBE and Compliance Determination Amendments to Groundwater Quality Standards: 35 Ill. Adm. Code 620, R01-14. The Board's first notice proposal is based on the September 1, 2000 proposal by the Illinois Environmental Protection Agency (Agency) to amend the Board's public water supply regulations at 35 Ill. Adm. Code 620.

The proposed regulations would amend the Board's Part 620 groundwater quality regulations to include methyl tertiary butyl-ether (MTBE). Specifically, the proposed regulations include a preventative response level in addition to Class I and Class II groundwater standards for MTBE. The proposed regulations would also clarify sampling procedures for certain existing drinking water supply wells. The proposed MTBE groundwater standards will serve as a basis for amendments to other proposed regulations currently pending before the Board. *See generally* Proposed Amendments to Tiered Approach to Correction Action Objectives (TACO): 35 Ill. Adm. Code 742, R00-19(C).

Two public hearings have been held. The first hearing was held on March 1, 2001, in Springfield. The second hearing was held on April 5, 2001, in Chicago. The Board received two public comments in this proceeding. The Board will accept written public comment on these proposed rules for at least 45 days after publication of the proposal in the *Illinois Register*.

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

### **Board Adopts Second Notice Proposal in Amendments to Livestock Waste Regulations (35 Ill. Adm. Code 506), R01-28**

On September 6, 2001, in Amendments to Livestock Waste Regulations (35 Ill. Adm. Code 506), R01-28, the Board adopted rules for second notice review by the Joint Committee on Administrative Rules (JCAR). On January 22, 2001, the Illinois Department of Agriculture (Department) filed a proposal to amend the Board's livestock waste regulations at 35 Ill. Adm. Code 506 (Part 506).

In summary, the Part 506 amendments proposed for second notice are a modified version of the proposal. They accomplish two objectives. First, the rules establish or enhance design and construction standards for livestock waste handling facilities. Second, the proposed amendments repeal administrative provisions now superceded by 8 Ill. Adm. Code 900.

The Board originally adopted the Part 506 rules on May 15, 1997 in Livestock Waste Regulations: 35 Ill. Adm. Code 506, R97-15(A). Part 506 contains standards to construct livestock waste lagoons, develop waste management plans, certify livestock managers, and implement setback distances. The Department's proposal was necessitated by recent amendments to the Livestock Management Facilities Act (LMFA) (510 ILCS 77/1 *et seq.* (2000)).

On May 21, 1996, Public Act 89-456 created the LMFA (510 ILCS 77/1 *et seq.* (2000)) to establish requirements for siting, constructing, and operating livestock management and waste handling facilities. The LMFA requires the Department to propose rules to the Board based on recommendations from a Livestock Management Facility Advisory Committee (510 ILCS 77/55 (2000)). On November 21, 1996, the Department submitted proposed rules to the Board, which the Board adopted on May 15, 1997. *See* Livestock Waste Regulations, 35 Ill. Adm. Code 506, R97-15(A) (May 15, 1997). The 1997 Part 506 rules included standards for constructing livestock waste lagoons, developing waste management plans, certifying livestock managers, and implementing setback distances. The Board promulgated rules for lagoon financial surety in a separate rulemaking. *See* Livestock Waste Regulations, 35 Ill. Adm. Code 506, R97-15(B) (Nov. 12, 1998).

The legislature has amended LMFA twice since the Board adopted the Part 506 rules in 1997 (*see* P.A. 90-565, eff. Jan. 2, 1998; P.A. 91-110, eff. July 13, 1999). The legislative amendments require the Department to promulgate rules governing all sections of LMFA other than design and construction standards for livestock waste handling facilities (510 ILCS 77/55 (2000)). Accordingly, the Department adopted rules at 8 Ill. Adm. Code 900 on January

## Environmental Register – September 2001

1, 2001. The amendments also require the Board, pursuant to a proposal filed by the Department, to promulgate standards for designing and constructing livestock waste handling facilities (510 ILCS 77/55 (2000)).

To expedite this rulemaking, the Board adopted the Department's proposal for first notice on February 15, 2001, without commenting on the merits of the proposal. The proposal was published for first notice in the *Illinois Register* on March 2, 2001 (25 Ill. Reg. 3121).

During the first-notice period, the Board held two public hearings on the Department's proposal (April 2 and April 30, 2001) before Board Hearing Officer Carol Sudman. The Board also received numerous public comments in this proceeding. JCAR is scheduled to consider these proposed rules at its October 23, 2001 meeting.

For additional information contact Carol Sudman at 217/524-8509; e-mail address: sudmanc@ipcb.state.il.us

### **Board Dismisses Provisional Variances from Water Temperature Standards: Proposed New 35 Ill. Adm. Code 301.109, R01-31**

On September 6, 2001, the Board granted the August 23, 2001 motion of the Illinois Environmental Protection Agency (Agency) to withdraw its regulatory proposal to establish new rules in Provisional Variances From Water Temperature Standards: Proposed New 35 Ill. Adm. Code 301.109, R01-31.

On April 19, 2001, the Board accepted for hearing the Agency's April 13, 2001 proposal to amend the Board's water pollution regulations to add new rules outlining the matters to be considered by the Board in dealing with requests for provisional variances from thermal discharge standards in any permit, Board order or rule. *See* 35 Ill. Adm. Code 302.211, 303.101 *et seq.*

On June 7, 2001, the first of two scheduled hearings was held in this matter. On August 20, 2001, the Agency filed, and the hearing officer granted, a motion to cancel the second hearing scheduled for August 23, 2001.

The Agency's August 23, 2001 motion to withdraw the rulemaking stated that the proposal to address thermal provisional variances did not constitute a substantive addition or limitation to existing statutory authority, but was entirely procedural in nature. According to the Agency, "one beneficial result of these proceedings has been to familiarize the regulated community with the Agency's expectations for thermal provisional variance applications." The Agency also indicated that the "regulated community has demonstrated . . . agreement and acceptance of both Agency intent and authority" regarding the criteria and necessary supporting information for an approvable provisional variance application involving thermal discharges. The Agency therefore concluded, "the adoption of the Agency proposal in R01-31 is not necessary at this time for the [Agency] or the Board to carry out their statutory roles in the provisional variance process."

No responses were filed by any hearing participants.

For additional information contact Andrew Boron at 312/814-6062; e-mail address: borona@ipcb.state.il.us

## **Appellate Update**

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### **First District Appellate Court Affirms in Part and Reverses in Part the Board's Order in *James W. Martin and Eva D. Martin, individually and d/b/a Martin's of Matteson v. Pollution Control Board and Matteson WHP Partnership*, No. 1-00-2513 (1st Dist. June 29, 2001)**

On June 29, 2001, the First District Appellate Court affirmed in part and reversed in part the Board's order in a citizen enforcement action in *Matteson WHP Partnership v. James W. Martin and Eva D. Martin, individually and d/b/a Martin's of Matteson*, PCB 97-121 (June 22, 2000). In an unpublished order issued under Illinois Supreme Court Rule 23 (155 Ill. 2d R. 23) in the case, *James W. Martin and Eva D. Martin, individually and d/b/a Martin's of Matteson v. Pollution Control Board and Matteson WHP Partnership*, No. 1-00-2513 (1st Dist. June 29, 2001),

## Environmental Register – September 2001

the court affirmed that portion of the Board's order finding a violation of Section 21(e) of the Environmental Protection Act (Act) (415 ILCS 5/21(e) (2000)) and requiring a soil clean-up. However, the court reversed that portion requiring a groundwater remedy, which the court did not find warranted, given its agreement with the Board's finding that there was no violation of Section 12(a) of the Act.

Respondents James and Eva Martin ran a dry cleaning business at a shopping center in Matteson, Illinois, from 1981 to 1997. The Martins leased space at the shopping center. Complainant Matteson WHP Partnership, the operating entity of the shopping center, filed an enforcement action with the Board against the Martins. The Board found that the Martins, through their dry cleaning business, violated Section 21(e) of the Act by improperly disposing of perchloroethylene at the site of their business. Perchloroethylene or "perc" is a solvent commonly used in dry cleaning businesses. The Board did not find a violation, however, of Section 12(a) of the Act for two reasons. First, the complainant did not properly develop its monitoring wells at the site, so the groundwater contaminant data it gathered was unreliable. Second, the complainant alleged that the Martins "caused or allowed" a violation of groundwater quality standards, but failed to allege that they "threatened" a groundwater violation.

The Board found that, as a result of the Martins' improper disposal in violation of Section 21(e), the site's soil was contaminated with perc and there was a continuing threat of perc contamination to the site's groundwater. The Board therefore ordered the Martins to clean up the contaminated soil around the site and to investigate for groundwater contamination and, if found, to clean up the groundwater. The Board required the Martins to perform this work under the Tiered Approach to Corrective Action Objectives (TACO) (35 Ill. Adm. Code 742).

The First District affirmed the Board's finding of violation as not contrary to the manifest weight of the evidence. The court held that the Board properly relied solely on circumstantial evidence of improper disposal and did not need direct evidence, such as an eyewitness to the disposal, to find a violation. The court also affirmed the Board's order for a TACO soil cleanup. The court, however, reversed the Board's groundwater remedy. The court was persuaded that because the Board found that the complainant failed to prove the alleged Section 12(a) "water" violation, the Board could not order the groundwater remedy.

In upholding the Board's soil remedy, the court rejected the Martins' argument that the Board's cleanup order provided only economic relief. The court found that the Board was not exceeding its authority in ordering a cleanup to TACO's more stringent residential cleanup levels. The court also upheld the Board's decision to make the cleanup contingent on the Martins obtaining access to the site from the property owner, who was not a party to the enforcement proceeding before the Board.

### **First District Appellate Court Grants Motion to Withdraw Petition in *EnviroPower, LLC v. Illinois Pollution Control Board and Illinois Environmental Protection Agency*, No. 01-0234 (July 11, 2001)**

On July 11, 2001, in an unpublished order the court issued under Illinois Supreme Court Rule 23 (155 Ill. 2d R. 23), the First District granted *EnviroPower, LLC*'s motion to withdraw its January 24, 2001 petition for review of a recent Board air rulemaking. The rulemaking at issue was Proposed New 35 Ill. Adm. Code 217, Subpart W, the NO<sub>x</sub> Trading Program for Electrical Generating Units, and Amendments to 35 Ill. Adm. Code 211 and 217, R01-9 (Dec. 21, 2000).

During the past year, the Board completed four rulemakings amending its air rules regulating emissions of nitrogen oxides (NO<sub>x</sub>) by various sources, and establishing NO<sub>x</sub> emissions trading programs for various sources. Each proposal was filed under Section 28.5 of the Environmental Protection Act (Act) (415 ILCS 5/28.5 (2000)). Section 28.5 provides for "fast-track" adoption of certain regulations necessary for compliance with the Clean Air Act Amendments of 1990 (42 U.S.C. §§ 7401 *et seq.* (1990)).

Each of these four rulemakings was intended to assist the State in attaining compliance with the one-hour National Ambient Air Quality Standards (NAAQS) for ozone. Currently, two areas of the State are not in compliance with the ozone NAAQS: the Chicago and Metro-East non-attainment areas.

In October 1998, the United States Environmental Protection Agency (USEPA) promulgated a document titled *Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group*

## Environmental Register – September 2001

*Regions for Purpose of Reducing Regional Transport of Ozone.* This document, commonly known as the “NOx SIP Call,” requires the State to develop NOx emissions to a specified budget. USEPA has given the State a budget of 270,560 tons of NOx per yearly ozone season, based on NOx emissions in 2007 taking into account required NOx reductions.

In response to the NOx SIP Call, in Section 9.9 of the Act, the General Assembly specifically mandated the Illinois Environmental Protection Agency (Agency) to propose, and the Board to adopt, responsive rules. Section 9.9 required establishment of a NOx Trading System, as well as rules for NOx reductions for cement kilns and stationary internal combustion engines.

The Agency filed its R01-9 regulatory proposal as a fast-track rulemaking on July 11, 2000. During the R01-9 rulemaking hearings, EnviroPower challenged the amount of allocations of NOx emissions set-aside for new sources. Additionally, EnviroPower argued that the procedure to obtain the allocations unduly favored the existing electrical generating units (EGUs) over the new EGUs.

EnviroPower’s January 24, 2001 petition for review, alleged the Board and the Agency “failed to comply with the laws of Illinois, including but not limited to the Illinois Environmental Protection Act.” EnviroPower withdrew the appeal prior to any briefing by the parties.

### **Third District Appellate Court Affirms the Board in ESG Watts, Inc. v. Pollution Control Board, Nos. 3-00-0773 and 3-00-0774 (consolidated)**

On September 14, 2001, in an unpublished order issued pursuant to Illinois Supreme Court Rule 23 (155 Ill. 2d R. 23), the Third District affirmed the Board in the court’s consolidated cases ESG Watts, Inc. v. Pollution Control Board, Nos. 3-00-0773 and 3-00-0774. The Board had affirmed permit denials by the Illinois Environmental Protection Agency’s (Agency) in the Board’s consolidated cases ESG Watts, Inc. v. IEPA, PCB 00-158 (Viola Landfill) and PCB 00-159 (Taylor Ridge Landfill) (Aug. 24, 2000) (consolidated). The cases involved solid waste landfills known as the Viola Landfill located in Sangamon County and the Taylor Ridge/Andalusia Landfill located in Rock Island County, Illinois.

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

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

ESG Watts also argued that, if the Board lacks jurisdiction to hear its petition, ESG Watts lacks means to gain release of its funds held in trust. In response, the court stated that “other possible remedies were, and continue to be, available to Watts in the circuit court.”

## Board Actions

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September 6, 2001  
Springfield, Illinois

### Rulemakings

R00-19(C)	<u>In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (TACO): 35 Ill. Adm. Code 742 (MTBE)</u> – The Board adopted a first notice opinion and order in this rulemaking to amend the standards for tiered approach to corrective action objectives.	7-0 R, Land
R01-14	<u>In the Matter of: Proposed MTBE Groundwater Quality Standards Amendments: 35 Ill. Adm. Code 620</u> – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s public water supply regulations.	7-0 R, PWS
R01-28	<u>In the Matter of: Amendments to Livestock Waste Regulations: 35 Ill. Adm. Code 506</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s livestock waste regulations.	7-0 R, Land
R01-31	<u>In the Matter of: Provisional Variances from Water Temperature Standards: Proposed New 35 Ill. Adm. Code 301.109</u> – The Board granted the Illinois Environmental Protection Agency’s motion to withdraw its April 13, 2001 proposal and closed this docket.	7-0 R, Water

### Administrative Citations

AC 02-1	<u>County of Perry v. William Shrum</u> – The Board found that this Perry County respondent violated Sections 21(p)(1) and (p)(3) of the Act (415 ILCS 5/21(p)(1), (p)(3) (2000)), and ordered respondent to pay a civil penalty of \$3,000.	7-0
AC 02-4	<u>IEPA v. Mound City</u> – The Board accepted for hearing this petition for review of an administrative citation against this Pulaski County respondent.	7-0

### Decisions

PCB 97-234	<u>Antonio D.H. Nam v. Kikon Suh</u> – In this underground storage tank enforcement action concerning a Cook County facility, the Board found no violations of Section 21(a) of the Act (415 ILCS 5/21(a) (1996)) or 35 Ill. Adm. Code 732.200 and dismissed this matter.	7-0 UST-E, Citizens
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## Environmental Register – September 2001

PCB 98-148	<p><u>People of the State of Illinois v. Doren Poland, Lloyd Yoho, and Briggs Industries, Inc. a/k/a Briggs Plumbing Products, Inc.; Briggs Industries, Inc. Third-Party Complainant v. Loren West and Abingdon Salvage Company, Inc., Third-Party Respondents</u> – In this land enforcement action concerning a Knox County facility, the Board found that respondents violated Sections 21(a), (d), (e), and (p)(1) of the Environmental Protection Act (415 ILCS 5/21(a), (d), (e), (p)(1) (2000)) and Sections 807.201, 807.202(a), and 812.101 of the Board’s waste disposal regulations (35 Ill. Adm. Code 807.201, 807.202(a), 812.101). Further hearings will be held on the appropriate relief.</p>	7-0 L-E
PCB 00-4	<p><u>People of the State of Illinois v. American Wood Recycling, Inc.</u> – In this land 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) (2000)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a total civil penalty of \$4,000, and to cease and desist from further violations.</p>	7-0 L-E
PCB 00-50	<p><u>People of the State of Illinois v. A.E. Staley Manufacturing Company</u> – In this water enforcement action concerning a Macon County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2000)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a total civil penalty of \$35,000, and to cease and desist from further violations.</p>	7-0 W-E
PCB 00-90	<p><u>Roger L. Young and Romana K. Young v. Gilster-Mary Lee Corporation</u> – In this citizens noise enforcement action concerning a Randolph County facility, the Board found that respondent violated Section 24 of the Environmental Protection Act (415 ILCS 5/24 (2000)) and 35 Ill. Adm. Code 900.102.</p>	5-2 Flemal and Johnson dissented N-E, Citizens
PCB 01-44	<p><u>People of the State of Illinois v. Ratliff Brothers and Co., Inc.</u> – In this land and water enforcement action concerning a Henry County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2000)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a total civil penalty of \$10,000, and to cease and desist from further violations.</p>	7-0 L&W-E
PCB 02-15	<p><u>People of the State of Illinois v. Macon County Landfill Corporation</u> – In this water enforcement action concerning a Macon County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2000)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a total civil penalty of \$75,000, and to cease and desist from further violations.</p>	7-0 W-E

## Environmental Register – September 2001

### Provisional Variance

PCB 02-28	<u>Midwest Generation EME, LLC v. IEPA</u> – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Will County facility a 45-day provisional variance, subject to conditions, from the effluent limits set forth at 35 Ill. Adm. Code 304.124(a).	7-0 W-V
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### Motions and Other Matters

PCB 01-140	<u>Nelson Westerberg, Inc. v. Office of the State Fire Marshal</u> – The Board directed respondent to articulate within 14 days why the two reasons stated in its March 6, 2001 denial letter are proper bases for denying eligibility.	5-2 Girard and Johnson dissented UST-Appeal
PCB 01-144	<u>People of the State of Illinois v. City of Pana, Housing Authority of Christian County, PrairieLand Construction, Inc. Construction, Inc., and Rich Williams d/b/a C.R. Williams &amp; Associates Architects</u> – The Board granted respondent PrairieLand Construction, Inc.’s motion for leave to file an amended answer.	7-0 PWS-E
PCB 01-155	<u>People of the State of Illinois v. Alloy Engineering &amp; Casting Company</u> – The Board denied Heather J. Livengood’s motion to intervene.	7-0 A-E
PCB 01-158	<u>Johnson Oil Company v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Livingston County facility.	7-0 UST-FRD
PCB 01-160	<u>U.S. Army Corps of Engineers v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Cook County facility.	7-0 UST-Appeal
PCB 01-162	<u>Village of Bensenville 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.	7-0 UST-FRD
PCB 01-163	<u>Village of Mount Prospect v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Cook County facility.	7-0 UST-FRD
PCB 01-164	<u>White Owl Truck Stop 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 Coles County facility.	7-0 UST-FRD
PCB 02-20	<u>City of Charleston v. IEPA</u> – The Board accepted for hearing this request for variance involving a Coles County facility.	7-0 PWS-V

## Environmental Register – September 2001

PCB 02-23	<u>Dean Foods Company v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Cook County facility.	7-0 P-A, Air
PCB 02-24	<u>St. Joseph Oil Company v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.	7-0 UST-FRD 90-Day Ext.
PCB 02-25	<u>Marconi Data Systems, Inc. and Marconi, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	7-0 UST-FRD
PCB 02-26	<u>People of the State of Illinois v. Pritzker Realty Group, L.P. and PDA CORP.</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 Lake County facility, the Board ordered publication of the required newspaper notice.	7-0 W-E
PCB 02-27	<u>Rezmar Corporation v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.	6-0 Melas abstained UST-FRD 90-Day Ext.

### **September 20, 2001 Via Video Conference Between Springfield and Chicago, Illinois**

#### **Adjusted Standards**

AS 01-5	<u>In the Matter of : Petition of the City of Sycamore for an Adjusted Standard from 35 Ill. Adm. Code Sections 306.305(b) and 304.121</u> – The Board dismissed petitioner’s request for an adjusted standard due to continued failure to meet requests for more information.	6-0 Water
AS 01-9	<u>In the Matter of: Petition of Rhodia, Inc. and Thorn Creek Basin Sanitary District for an Adjusted Standard from 35 Ill. Adm. Code Section 302.208 and 304.105</u> – The Board accepted petitioners’ amended petition for an adjusted standard and on its own motion added Takasago Corporation (U.S.A.) and Consumers Illinois Water Company as respondents.	6-0 Water

## Environmental Register – September 2001

### Administrative Citation

AC 02-5      County of LaSalle v. Mr. and Mrs. Gary Kempiaik – The Board found that these LaSalle County respondents violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2000)), and ordered respondents to pay a civil penalty of \$1,500.      6-0

### Decision

PCB 00-212      People of the State of Illinois v. Kenneth Morrison – The Board entered an order finding respondent liable for punitive damages in the amount of \$61,804.04 pursuant to Section 55.3(h) of the Environmental Protection Act (415 ILCS 5/55.3(h) (2000)). This order follows the Board’s interim order of January 18, 2001, which granted complainant’s motion for summary judgment for the cost of corrective action and ordered respondent to reimburse the Illinois Environmental Protection Agency in the amount of \$30,902.52 for costs incurred in the cleanup of accumulated used and waste tires at a site located at or near Coalville Road, Streator, Livingston County, Illinois.      6-0  
CR-E

### Provisional Variance

PCB 02-35      Village of Panama v. IEPA – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Bond County facility a 45-day provisional variance, subject to conditions, from the effluent limits set forth in 35 Ill. Adm. Code 304.120(a) and 304.141(a).      6-0  
W-V

### Motions and Other Matters

PCB 99-149      Universal Scrap Metals, Inc. v. Flexi-Van Leasing, Inc. – The Board clarified that the dismissal of this case, granted by Board order of August 23, 2001, was with prejudice.      6-0  
UST-E,  
Citizens

PCB 00-82      Jersey Sanitation Corporation v. IEPA – The Board denied respondent’s motion for reconsideration of the Board’s June 21, 2001 opinion and order, granting petitioner’s motion for summary judgment.      5-1  
Kezelis  
dissented  
P-A, Land

PCB 01-5      People of the State of Illinois v. Roecker Cabinets Inc., d/b/a Roecker Cabinet & Millwork – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this Resource Conservation and Recovery Act enforcement action involving a Tazewell County facility, the Board ordered publication of the required newspaper notice.      6-0  
RCRA-E

PCB 01-170      Community Landfill Company and City of Morris v. IEPA – The Board denied respondent’s motion to reconsider its August 23, 2001 order, which granted petitioners’ motion for expedited review.      6-0  
P-A, Land

## Environmental Register – September 2001

PCB 02-10	<u>Rebecca S. Lawrence v. Northpoint Grade School</u> - The Board found that the alleged violations in the complaint were neither duplicitous nor frivolous, and accepted for hearing this matter involving a McLean County facility.	6-0 N-E, Citizens
PCB 02-11	<u>Doris Glave v. Brent and Patty Harris and Winds Chant Kennel, Inc.</u> – The Board found that the alleged violations in the complaint were neither duplicitous nor frivolous, and accepted for hearing this matter involving a Lake County facility.	6-0 N-E, Citizens
PCB 02-14	<u>Ila M. Neathery and Denise C. Fleck v. Greg and Karen Bouillon d/b/a Thirsty's</u> – The Board found that the alleged violations in the complaint were neither duplicitous nor frivolous, denied respondents' motion to dismiss, and accepted for hearing this matter involving a Sangamon County facility.	6-0 N-E, Citizens
PCB 02-29	<u>People of the State of Illinois v. Bob Nickel, d/b/a Nickel Agri-Service</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 Sangamon County facility, the Board ordered publication of the required newspaper notice.	6-0 W-E
PCB 02-31	<u>Bridgestone/Firestone Off-Road Tire Company v. IEPA</u> – The Board accepted for hearing this permit appeal involving a McLean County facility. The Board reserved ruling on the request for stay of effectiveness until the Illinois Environmental Protection Agency has the opportunity to address the issue.	6-0 P-A, Air
PCB 02-33	<u>Dynegy Midwest Generation, Inc. (Wood River Power Station) 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.	6-0 P-A, Air 90-Day Ext.
PCB 02-34	<u>L. Keller Oil Properties, Inc. (Charleston) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Coles County facility.	6-0 UST-Appeal

## New Cases

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### September 6, 2001 Board Meeting

**02-23** Dean Foods Company v. IEPA – The Board accepted for hearing this permit appeal involving a Cook County facility.

**02-24** St. Joseph Oil Company v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.

**02-25** Marconi Data Systems, Inc. and Marconi, Inc. v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.

**02-26** People of the State of Illinois v. Pritzker Realty Group, L.P. and PDA CORP. – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this

## Environmental Register – September 2001

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

**02-27** Rezmar Corporation v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.

**02-28** Midwest Generation EME, LLC, v. IEPA – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Will County facility a 45-day provisional variance, subject to conditions, from the effluent limits set forth in 35 Ill. Adm. Code 304.124(a).

**AC 02-6** County of LaSalle v. Mr. and Mrs. Gary Kempiaik – The Board accepted this petition for review of an administrative citation against these LaSalle County respondents.

### September 20, 2001 Board Meeting

**02-29** People of the State of Illinois v. Bob Nickel, d/b/a Nickel Agri-Service – 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 Sangamon County facility, the Board ordered publication of the required newspaper notice.

**02-30** People of the State of Illinois v. Meridian Development Corporation – No action taken.

**02-31** Bridgestone/Firestone Off-Road Tire Company v. IEPA – The Board accepted for hearing this permit appeal involving a McLean County facility. The Board reserved ruling on the request for stay of effectiveness until the Illinois Environmental Protection Agency has the opportunity to address the issue.

**02-32** Village of Grayslake v. Winds Chant Kennel – The Board held for a later duplicitous/frivolous determination this citizens noise enforcement action involving a Lake County facility.

**02-33** Dynegy Midwest Generation, Inc. (Wood River Power Station) 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.

**02-34** L. Keller Oil Properties, Inc.(Charleston) v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Coles County facility.

**02-35** Village of Panama v. IEPA – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Bond County facility a 45-day provisional variance, subject to conditions, from the effluent limits set forth at 35 Ill. Adm. Code 304.120(a) and 304.141(a).

**AC 02-7** IEPA v. Terry and Latisha Springer – The Board accepted for hearing this petition for review of an administrative citation against these Jersey County respondents.

**AC 02-8** IEPA v. Terry Baker d/b/a Baker Excavating – The Board accepted for hearing this petition for review of an administrative citation against this Franklin County respondent.

**AC 02-9** IEPA v. Mark and Ann Musser; Pro-Excavating, Ltd; Charles Heuerman d/b/a Charles Heuerman General Trucking; David Swingler d/b/a Swingler Construction; and Beecher City Community School District – The Board accepted for hearing this petition for review of an administrative citation against these Champaign County respondents.

Environmental Register – September 2001

**Calendar**

10/4/2001 11:00 am		Illinois Pollution Control Board Meeting  Via Video Conference	James R. Thompson Center 100 West Randolph Street Conference Room 9-040 Chicago  And  Illinois Pollution Control Board Hearing Room 403 600 South Second Street Springfield
10/12/2001 9:30 am	R02-8	In the Matter of: Enhanced Vehicle Inspection and Maintenance (I/M) Regulations: Amendments to 35 Ill. Adm. Code Part 240.191-240.193	Regional Headquarters Complex IDOT Classroom 1100 East Port Plaza Drive Collinsville
10/15/2001 9:00 am	PCB 01-170	Community Landfill Company and City of Morris v. IEPA	Grundy County Admin. Center Board Room 1320 Union Street Morris
10/16/2001 9:00 am	PCB 01-170	Community Landfill Company and City of Morris v. IEPA	Grundy County Admin. Center Board Room 1320 Union Street Morris
10/17/2001 9:00 am	PCB 01-170	Community Landfill Company and City of Morris v. IEPA	Grundy County Admin. Center Board Room 1320 Union Street Morris
10/18/2001 10:00 am	AC 01-37	IEPA v. Kishwaukee Auto parts (Rockford/Kishwaukee Auto Parts) IEPA Docket No. 141-01-AC	Rockford State Office Building Conference Rooms A and B 4302 North Main Rockford
10/18/2001 11:00 am		Illinois Pollution Control Board Meeting  Via Video Conference	James R. Thompson Center 100 West Randolph Street Conference Room 9-040 Chicago  And  Illinois Pollution Control Board Hearing Room 403 600 South Second Street Springfield
10/19/2001 9:30 am	R02-8	In the matter of: Enhanced Vehicle Inspection and Maintenance (I/M) Regulations: Amendments to 35 Ill. Adm. Code Part 240.191-240.193	James R. Thompson Center Suite 11-500 100 West Randolph Street Chicago

Environmental Register – September 2001

10/23/2001 9:00 am	PCB 00-9	People of the State of Illinois v. Brake's Enterprises, Inc. d/b/a/ Brake's Amoco	City Council Chambers 102 North Neil Street Champaign
10/24/2001 9:00 am	PCB 00-125	People of the State of Illinois v. Nina Enterprises, Inc.	James R. Thompson Center Conference Room 11-512 100 West Randolph Street Chicago
11/1/2001 11:00 am		Illinois Pollution Control Board Meeting  Via Video Conference	James R. Thompson Center 100 West Randolph Street Conference Room 9-040 Chicago  And  Illinois Pollution Control Board Hearing Room 403 600 South Second Street Springfield
11/7/2001 9:30 am	PCB 00-122	People of the State of Illinois v City of Lawrenceville; John A. Gordon. P.E.; Gordon & Price, Inc.; David Guillaum d/b/a D&G Construction; and Wayne Lapington d/b/a Lapington Trucking and Excavating	Lawrenceville City Hall Civic Center 700 East State Street Lawrenceville
11/7/2001 8:30 am	PCB 00-219	Stephen G. Brill v. Henry Latoria d/b/a TL Trucking Foodliner	James R. Thompson Center Room 11-512 100 West Randolph Street Chicago
11/8/2001 9:30 am	PCB 00-122	People of the State of Illinois v. City of Lawrenceville; John A. Gordon. P.E.; Gordon & Price, Inc.; David Guillaum d/b/a D&G Construction; and Wayne Lapington d/b/a Lapington Trucking and Excavating	Lawrenceville City Hall Civic Center 700 East State Street Lawrenceville
11/9/2001 9:30 am	PCB 00-122	People of the State of Illinois v. City of Lawrenceville; John A. Gordon. P.E.; Gordon & Price, Inc.; David Guillaum d/b/a D&G Construction; and Wayne Lapington d/b/a Lapington Trucking and Excavating	Lawrenceville City Hall Civic Center 700 East State Street Lawrenceville
11/13/2001 9:00 am	PCB 00-163	David and Jacquelyn McDonough v. Gary Robke	St. Clair County Building Courtroom 110 10 Public Square Belleville

Environmental Register – September 2001

<p>11/15/2001 11:00 am</p>		<p>Illinois Pollution Control Board Meeting  Via Video Conference</p>	<p>James R. Thompson Center 100 West Randolph Street Conference Room 9-040 Chicago  And  Illinois Pollution Control Board Hearing Room 403 600 South Second Street Springfield</p>
<p>12/6/2001 11:00 am</p>		<p>Illinois Pollution Control Board Meeting</p>	<p>Illinois Pollution Control Board Hearing Room 403 600 South Second Street Springfield</p>
<p>12/20/2001 11:00 am</p>		<p>Illinois Pollution Control Board Meeting</p>	<p>James R. Thompson Center 100 West Randolph Street Conference Room 9-040 Chicago</p>

## IEPA Restricted Status List

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

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 (Act) (415 ILCS 5/1 *et seq.* (2000)).

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 Act.

A public water supply on the Restricted Status List will not be issued permits for water main extensions, except for certain limited situations, or unless the supply has been granted a variance from the Illinois Pollution Control Board for the violation, or from permit issuance requirements of Section 39 of the Act.

This list is continually being revised as new information becomes available, and therefore, specific inquiries as to the status of any public water supply should be directed to the Division of Public Water Supplies for final determination. This list reflects the status as of October 1, 2001.

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

<u>NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY #</u>	<u>EPA RGN</u>	<u>NATURE OF PROBLEM</u>	<u>POP SERVED</u>	<u>LISTING DATE</u>
Acorn Acres Sbdv (Lake Co - 0975020)	2	Inadequate Pres Tank	250	12/16/83
Alden Long Grove Nursing Center(Lake Co - 0971090)	2	Inadequate Pres Tank	204	06/15/93
Bahl Wtr Corp (Jo Daviess Co - 0855200)	1	Inadequate Pres Storage	700	12/15/93
Bayles Lake Lot Owners Assn (Iroquois Co - 0755110)	4	Inadequate Pres Tank	500	09/13/00
Biggsville (Henderson Co - 0710050)	5	Adjusted Gross Alpha	350	03/15/98
Bonnie Lane Water Supply (Kendall Co - 0930010)	2	Inadequate Pres Tank	49	09/16/93
Bradford (Stark Co - 1750050)	1	Gross Alpha	650	06/15/98
Bradley Hts Sbdv (Winnebago Co - 2015050)	1	Inadequate Pres Tank	192	09/13/85
Bryant (Fulton Co - 0570200)	5	Adjusted Gross Alpha	310	03/15/98
Buckingham (Kankakee Co - 0910250)	2	Inadequate Pres Tank	330	03/17/89
Bushnell (McDonough Co - 1090150)	5	Adjusted Gross Alpha	3,300	03/14/01
Byron Woods Sbdv (Rock Island Co - 1610070)	1	Arsenic	216	03/14/01
Carbon Hill (Grundy Co - 0630100)	2	Adjusted Gross Alpha	376	03/14/01

## Environmental Register – September 2001

Carroll Hts Utl Cmpny (Carroll Co - 0155200)	1	Inadequate Pres Tank	80	03/20/81
Century Pines Apts (Carroll Co - 0150020)	1	Inadequate Pres Tank	50	12/14/90
Claremont Hls Sbdv (McHenry Co - 1115080)	2	Inadequate Pres Tank	330	03/15/96
Clearview Sbdv (Will Co - 1975360)	2	Inadequate Pres Tank	420	01/13/82
Community Srvc Corp (McHenry Co - 1115350)	2	Inadequate Pres Tank	750	09/16/83
Coyne Cntr Coop (Rock Island Co - 1615150)	1	Inadequate Pres Tank	150	12/15/97
Cropsey Cmnty Wtr (McLean Co - 1135150)	4	Inadequate Pres Tank	60	03/20/81
Crystal Clear Wtr Cmpny (McHenry Co - 1115150)	2	Inadequate Pres Tank	900	09/16/88
Crystal Hts Assn (McHenry Co - 1115100)	2	Inadequate Pres Tank	93	06/17/96
D and R Apts (Champaign Co - 0190030)	4	Inadequate Pres Tank	26	09/16/93
Deering Oaks Sbdv (McHenry Co - 1115200)	2	Inadequate Pres Tank	60	12/17/82
DeKalb Univ Dvl Corp (DeKalb Co - 0375148)	1	Inadequate Pres Tank	950	12/16/92
DeWitt Cnty NH (DeWitt Co - 0395129)	4	Inadequate Pres Tank	80	06/17/83
DL Well Owners Assn (Lake Co - 0975380)	2	Inadequate Pres Tank	125	03/18/83
Dover (Bureau Co - 0110350)	1	Inadequate Pres Tank	200	05/25/81
East Moreland Wtr Assn (Will Co - 1975600)	2	Inadequate Pres Tank	753	03/20/81
East Moreland Wtr Corp (Will Co - 1975640)	2	Inadequate Pres Tank	135	03/15/96
Edelstein (Peoria Co - 1435150)	5	Adjusted Gross Alpha	125	03/15/98
Edgington Water District (Rock Island Co-1615550)	1	Inadequate Pres Tank	470	03/20/81
Elm Oak Mutual Wtr Syst (Lake Co - 0975736)	2	Inadequate Pres Tank	45	06/13/86
Emmett Utl Inc (McDonough Co - 1095200)	5	Inadequate Pres Tank	39	12/17/82
Evergreen Vlg Sbdv (Rock Island Co - 1615310)	1	Inadequate Pres Tank	250	03/20/81
Fahnstock Court Sbdv (Peoria Co - 1435200)	5	Inadequate Pres Tank	30	05/25/81
Fair Acres Sbdv (Will Co - 1975680)	2	Inadequate Pres Tank	185	10/19/81
Farmington (Fulton Co - 0570500)	5	Adjusted Gross Alpha	2,700	03/14/01
Forest Lake Addn (Lake Co - 0975500)	2	Inadequate Pres Tank	180	12/16/83
Frwr-Skyline Cpy (Kane Co - 0895030)	2	Inadequate Pres Tank	1,300	09/19/86
Galva (Henry Co - 0730450)	1	Adjusted Gross Alpha	2,900	03/14/01

## Environmental Register – September 2001

Garden Street Imprv Assn (Will Co - 1975376)	2	Inadequate Pres Tank	62	09/15/89
Gardner (Grundy Co - 0630400)	2	Adjusted Gross Alpha	1,450	03/14/01
Glasford (Peoria Co - 1430350)	5	Adjusted Gross Alpha	1,115	12/15/97
Glenkirk Campus North (Lake Co - 0977189)	2	Inadequate Pres Tank	64	06/15/88
Glenkirk Campus South (Lake Co - 0977199)	2	Inadequate Pres Tank	36	06/15/88
Good Shepherd Mnr (Kankakee Co - 0915189)	2	Inadequate Pres Tank	140	03/17/89
Great Oaks&Beacon Hls Apts (Winnebago Co-2015488)	1	Inadequate Pres Tank	943	12/17/82
Greenwood Outback (LaSalle Co - 0990080)	1	Inadequate Pres Tank		12/15/98
Harbor Lites/Pistakee Fshg Cl (McHenry Co - 1110011)	2	Inadequate Pres Tank	100	03/14/01
Hawthorn Woods (Lake Co - 0970450)	2	Inadequate Pres Tank	800	03/15/95
Heatherfield Sbdv (Grundy Co - 0635150)	2	Inadequate Pres Tank	91	09/17/82
Highland Sbdv (Kane Co - 0895530)	2	Inadequate Pres Tank	50	09/16/83
Hillview Sbdv (Will Co - 1975800)	2	Inadequate Pres Tank	99	03/15/85
Holy Family Villa (Cook Co - 0310280)	2	Inadequate Pres Tank	200	09/15/99
Hopewell (Marshall Co - 1235150)	1	Adjusted Gross Alpha	805	03/14/01
Huntley Cmnty Sbdv (Will Co - 1975840)	2	Inadequate Pres Tank	48	03/16/84
Ingalls Pk Sbdv (Will Co - 1975880)	2	Inadequate Pres Tank	690	09/16/83
Kewanee (Henry Co - 0730650)	1	Adjusted Gross Alpha	12,900	03/14/01
Kingston Mines (Peoria Co - 1430450)	5	Adjusted Gross Alpha	295	03/14/01
Knoxville (Knox Co - 0950300)	5	Adjusted Gross Alpha	3,243	03/15/98
Lake Lynwood Wtr Sys (Henry Co - 0735330)	1	Inadequate Pres Tank	98	08/31/81
Lakeview Hills Wtr Supply Cp (Whiteside Co - 1955150)	1	Inadequate Pres Tank	146	03/20/81
Lakewood Shores Imprv Assn	2	Adjusted Gross Alpha	760	03/14/01
Land and Water Assn (LaSalle Co - 0995050)	1	Inadequate Pres Storage	110	06/15/01
Larchmont Sbdv (Winnebago Co - 2015290)	1	Inadequate Pres Tank	106	06/17/83
Larson Court Rentals (Rock Island Co - 1615728)	1	Inadequate Pres Tank	48	01/14/82
Legend Lakes Wtr Assn (Winnebago Co - 2015300)	1	Inadequate Pres Tank	225	03/14/91
Liberty Park Homeowners Assn (DuPage Co - 0435600)	2	Inadequate Pres Tank	1,092	09/17/92

## Environmental Register – September 2001

Lindenwood Wtr Assn (Ogle Co - 1415300)	1	Inadequate Pres Tank	50	01/13/82
Lisbon North Inc (Grundy Co - 0631000)	2	Inadequate Pres Tank	30	09/14/90
Little Swan Lake Sndst (Warren Co - 1875050)	5	Inadequate Pres Tank	250	03/15/98
Little York (Warren Co - 1870100)	5	Adjusted Gross Alpha	350	03/14/01
London Mills (Fulton Co - 0574620)	5	Inadequate Pres Tank	670	12/14/84
Lostant (LaSalle Co - 0990450)	1	Adjusted Gross Alpha	510	03/14/01
Lynn Cntr (Henry Co - 0735100)	1	Inadequate Pres Tank	147	03/15/95
Lynnwood Water Corp (LaSalle Co - 0995336)	1	Inadequate Pres Tank	114	03/18/83
M C L W Sys Inc (Mercer Co - 1315150)	1	Inadequate Source	100	03/20/81
Maple Leaf Ests Wtr Corp (Monroe Co - 1335100)	6	Inadequate Pres Tank	39	03/20/81
Mapleton (Peoria Co - 1430500)	5	Adjusted Gross Alpha	350	03/15/98
Mayfair Sbdv (Tazewell Co - 1795750)	5	Inadequate Pres Tank	150	03/16/90
Monmouth (Warren Co - 1870150)	5	Adjusted Gross Alpha	9,500	03/14/01
Mound PWD (St Clair Co - 1635050)	6	Inadequate Plant Capacity	1,800	06/17/96
Northwest Belmont Imprv Assn (DuPage Co - 0435900)	2	Inadequate Pres Tank	115	09/29/81
Oak Ridge Sndst (Woodford Co - 2035300)	1	Inadequate Pres Tank	240	03/20/81
Oakview Avenue Wtrwks Inc (Will Co - 1977210)	2	Inadequate Pres Tank	350	03/20/81
Olivet Nazarene College (Kankakee Co - 0915279)	2	Inadequate Pres Tank	1,450	03/15/94
Opheim PWS (Henry Co - 0735150)	1	Inadequate Pres Tank	150	06/18/82
Osco Mutual Wtr Supply Cpy Inc (Henry Co-0735200)	1	Inadequate Pres Tank	115	12/15/89
Park Road Wtr Assn (Will Co - 1977330)	2	Inadequate Pres Tank	60	12/17/82
Park View Wtr Corp (Kane Co - 0895500)	2	Inadequate Pres Tank	150	12/17/82
Patoka (Marion Co - 1210400)	6	Inadequate Plant Capacity	731	03/15/97
Polo Dr & Saddle Rd Sbdv (DuPage Co - 0437000)	2	Inadequate Pres Tank	95	12/17/82
Ports of Sullivan Lake Assn (Lake co - 0971160)	2	Inadequate Pres Tank	638	06/15/99
Prairie Ridge Assn (McHenry Co - 1115730)	2	Inadequate Pres Tank	140	03/16/90
Princeville (Peoria Co - 1430750)	5	Adjusted Gross Alpha	1,815	12/15/97
Ridgecrest North Sbdv (Grundy Co - 0635250)	2	Inadequate Pres Tank	85	09/16/93

## Environmental Register – September 2001

Ridgewood Ledges Wtr Assoc(Rock Island Co-1615670)	1	Inadequate Pres Tank	475	03/20/81
Ridgewood Sbdv (Will Co - 1977650)	2	Inadequate Pres Tank	315	06/18/82
Sbdv Wtr Trust No 1 (Kane Co - 0895300)	2	Inadequate Pres Tank	1,120	03/20/81
Shawntita Trc Wtr Assn (Will Co - 1977690)	2	Inadequate Pres Tank	125	09/17/92
Skyview Estates (Kankakee Co - 0915526)	2	Inadequate Pres Tank	65	09/14/84
Sorento (Bond Co - 0050300)	6	Trihalomethane	750	09/16/96
St Charles Cmsn Wlfnd 3 (DuPage Co - 0437040)	2	Inadequate Pres Tank	30	12/15/89
Standard (Putnam Co - 1550300)	1	Adjusted Gross Alpha	300	03/14/01
Sturm Sbdv (Lake Co - 0977010)	2	Inadequate Pres Tank	63	03/16/84
Suburban Heights Sbdv (Rock Island Co - 1615800)	1	Inadequate Pres Tank	114	12/16/83
Summit Homeowners Assn (Lake Co - 0975280)	2	Inadequate Pres Tank	48	03/16/84
Sunny Hill Ests Sbdv (Henry Co - 0735300)	1	Inadequate Pres Tank	525	06/15/00
Sunnyland Sbdv (Will Co - 1977730)	2	Inadequate Pres Tank	350	09/16/83
Swedona Wtr Assn (Mercer Co - 1315200)	1	Inadequate Pres Tank	100	06/15/90
Sylvan Lake 1st Sbdv (Lake Co - 0977100)	2	Inadequate Pres Tank	210	06/14/91
Toulon (Stark Co - 1750150)	1	Adjusted Gross Alpha	1,400	12/12/99
Towners Sbdv (Lake Co - 0977250)	2	Inadequate Pres Tank	238	01/14/82
Trivoli PWD (Peoria Co - 1435510)	5	Inadequate Pres Tank	350	06/17/83
Turkey Hollow Well Corp (Rock Island Co - 1615686)	1	Inadequate Pres Tank	32	06/18/82
Utl Inc Lake Holiday (LaSalle Co - 0995200)	1	Inad Source & Treat Plt	4,908	09/15/98
Utl Inc Northern Hls Utl Co(Stephenson Co-1775050)	1	Inadequate Pres Tank	290	03/15/96
Utl Inc Walk-Up Woods Wtr Co(McHenry Co - 1115800)	2	Inadequate Pres Tank	763	12/17/82
Wermes Sbdv (Kane Co - 0895750)	2	Inadequate Pres Tank	150	12/16/88
West Salem (Edwards Co - 0470200)	7	Inadequate Treatment Plant	1,058	03/15/99
West Shore Park Sbdv (Lake Co - 0977370)	2	Inadequate Pres Tank	450	06/15/00
West Shoreland Sbdv (Lake Co - 0977050)	2	Inadequate Pres Tank	220	06/14/91
Whispering Lakes Wtr Sys Inc (Lake Co - 0970220)	2	Adjusted Gross Alpha	375	03/14/01
Wienen Estates (Jo Daviess Co - 0850030)	1	Inadequate Pres Tank	70	12/15/97

## Environmental Register – September 2001

Wilmington (Will Co - 1971100)	2	Trihalomethane	5,094	03/14/01
Wonder Lake Wtr Cmpny (McHenry Co - 1115750)	2	Inadequate Pres Tank	1,161	06/16/94
Woodland Hts Ests Sbdv (Peoria Co - 1435760)	5	Inadequate Pres Tank	245	03/20/81
Woodsmoke Ranch Assn (LaSalle Co - 0990030)	1	Inadequate Pres Tank	350	06/15/90
York Cntr Coop (DuPage Co - 0437550)	2	Inadequate Pres Tank	240	06/15/88
2nd Street Wtr Assn (Lake Co - 0971140)	2	Inadequate Pres Tank	33	12/15/95

NO PUBLIC WATER SUPPLIES WERE REMOVED FROM PREVIOUS LIST

## IEPA Critical Review List

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

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 (415 ILCS 5/1 *et seq.* (2000)).

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

This list is continually being revised as new information becomes available, and therefore, specific inquiries as to the status of any public water supply should be directed to the Division of Public Water Supplies for final determination. This list reflects the status as of October 1, 2001.

- Indicates public water supplies that have been added to the list since the previous publication.

<u>NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY #</u>	<u>EPA RGN</u>	<u>NATURE OF PROBLEM</u>	<u>POP SERVED</u>	<u>LISTING DATE</u>
Arenzville (Cass Co - 0170050)	5	Inadequate Pres Tank	492	03/14/01
Beecher (Will Co - 1970050)	2	Inadequate Storage Capacity	2,032	03/14/01
Bluford (Jefferson Co - 0810100)	7	Low System Pressure	465	03/20/81
Browning (Schuyler Co - 1690050)	5	Inadequate Source	495	03/15/98
Clayton Camp Point Wtr Cmsn (Adams Co - 0015200)	5	Inad Pumping Capacity	1,200	09/15/98
Clinton (DeWitt Co - 0390050)	4	Inad Plant Capacity	7,437	06/14/91
Columbia (Monroe Co - 1330050)	6	Inad Pumping Capacity	5,893	03/15/98
DePue (Bureau Co - 0110300)	1	Inad Treatment Plant	1,930	12/15/93
Elizabeth (Jo Daviess Co - 0850150)	1	Low System Pressure	700	06/15/99
Evansville (Randolph Co - 1570250)	6	Low System Pressure	1,838	05/25/81
Galena (Jo Daviess Co - 0850200)	1	Low System Pressure	3,790	06/15/99
Georgetown (Vermilion Co - 1830350)	4	Inadequate Water Plant	3,678	06/15/93
Highland Hills Sndst (DuPage Co - 0435560)	2	Inadequate Pres Tank	1,100	09/17/92
Joy (Mercer Co - 1310100)	1	Low System Pressure	495	06/15/99
Kincaid (Christian Co - 0210250)	5	Plant Capacity	2,640	06/14/85
LaMoille (Bureau Co - 0110500)	1	Inadequate Plant Capacity	750	06/15/99

## Environmental Register – September 2001

Lee (Lee Co - 1034600)	1	Inadequate Pres Tank	350	03/15/98
Mathersville (Mercer Co - 1310200)	1	Low System Pressure	793	09/13/00
McHenry Shores Wtr Cmpny (McHenry Co - 1115020)	2	Low System Pressure	1,170	09/17/92
Mechanicsburg Buffalo Wtr (Sangamon Co - 1675150)	5	Inadequate Source	1,030	03/15/98
Minonk (Woodford Co - 2030400)	1	Inadequate Source Capacity	2,200	03/14/01
Pheasant Knolls Sbdv (Lake Co - 0970290)	2	Inadequate Pres Tank	130	09/15/98
Scales Mound (Jo Daviess Co - 0850400)	1	Low System Pressure	400	09/15/97
Seneca (LaSalle Co - 0991050)	1	Inadequate Plant Capacity	1,937	06/15/99
South Highway PWD (Jackson Co - 0775400)	7	Low System Pressure	8,189	06/15/92
Stockton (Jo Daviess Co - 0850450)	1	Low System Pressure	1,900	06/15/84
Sumner (Lawrence Co - 1010300)	7	Low System Pressure	1,553	12/13/85
Tower Ridge Sbdv (Rock Island Co - 1615780)	1	Inadequate Pres Tank	70	03/15/94
Utl Inc Lake Marian Wtr Corp (Kane Co - 0895200)	2	Low Sys Pres & Inad Pres Storage	800	09/14/84
Walnut Hill (Marion Co - 1210600)	6	Low System Pressure	1,200	06/14/85
Wonder Lake Wtr Cmpny (McHenry Co - 1115750)	2	Inadequate Storage	1,080	12/14/90

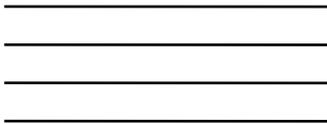
NO PUBLIC WATER SUPPLIES WERE REMOVED FROM PREVIOUS LIST



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

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

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Illinois Pollution Control Board  
Environmental Register Coordinator  
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Springfield, Illinois 62704