
Environmental Register

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

G. Tanner Girard, Acting Chairman

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Letter from the Chairman

Over the last two months, the Governor has signed several environmental bills. I have briefly summarized three of the most substantial bills below and list several others of particular interest. You can obtain more information through the General Assembly's website at www.ilga.gov.

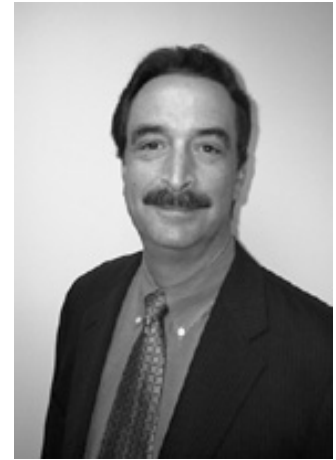
Public Act 96-603 (House Bill 4021), effective August 24, 2009, amends the Environmental Protection Act (Act) to require the Illinois Environmental Protection Agency (IEPA) to evaluate a release of contaminants if the soil, soil gas, or groundwater contamination may extend beyond the boundary of the site where the release occurred. The IEPA is required to notify owners of contaminated property if soil contamination or soil gas contamination extends beyond the boundary of the site where the release occurred, or if there is threat of public exposure above remediation objectives.

P.A. 96-603 also requires owners and operators of community water systems to maintain and make available to the IEPA certain documents and requires that the IEPA provide public notice within 2 days after IEPA refers a matter for enforcement or issues a seal order. The IEPA is required to provide notice to the owners and operators of the community water system within five days after taking one of these actions. Also, within five days after receiving that notice, the owner or operator of the community water system must notify all residents and owners of premises connected to the community water system. Similar notice requirements must be complied with when groundwater contamination poses a threat of exposure to the public above the Class I groundwater quality standards.

Public Act 96-0418 (Senate Bill 99), effective January 1, 2010, amends the Act by defining the terms "food scrap" and "organic waste." P.A. 96-0418 states that the term "pollution control facility" does not include the portion of a site meeting a list of specified requirements, and used for composting food scrap, livestock waste, crop residue, uncontaminated wood waste, or paper waste. Specified applicant notice requirements must be met before the IEPA may issue a permit to construct or develop a composting facility using standards developed by the IEPA.

Public Act 96-0611 (Senate Bill 125), effective August 24, 2009, amends the Act by excluding the portion of a site exclusively accepting general construction debris, located in a county with a population over 500,000, from regulation as a pollution control facility. The Act is also amended to provide that a facility located in a county with population over 700,000 as of January 1, 2000, operated and located in accordance with Section 22.38 of the Act, and used exclusively for the transfer, storage, or treatment of general construction or demolition debris, does not need a permit if "the facility was receiving construction or demolition debris on the effective date" of this Act. There is a new provision requiring an owner or operator of a facility exclusively accepting general construction or demolition debris for transfer, storage, or treatment, to obtain a permit from the IEPA prior to the initial acceptance of general construction or demolition debris at the facility, if the site is opened on or after August 24, 2009.

New Public Acts of interest to the environmental and regulated communities are Public Act 96-0489 (Senate Bill 2034), effective August 14, 2009, Public Act 96-0737 (Senate Bill 2013), effective August 25, 2009, Public Act 96-0235 (House Bill 266), effective August 11, 2009, and Public Act 96-0308 (House Bill 3859), effective August 11, 2009. Please visit the General Assembly website (www.ilga.gov) for more details.



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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Appellate Update

In Consolidated Appeals of Board Affirmance of Six of Eight Conditions of Local Grant of Siting Approval for Landfill Expansion, Second District Dismisses Part of Appeal as Moot, and Vacates and Remands Two Conditions for Additional Board Proceedings in The City of Rochelle v. Illinois Pollution Control Board, Rochelle Waste Disposal, L.L.C., and The Rochelle City Council, No. 2-08-0427, and The Rochelle City Council v. Illinois Pollution Control Board, Rochelle Waste Disposal, L.L.C., and The City of Rochelle, No. 2-08-0433 (cons.) (concerning Board’s order in PCB 07-113 (final order of Jan. 24, 2008, as reaffirmed on reconsideration April 3, 2008))

In a September 4, 2009 five-page non-precedential order, the Second District Appellate Court “dismissed in part and affirmed as modified” a Board ruling in a landfill siting case. The City of Rochelle v. Illinois Pollution Control Board, Rochelle Waste Disposal, L.L.C., and The Rochelle City Council, No. 2-08-0427, and The Rochelle City Council v. Illinois Pollution Control Board, Rochelle Waste Disposal, L.L.C., and The City of Rochelle, No. 2-08-0433 (cons.), slip op. at 1 (2d Dist. Sept. 4, 2009) (hereinafter Rochelle (Second District)). The court’s ruling was an unpublished order, issued under Illinois Supreme Court Rule 23 (166 Ill.2d R.23). Justice McLaren authored the order in which Justices Hutchinson and Hudson concurred. The court decided the case without hearing oral argument.

Siting approval for the expansion of the existing municipal waste landfill, requested by the City of Rochelle as owner-applicant (City), was granted by the local siting authority, the Rochelle City Council (Council), subject to conditions. The third-party appeal before the Board filed by operator Rochelle Waste Disposal, LLC (RWD) dealt only with eight conditions of that siting approval. Rochelle Waste Disposal, L.L.C. v. The City of Rochelle and The Rochelle City Council, PCB 07-113 (final order of Jan. 24, 2008, as reaffirmed on reconsideration April 3, 2008)) (hereinafter Rochelle, PCB 07-113).

The Board’s affirmation of two of those conditions was appealed to the Second District. The court noted that only Special Conditions 13 and 23 were at issue, both of which were affirmed by the Board. In the Rule 23 order, the court dismisses part of the appeal concerning one condition as moot (timing of waste exhumation), affirms the other condition but with modifications (perimeter berm height), vacates the Board order, retains jurisdiction, and remands the matter to the Board for further proceedings consistent with the court’s order. Rochelle (Second District). In the event none of the parties ask the Second District for reconsideration or clarification of its Rule 23 order, the Board would normally initiate the required additional proceedings by order following its receipt of the appellate court’s mandate.

Below is a summary of the Board’s proceedings, and the court’s decision.

Board Proceedings in Rochelle, PCB 07-113

The proceeding before the Board was initiated by the May 16, 2007 filing of a under Section 40.1(b) of the Illinois Environmental Protection Act, 415 ILCS 5/40.1(b) (2008) and the Board’s procedural rules at 35 Ill. Adm. Code Part 107. As previously stated, the siting authority is the Rochelle City Council (Council), while the siting applicant is the City of Rochelle (City), owner of the landfill. The landfill, which is known as the “Rochelle Municipal Landfill,” began operating in 1972. Rochelle Waste Disposal, L.L.C. (RWD) operates the landfill and has done so since 1995. The landfill is located at 6513 Mulford Road in Rochelle, Ogle County.

RWD filed a third-party appeal with the Board to contest the Council's decision regarding numerous special conditions. Specifically, RWD appealed the Council's determination to impose eight of the special conditions. In its 56-page opinion and order of January 24, 2008, the Board ruled that the Council's determination to impose challenged Special Conditions 8, 13, 22, 23, 26, and 28 was not against the manifest weight of the evidence. The Board also held that Special Conditions 33 and 34 lacked support in the record and modified those conditions as proposed by the Council and based on the record. The City, the Council, and RWD filed separate motions for reconsideration of the Board's opinion and order. In an order of April 3, 2008, the Board granted the parties' motions and, upon reconsideration, affirmed its January 24, 2008 opinion and order in its entirety.

Appellate Decision in Rochelle (Second District)

After adoption of the Board's April 3, 2008 decision, the Council and the City separately sought appellate review, each petitioning the Second District, which consolidated the appeals. The court began its September 4, 2009 Rule 23 order by stating that "We dismiss in part and affirm as modified". Rochelle (Second District), slip op. at 1. The court then recited relevant facts about the City Council's proceeding under Section 39.2 of the Act, 415 ILCS 5/39.2 (2008).

In October 2006, the City filed an application with the Council to expand the landfill. The City proposed to accept into the expanded landfill general municipal waste, construction and demolition debris, and non-hazardous special waste. The proposed expansion included exhuming and transferring waste from the original landfill to a new section equipped with a composite liner, a leachate control system, a landfill gas management system, and a groundwater monitoring system. Rochelle (Second District), slip op. at 2. Completion of the waste exhumation and transfer was expected to take five to ten years. The siting application also proposed a vegetated berm, at least eight feet tall, around the facility's perimeter. *Id.*

During six days of local public hearings, the parties presented ten witnesses. The technical consultant for the Council, Patrick Engineering, submitted its report and recommendations "after the close of evidence" (Rochelle (Second District), slip op. at 2) and after the end of the post-hearing public comment period. Patrick Engineering recommended that the Council approve siting for the expansion, subject to 37 special conditions. The hearing officer then submitted his findings of fact and conclusions of law, recommending siting approval with the imposition of the 37 special conditions. The Council approved the City's application subject to 37 special conditions that were based on, but differing slightly from, Patrick Engineering's recommended conditions. *Id.*

RWD filed a motion to reconsider with the Council, objecting to eight special conditions. The City responded to the motion, arguing that the conditions were unnecessary and requesting that eight special conditions be deleted or modified. In turn, the Council adopted a resolution modifying two of the conditions and reaffirming the remaining conditions. Rochelle (Second District), slip op. at 2.

Special Condition 13 required, in part, that RWD exhume and re-dispose of waste from the original landfill "as soon as practicable, but in no event later than six (6) years from the date an IEPA permit is issued for the expansion, except as otherwise provided by the City Council for good cause shown." Rochelle (Second District), slip op. at 3 (quoting condition). The City argued for a ten-year time limit and asked the court to delete the condition. The Second District noted, however, that in April 2008, the Council adopted an ordinance that, among other things, approved an agreement to extend the time period for the exhumation and re-disposal to ten years, subject to possible further extension. (That ordinance was not presented to the Board in PCB 07-113, and presumably was adopted after issuance of the Board's reconsideration order of April 3, 2008.) The court found that this "intervening action by the Council makes it impossible for this court to grant the relief sought by the City, as the Council's action is the equivalent of the relief sought on appeal." Rochelle (Second District), slip op. at 3-4. The court therefore held that the issue is "moot" and accordingly "dismiss[ed] this portion of the review." *Id.* at 4.

Special Condition 23 provided for the building of berms at least 14 feet in height around the perimeter of the landfill site. Both the City and the Council (the same entity which included the condition in the siting approval it granted the City) argued on appeal that Special Condition 23 is against the manifest weight of the evidence.

The court summarized certain record information concerning the berms from the local siting proceedings. The City's application proposed a vegetated berm, at least eight feet tall. A City witness, J. Christopher Lannert, registered landscape architect, proposed a berm that would "undulate from a minimum of 8 feet high to a high of 10 feet high along Creston Road." Rochelle (Second District), slip op. at 4 (quoting testimony). The "only other testimony regarding berms," the court observed, was provided by Devin A. Moose, a registered professional

engineer employed by Shaw Environmental, the principal designer of the proposed expansion proposal. *Id.* Moose “referred to Lannert’s testimony about an undulating berm ‘of a minimum of 8-foot height’ but never testified about any other height for the berm.” *Id.* (internal quotation of testimony). The court also noted that there was evidence in the record about the extensive history of various violations at the landfill. *Id.*

The court then stated that the Board decision, *i.e.*, that Special Condition 23 was not against the manifest weight of the evidence, was based on (1) the recommendations of Patrick Engineering and the hearing officer that the berm be at least 14 feet tall, (2) Moose’s testimony that berms help in screening landfill operations from view and controlling litter, and (3) RWD’s operating record. Rochelle (Second District), slip op. at 4-5.

The Second District’s examination of “the record” found “no support for the PCB’s conclusion that 14 foot berms were required.” Rochelle (Second District), slip op. at 5. According to the court, there was “no evidence either in favor of or in opposition to such a height.” *Id.* The court added that there was also “no evidence suggesting that the planned 8 to 10 foot high berm was insufficient.” *Id.* The court acknowledged that the Board was correct that (1) an applicant’s prior operating experience and record can be considered before granting siting approval (citing 415 ILCS 5/39.2(a)); and (2) the Board can apply its technical expertise in examining the record to determine whether the record supports the local siting authority’s conclusion (citing Town & Country Utilities, Inc. v. PCB, 225 Ill. 2d 103, 123 (2007)). The court found, however, that “there simply is no evidence to support the finding that a 14 foot berm would be necessary to prevent further violations such as those committed in the past or that such a height would be required for any other reason.” Rochelle (Second District), slip op. at 5. The court cautioned that “[t]he PCB’s technical expertise must be applied to the record and not imposed arbitrarily or at random.” *Id.*

The Second District held that the record supports the requirement that a berm be installed, but “the 14 foot height requirement is against the manifest weight of the evidence.” Rochelle (Second District), slip op. at 5. Therefore, the court continued, “we determine the final order of the Board is invalid and vacate said order.” *Id.* The court had cited U.S. Steel Corp. v. PCB, 384 Ill. App. 3d 457, 461 (5th Dist. 2008) for the order’s articulation of the “manifest weight of the evidence” standard of review: “A factual finding is against the manifest weight of the evidence if when viewing all of the evidence in the light most favorable to the prevailing party, the opposite conclusion is clearly apparent or the finding is palpably erroneous and wholly unwarranted, is clearly the result of prejudice or passion, or appears to be arbitrary and unsubstantiated by the evidence.” Rochelle (Second District), slip op. at 3. The Second District’s finding that there was “no evidence” in favor of the 14-foot height requirement for the perimeter berm indicates that the court did not consider the Patrick Engineering recommendation of 14-feet to be “evidence.”

Citing 415 ILCS 5/41, the Second District “retain[ed] jurisdiction during the pendency of any further action taken by the Board pursuant to this order.” Rochelle (Second District), slip op. at 5. The court concluded by stating that the Board’s order is “vacated and remanded for further proceedings consistent with this order.” *Id.*

Rulemaking Update

Board Adopts Second Notice Proposal In the Matter of: Nitrogen Oxide (NO_x) Trading Program Sunset Provisions for Electric Generating Units (EGUs): New 35 Ill. Adm. Code 217.751, R09-20 (Sept. 17, 2009)

On September 17, 2009, the Illinois Pollution Control Board adopted a second notice proposal for review by the Joint Committee on Administrative Rules under the Illinois Administrative Procedure Act. In the Matter of: Nitrogen Oxide (NO_x) Trading Program Sunset Provisions for Electric Generating Units (EGUs): New 35 Ill. Adm. Code 217.751,R09-20 (Sept. 17, 2009). After two public hearings, the Board adopted a second notice proposal identical to the May 7, 2009 first notice proposal published at 33 Ill. Reg. 8880 (June 26, 2009).

The Illinois Environmental Protection Agency (IEPA) filed its proposal with the Board on April 21, 2009. The proposal would sunset the provisions of the Nitrogen Oxides (NO_x) Trading Program rules for about 229 electrical generating units (EGUs). IEPA has requested that the Board complete the rulemaking before the end of November 2009.

In its statement of reasons, the IEPA states that Illinois adopted both the NO_x rules at 35 Ill. Adm. Code Part 217 and the Clean Air Interstate Rule (CAIR) at 35 Ill. Adm. Code Part 225 after adoption of similar rules by the United States Environmental Protection Agency (USEPA). USEPA has approved both sets of rules for inclusion in the

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State Implementation Plan (SIP) for ozone attainment. As do the USEPA rules, the CAIR provisions as set forth in 35 Ill. Code Part 225.Subpart E include a trading program for control of NO_x emissions during the ozone season that replaces the provisions in Part 217.Subpart W for EGUs beginning with the 2009 control period (May 1 through September 30) and thereafter.

But, due to a federal court ruling concerning the federal CAIR rules in *North Carolina v. USEPA*, 531 F.3d 896 (C.A.D.C. Cir. 2008), USEPA must take additional action concerning its rules. To solve the problem, in 40 CFR 51.123(bb)(1)(i), USEPA has provided that states such as Illinois with approved CAIR programs may revise their applicable SIP so that the provisions of the NO_x SIP Call Trading Program do not apply to affected EGUs.

IEPA's proposal requesting the Board to amend the Illinois rules is the first step to revision of the SIP. IEPA states that EGUs must comply with two sets of duplicative administrative requirements for the 2009 ozone season and beyond: the Illinois Clean Air Interstate Rule (CAIR) requirements at Part 225 and the Illinois NO_x Trading Program at Part 217. To address and remove the duplication, the Board proposes to sunset the provisions of the NO_x Trading Program, by adding a new Part 217.751 to sunset the rules beginning with the 2009 ozone control season.

The Board declined to make a change suggested in public comments (PC 1 & 3) by Southern Illinois Power Company (SIPC), to avoid delay in completion of the rulemaking. While supporting the proposed sunset provision, SIPC also requested addition of a provision requiring IEPA to distribute unallocated NO_x remaining under the defunct program. The Board noted that IEPA had commented (PC 2) that implementing the last minute would delay the removal of duplicate requirements from the other 228 EGUs affected. The Board invited SIPC to file and support its own proposal for the requested additional provision.

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board's Web site and may be downloaded from the Web without charge. Hard copies may be obtained for \$.75 per page from the Clerk's office: Clerk of the Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601.

For additional information contact Kathleen Crowley at 312-814-6929; e-mail address crowlek@ipcb.state.il.us.

Board Actions

September 3, 2009

Chicago, Illinois

Administrative Citations

- | | | |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| AC 09-12 | <u>IEPA v. George R. Ford</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Fulton County facility, the Board found that respondent violated Section 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(3) (2008)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties' joint motion to dismiss respondent's petition for review and the alleged violation of Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1),(p)(7) (2008)). | 4-0 |
| AC 09-41 | <u>IEPA v. Mark A. Lewis</u> – The Board accepted for hearing respondent's second amended petition for review of this administrative citation involving a Clay County facility. | 4-0 |

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AC 09-50	<u>IEPA v. Floyd Burns</u> – The Board found that this Franklin County respondent violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1),(p)(7) (2008)), and ordered respondent to pay a civil penalty of \$3,000.	4-0
AC 09-52	<u>County of LaSalle v. Ernest W. Fost</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation.	4-0
AC 10-1	<u>IEPA v. Jess Spradlin d/b/a Spradlin Mobile Home Sales and Drewnard Woods and Kris Warren d/b/a W&W Auto Service</u> – The Board found that these Sangamon County respondents violated Sections 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2008)), and ordered respondents to pay a civil penalty of \$1,500.	4-0
AC 10-3	<u>IEPA v. Les Curtis</u> – The Board accepted an administrative citation against this Alexander County respondent.	

Adjudicatory Cases

PCB 06-82	<u>People of the State of Illinois v. Barger Engineering, Inc.</u> , – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a White County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E
PCB 06-144	<u>People of the State of Illinois v. Golden Bag Company</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Kane County facility, the Board ordered publication of the required newspaper notice.	4-0 A-E
PCB 09-40	<u>People of the State of Illinois v. Illinois Valley Paving Company, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Peoria County facility, the Board ordered publication of the required newspaper notice. The Board also directed the complainant to file an amended complaint or an amended stipulation and proposal for settlement addressing the inconsistency between the complaint and the stipulation and proposal for settlement.	4-0 W-E
PCB 09-109	<u>Mertz Motor Co. 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 facility located in St. Clair County.	4-0 UST Appeal
PCB 09-110	<u>People of the State of Illinois v. E. F. Heil, LLC</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Kankakee County facility, the Board ordered publication of the required newspaper notice.	4-0 L-E
PCB 10-16	<u>Detrex 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.	4-0 P-A, Land 90-Day

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PCB 10-17	<u>Hydromet Environmental, Inc. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Douglas County facility.	Extension 4-0 P-A, Land 90-Day Extension
PCB 10-18	<u>People of the State of Illinois v. Schauble Development, LLC</u> – The Board accepted for hearing this water enforcement action involving a site located in Tazewell County.	4-0 W-E

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Rulemakings

R09-20	<u>In the Matter of: Nitrogen Oxide (NOx) Trading Program Sunset Provisions for Electric Generating Units (EGU's): New 35 Ill. Adm. Code 217.751</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board's air pollution control regulations.	5-0 Air
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Adjudicatory Cases

PCB 97-193	<u>People of the State of Illinois v. Community Landfill Company, Inc.</u>	5-0
PCB 04-207	<u>People of the State of Illinois v. Edward Pruiam and Robert Pruiam</u> – The Board granted respondents' motion to modify the Board's August 20, 2009 order, extending the payment date to October 1, 2009.	L-E
PCB 03-191	<u>People of The State of Illinois v. Community Landfill Company, Inc. and City of Morris</u> – The Board denied respondents' motions for reconsideration. Respondents have 60 days, or until November 16, 2009, to file \$17,427,366.00 in financial assurance, and to update cost estimates. The Board also had previously ordered Community Landfill Company to pay a civil penalty of \$1,059,534.70 and the City of Morris to pay a civil penalty in the amount of \$399,308.98 within 60 days.	5-0 L-E
PCB 07-14	<u>Conocophillips Company v. IEPA</u> – The Board granted this DuPage County facility's motion for voluntary dismissal of this underground storage tank appeal.	5-0 UST Appeal
PCB 08-83	<u>People of the State of Illinois v. Rupe Contracting, Inc. and John A. Rupe, individually and as owner and operator of Rupe Contracting, Inc.</u> – In this water enforcement action concerning a Bureau 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)), accepted a stipulation and settlement agreement, and ordered the respondents to pay a total civil penalty of \$2,835, and to cease and desist from further violations.	5-0 W-E

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PCB 09-23	<u>People of the State of Illinois v. James R. Cantrell</u> – In this water enforcement action concerning a White 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)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$12,000, and to cease and desist from further violations.	5-0 W-E
PCB 09-27	<u>People of the State of Illinois v. Richard King, Kay King, and Isaac King</u> – In this air enforcement action concerning a Sangamon 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)), accepted a stipulation and settlement agreement, and ordered the respondents to pay a total civil penalty of \$70,000, and to cease and desist from further violations.	5-0 A-E
PCB 09-47	<u>People of the State of Illinois v. Birds Pinkstaff Water District</u> – In this public water supply enforcement action concerning a Lawrence 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)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$1,620, and to cease and desist from further violations.	5-0 PWS-E
PCB 09-69	<u>People of the State of Illinois v. Par Development, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a McHenry County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 09-113	<u>First National Bank of Barry 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 facility located in Cass County.	5-0 UST Appeal
PCB 10-15	<u>People of the State of Illinois v. Village of Kinsman</u> – In this water enforcement action concerning a Grundy 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)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$376.34, and to cease and desist from further violations.	5-0 W-E
PCB 10-19	<u>People of the State of Illinois v. Marathon Tire Service of Olney, Inc.</u> – The Board accepted for hearing this land enforcement action involving a site located in Richland County.	5-0 L-E
PCB 10-20	<u>People of the State of Illinois v. Montalbano Builders, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in DeKalb County.	5-0 W-E

New Cases

September 3, 2009 Board Meeting

10-16 Detrex 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.

10-17 Hydromet Environmental, Inc. v. IEPA – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Douglas County facility.

10-18 People of the State of Illinois v. Schauble Development, LLC – The Board accepted for hearing this water enforcement action involving a site located in Tazewell County.

AC 10-3 IEPA v. Les Curtis – The Board accepted an administrative citation against this Alexander County respondent.

September 17, 2009 Board Meeting

10-19 People of the State of Illinois v. Marathon Tire Service of Olney, Inc., – The Board accepted for hearing this land enforcement action involving a site located in Richland County.

10-20 People of the State of Illinois v. Montalbano Builders, Inc. – The Board accepted for hearing this water enforcement action involving a site located in DeKalb County.

AC 10-4 County of Ogle v. Kathy Knutson, Steve Knutson, and Dan Bocker – The Board accepted an administrative citation against these Ogle County respondents.

Calendar

10/1/09 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
10/5/09 10:00 AM	R08-09	<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>	Michael Bilandic Building Room N-505 160 N. LaSalle Chicago
10/15/09 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
10/15/09 1:00 PM	PCB 10-01	<u>Weeke Oil Company v. IEPA</u>	Illinois Pollution Control Board Hearing Room 1021 N. Grand Avenue East (North Entrance) Springfield

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10/19/09 9:30 AM	PCB 10-07	<u>Onken's Incorporated v. IEPA</u>	Illinois Pollution Control Board Hearing Room 1021 N. Grand Avenue East (North Entrance) Springfield
10/26/09 10:00 AM	AC 08-27	<u>IEPA v. Hiram Vanderheiden, Jr. (IEPA File No. 51-08-AC)</u>	Mason County Courthouse County Board Room 125 N. Plum Havana
10/27/09 9:00 AM	R10-08	<u>In the Matter of Reasonable Available Control Technology (RACT) for Volatile Organic Material emissions from Group II Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219</u> (Continues until complete or through October 28, 2009)	Madison County Administration Building County Board Room #203 157 North Main Edwardsville
10/28/09 10:30 AM	AS 09-04	<u>In the Matter of: Petition of Royal Fiberglass Pools Inc. for an Adjusted Standard from 35 IAC 215.301</u>	C. E. Brehm Memorial Public Library Meeting Room 101 S. 7th Street Mt. Vernon
10/29/09 9:30 AM	PCB 05-14	<u>People of the State of Illinois v. Michael Collins, d/b/a C & R Construction</u>	St. Clair County Building Room 403 10 Public Square Belleville
10/29/09 1:30 PM	PCB 07-45	<u>People of the State of Illinois v. General Waste Services, Inc., an Illinois Corporation</u>	St. Clair County Building Room 402 10 Public Square Belleville
11/4/09 10:00 AM	AC 09-56	<u>IEPA v. Gary J. and James R. Szczeblewski (IEPA File No. 136-09-AC)</u>	City Hall Council Room 500 W. Main Street Benton
11/5/09 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
11/9/09 9:00 AM	R08-09	<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> (Continues until complete or through November 10, 2009)	Michael Bilandic Building Room N-502 160 N. LaSalle Chicago
11/19/09 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago

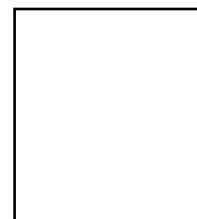
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11/19/09 1:00 PM	R10-07	<u>Definition of VOM Update, USEPA Amendments (January 1, 2009 through June 30, 2009)</u>	James R. Thompson Center Suite 11-512 100 W. Randolph Street Chicago
12/3/09 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
12/8/09 9:00 AM	R10-08	<u>In the Matter of Reasonable Available Control Technology (RACT) for Volatile Organic Material emissions from Group II Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219</u> (Continues until complete or through December 9, 2009)	James R. Thompson Center Room 9-039 100 W. Randolph Chicago
12/17/09 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago

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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