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# Environmental Register

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

Deanna Glosser, Chairman

Board Members:

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# Letter from the Chairman

The Board took action on several rulemakings that have generated substantial public comment. Below, the recent activity is summarized. As always, information about these proceedings is available through the Clerk's Office Online (COOL) at our Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

On November 7, 2013, the Board adopted a first-notice opinion and order in Concentrated Animal Feeding Operations (CAFOs): Proposed Amendments to 35 Ill. Adm. Code Parts 501, 502, and 504 (R12-23). The Illinois Environmental Protection Agency (IEPA) originally proposed amendments to the Board's rules to ensure consistency with federal regulations. The Board's first-notice proposal largely reflects the IEPA's original filing, but proposes to allow case-by-case designation of a facility as a CAFO to be appealed to the Board. The proposal also requires unpermitted Large CAFOs to submit basic information to the IEPA. In addition, while the IEPA's proposal requires inspection of subsurface drainage systems before and after land application, the Board proposes also to require it during application to identify discharges.

On November 7, 2013, the Board proposed for second notice review with the Joint Committee on Administrative Review (JCAR), Vapor Recovery Rules: Amendments to 35 Ill. Adm. Code Parts 201, 218, and 219 (R13-18). The amendments include the phase-out of Stage II vapor recovery systems at the pump nozzles of gasoline dispensing facilities in the Chicago ozone nonattainment area (NAA). As proposed at first notice, the second-notice amendments also reflect the repeal of overlapping Stage I registration requirements in the Chicago and Metro-East ozone NAAs. Finally, applicable throughout the State are proposed clarifications to State air permitting exemptions and proposed amendments for Title V or CAAPP "insignificant activities."

On November 7, 2013, the Board accepted for hearing Coal Combustion Waste (CCW) Ash Ponds and Surface Impoundments at Power Generating Facilities: Proposed New 35 Ill. Adm. Code 841 (R14-10). The IEPA's proposal provides for a rule of general applicability for coal combustion waste (CCW) surface impoundments at power generating facilities. The IEPA states that its proposal sets forth a process to monitor CCW surface impoundments and groundwater, as well as a process for a preventive response, corrective action and closure.

On November 21, 2013, the Board adopted a second notice in Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303, and 304 (R08-9 Subdocket C). The Board allowed participants the opportunity to comment on the Board's second notice before submitting the second notice to the JCAR. The Board took this action because changes from first notice included the redesignation of the Upper Dresden Island Pool as its own use category rather than as General Use. The Board also amended the definitions of the Aquatic Life Uses. The Board allowed participants until November 4, 2013 to comment on Subdocket C. The Board is also moving forward with Subdocket D and will hold public hearings beginning on December 17 through to December 19 (if necessary). Details on those public hearings can be accessed on the Board's web page.

Please visit the Board website at [www.ipcb.state.il.us](http://www.ipcb.state.il.us) for information on the rulemakings listed above as well as other Board rulemaking dockets and contested cases.



Sincerely,

A handwritten signature in black ink that reads "Deanna Glosser". The signature is written in a cursive, flowing style.

Deanna Glosser, Ph.D.  
Chairman

## Inside This Issue:

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RULEMAKING UPDATE	P. 1
BOARD ACTIONS	P. 5
NEW CASES	P. 10
BOARD CALENDAR	P. 11

## Rulemaking Update

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### Board Adopts First-Notice Proposal to Amend CAFO Regulations, R12-23

On November 7, 2013, the Board adopted a first-notice opinion and order to amend its rules on agriculture-related water pollution. On March 1, 2012, the Illinois Environmental Protection Agency (IEPA) initiated this rulemaking by filing a proposal, which is docketed as Concentrated Animal Feeding Operations (CAFOs): Proposed Amendments to 35 Ill. Adm. Code Parts 501, 502, and 504, R12-23.

IEPA stated that its proposal had two chief purposes. First, IEPA seeks to amend Parts 501 and 502 “so that they are consistent with, and as stringent as, the current federal CAFO regulations.” IEPA argues that failure to adopt these proposed amendments “could result in withdrawal of federal delegation of the NPDES [National Pollutant Discharge Elimination System] program itself to the State of Illinois.” Second, IEPA seeks to “establish the state technical standards which are mandated by the federal rule, but not prescribed for the states.” The United States Environmental Protection Agency (USEPA) has indicated that “Illinois still needs to establish standards that address the rate at which manure, litter, and process wastewater may be applied on crop or forage land where the risk of phosphorus transport is high, as well as standards for land application on frozen soil and snow.”

The Board conducted public hearings in five locations through the State and considered testimony and comments offered by numerous participants. The Board’s first-notice proposal reflects IEPA’s original filing, but with several important changes. For example, the Board allows IEPA’s case-by-case designations of facilities as CAFOs to be appealed to the Board. The Board’s proposal also requires unpermitted Large CAFOs to submit basic information to IEPA. In addition, while IEPA proposed requiring that subsurface drainage systems be inspected before and after land application, the Board proposes also requiring an inspection during land application to identify discharges.

Publication of the proposed first-notice amendments in the *Illinois Register* will begin a 45-day public comment period, during which anyone may file a public comment with the Board. The docket number for this rulemaking, R12-23, should be indicated on the public comment. Public comments must be filed with the Clerk of the Board. Public comments may be filed at the following address: Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601. In addition, public comments may be filed electronically through the Clerk’s Office On-Line (COOL) on the Board’s website at [www.ipcb.state.il.us](http://www.ipcb.state.il.us). Any questions about electronic filing through COOL should be directed to the Clerk’s Office at 312-814-3629.

For more information, please contact Tim Fox at 312-814-6085 or [tim.fox@illinois.gov](mailto:tim.fox@illinois.gov). Information on viewing or obtaining copies of opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records is provided at the end of these summaries.

### Board Adopts Second-Notice Proposal to Amend Vapor Recovery Rules, R13-18

The Board, on November 7, 2013, adopted a second-notice opinion and order to amend the Board’s air pollution rules. On March 18, 2013, IEPA initiated this rulemaking by filing a proposal, which is docketed as Vapor Recovery Rules: Amendments to 35 Ill. Adm. Code Parts 201, 218, and 219, R13-18.

The Board’s November 7, 2013 order proposed amendments to the Board’s air pollution rules at 35 Ill. Adm. Code 201, 218, and 219 for second-notice review by the Joint Committee on Administrative Rules (JCAR). The amendments are scheduled to be considered at JCAR’s meeting of December 17, 2013. After JCAR’s second-notice review, the Board intends to adopt final amendments and file them with the Secretary of State to provide a calendar-year 2013 effective date for these amendments. A 2013 calendar-year effective date will allow the State of Illinois to

timely realize additional emission reduction benefits achievable by using only on-board refueling vapor recovery (ORVR) systems.

The amendments include the phase-out of Stage II vapor recovery systems at the pump nozzles of gasoline dispensing facilities (GDFs) in the Chicago ozone nonattainment area (NAA). The phase-out is based upon the determination of USEPA that there is widespread use of ORVR throughout the national motor vehicle fleet. ORVR systems are incompatible with most of the Stage II equipment used at GDFs in the Chicago NAA. Simultaneously using ORVR and incompatible Stage II systems results in greater refueling emissions than if only ORVR were to be used. Modeling shows that starting in January 2014, due to this incompatibility, ORVR alone will produce greater reductions in refueling emissions than ORVR plus Stage Two.

Owners and operators of existing GDFs (*i.e.*, operating at any time before January 1, 2014) in the Chicago ozone NAA will be allowed to begin decommissioning Stage II systems on January 1, 2014, but must comply with Stage II requirements until decommissioning begins. Decommissioning must be completed by December 31, 2016. Additionally, the amendments will remove the requirement for installing Stage II systems at new GDFs in the Chicago ozone NAA (*i.e.*, operating for the first time on or after January 1, 2014).

As proposed at first notice, the second-notice amendments also reflect the repeal of overlapping Stage I registration requirements in the Chicago and Metro-East ozone NAAs. Finally, applicable throughout the State are proposed clarifications to State air permitting exemptions and proposed amendments for Title V or Clean Air Act Permit Program (CAAPP) “insignificant activities.”

For more information, please contact Richard McGill at 312-814-6983 or [richard.mcgill@illinois.gov](mailto:richard.mcgill@illinois.gov). Information on viewing or obtaining copies of opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records is provided at the end of these summaries.

#### **Board Proposes Amendments “Identical in Substance” to USEPA Revisions under Safe Drinking Water Act (SDWA), R14-8**

The Board, on November 7, 2013, proposed rule amendments for public comment that are “identical in substance” to drinking water regulations adopted by USEPA. Specifically, the Board proposed incorporating amendments into the Illinois drinking water regulations in response to three USEPA actions that occurred during the first half of calendar year 2013: (1) the February 13, 2013 Revised Total Coliform Rule (RTCR); (2) the May 31, 2013 summary of approval of “alternative equivalent” methods for drinking water monitoring; and (3) USEPA’s correction of item (2) on June 21, 2013. The Board further used this rulemaking to make a limited number of minor corrections to existing rule text. The rulemaking is docketed as SDWA Update, USEPA Amendments (January 1, 2013 through June 30, 2013), R14-8.

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 requested comment on one aspect of the proposed rules: the way in which the Board has incorporated the USEPA-approved alternative equivalent analytical methods into the Illinois regulations. The docket number for this rulemaking, R14-8, should be indicated on any public comment. Public comments must be filed with the Clerk of the Board. Public comments may be filed at the following address: Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601. In addition, public comments may be filed electronically through the Clerk’s Office On-Line (COOL) on the Board’s website at [www.ipcb.state.il.us](http://www.ipcb.state.il.us). Any questions about electronic filing through COOL should be directed to the Clerk’s Office at 312-814-3629.

For more information, please contact Michael J. McCambridge at 312-814-6924 or [michael.mccambridge@illinois.gov](mailto:michael.mccambridge@illinois.gov). Information on viewing or obtaining copies of opinions and orders of the Board and other documents in rulemaking records is provided at the end of these summaries.

#### **Board Accepts Rulemaking Proposal on Coal Combustion Waste (CCW), R14-10**

The Board, on November 7, 2013, accepted for hearing a proposal to add Part 841 to the Board’s waste disposal regulations. The rulemaking is docketed as Coal Combustion Waste (CCW) Ash Ponds and Surface Impoundments at Power Generating Facilities: Proposed New 35 Ill. Adm. Code 841, R14-10 and was filed by IEPA on October 28, 2013.

IEPA proposes a rule of general applicability for CCW surface impoundments at power generating facilities. IEPA states that the proposal sets forth a process to monitor CCW surface impoundments and groundwater, as well as a process for preventive response, corrective action, and closure. The Board directed its hearing officer to schedule and proceed to hearings. After conducting hearings on this proposal, the Board will determine whether to proceed to first notice.

Information on viewing or obtaining copies of opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records is provided at the end of these summaries. For more information, please contact Tim Fox at 312-814-6085 or [tim.fox@illinois.gov](mailto:tim.fox@illinois.gov).

### **Board Adopts Second-Notice “Aquatic Life Use” Designations for the Chicago Area Waterways System (CAWS) and Lower Des Plaines River (LDPR), R08-9(C)**

On November 21, 2013, the Board adopted aquatic life use (ALU) designations for second notice in the rulemaking docketed as Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303, and 304, R08-9(C). Specifically, the Board adopted an Upper Dresden Island Pool (UDIP) ALU designation rather than designating UDIP as General use. The Board continues to believe that UDIP is not impacted by the Use Attainability Analysis (UAA) Factors, and that the Clean Water Act goal of fishable is attainable in the UDIP.

As proposed, UDIP ALU waters are capable of maintaining, and shall have quality sufficient to protect, aquatic-life populations consisting of individuals of tolerant, intermediately tolerant, and intolerant types that are adaptive to the unique flow conditions necessary to maintain navigational use and upstream flood control functions of the waterway system. Such aquatic life may include, but is not limited to, largemouth bass, bluntnose minnow, channel catfish, orangespotted sunfish, smallmouth bass, shorthead redhorse, and spottail shiner.

Additionally, the Board proposed amendments to the definitions of ALU A and ALU B in response to concerns raised. As proposed, Chicago Area Waterway System (CAWS) ALU A waters are capable of maintaining, and shall have quality sufficient to protect, aquatic life populations predominated by individuals of tolerant and intermediately tolerant types that are adaptive to the unique physical conditions, flow patterns, and operation controls necessary to maintain navigational use, flood control, and drainage functions of the waterway system. Such aquatic life may include, but is not limited to, fish species such as channel catfish, largemouth bass, bluegill, black crappie, spotfin shiner, orangespotted sunfish, common carp, and goldfish. Proposed ALU A waters are Upper North Shore Channel, Lower North Shore Channel, North Branch of the Chicago River, South Branch of the Chicago River, Cal-Sag Channel, Calumet River, Little Calumet River, Grand Calumet River, Lake Calumet, and Lake Calumet Connecting Channel.

As proposed, CAWS and Brandon Pool ALU B waters are capable of maintaining, and shall have quality sufficient to protect, aquatic life populations predominated by individuals of tolerant types that are adaptive to unique physical conditions and modifications of long duration, including artificially constructed channels consisting of vertical sheet-pile, concrete and rip-rap walls designed to support commercial navigation, flood control, and drainage functions in deep-draft, steep-walled shipping channels. Such aquatic life may include, but is not limited to, fish species such as common carp, golden shiner, bluntnose minnow, yellow bullhead, and green sunfish. Proposed ALU B waters are the Chicago Sanitary and Ship Canal and Brandon Pool.

For more information, please contact Marie Tipsord at 312-814-4925 or [marie.tipsord@illinois.gov](mailto:marie.tipsord@illinois.gov). Information on viewing or obtaining copies of opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records is provided at the end of these summaries.

### **Board Adopts Amendments “Identical in Substance” to USEPA Revisions of National Ambient Air Quality Standards (NAAQS), R14-6**

On November 21, 2013, the Board adopted amendments to the ambient air quality standards in the Board’s air pollution regulations (35 Ill. Adm. Code 243) to include USEPA’s revisions to the National Ambient Air Quality Standards (NAAQS). The rulemaking is docketed as National Ambient Air Quality Standards Update, USEPA Regulations (January 1, 2013 through June 30, 2013), R14-6. The federal revisions were adopted by USEPA pursuant to section 109 of the Clean Air Act (42 U.S.C. § 7409 (2011)) during the period January 1, 2013 through June 30, 2013, and on July 3, 2013 and August 5, 2013. With R14-6, the Board adopted the first update to the initial amendments made by the Board to fulfill a new “identical-in-substance” mandate adopted in P.A. 97-945 (eff. Aug. 10, 2012). That mandate is designed to ensure that Illinois’ regulations reflect USEPA’s most recent NAAQS. The

Board adopted the initial amendments in National Ambient Air Quality Standards, USEPA Regulations (through December 31, 2012), R13-11 (July 25, 2013), which were effective on July 29, 2013. *See* 37 Ill. Reg. 12882 (Aug. 9, 2013).

In R14-6, the Board amended segments of the Illinois ambient air quality standards to reflect USEPA actions in the first half of calendar year 2013 that affect the federal NAAQS codified in 40 C.F.R. Part 50. The Board intends the Illinois ambient air quality standards adopted in this proceeding to be identical-in-substance to their federal counterparts, as “identical-in-substance” is defined by Section 7.2(a) of the Environmental Protection Act (415 ILCS 5/7.2(a) (2012)).

For more information, please contact Michael J. McCambridge at 312-814-6924 or [michael.mccambridge@illinois.gov](mailto:michael.mccambridge@illinois.gov). Information on viewing or obtaining copies of opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records is provided at the end of these summaries.

**Board Updates Definition of Volatile Organic Material (VOM), R14-7**

On November 21, 2013, the Board adopted amendments adding four compounds to the list of those exempted from the definition of volatile organic material (VOM). This “identical in substance” rulemaking is docketed as Definition of VOM Update, USEPA Amendments (January 1, 2013 through June 30, 2013), R14-7. The amendments respond to three USEPA actions that resulted in a single set of USEPA amendments to the federal definition of “volatile organic compound” (VOC) codified at 40 C.F. R. § 51.100(s). VOM in Illinois rules has the same meaning as does VOC in the federal regulations. *Compare* 35 Ill. Adm. Code 211.7150 with 40 C.F.R. § 51.100(s) (2013). For more information, please contact Michael J. McCambridge at 312-814-6924 or [michael.mccambridge@illinois.gov](mailto:michael.mccambridge@illinois.gov). Information on viewing or obtaining copies of opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records is provided at the end of these summaries.

**Board Adopts First-Notice Proposal in “Fast-Track” Rulemaking to Add Standards and Limitations for Certain Sources of Lead, R14-19**

On November 21, 2013, the Board, without commenting on the merits of IEPA’s “fast-track” rulemaking proposal, adopted a first-notice opinion and order. The rulemaking is docketed as Standards and Limitations for Certain Sources of Lead; Proposed 35 Ill. Adm. Code 226, R14-19. IEPA proposed the rules to satisfy federal Clean Air Act requirements for developing a State Implementation Plan (SIP). The SIP must address lead emissions sources in nonattainment areas with respect to the lead National Ambient Air Quality Standards (NAAQS). Specifically, IEPA is proposing “reasonable and cost-effective lead controls on nonferrous metal production facilities” located in two areas of Illinois designated as nonattainment for the 2008 lead NAAQS: the Granite City, Madison County designated area; and the Chicago, Cook County designated area.

On November 15, 2013, IEPA filed this proposal. The Environmental Protection Act (415 ILCS 5/28.5 (2012)) provides the Board no discretion to extend the strict deadlines imposed for fast-track rulemaking. Three hearings have been scheduled for Chicago. The hearing dates and locations follow:

Date/Time	Location	Purpose
January 8, 2014 11:00 AM  If business remains at the end of the hearing on that day, resuming on January 9, 2014 at 9:00 AM.	James R. Thompson Center 100 W. Randolph Street Chicago	IEPA testimony and questions
February 5, 2014 11:00 AM  If business remains at the end of the hearing on that day, resuming on February 6, 2014 at 9:00 AM.	James R. Thompson Center 100 W. Randolph Street Chicago	General testimony and questions



February 19, 2014 11:00 AM  If business remains at the end of the hearing on that day, resuming on February 20, 2014 at 9:00 AM.	James R. Thompson Center 100 W. Randolph Street Chicago	General testimony and questions
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The Board may cancel the second and third hearings if IEPA and affected entities agree on the rule, if USEPA has not informed the Board of any unresolved objection to the rule, and if no other interested participant contests the rule or seeks to present additional evidence. For more information, please contact Chad Kruse at 217-524-8507 or [chad.kruse@illinois.gov](mailto:chad.kruse@illinois.gov). Information on viewing or obtaining copies of opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records is provided below.

#### Viewing or Obtaining Copies of Documents in Rulemaking Records

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board's website ([www.ipcb.state.il.us](http://www.ipcb.state.il.us)) and may be downloaded without charge. Hard copies may be obtained from the Clerk's Office upon payment of reproduction fees as prescribed by Section 6 of the Freedom of Information Act (5 ILCS 140/6 (2012)). The Clerk's Office address is Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601. The Clerk's Office phone number is 312-814-3629.

## Board Actions

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**November 7, 2013**

**Springfield and Chicago, Illinois**

### Rulemakings

<b>R08-9 (D)</b>	<u>In The Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304</u> – The Board granted ExxonMobil Oil Corporation's motion to postpone the pre-filing of testimony. The Board directed the parties to pre-file all testimony by November 22, 2013 and pre-file questions by December 9, 2013.	4-0 Water
<b>R12-23</b>	<u>In the Matter of: Concentrated Animal Feeding Operations (CAFOs): Proposed Amendments to 35 Ill. Adm. Code Parts 501, 502, and 504</u> – The Board adopted a first notice opinion and order in this rulemaking to amend the Board's water regulations.	4-0 Water
<b>R13-18</b>	<u>In the Matter of: Vapor Recovery Rules: Amendments to 35 Ill. Adm. Code Parts 201, 218, and 219</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board's air regulations.	4-0 Air
<b>R14-8</b>	<u>SDWA Update, USEPA Amendments (January 1, 2013 through June 30, 2013)</u> – The Board adopted a proposal for public comment in this rulemaking to amend the Board's drinking water regulations.	4-0 Water
<b>R14-10</b>	<u>In the Matter of: Coal Combustion Waste (CCW) Ash Ponds and Surface Impoundments at Power Generating Facilities: Proposed New 35 Ill. Adm. Code 841</u> – The Board accepted the Illinois Environmental Protection Agency's October 28, 2013 proposal for hearing.	4-0 Water

## Adjusted Standards

<b>AC 13-5</b>	<u>In the Matter of: Petition of Caterpillar, Inc. for an Adjusted Standard From 35 Ill. Admin. Code 620.410(a) and 817.106(a)</u> – The Board granted Caterpillar, Inc., an adjusted standard, subject to the conditions for its Mapleton, Peoria County facility.	4-0 Water
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## Administrative Citations

<b>AC 12-53</b>	<u>IEPA v. Thomas E. Porter, Beverly J. Bible, and Todd &amp; Tabitha Booten d/b/a C &amp; T Recycling</u> – The Board denied respondents’ motion for reconsideration. Any response to the costs filed by the IEPA and the Board are due December 2, 2013.	4-0
<b>AC 14-4</b>	<u>IEPA v. Mark &amp; Cheryl Rogers</u> – The Board dismissed respondents’ petition for review for their failure to file proof of service. The Board found that these Fulton County respondents violated Sections 21(p)(1), (p)(3), and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), and (p)(7) (2012)), and ordered respondents to pay a civil penalty of \$4,500.	4-0
<b>AC 14-9</b>	<u>County of DuPage v. McKeown Classic Homes, Inc.</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	4-0
<b>AC 14-15</b>	<u>IEPA v. Union National Bank Land Trust 1516</u> – The Board found that this DeKalb County respondent violated Section 55(k)(1) of the Environmental Protection Act (415 ILCS 55(k)(1) (2012)), and ordered respondent to pay a civil penalty of \$1,500.	4-0
<b>AC 14-16</b>	<u>IEPA v. Thomas Gibbs</u> – The Board accepted respondent’s petition for review involving a Saline County facility.	4-0
<b>AC 14-17</b>	<u>County of Vermilion, Illinois v. Marian and Russell Herbold</u> – The Board found that these Vermilion County respondents violated Sections 21(p)(1) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(7) (2012)), and ordered respondents to pay a civil penalty of \$3,000.	4-0
<b>AC 14-20</b>	<u>IEPA v. Frank Root</u> – The Board accepted respondent’s petition for review involving a Macoupin County facility, but directed respondent to file an amended petition to cure deficiencies.	4-0

## Adjudicatory Cases

<b>PCB 10-84</b>	<u>People of the State of Illinois v. Professional Swine Management, LLC, Hilltop View LLC, Wildcat Farms, LLC, High-Power Pork, LLC, Eagle Point, LLC, Lone Hollow, LLC, Timberline, LLC, Prairie State Gilts, Ltd., North Fork Pork, LLC, Little Timber, LLC, and Twin Valley Pumping, Inc.</u> – The Board granted complainant’s three motions to strike the respondents’ affirmative defenses. The Board struck the affirmative defenses of Professional Swine Management, High-Power Pork, Lone Hollow, Prairie State Gilts, Timberline, Little Timber, Hilltop, and Eagle Point.	4-0 L-E
<b>PCB 11-25</b>	<u>Estate of Gerald D. Slightom v. IEPA</u> – The Board denied respondent’s motion to dismiss.	4-0 UST Appeal
<b>PCB 13-69</b>	<u>People of the State of Illinois v. R. A. Peterson, Inc., an Illinois corporation</u> – In this water enforcement action concerning a Lake County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the	4-0 W-E



Environmental Protection Act (415 ILCS 5/31(c)(1) (2010)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$10,500.00, and to cease and desist from further violations.

<b>PCB 14-3</b>	<u>Johns Manville v. Illinois Department of Transportation</u> – The Board denied respondent’s motion to dismiss, found the complaint neither duplicative nor frivolous, and accepted the complaint for hearing.	4-0 L-E, Citizens
<b>PCB 14-21</b>	<u>People of the State of Illinois v. T. S. Banze Construction, Inc</u> – In this air and land enforcement action concerning a Pike County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2010)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$17,500.00, and to cease and desist from further violations.	4-0 A,L -E
<b>PCB 14-22</b>	<u>People of the State of Illinois v. R. R. Donnelley &amp; Sons Company</u> – In this air enforcement action concerning a Livingston County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2010)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$5,000.00, and to cease and desist from further violations.	4-0 A-E, CAAPP
<b>PCB 14-23</b>	<u>J &amp; A Investors, LLC v. IEPA</u> – The Board granted petitioner’s motion for partial stay of the contested conditions within the National Pollutant Discharge Elimination System permit.	4-0 W-PA
<b>PCB 14-27</b>	<u>Congress Development Company v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Cook County facility.	4-0 A-PA,
<b>PCB 14-28</b>	<u>Peoria Disposal Company v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Peoria County facility. No action was taken on petitioner’s motion for partial stay of specified conditions.	4-0 W-PA, NPDES
<b>PCB 14-29</b>	<u>Enbridge Pipelines (Southern Lights), LLC (containment pit located near the north end of the facility) (Property ID No. 12-29-101-002-0000) v. IEPA</u> – The Board found and certified that specified facilities of Enbridge Pipelines located in Will County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0 T-C, W
<b>PCB 14-30</b>	<u>Enbridge Pipelines (Southern Lights), LLC (A secondary containment pit located near the south end of the facility) v. IEPA</u> – The Board found and certified that specified facilities of Enbridge Pipelines located in Will County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0 T-C, W
<b>PCB 14-31</b>	<u>Enbridge Pipelines (Southern Lights), LLC (A containment pit surrounding the pump building) v. IEPA</u> – The Board found and certified that specified facilities of Enbridge Pipelines located in Will County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0 T-C, W

## November 21, 2013 Chicago, Illinois

### Rulemakings

<b>R08-9 (C)</b>	<u>In The Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s water regulations.	4-0 Water
<b>R14-6</b>	<u>National Ambient Air Quality Standards Update, USEPA Regulations (January 1, 2013 through June 30, 2013)</u> – The Board adopted a final opinion and order in this rulemaking to amend the Board’s air pollution control regulations.	4-0 Air
<b>R14-7</b>	<u>Definition of VOM Update, USEPA Amendments (January 1, 2013 through June 30, 2013)</u> – The Board adopted a final opinion and order in this rulemaking to amend the Board’s air pollution control regulations.	4-0 Air
<b>R14-19</b>	<u>In the Matter of: Fast Track Standards and Limitations for Certain Sources of Lead: Proposed 35 Ill. Adm. Code 226</u> – The Board accepted the Illinois Environmental Protection Agency’s November 15, 2013 proposal for hearing and adopted a first notice opinion and order as required by Section 28.5 of the Environmental Protection Act.	4-0 Water

### Administrative Citations

<b>AC 12-20</b>	<u>IEPA v. Shelby and Sons, Inc.</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Franklin County facility, the Board found that respondent had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2012)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondent’s petition for review. To effectuate the parties’ intent that respondent pay a total civil penalty of \$1,500, the Board on its own motion, dismissed the alleged violations Sections 21(p)(4), (7) and 55(k)(1) of the Act (415 ILCS 5/21(p)(4), (7) and 55(k)(1) (2012)).	4-0
<b>AC 12-58</b>	<u>IEPA v. Leota Humm and Bishop’s Truck Service, Inc.</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Saline County facility, the Board found that respondents had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2012)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondents’ petition for review. To effectuate the parties’ intent that respondents pay a total civil penalty of \$1,500, the Board on its own motion, dismissed the alleged violations Section 21(p)(3), (5), (7), and Section 55(k)(1) of the Act (415 ILCS 5/21(p)(3), (5), (7), and Section 55(k)(1) (2012)).	4-0
<b>AC 14-10</b>	<u>IEPA v. Daniel Dawson</u> – The Board accepted respondent’s amended petition for review involving a McLean County facility.	4-0

## Adjudicatory Cases

<b>PCB 06-64</b>	<u>Ameren Energy Generating Company, Coffeen Power Station v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	4-0 A-PA, CAAPP
<b>PCB 06-75</b>	<u>The City of Springfield v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	4-0 A-PA, CAAPP
<b>PCB 07-13</b>	<u>People of the State of Illinois v. Ray F. Landers, individually, and Equipping the Saints Ministry</u> – The Board entered an order requesting clarification of the parties’ stipulation.	4-0 A-E
<b>PCB 07-86</b>	<u>People of the State of Illinois v. The Ridges of Coal Valley</u> – The Board granted complainant’s motion for voluntary dismissal of this enforcement action.	4-0 W-E
<b>PCB 08-30</b>	<u>E.R. 1, LLC, assignee of Caseyville Sport Choice, LLC v. James A. Seiber, Jr., Executor of the Estate of Erma I. Seiber and James A. Seiber, Deceased, and Fairmount Park, Inc.</u> – The Board granted complainant’s motion for dismissal of this enforcement action.	4-0 L-E, Citizens
<b>PCB 11-22</b>	<u>Scott Mayer v. Lincoln Prairie Water Company, Korte &amp; Luitjohan Contractors, Inc., and Milano &amp; Grunloh Engineers, LLC</u> – The Board granted the parties’ motion for dismissal of this enforcement action.	4-0 L-E
<b>PCB 13-53</b>	<u>United States Steel Corporation v. IEPA</u> – The Board granted American Bottom Conservancy’s motion to Intervene.	4-0 A-PA, CAAPP
<b>PCB 14-10</b>	<u>Illinois Power Holdings, LLC, AmerenEnergy Medina Valley Cogen, LLC, and Ameren Energy Resources, LLC as Co-Petitioner V. IEPA</u> – The Board granted Illinois Power Holdings, LLC and AmerenEnergy Medina Valley Cogen, LLC and Co-Petitioner Ameren Energy Resources, LLC (AER) combined dual variances for the electrical generating units in AER’s Multi-Pollutant Standard Group from the applicable requirements of 35 Ill. Adm. Code 225.233(e)(3)(C)(iii) for a period beginning January 1, 2015 through December 31, 2019 and from 35 Ill. Adm. Code 255.233(e)(3)(C)(iv) for a period beginning January 1, 2017 through December 31, 2019, subject to conditions.	3-1 Glosser dissented A-V
<b>PCB 14-28</b>	<u>Peoria Disposal Company v. IEPA</u> – The Board issued an order finding that the contested permit is stayed under the Illinois Administrative Procedure Act (APA) during the pendency of this proceeding	4-0 W-PA, NPDES

<b>PCB 14-33</b>	<u>Enbridge Pipelines (Southern Lights), LLC (Sump systems) v. IEPA</u> – The Board found and certified that specified facilities of Enbridge Pipelines located in Will County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0 T-C, W
<b>PCB 14-36</b>	<u>EJP Wheaton, LLC v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this DuPage County facility.	4-0 T-C, W

## **New Cases**

### **November 7, 2013 Board Meeting**

**14-27** Congress Development Company v. IEPA – The Board accepted for hearing this permit appeal involving a Cook County facility.

**14-28** Peoria Disposal Company v. IEPA – The Board accepted for hearing this permit appeal involving a Peoria County facility. No action was taken on petitioner’s motion for partial stay of specified conditions.

**14-29** Enbridge Pipelines (Southern Lights), LLC (containment pit located near the north end of the facility) (Property ID No. 12-29-101-002-0000) v. IEPA – The Board found and certified that specified facilities of Enbridge Pipelines located in Will County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).

**14-30** Enbridge Pipelines (Southern Lights), LLC (A secondary containment pit located near the south end of the facility) v. IEPA – The Board found and certified that specified facilities of Enbridge Pipelines located in Will County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).

**14-31** Enbridge Pipelines (Southern Lights), LLC (A containment pit surrounding the pump building) v. IEPA – The Board found and certified that specified facilities of Enbridge Pipelines located in Will County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).

**14-32** Enbridge Pipelines (Southern Lights), LLC (installation of cathodic protection on the product storage tanks) v. IEPA – No action taken.

**14-33** Enbridge Pipelines (Southern Lights), LLC (Sump systems) v. IEPA – No action taken.

**14-34** Maurice Whisenhunt v. Jeff Moore – No action taken.

**AC 14-21** IEPA v. Bernard Coil and Angie Ratliff – The Board accepted an administrative citation against these Morgan County respondents.

**AC 14-22** IEPA v. Roger Ray – The Board accepted an administrative citation against this Moultrie County respondent.

**AC 14-23** IEPA v. Cord Shaffer – The Board accepted an administrative citation against this Champaign County respondent.

**AC 14-24** IEPA v. Gwendolyn Sutton & Milton "Rusty" Sutton – The Board accepted an administrative citation against these Jersey County respondents.

**AC 14-25** IEPA v. Karla F. Kopp – The Board accepted an administrative citation against this Jersey County respondent.

## November 21, 2013

**14-35** Greuel Holdings, LLC - East Moline v. IEPA – No action taken.

**14-36** EJP Wheaton, LLC v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this DuPage County facility.

**14-37** 4<sup>th</sup> Meridian Farm, Inc. v. IEPA – No action taken.

**14-38** EJS LLC v. IEPA – No action taken.

## Calendar

<b>12/5/2013</b> 11:00 AM	<b>Illinois Pollution Control Board Meeting</b>		<b>James R. Thompson Center</b> <b>100 W. Randolph Street</b> <b>Chicago</b>
12/17/2013 9:00 AM	R08-9(D)	<u>In the Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304</u>  (Continues until complete or through December 19, 2013)	Michael A. Bilandic Building Room N-505 160 N. LaSalle Chicago
<b>12/19/2013</b> 11:00 AM	<b>Illinois Pollution Control Board Meeting</b>		<b>James R. Thompson Center</b> <b>100 W. Randolph Street</b> <b>Chicago</b>
1/8/2014 11:00 AM	R14-19	<u>In the Matter of: Standards and Limitations for Certain Sources of Lead: Proposed 35 Ill. Adm. Code 226</u>	James R. Thompson Center 100 W. Randolph Street, Room 9-039 Chicago
<b>1/9/2014</b> 11:00 AM	<b>Illinois Pollution Control Board Meeting</b>		<b>Videoconference</b> <b>Chicago/Springfield</b> <b>James R. Thompson Center</b> <b>Hearing Room 11-512</b> <b>100 W. Randolph Street</b> <b>Chicago</b> <b>And</b> <b>1021 N. Grand Avenue East</b> <b>Oliver Holmes Conference</b> <b>Room 2012 N</b> <b>Springfield</b>
1/14/2014 11:00 AM	AC 12-48	<u>IEPA v. Ruth White (IEPA file No. 89-12-AC)</u>	James R. Thompson Center 100 W. Randolph Street, Room 11-512 Chicago
<b>1/23/2014</b> 11:00 AM	<b>Illinois Pollution Control Board Meeting</b>		<b>James R. Thompson Center</b> <b>100 W. Randolph Street</b> <b>Chicago</b>
1/29/2014 10:00 AM	AC 13-7	<u>IEPA v. Robert Manker (IEPA file No. 175-12-AC)</u>	City Hall Community Room (basement) 200 West Douglas Avenue Jacksonville

2/5/2014 11:00 AM	R14-19	<u>In the Matter of: Standards and Limitations for Certain Sources of Lead: Proposed 35 Ill. Adm. Code 226</u>	James R. Thompson Center 100 W. Randolph Street, Room 0-039 Chicago
2/6/2014 11:00 AM	<b>Illinois Pollution Control Board Meeting</b>		<b>Videoconference Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago And 1021 N. Grand Avenue East Oliver Holmes Conference Room 2012 N Springfield</b>
2/19/2014 11:00 AM	R14-19	<u>In the Matter of: Standards and Limitations for Certain Sources of Lead: Proposed 35 Ill. Adm. Code 226</u>	James R. Thompson Center 100 W. Randolph Street, Room 0-039 Chicago
2/20/2014 11:00 AM	<b>Illinois Pollution Control Board Meeting</b>		<b>James R. Thompson Center 100 W. Randolph Street Chicago</b>
2/26/2014 11:00 AM	R14-10	<u>In the Matter of: Coal combustion Waste (CCW) Ash Ponds and Surface Impoundments at Power Generating Facilities: Proposed new 35 Ill. Adm. Code 841</u>  (Continues until complete or through February 27, 2014)	Illinois EPA Sangamo Room 1021 N. Grand Avenue E (North Entrance) Springfield

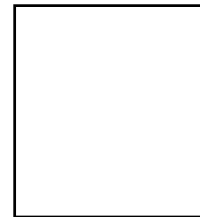
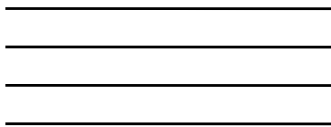




The Illinois Pollution Control Board is an independent five-member board that adopts environmental control standards, rules on enforcement actions, and other environmental disputes for the State of Illinois.

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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