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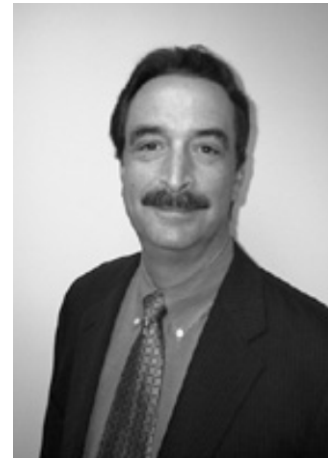
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Letter from the Chairman

Under Illinois environmental law, there are several avenues for companies to seek relief from rules of general applicability, such as variances, adjusted standards, and site-specific rules. During August, the Board adopted an adjusted standard for Stericycle, Inc., and a site-specific rule for Abbott Laboratories that highlight two of these types of relief. These two cases are summarized below. As always, information about the Board's proceedings is available through the Clerk's Office Online (COOL) through our Web site at www.ipcb.state.il.us.



On August 21, 2008, the Board granted an adjusted standard to Stericycle, Inc in a case entitled: In the Matter of: Petition of Stericycle, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 1422.111(b)(1), 1450.105 (a, b), 1450.200(e), (AS 08-2). Stericycle requested an adjusted standard from Illinois' requirement that Stericycle manually weigh and record the weight of each load of Potentially Infectious Medical Waste (PIMW) received at its Stickney transfer station in Cicero with a device certified under the Weights and Measures Act (225 ILCS 470/1 *et seq.* (2006)). Specifically, Stericycle sought instead to use weight measurement and recording data generated at its PIMW treatment facilities in Clinton, Illinois, and Sturtevant, Wisconsin, for the calculation of PIMW transporter fees and other regulatory purposes.

The Board found that Stericycle had provided sufficient justification for an adjusted standard from Section 1422.111(b)(1) of the PIMW regulations adopted by the Board, and was granted an adjusted standard from that regulation, subject to conditions. *See* 35 Ill. Adm. Code 1422.111(b)(1). However, the Board declined to grant Stericycle's petition for an adjusted standard from PIMW transporter fee regulations adopted by the Illinois Environmental Protection Agency. *See* 35 Ill. Adm. Code 1450.105(a), 1450.105(b), 1450.200(e). The Board found that it lacks authority to do so under Section 28.1 of the Environmental Protection Act (Act). *See* 415 ILCS 5/28.1 (2006).

On August 21, 2008, the Board adopted a site-specific rule pursuant to Section 28 of the Environmental Protection Act (Act) (415 ILCS 5/28 (2006), entitled: In the Matter of: Abbott Laboratories' Proposed Site Specific Amendment to Applicability Section of Organic Material Emission Standards and Limitations for the Chicago Area; Subpart T: Pharmaceutical Manufacturing (35 Ill. Adm. Code 218.480(b)) (R08-8). Abbott Laboratories (Abbott) filed a proposal to allow "additional operational flexibility" with regard to emissions from certain tunnel dryers and fluid bed dryers at its pharmaceutical manufacturing facility located in Lake County. Abbott's operations are subject to the emissions standards for volatile organic materials (VOM) at 35 Ill. Adm. Code, Subpart T – Pharmaceutical Manufacturing. As currently written, Section 218.480(b) contains separate exemptions applicable to Abbott's air suspension coater/dryer, fluid bed dryers, tunnel dryers, and Accelacotas.

Abbott proposed to amend these site-specific exemptions by "capping" and lowering the overall emissions allowable under the exemptions from its tunnel dryers numbered #1, #2, #3 and #4, and fluid bed dryers numbered #1, #2 and #3, and calculating the amount of exempted emissions from the dryers based on the actual combined emissions from the dryers. Abbott demonstrated that its proposed amendment reduces the overall allowable emissions from these units while increasing Abbott's operational flexibility, by allowing it to make preferential use of the more efficient fluid bed dryers. The Board found that the alternative compliance method proposed by Abbott allows Abbott to determine the most efficient use of its process equipment and will result in a net reduction of VOM emissions.

Sincerely,

A handwritten signature in black ink that reads "G. Tanner Girard". The signature is written in a cursive, flowing style.

Dr. G. Tanner Girard

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Rule Update

Board Adopts Final Rule in In the Matter of: Abbott Laboratories Proposed Site-Specific Amendment to Applicability Selection of Organic Material Emission Standards and Limitations for the Chicago Area: Subpart T: Pharmaceutical Manufacturing (35 Ill. Adm. Code 218.480(b)), R08-8

The Board, on August 21, 2008, adopted a final opinion and order in Abbott Laboratories Proposed Site-Specific Amendment to Applicability Selection of Organic Material Emission Standards and Limitations for the Chicago Area: Subpart T: Pharmaceutical Manufacturing (35 Ill. Adm. Code 218.480(b)) (R08-8). At its August 19, 2008, the Joint Committee on Administrative Rules (JCAR) voted a certificate of no objection. As JCAR suggested no changes, the final rule is identical to that proposed by the Board at second notice. The final rule became effective upon filing with the Secretary of State on August 26, 2008.

As requested in Abbott's proposal, the Board adopted site-specific amendments for Abbott's pharmaceutical manufacturing facility located in Libertyville Township, Lake County. The affected Section, 35 Ill. Adm. Code 218.480(b), contains certain exemptions that are only applicable to Abbott's air suspension coater/dryer, fluid bed dryers, tunnel dryers, and Accelacotas. Adopted amendments to these site-specific exemptions now allow "capping" to lower the overall emissions of volatile organic material (VOM) from tunnel dryers (Nos. 1-4), and fluid bed dryers (Nos. 1-3). Under the "cap" in the new 35 Ill. Adm. Code 218.480(b)(4), the combined total annual emissions from the seven covered dryers could not exceed 18,688 kg/year (20.6 tons/year).

After reviewing the record, the Board determined that rule adoption would result in "definite, if unquantifiable, economic savings to Abbott by allowing it to use its business judgment in determining the most efficient use of its process equipment," while also resulting in net reductions of VOM emissions from Abbott's facility.

In response to Abbott's request for expedited decision, the Board published first notice of the rule without commenting on the merits at 31 Ill. Reg. 14581 (Oct. 26, 2007). The Board held a hearing on the proposal in Libertyville, Lake County on March 8, 2008. The sole participants were Abbott and the Illinois Environmental Protection Agency (IEPA). IEPA filed a post-hearing comment in support of the requested relief.

Copies of the Board's opinion and order in R08-8 may be obtained by calling the Clerk's office at 312-814-3620, or by downloading copies from the Board's Web site at www.ipcb.state.il.us.

For more information, contact Kathleen M. Crowley at 312/814-6929 or email at crowlek@ipcb.state.il.us.

Board Adopts Proposal for Public Comment And Extends Completion Deadline in Consolidated Docket In the Matters of: Wastewater Pretreatment Update, USEPA Amendments (January 1, 2007 though June 30, 2007), R08-5; SDWA Update, USEPA Amendments (January 1, 2007 though June 30, 2007), R08-7; SDWA Update, USEPA Amendments (July 1, 2007 though December 31, 2007), R08-13

On August 21, 2008, the Board adopted a proposal for public comment detailing amendments to the Illinois regulations that are "identical in substance" to wastewater pretreatment and drinking water regulations adopted by the United States Environmental Protection Agency (USEPA). The amendments involved in this consolidated docket incorporate into the Illinois wastewater pretreatment and drinking water regulations amendments in response to two USEPA actions. Those actions span the two identical-in-substance update periods of January 1, 2007 through June 30, 2007 and July 1, 2007 through December 31, 2007. The Board has added a third set of USEPA amendments that occurred later than, but are closely related to, those in these periods.

Additionally, the Board found that more time is necessary to complete these amendments and extended the deadline for final action from August 15, 2008 until December 1, 2008 pursuant to Section 7.2(b) of the Environmental Protection Act (Act), 415 ILCS 5/7.2(b) (2006). This is the second extension of the deadline.

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The R08-5 docket includes federal wastewater pretreatment amendments that USEPA adopted in the period January 1, 2007 through June 30, 2007. On March 12, 2007, USEPA adopted amendments relating to analytical methods approved under the wastewater pretreatment and drinking water programs. The R08-5 docket includes the wastewater pretreatment segments of those amendments.

The R08-7 docket includes federal Safe Drinking Water Act (SDWA) amendments that USEPA adopted in the period January 1, 2007 through June 30, 2007, and on June 3, 2008. On March 12, 2007 USEPA adopted amendments relating to analytical methods approved under the wastewater pretreatment and drinking water programs. The R08-5 docket includes the drinking water segments of those amendments. On June 3, 2008, USEPA approved alternative methods for analysis under the drinking water program. The Board has added the June 3, 2008 amendments to the R08-5 docket due to their close relationship with the March 12, 2007 amendments.

The R08-13 docket includes federal SDWA amendments that USEPA adopted in the periods July 1, 2007 through December 31, 2007. On October 10, 2007, USEPA revised segments of the Lead and Copper Rule under the drinking water regulations.

The Board will cause the proposed amendments to be published in the *Illinois Register* and will hold the docket open to receive public comments for 45 days after the date of publication. The Board will then adopt and file the final rules, taking into account the public comments received. The Board specifically requests comment on two aspects of the rules: location of particular analytical methods approved by USEPA and Illinois Environmental Protection Agency approval of the content of public education materials.

Copies of the Board's orders in consolidated docket R08-5/R08-7/R08-13 may be obtained by calling the Clerk's office at 312-814-3620, or by downloading copies from the Board's Web site at www.ipcb.state.il.us.

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

Board Dismisses Six Identical in Substance Rulemaking Dockets As Unnecessary: UIC Update, USEPA Amendments (January 1, 2008 through June 30, 2008), R09-1; RCRA Subtitle D (Municipal Solid Waste Landfill Update, USEPA Amendments (January 1, 2008 through June 30, 2008), R09-2; UST Update, USEPA Amendments (January 1, 2008 through June 30, 2008), R09-4; Wastewater Pretreatment Update, USEPA Amendments (January 1, 2008 through June 30, 2008), R09-5; Definition of VOM Update, USEPA Amendments (January 1, 2008 through June 30, 2008), R09-6; and SDWA Update, USEPA Amendments (January 1, 2008 through June 30, 2008), R09-7

Every six months the Board reserves a series of dockets for adoption of Board rules to accommodate any rules adopted by the United States Environmental Protection Agency (USEPA) to implement various programs. On August 21, 2008, the Board dismissed as unnecessary six dockets reserved to consider rules adopted by USEPA during the period January 1, 2008 through June 30, 2008. In each of the program areas described below, USEPA adopted no rules during the update period.

UIC Program (R09-1). Section 13(c) of the Environmental Protection Act (415 ILCS 5/13(c) (2006)) requires the Board to adopt regulations that are "identical in substance" to regulations of the United States Environmental Protection Agency (USEPA). 415 ILCS 5/7.2 (2006). Specifically, Section 13(c) relates to underground injection control (UIC) regulations that USEPA adopted to implement provisions of the Safe Drinking Water Act (42 U.S.C. § 300h et seq. (2006)). USEPA has codified its UIC regulations at 40 C.F.R. 144 through 148.

RCRA Subtitle D (R09-2). Section 22.40(a) of the Environmental Protection Act (415 ILCS 5/22.40(a) (2006)) requires the Board to adopt regulations that are "identical in substance" to regulations of the USEPA. 415 ILCS 5/7.2 (2006). Specifically, Section 22.40(a) relates to municipal solid waste landfill (MSWLF) regulations that USEPA adopted to implement Subtitle D of the Resource Conservation and Recovery Act of 1976 (42 U.S.C §§ 6941-6949 (2006); RCRA Subtitle D). USEPA has codified the federal MSWLF rules as 40 C.F.R. 258.

UST (R09-4). Section 22.4(d) of the Environmental Protection Act (Act) (415 ILCS 5/22.4(d) (2006)) requires the Board to adopt regulations that are "identical in substance" to regulations of the United States Environmental Protection Agency (USEPA). 415 ILCS 5/7.2 (2006). Specifically, Section 22.4(d) relates to underground storage tank (UST) regulations promulgated by the USEPA pursuant to Section 9003 of the federal Resource Conservation and Recovery Act of 1976 (RCRA) (42 U.S.C. §§ 6991b (2006)) to implement Subtitle I of RCRA (42 U.S.C. §§ 6991 et seq. (2006)), with certain limitations. USEPA has codified its UST regulations at 40 C.F.R. 281 through 283.

Wastewater Pretreatment (R09-5). Sections 7.2 and 13.3 of the Environmental Protection Act (Act) (415 ILCS 5/7.2 and 13.3 (2006)), require the Board to adopt regulations that are “identical in substance” to regulations of the United States Environmental Protection Agency (USEPA). 415 ILCS 5/7.2 (2006). Specifically, Section 13.3 relates to wastewater pretreatment regulations that the USEPA adopted to implement Sections 307(b), (c), and (d) and 402(b)(8) and (b)(9) of the federal Water Pollution Control Act (FWPCA) (33 U.S.C. §§ 1317(b), (c), and (d) and 1342(b)(8) and (b)(9) (2006)). USEPA has codified the federal wastewater pretreatment rules as 40 C.F.R. 400 through 499.

Definition of VOM (R09-6). Section 9.1(e) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(e) (2006)) requires the Board to adopt regulations that are “identical in substance” to regulations of the United States Environmental Protection Agency (USEPA). 415 ILCS 5/7.2 (2006). Specifically, Section 9.1(e) of the Act (415 ILCS 5/9.1(e) (2006)) relates to the definition of “volatile organic material” (VOM) and those compounds that USEPA has found to be exempted from regulation under state implementation plans for ozone due to negligible photochemical reactivity. USEPA has codified these exemptions as part of its definitions at 40 C.F.R. 51.100(s).

SDWA Update (R09-7). Section 17.5 of the Environmental Protection Act (415 ILCS 5/17.5 (2006)) requires the Board to adopt regulations that are “identical in substance,” as defined at Section 7.2 of the Act, to the National Primary Drinking Water regulations (NPDWRs) adopted by the United States Environmental Protection Agency (USEPA). These regulations implement sections 1412(b), 1414(c), 1417(a), and 1445(a) of the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300g-1(b), 300g-3(c), 300g-6(a) & 300j-4(a) (2006). USEPA has codified its SDWA regulations at 40 C.F.R. 141 through 143.

Copies of the Board’s separate dismissal orders may be obtained by calling the Clerk’s office at 312-814-3620, or by downloading copies from the Board’s Web site at www.ipcb.state.il.us.

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

Appellate Update

Third District Affirms Board Order In Third Party NPDES Permit Appeal Finding IEPA Improperly Issued Permit in Remands Permit for Further Board Proceedings in *Illinois Environmental Protection Agency and Village of New Lenox v. Illinois Pollution Control Board, Des Plaines River Watershed Alliance, Livable Communities Alliance, Prairie Rivers Network, Sierra Club*, No. 3-07-0565 (consol. with 3-07-0819) (Third Dist. Aug 18, 2008) (affirming Board order reversing and remanding permit to IEPA for additional review in *Des Plaines River Watershed Alliance, Livable Communities Alliance, Prairie Rivers Network, and Sierra Club v. IEPA and Village of New Lenox*, PCB 4-88 (Apr. 19 and July 12, 2007)

In a 22-page order, the Third District Appellate Court affirmed the Board’s order in a third party permit appeal. *Illinois Environmental Protection Agency and Village of New Lenox v. Illinois Pollution Control Board, Des Plaines River Watershed Alliance, Livable Communities Alliance, Prairie Rivers Network, Sierra Club*, No. 3-07-0565 (consol. with 3-07-0819) (Third Dist. Aug 18, 2008) (*New Lenox* (Third Dist.)). The court’s order was issued under Supreme Court Rule 23 (155 Ill.2d R. 23). The Board anticipates filing a motion to publish the order, as it involves the first judicial interpretation of the Board’s antidegradation rule codified at 35 Ill. Adm. Code 302.105. The court’s order additionally affirms the Board’s view of important procedural issues.

In its order, the Board ruled on the appeal brought by the Des Plaines River Watershed Alliance, Livable Communities Alliance, Prairie Rivers Network, and Sierra Club (collectively, petitioners or Environmental Groups). The Board found that the Illinois Environmental Protection Agency (IEPA or Agency) inappropriately failed to adequately address issues raised by the Environmental Groups during the permitting process concerning implementation of the Illinois antidegradation rule (35 Ill. Adm. Code 302.105). The Board concluded that, as a result of this failure, the issuance of the permit violated 35 Ill. Adm. Code 302.105(c) and Section 39 of the Illinois Environmental Protection Act (Act)(415 ILCS 5/39 (2006)). The Board accordingly found that the IEPA improperly granted the permit under the National Pollutant Discharge Elimination System (NPDES) to the Village of New Lenox (New Lenox) for the expansion of one of New Lenox’s three sewage treatment plants. The Board reversed the permit, and remanded it to the IEPA for additional proceedings consistent with the Board opinion. *Des Plaines River Watershed Alliance, Livable Communities Alliance, Prairie Rivers Network, and Sierra Club v. IEPA and Village of New Lenox*, PCB 4-88 (Apr. 19 and July 12, 2007) (*New Lenox*, PCB 04-88).

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Below are a summary of the proceedings before the Board, and a summary of the Board's decision. As the court quoted liberally from the Board's opinion in its discussion of the issues, both are brief. Then follows a summary of the court detailed order, which reviews also lays out the proceedings before IEPA and the Board. The court then reviews issues raised by New Lenox and the IEPA, including (1) the burden of proof; (2) the many antidegradation issues ruled upon by the Board, (3) a discovery request denied by the Board, and (4) the legal import, for the final decision on the merits, of the Board having denied the Environmental Groups' motion for summary judgment.

The Board's Decision in New Lenox, PCB 04-88

The permit appeal to the Board was initiated December 2, 2003 by the Environmental Groups. On October 31, 2003, the IEPA issued an NPDES permit to New Lenox, in Lake County, for the expansion of one of New Lenox's three sewage treatment plants. The NPDES permit issued by the IEPA contains effluent limits and operational conditions that the New Lenox wastewater treatment facility must meet to discharge effluent to Hickory Creek, which ultimately joins with the Des Plaines River. New Lenox, PCB 04-88, slip op. at 1.

In 2002, New Lenox applied to IEPA, seeking an increase in permitted discharge of effluent flows into Hickory Creek from 1.54 million gallons per day (MGD) to 2.516 MGD. New Lenox, PCB 04-88, slip op. at 2. To support its permit application, New Lenox submitted a study by Earth Tech (which collected five water samples in August 2002 and performed a macroinvertebrate (insect) analysis) and a 2002 report from Suburban Laboratories, Inc. (which analyzed two water samples collected from Hickory Creek in January and June 2001 for contaminants). *Id.* at 2-3.

IEPA issued a proposed draft permit and held a public hearing, at which the Environmental Groups commented about green algal blooms observed on Hickory Creek and requested that IEPA "properly analyze whether the increased discharge would further deteriorate the stream's water quality and negatively impact the existing uses of the stream; examine potential alternatives and the costs of eliminating harmful chemicals from the effluent, specifically phosphorus and nitrogen; and require a new and valid survey of the current stream conditions be conducted in accordance with the published IEPA methodology." New Lenox, PCB 04-88, slip op. at 3-4.

After a public comment period, IEPA issues a "responsiveness summary" addressing various issues raised. New Lenox, PCB 04-88, slip op. at 6-8. The October 31, 2003 NPDES permit issued by the IEPA reflected a modified dissolved oxygen limit but did not otherwise address the Environmental Groups' concerns. *Id.*

The Environmental Groups filed a third-party NPDES permit appeal with the Board in December 2003. New Lenox, PCB 04-88, slip op. at 1. The Board denied respondent's requests for discovery, as well as cross-motions for summary judgment on November 17, 2005. *Id.* at 3, 15-20. After a March 2006 hearing and briefing by the parties, on April 19, 2007, the Board issued a 51-page opinion and order. The Board found that the Environmental Groups demonstrated that IEPA failed to properly consider, under the antidegradation rule, the effect of the increased discharge from New Lenox on Hickory Creek, and therefore the permit's issuance violates that regulation (35 Ill. Adm. Code 302.105(c)) and Section 39 of the Environmental Protection Act (Act) (415 ILCS 5/39). The Board summarized its conclusions as follows:

After carefully reviewing the record and the parties' arguments on the permit issues, the Board finds that the IEPA failed to properly consider the effect of the increased discharge from the New Lenox plant on Hickory Creek. Specifically, the IEPA failed to properly review the increased discharge pursuant to 35 Ill. Adm. Code 302.105(c) and as a result the issuance of the permit violates 35 Ill. Adm. Code 302.105(c) and Section 39 of the Act (415 ILCS 5/39 (2004)). In particular the Board finds that the record establishes that the increased loading may degrade the stream and the IEPA did not consider the impact of increased loading of phosphorus and nitrogen on the receiving stream. Further, the record does not support the IEPA's determinations that the water quality standards for offensive conditions dissolved oxygen, pH, and copper will not be violated based on the increased loading to the stream. The Board also finds that the record does not demonstrate that existing uses will be protected given the increase in discharge to Hickory Creek. The Board therefore remands the permit to the IEPA for additional review pursuant to the anti-degradation provisions of the Board rules and consistent with today's opinion. New Lenox, PCB 04-88, slip op. at 3-4.

IEPA and New Lenox sought, and were denied, reconsideration by the Board. New Lenox, PCB 04-88, (July 12, 2007).

The Appellate Court’s Decision in New Lenox (Third Dist.)

IEPA and New Lenox each filed separate appeals, which were consolidated by the court for disposition. New Lenox (Third Dist.), Order at 1,7. The appellate court order first laid out the factual background, a summary of the Board’s proceeding and decision, and an overview of the NPDES permit process and the roles of the Board and IEPA. *Id.*, Order at 1-8. The court then began its detailed analysis of the various issues presented:

Burden of Proof and Standard of Review. The court observed that the NPDES permit application must contain sufficient information for IEPA to determine that the proposed discharge will comply with all state and federal requirements. New Lenox (Third Dist.), Order at 9, citing ESG Watts, Inc. v. IPCB, 224 Ill. App. 3d 592, 595 (3rd Dist. 1992). The court added that “[i]f IEPA does not require this proof from the permit applicant, IEPA has not complied with their own duties under the Act.” *Id.*

According to the court, IEPA’s decision to issue the permit must be supported by “substantial evidence,” (*id.*, quoting Prairie Rivers Network v. IEPA and Black Beauty Coal, PCB 01-112, slip op. at 7 (Aug. 9, 2001)), but this does not “shift the burden away” from the petitioner Environmental Groups. New Lenox (Third Dist.), Order at 9. The Environmental Groups “alone bear the burden in their appeal before the Board to prove that the permit, as issued, violated either the Act and/or the Board’s regulations.” *Id.*, citing, among other authorities, Prairie Rivers Network v. IPCB, 335 Ill. App. 3d 391, 401 (4th Dist. 2002). The court disagreed with the claim of IEPA and New Lenox that the Board “misapplied the burden of proof by making IEPA justify the terms and conditions incorporated into the permit.” New Lenox (Third Dist.), Order at 10. The Board “must review the entire record relied upon by IEPA to determine whether the third party has shown that IEPA failed to comply with criteria set forth in the applicable statutes and regulations before issuing or denying the NPDES permit.” *Id.* The court concluded that the Environmental Groups met their burden of proof before the Board by demonstrating that IEPA “failed to require sufficient evidence to *assure* the water quality of Hickory Creek would not deteriorate further by exceeding the regulatory narrative and numeric standards as a result of the plant expansion.” *Id.*, (emphasis in original).

The court stated that it would review the Board’s decision in order to determine whether the Board’s findings were “contrary to the manifest weight of the evidence.” New Lenox (Third Dist.), Order at 10-11, citing IEPA v. IPCB, 115 Ill. 2d 65, 69-70 (1986), 415 ILCS 5/41(b). The court therefore would not reweigh the evidence but instead would uphold the Board if any evidence in the record fairly supports the Board’s decision. New Lenox (Third Dist.), Order at 11.

Review of Board’s Findings on Permit Issues. The court related that the Board found that

IEPA did not receive sufficient data concerning the increased pollutants and consequently did not properly assess the impact of the increased pollutant loading from the expanded plant as required by the Act. New Lenox (Third Dist.), Order at 11.

Applying the manifest weight of the evidence review standard, the court separately addressed the Board’s findings in each of the four areas covered by the Board’s remand instruction to IEPA

to conduct an antidegradation assessment that (1) addressed whether the NPDES permit was necessary; (2) assures that the water quality would not be diminished below regulatory standards; (3) protected existing uses of the stream; and (4) considered all technically and economically reasonable alternative measures to avoid or minimize the extent of the pollutant loading on the stream. New Lenox (Third Dist.), Order at 12 (citations omitted).

Necessity of Lowering Water Quality to Accommodate Important Economic or Social Development. The Board found that the record contained no data showing that the increased discharge to Hickory Creek was unavoidable or necessary, no facts or analyses discussing other feasible alternatives that might negate the need to increase the discharge, and no information revealing that IEPA evaluated the possibility of other methods to eliminate or reduce phosphorus or nitrogen from the effluent before discharging to the stream. New Lenox (Third

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Dist.), Order at 12-13. According to the court, the Board's finding that IEPA did not follow Section 302.105(c)(1) was not contrary to the manifest weight of the evidence. *Id.* at 13.

Effects of Increased Discharge on Water Quality Standard Exceedences. Because IEPA did not “assure” that the water quality standards for certain contaminants would not be exceeded as a result of granting the NPDES permit, the Board determined that IEPA's issuance of the permit violated Section 302.105(c)(2)(B)(i). New Lenox (Third Dist.), Order at 13. For example, the Board found that Hickory Creek's phosphorus and nitrogen levels must be assessed by IEPA, rejecting IEPA's conclusion that phosphorus and nitrogen limits could not be delineated accurately within the permit. IEPA's antidegradation assessment had indicated that IEPA declined to develop specific restricted limits for the nutrient loading in the discharge because “development for water quality standards for nutrients is progressing as fast as resources allow and research is being conducted” and “standards for phosphorus sources could be another four or five years away.” *Id.* at 14-15.

To determine average concentrations for copper in Hickory Creek, the Suburban Laboratories, Inc. report relied on data from two water samples collected in 2001. New Lenox (Third Dist.), Order at 15. Because the average copper level of these two samples was substantially less than the maximum or chronic water quality standard for copper, IEPA determined that permit limits for copper were not necessary. The court observed that IEPA's reliance on “limited copper sampling data, especially when one sample contained copper levels approximately equaling the maximum copper water quality standard,” was troubling to the Board. *Id.* at 16. Further, the Board found that IEPA did not use the United States Environmental Protection Agency method for “evaluating the reasonable potential to exceed water quality standards for copper because that method called for using more than two samples.” *Id.*

The Board found, in fact, that the record showed evidence that the increased loading would cause or contribute to violations of the water quality standards for offensive conditions related to phosphorous, nitrogen, dissolved oxygen, pH, and algal bloom levels in the stream. New Lenox (Third Dist.), Order at 13. The Board held that IEPA did not have sufficient information to determine that the numeric and narrative water quality standards would not be violated with the expansion of New Lenox's wastewater treatment plant. *Id.* at 16. The court ruled that the Board's findings were not against the manifest weight of the evidence. *Id.* at 17.

Protection of Existing Uses. The court quoted the Board's statement that “one of the most important tenets of the antidegradation regulations is the protection of the existing uses of all waters of the State.” New Lenox (Third Dist.), Order at 17. Under Sections 302.105(a) and 302.105(c)(2)(B)(ii) of the Board's antidegradation rules, IEPA must assure that all existing uses of the stream are both maintained and protected before IEPA issues a permit allowing increased discharge. *Id.* According to the Board, the record lacked evidence assessing how the increased discharge would maintain and protect the existing uses of the stream, including aquatic life. *Id.*

IEPA conceded that its antidegradation assessment relied on the 2002 Earth Tech macroinvertebrate (insect) study, even though copies of IEPA interoffice memoranda showed that the study was “highly criticized” by IEPA employees. New Lenox (Third Dist.), Order at 17. One IEPA memo stated that Earth Tech's collection methods did not comply with IEPA's 1994 “Quality Assurance and Field Methods Manual,” making it “difficult to judge the validity of the Earth Tech study.” *Id.* at 17-18. The memo further observed that the Earth Tech study did not contain enough specific information on habitat, water chemistry, and flow, and used different criteria for interpreting “MBI” (macroinvertebrate biotic index) scores than those typically used by IEPA. *Id.* at 18. Another IEPA memo called the Earth Tech study “one of the poorest studies I have seen in a while.” *Id.* Some of these memoranda also recommended that IEPA require Earth Tech to conduct a new, compliant study. *Id.*

The court noted that other than the “questionably invalid and unreliable Earth Tech study,” the Board found that the record contained no evidence of any current study of the existing aquatic communities or how the increased discharge will affect those communities. New Lenox (Third Dist.), Order at 18. The Board stated that the record contained evidence that Hickory Creek supported a “diverse assemblage of fish species,” yet nothing in the record showed that Hickory Creek's aquatic wildlife would not be harmed by the increase in nutrient loading. *Id.* The court held that the Board's finding that IEPA did not comply with the antidegradation provisions was not contrary to the manifest weight of the evidence. *Id.* at 18-19.

Consideration of Reasonable Alternatives. The court reported that the Board found that Section 302.105(c)(2)(B)(iii) requires IEPA's antidegradation assessment to assure that “all technically and economically reasonable alternatives are incorporated into the proposed expansion to avoid or minimize the proposed increase of

pollutant loading into a stream.” New Lenox (Third Dist.), Order at 19. IEPA considered only one general cost estimate to demonstrate the feasibility of using a land management program as an alternative to the wastewater treatment plant expansion, and that cost estimate was from the “discredited Earth Tech study.” *Id.* Further, the Board found that the record did not address any other alternatives or technologies to minimize the increased pollutant loading into Hickory Creek, and that nothing in the record showed that IEPA considered the costs or technology available to remove phosphorus and nitrogen from the effluent before it was discharged into Hickory Creek. The court ruled that the Board’s finding, that permit issuance under these circumstances violated the antidegradation rule, was not against the manifest weight of the evidence. *Id.*

Court’s Conclusion on Antidegradation. After conducting a “thorough and independent review of the record,” the court concluded that there is “substantial evidence in the IEPA record illustrating that IEPA neglected to properly consider the regulatory standards prohibiting the degradation of Illinois waters set forth in 35 Ill. Admin. Code § 302.105.” New Lenox (Third Dist.), Order at 22. The court therefore held that “the record supports the action taken by the Board to remand the permit back to IEPA for further review of those standards.” *Id.*

Review of Board’s Findings on Procedural Issues. After affirming the Board on the ultimate issues in the case, the court then turned to various procedural issues raised by appellants. The court again affirmed the Board’s determinations.

Denial of Discovery Request. Applying an “abuse of discretion” standard of review to the Board’s ruling denying appellants’ discovery request, the court noted the Board’s reliance on Section 40(e)(3) of the Act (415 ILCS 5/40(e)(3)) and Section 105.214(a) of the Board’s procedural rules (35 Ill. Adm. Code 105.214(a)). New Lenox (Third Dist.), Order at 20. Those provisions require the Board to “conduct the permit appeal hearing ‘exclusively on the record before the Agency [IEPA] at the time the permit or decision was issued.’” *Id.*, quoting 35 Ill. Adm. Code 105.214(a). The court ruled therefore that the Board did not abuse its discretion, finding that the Board “could not properly consider additional evidence or testimony that might be disclosed through additional discovery.” New Lenox (Third Dist.), Order at 20.

Denial of Motion for Summary Judgment. According to IEPA and New Lenox, the Board’s denial of the Environmental Groups’ motion for summary judgment is “inconsistent with the ultimate conclusions” in the Board’s final opinion and order. New Lenox (Third Dist.), Order at 20. The appellants argued that because the Board did not grant summary judgment for the Environmental Groups or receive additional evidence during the permit appeal hearing, the Environmental Groups “could not have met their burden of proof.” *Id.* The court disagreed, stating: “We conclude that appellants’ position that a ruling on summary judgment should predict the outcome of the hearing on the merits of a case is erroneous.” *Id.*

The court recounted the familiar standards applied by the Board and trial courts when considering a motion for summary judgment: (1) summary judgment may be entered if the record shows that there is no genuine issue of material fact and that the moving party is entitled to judgment as a matter of law; (2) when ruling on a motion for summary judgment, pleadings, depositions, and affidavits must be considered strictly against the moving party and in favor of the opposing party; (3) the purpose of summary judgment is not to try a question of fact, but instead to determine whether a genuine question of material fact exists; (4) summary judgment is a drastic means of disposing of litigation and accordingly should be allowed only where the moving party’s right is clear and free of doubt. New Lenox (Third Dist.), Order at 21, citing, among other authorities, Bagent v. Blessing Care Corp., 224 Ill. 2d 154, 162 (2007). The court observed that the Board applied these standards and properly denied the Environmental Groups’ motion for summary judgment: “considering the record and pleadings strictly against the Environmental Groups and in favor of IEPA and New Lenox, there existed genuine issues of material fact regarding the issues of nutrient loading, the narrative offensive conditions water quality standard, and the copper water quality standard.” New Lenox (Third Dist.), Order at 21.

The court stated that when summary judgment is denied, the case proceeds to hearing and a final judgment on the merits, and “questions of fact must be resolved by the Board.” New Lenox (Third Dist.), Order at 21, citing Town & Country Utilities, Inc. v. IPCB, 225 Ill. 2d 103, 118 (2007). Distinguishing the Board’s task in ruling on a summary judgment motion, the court explained that “[a]t the final hearing on the merits, the Board is not called upon to review the evidence in a light most favorable to either party, but must balance and weigh the evidence in a neutral context to make its final determination or judgment.” New Lenox (Third Dist.), Order at 22. The Board therefore had “very different legal standards to apply” when ruling on the summary judgment motion and deciding the merits of the case:

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“In making its final determinations in its Opinion and Order, the Board resolved the questions of material fact based upon the evidence in the record.” *Id.* The court concluded that “the Board’s decision to deny summary judgment in favor of the Environmental Groups was not irreconcilable with its final decision to negate IEPA’s issuance of the New Lenox permit and remand it for further evaluation.” *Id.*

Board Actions

August 7, 2008

Via Videoconference

Springfield and Chicago, Illinois

Rulemakings

R08-5	<u>Wastewater Pretreatment Update, USEPA Amendments (January 1, 2007 through June 30, 2007)</u>	4-0 Water
R08-7	<u>SDWA Update, USEPA Amendments (January 1, 2007 through June 30, 2007)</u>	PWS
R08-13	<u>SDWA Update, USEPA Amendments (July 1, 2007 through December 31, 2007)</u> – The Board adopted a proposal for public comment in this “identical-in-substance” consolidated rulemaking to amend the Board’s wastewater pretreatment and drinking water regulations and extended the deadline for completion of rulemaking from August 15, 2008 to December 1, 2008.	PWS

Adjusted Standards

AS 08-9	<u>In the Matter of: Petition of Big River Zinc Corporation for an Adjusted Standard Under 35 Ill. Adm. Code 720-131(c) v. IEPA</u> – The Board granted petitioners motion for expedited decision, and will issue a final decision as soon as is reasonably practicable, consistent with decision deadlines and available resources.	4-0 Land
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Administrative Citations

AC 09-2	<u>IEPA v. Theodore & Elizabeth Hollenbeak and Hollenbeak Concrete, Inc.</u> – The Board ordered respondents to file an amended petition for review in this administrative citation involving a Brown County facility, on or before September 8, 2008, or the petition for review would be subject to dismissal.	4-0
AC 09-4	<u>County of Jackson v. Lester Johnson and Arthur Cross</u> – The Board ordered respondents to file an amended petition for review in this administrative citation involving a Jackson County facility, on or before September 8, 2008, or the petition for review would be subject to dismissal.	4-0

Environmental Register – August 2008

Adjudicatory Cases

PCB 00-104	<u>People of the State of Illinois v. Murphy Farms, L.L.C.</u> – In this air and water enforcement action concerning a Knox 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) (2006)), and accepted a stipulation and settlement agreement, ordering the respondent to make a “monetary payment” in the sum of \$35,000 to the University of Illinois, College of Agriculture, Consumer and Environmental Sciences, for the College’s Discovery Farms research project, and to cease and desist from further violations.	4-0 A, W-E
PCB 05-35	<u>Kibler Development Corporation and Marion Ridge Landfill, Inc. v. IEPA</u> – The Board granted petitioners’ motion for voluntarily dismissal and denied the State’s Attorney of Williamson County motion to intervene as moot.	4-0 P-A, Land
PCB 07-32	<u>People of the State of Illinois v. Southwind Construction Corp</u> – In this water enforcement action concerning a Tazewell 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) (2006)), and accepted a stipulation and settlement agreement, ordering the respondent to pay a total civil penalty of \$2,500, and to cease and desist from further violations.	4-0 W-E
PCB 07-43	<u>Kibler Development Corporation and Marion Ridge Landfill, Inc. v. IEPA</u> – <u>The Board granted petitioners’ motion for voluntarily dismissal and denied the State’s Attorney of Williamson County motion to intervene as moot.</u>	4-0 P-A, Land
PCB 07-71	<u>Lone Star Industries, Inc. v. IEPA</u> – The Board granted this LaSalle County facility’s motion for voluntary dismissal of this permit appeal.	4-0 P-A, Air
PCB 08-78	<u>Park Ridge/7-Eleven, Inc. v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Cook County facility.	4-0 90-Day Ext, UST Appeal
PCB 08-95	<u>United City of Yorkville v. IEPA and Hamman Farms</u> – The Board granted both respondents’ motions for dismissal, finding that the Board lacks jurisdiction under the Illinois Environmental Protection Act to hear this appeal.	4-0 P-A, Land Third Party
PCB 08-100	<u>People of the State of Illinois v. City of Geneva</u> – In this water enforcement action concerning a Kane 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) (2006)), and accepted a stipulation and settlement agreement, ordering the respondent to pay a total civil penalty of \$5,000, and to cease and desist from further violations.	4-0 W-E
PCB 08-101	<u>Waste Management of Illinois, Inc. v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Madison County facility.	4-0 P-A, Water
PCB 09-6	<u>Dynegy Midwest Generation, Inc. (Wood River Power Station) v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Madison County facility. No action was taken on petitioner’s motion for partial stay of specified conditions in the construction permit.	4-0 P-A, Air
PCB 09-7	<u>Streator Petrol Pump v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a LaSalle County facility.	4-0 UST Appeal

Environmental Register – August 2008

PCB 09-8	<u>People of the State of Illinois v. Red Seal Development Corporation and Lenzini Excavating Company</u> – The Board accepted for hearing this water enforcement action involving a site located in Lake County.	4-0 W-E
PCB 09-9	<u>Dynegy Midwest Generation, Inc. (Baldwin Energy Complex) v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Randolph County facility. No action was taken on petitioner’s motion for partial stay of specified conditions in the construction permit.	4-0 P-A, Air
PCB 09-11	<u>People of the State of Illinois v. Rockford Blacktop Construction Co. and Westlake Utilities, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreements and agreed motions to request relief from the hearing requirement in this water enforcement action involving a Winnebago County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E

August 21, 2008

Via Videoconference

Springfield and Chicago, Illinois

Rulemakings

R08-8	<u>In the Matter of: Abbott Laboratories' Proposed Site-Specific Amendment to Applicability Section of Organic Material Emission Standards and Limitations for the Chicago Area: Subpart T: Pharmaceutical Manufacturing (35 Ill. Adm. Code 218.480(b))</u> – The Board adopted a final opinion and order in this rulemaking amending the Board’s air pollution control regulations.	3-0 Air Moore abstained
R09-1	<u>UIC Update, USEPA Amendments (January 1, 2008 through June 30, 2008)</u> – 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 January 1, 2008 through June 30, 2008.	4-0 Land
R09-2	<u>RCRA Subtitle D (Municipal Solid Waste Landfill Update, USEPA Amendments (January 1, 2008 through June 30, 2008))</u> – 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 January 1, 2008 through June 30, 2008.	4-0 Land
R09-4	<u>UST Update, USEPA Amendments (January 1, 2008 through June 30, 2008)</u> – 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 January 1, 2008 through June 30, 2008.	4-0 Land

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R09-5	<u>Wastewater Pretreatment Update, USEPA Amendments (January 1, 2008 through June 30, 2008)</u> – 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 January 1, 2008 through June 30, 2008.	4-0 Water
R09-6	<u>Definition of VOM Update, USEPA Amendments (January 1, 2008 through June 30, 2008)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its exemptions from the definition of volatile organic emission regulations during the update period of January 1, 2008 through June 30, 2008.	4-0 Air
R09-7	<u>SDWA Update, USEPA Amendments (January 1, 2008 through June 30, 2008)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its drinking water regulations during the update period of January 1, 2008 through June 30, 2008.	4-0 PWS

Adjusted Standards

AS 08-2	<u>In the Matter of: Petition of Stericycle, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 422.111(B)(1); 1450.105(A)-(B);1450.200(e)</u> – The Board granted an adjusted standards to Stericycle, Inc. an adjusted standard from 35 Ill. Adm. Code 1422.111(b)(1) for its transfer station located at 3801 South Laramie Street, Cicero, Cook County, subject to conditions. The Board denied petitioner’s request for an adjusted standard from PIMW transporter fee regulations adopted by the Illinois Environmental Protection Agency. 35 Ill. Adm. Code 1450.105(a), 1450.105(b), 1450.200(e).	4-0 PIMW
AS 08-10	<u>In the Matter of: RCRA Delisting Adjusted Standard Petition of Peoria Disposal Company</u> – The Board denied the request for redacted information noting petitioner supplied same at hearing. The Board reserved ruling on the requests for additional hearings, noting comments are due by September 2, 2008.	4-0 Land

Administrative Citations

AC 08-20	<u>County of Jackson v. James Moake.</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	4-0
AC 08-21	<u>County of Jackson v. Jack Reeves & Jacqueline Watkins</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	4-0
AC 09-1	<u>County of Vermilion, Illinois v. Connie Yount.</u> – The Board found that this respondent violated Sections 21(p)(1) and (p) (3) of the Act (415 ILCS 5/21(p)(1), (p)(3) (2006)), assessing a penalty of \$3,000 in this administrative citation involving a Vermilion County facility.	4-0

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Adjudicatory Cases

PCB 04-185	<u>Midwest Generation EME, LLC v. IEPA</u> – The Board granted the parties’ joint motion to stay this trade secret appeal through November 18, 2008, unless the Board issues an order terminating the stay earlier.	4-0 T-S Air
PCB 04-215	<u>Commonwealth Edison Company v. IEPA</u> – The Board granted the parties’ joint motion to stay this trade secret appeal through November 21, 2008, unless the Board issues an order terminating the stay earlier.	4-0 T-S Air
PCB 04-216	<u>Midwest Generation EME, LLC v. IEPA</u> – The Board granted the parties’ joint motion to stay this trade secret appeal through November 21, 2008, unless the Board issues an order terminating the stay earlier.	4-0 T-S Air
PCB 07-112	<u>Lone Star Industries, Inc. v. IEPA</u> – The Board granted this LaSalle County facility’s motion for voluntary dismissal of this permit appeal.	4-0 P-A, Air
PCB 08-91	<u>People of the State of Illinois v. Surface Manufacturing Company</u> – In this water enforcement action concerning a Boone 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) (2006)), and accepted a stipulation and settlement agreement, ordering the respondent to pay a total civil penalty of \$12,000.00, and to cease and desist from further violations.	4-0 W-E
PCB 08-98	<u>People of the State of Illinois v. Farmers & Traders Bancshares, Inc., an Illinois corporation, and Pedriana Gustafson, Inc.,</u> – In this water enforcement action concerning a DeKalb 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) (2006)), and accepted a stipulation and settlement agreement, ordering the respondents to pay a total civil penalty of \$15,000.00, and to cease and desist from further violations.	4-0 W-E
PCB 09-6	<u>Dynegy Midwest Generation, Inc. (Wood River Power Station) v. IEPA</u> – The Board granted petitioner’s motion for a partial stay of the construction permit.	4-0 P-A, Air
PCB 09-8	<u>People of the State of Illinois v. Red Seal Development Corporation and Lenzini Excavating Company</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.	4-0 W-E
PCB 09-9	<u>Dynegy Midwest Generation, Inc. (Baldwin Energy Complex) v. IEPA</u> – The Board granted petitioner’s motion for a partial stay of the construction permit.	4-0 P-A, Air

New Cases

August 7, 2008 Board Meeting

09-6 Dynegy Midwest Generation, Inc. (Wood River Power Station) v. IEPA – The Board accepted for hearing this permit appeal involving a Madison County facility. No action was taken on petitioner's motion for partial stay of specified conditions in the construction permit.

09-7 Streator Petrol Pump v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a LaSalle County facility.

09-8 People of the State of Illinois v. Red Seal Development Corporation and Lenzini Excavating Company – The Board accepted for hearing this water enforcement action involving a site located in Lake County.

09-9 Dynegy Midwest Generation, Inc. (Baldwin Energy Complex) v. IEPA – The Board accepted for hearing this permit appeal involving a Randolph County facility. No action was taken on petitioner's motion for partial stay of specified conditions in the construction permit.

09-10 Joseph & Victoria Morrissey v. Geoff Pahlos, Alpine Automotive – No action taken.

09-11 People of the State of Illinois v. Rockford Blacktop Construction Co. and Westlake Utilities, Inc. – Upon receipt of a proposed stipulation and settlement agreements and agreed motions to request relief from the hearing requirement in this water enforcement action involving a Winnebago County facility, the Board ordered publication of the required newspaper notice.

AC 09-5 IEPA v. Donald E. and Mary A. Jennings – The Board accepted an administrative citation against these Brown County respondents.

AC 09-6 IEPA v. Euwell & Phyllis Beers and Jeremy Beers – The Board accepted an administrative citation against these Williamson County respondents.

AC 09-7 IEPA v. Mid-America Machinery Company – The Board accepted an administrative citation against this Macoupin County respondent.

AC 09-8 County of Jackson v. Dan Kimmel – The Board accepted an administrative citation against this Jackson County respondent.

AC 09-9 County of Jackson v. Alvin Valdez and Ruben J. Valdez – The Board accepted an administrative citation against these Jackson County respondents.

August 21, 2008 Board Meeting

09-12 People of the State of Illinois v. Rockford Blacktop Construction Co. and Westlake Utilities, Inc. – Upon receipt of a proposed stipulation and settlement agreements and agreed motions to request relief from the hearing requirement in this water enforcement action involving a Winnebago County facility, the Board ordered publication of the required newspaper notice.

AC 09-10 IEPA v. Brian Bellemey – The Board accepted an administrative citation against this Marion County respondent.

AS 09-1 In the Matter of: Petition of Ameren Energy Generating Company for Adjusted Standards from 35 Ill. Adm. Code Parts 811, 814, and 815 (Hutsonville Power Station) – No action taken.

Calendar

<p>9/4/08 11:00 AM</p>	<p align="center">Illinois Pollution Control Board Meeting</p>		<p>James R. Thompson Center 100 W. Randolph Street Chicago</p>
<p>9/8/08 9:00 AM</p>	<p>R08-09</p>	<p><u>In the Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304</u></p> <p>(Continues until complete or through September 10, 2008)</p>	<p>James R. Thompson Center Room 9-040 100 West Randolph Chicago</p>
<p>9/16/08 3:00 PM</p>	<p align="center">Illinois Pollution Control Board Meeting</p>		<p>VIDECONFERENCE</p> <p>James R. Thompson Center 100 W. Randolph Street Chicago And Illinois Pollution Control Board Hearing Room (1244 N, First Floor) 1021 N. Grand Avenue East (North Entrance) Springfield</p>
<p>9/23/08 9:00 AM</p>	<p>R08-09</p>	<p><u>In the Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304</u></p> <p>(Continues until complete or through September 25, 2008)</p>	<p>James R. Thompson Center Room 9-040 100 West Randolph Chicago</p>
<p>9/30/08 3:00 pm</p>	<p align="center">Illinois Pollution Control Board Meeting</p>		<p>James R. Thompson Center 100 W. Randolph Street Chicago</p>
<p>10/1/08 10:30 AM</p>	<p>R06-20</p>	<p><u>In the Matter of: Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil, 35 Ill. Adm. Code 808, 809</u></p>	<p>Illinois Pollution Control Board Videconference Room 11-512 James R. Thompson Center 100 W. Randolph Street Chicago</p>
<p>10/6/08 9:00 AM</p>	<p>PCB 07-146</p>	<p><u>Fox Moraine, LLC v. United City of Yorkville, City Council</u></p> <p>(Continues until complete or through October 8, 2008)</p>	<p>United City of Yorkville Public Library Meeting Room 902 Game Farm Road Yorkville</p>

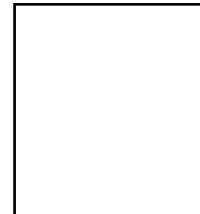
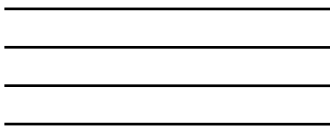
Environmental Register – August 2008

10/14/08 10:00 AM	R08-19	<u>In the Matter of: Nitrogen Oxides Emissions From Various Source Categories, Amendments to 35 Ill. Adm. Code Parts 211 and 217</u> (Continues until complete or through October 17, 2008)	Illinois Environmental Protection Agency Training Room 1414 West 1021 North Grand Avenue East, North Entrance Springfield
10/16/08 11:00 AM	Illinois Pollution Control Board Meeting		Illinois Pollution Control Board Hearing Room (1244 N, First Floor) 1021 N. Grand Avenue East (North Entrance) Springfield
10/20/08 9:00 AM	PCB 97-193	<u>People of the State of Illinois v. Community Landfill Company, Inc. (Consolidated: PCB 97-193 and PCB 04-207)</u> (Continues until complete or through October 23, 2008)	The Grundy County Administrative Center Board Room 1320 Union Street Morris
10/20/08 9:00 AM	PCB 04-207	<u>People of the State of Illinois v. Edward Pruim, an individual, and Robert Pruim, an individual (Consolidated: PCB 97-193 and PCB 04-207)</u> (Continues until complete or through October 23, 2008)	The Grundy County Administrative Center Board Room 1320 Union Street Morris
11/5/08 3:00 PM	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
11/20/08 11:00 AM	Illinois Pollution Control Board Meeting		VIDOECONFERENCE James R. Thompson Center 100 W. Randolph Street Chicago And Illinois Pollution Control Board Hearing Room (1244 N, First Floor) 1021 N. Grand Avenue East (North Entrance) Springfield

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

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

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