
Environmental Register

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J. Philip Novak, Chairman

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Letter from the Chairman

During the summer, the Board will continue to move forward with a number of rulemaking dockets. I've described below the activity scheduled in some of the most significant of those rulemakings. As always, you can find more information about the Board's activities through our Web site at www.ipcb.state.il.us.



R 04-22,23: Petroleum Leaking Underground Storage Tanks

The Board has for sometime considered changes to the state's Underground Storage Tank (UST) program. At its February 17, 2005 meeting, the Board adopted for first notice under the Illinois Administrative Procedure Act (5 ILCS 100/1-1 *et seq.* (2002)) regulations originally proposed by the Illinois Environmental Agency (IEPA). The Board's proposal reflects testimony received in seven days of hearings and a substantial number of public comments.

Specifically, the Board proposes lump sum maximum payments for performance of certain tasks. The proposal also includes provisions for soliciting and reviewing bids for remediation tasks and for extraordinary circumstances. The Board also proposes a definition of "financial interest" and would prohibit reimbursement for payment of handling charges for subcontractors when the primary contractor has a financial interest in that subcontractor. The proposal will also prohibit a subcontractor from bidding on a project where the primary contractor has a financial interest in the subcontractor.

In response to requests, the hearing officer found that an additional hearing is warranted. That hearing will take place on Wednesday, July 27, 2005 at 10:00 AM in the Lesar Law Building at Southern Illinois University in Carbondale. Although the deadline to pre-file testimony for this hearing passed on Friday, July 8, 2005, the Board will accept comments from the public at the hearing as time allows and for some time after it concludes.

R 04-21: Radium Water Quality Standards

At its April 7, 2005 meeting, the Board adopted as a second first-notice proposal radium standards originally filed by the IEPA on January 13, 2004. The Board's proposal reflects testimony received during five days of public hearings and a number of public comments.

Specifically, the Board proposes a new general use water quality standard of 3.75 picocuries per liter (pCi/L) combined radium 226 and 228 in place of the existing standard of 1 pCi/L for radium 226. The proposal also applies a combined radium standard of 30 pCi/L combined radium 226 and 228 to stream segments that receive discharge from POTWs receiving wastewater discharge from public water supplies using groundwater with a high radium concentration as a drinking water source. The 30 pCi/L standard will apply only from the point of discharge to the point one mile downstream from the discharge outfall.

In response to a request from the City of Joliet, the Board recently extended the public comment period in this rulemaking by 60 days until August 15, 2005. Note that public comments may be filed electronically with the Board. Our Web site at www.ipcb.state.il.us contains more information about this option.

R 04-25: Dissolved Oxygen Water Quality Standards

On April 19, 2004, the Illinois Association of Wastewater Agencies (IAWA) filed a rulemaking proposal to amend the dissolved oxygen water quality standard. On August 25, 2005, at 10:30 AM, the Board with the agreement of the participants in this proceeding will conduct a third hearing in this matter at the Michael J. Bilandic Building at 160 N. LaSalle St. in Chicago. Pre-filed testimony must be received in the Clerk's office no later than August 4, 2005. Those who do not prefile may testify as time permits on the day of the hearing and at the discretion of hearing officer.

More information about these rulemaking dockets, including copies of Board opinions, proposed rules, hearing officer orders, and hearing transcripts, may be viewed on the Board's Website at www.ipcb.state.il.us or by

contacting the Clerk's Office. I invite you to take a closer look at those proceedings and to assist us in the development of sound environmental policy for the people of Illinois.

Sincerely,

A handwritten signature in black ink that reads "J. Philip Novak". The signature is written in a cursive style with a large, stylized initial "J".

J. Philip Novak
Chairman

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Federal Update

United States Environmental Protection Agency Adopts Amendments to the Testing and Monitoring Requirements under the Resource Conservation and Recovery Act

On June 14, 2005 (70 Fed. Reg. 34537) the United States Environmental Protection Agency (USEPA) amended a variety of testing and monitoring requirements in the Resource Conservation and Recovery Act (RCRA) hazardous and non-hazardous solid waste regulations and in certain Clean Air Act (CAA) regulations that relate to hazardous waste combustors.

USEPA stated that these amendments allow more flexibility when conducting RCRA-related sampling and analysis. USEPA removed a requirement to use the methods found in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” also known as “SW-846,” in conducting various testing and monitoring. USEPA also limited required uses of an SW-846 method to circumstances where the method is the only one capable of measuring the particular property (i.e., the method is used to measure a required method-defined parameter). Additionally, USEPA made certain other clarifications and technical amendments.

According to USEPA, this action is an important step forward in implementing the use of a performance-based approach, which is part of USEPA's efforts toward Innovating for Better Environmental Results. These changes should make it easier and more cost effective to comply with the affected regulations, without compromising human health or environmental protection.

This final rule is effective on July 14, 2005.

For information on this rulemaking, contact Kim Kirkland at: Office of Solid Waste (5307W), U. S. Environmental Protection Agency, 1200 Pennsylvania Avenue, SW., Washington, DC 20460-0002, (703) 308-8855, e-mail address: kirkland.kim@epa.gov.

The Board will include any necessary amendments to Board RCRA rules resulting from this federal action in a future RCRA identical in substance rulemaking pursuant to Sections 7.2 and 22.4 of the Environmental Protection Act (415 ILCS 5/7.2, 22.4 (2004)). If any amendments to the Illinois air rules become necessary, the Board would expect the Illinois Environmental Protection Agency to propose amendments using the CAA “fast-track” procedures at Section 28.5 of the Environmental Protection Act (415 ILCS 5/28.5 (2004)).

United States Environmental Protection Agency Provides Notice of Illinois’ Request for a Waiver from Requirements for Asbestos-Containing Materials in Schools

On June 14, 2005 (70 Fed. Reg. 34474) the United States Environmental Protection Agency (USEPA) published notification that it had received a complete application from Governor Rod Blagojevich for waiver of USEPA’s asbestos-in-schools regulations in Illinois. USEPA will grant a waiver of these requirements if USEPA determines, after notice and comment and opportunity for a public hearing, that Illinois is implementing or intends to implement a program of asbestos inspection and management at least as stringent as USEPA's program. The notice announced

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an opportunity for interested persons to request a public hearing on the Illinois waiver request and solicited written comments.

The Illinois program for asbestos inspection and management in schools is administered and enforced by the Department of Public Health (DPH), the Attorney General, and State Attorneys. The authorities presented by the State as making up the Illinois asbestos-in-schools program include the Illinois Asbestos Abatement Act (105 ILCS 105), the Illinois Commercial and Public Building Asbestos Abatement Act (225 ILCS 207), the Department of Public Health Act (20 ILCS 2305), and DPH asbestos regulations (77 Ill. Adm. Code 855).

Written comments under docket ID number OPPT-2004-0096 must be received on or before August 15, 2005. Each comment must include the name and address of the submitter. Any request for a public hearing must be in writing, be received on or before August 15, 2005, and detail specific objections to the grant of the waiver. If, during the comment period, USEPA receives such a request for a public hearing, USEPA will schedule a public hearing in Illinois following the comment period. USEPA will announce the date of the public hearing in the *Federal Register*.

For general information contact: Colby Linter, Regulatory Coordinator, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 554-1404; e-mail address: TSCA-Hotline@epa.gov. For technical information contact: Philip King, Asbestos Coordinator, (DT-8J), Region V, Environmental Protection Agency, 77 W. Jackson Blvd., Chicago, IL 60604; telephone number: (312) 353-9062; e-mail address: king.phillip@epa.gov.

United States Environmental Protection Agency Adopts Amendments to Establish In-Use Testing for Heavy-Duty Diesel Engines and Vehicles Under the Clean Air Act

On June 14, 2005 (70 Fed. Reg. 34593) the United States Environmental Protection Agency (USEPA) adopted amendments to control emissions of air pollution from new motor vehicles. The amendments established a manufacturer-run, in-use emissions testing program for 2007 and later model year heavy-duty diesel vehicles.

According to USEPA, the “ground-breaking” in-use test program will require engine manufacturers to measure exhaust emissions from their diesel engines using portable emissions measurement systems. Also for the first time, all manufacturers will be regularly providing USEPA with a significant quantity of emissions data generated from engines used in regular service, which USEPA will evaluate to ensure the engines comply with specified emissions requirements.

The rule is a result of an agreement between USEPA and the Engine Manufacturers Association. This rule advances USEPA's clean diesel activities by helping to ensure that the benefits of more stringent emission standards are realized under real-world driving conditions.

This final rule is effective August 15, 2005.

For further information contact: USEPA, Office of Transportation and Air Quality, Assessment and Standards Division hotline at (734) 214-4636 or asinfo@epa.gov, or alternatively Carol Connell (734) 214-4349 or connell.carol@epa.gov.

If any amendments to the Illinois air rules become necessary, the Board would expect the Illinois Environmental Protection Agency to propose amendments using the Clean Air Act “fast-track” procedures at Section 28.5 of the Environmental Protection Act (415 ILCS 5/28.5 (2004)).

Appellate Update

Supreme Court Denies Petition for Leave to Appeal Third District Appellate Court to Decision Affirming Board Order Vacating Grant of Local Siting Approval for Landfill Expansion in Waste Management of Illinois, Inc. v. Illinois Pollution Control Board, County of Kankakee, County Board of Kankakee, City of Kankakee, Merlin Karlock, Keith Runyon, and Michael Watson, No. 100166 (May 25, 2005)(PCB 03-125, PCB 03-133, PCB 03-134, PCB 03-135 (cons.))

On May 25, 2005, in its Docket No. 100166, the Illinois Supreme Court denied a petition for leave to appeal the published decision of the Appellate Court for the Third District in Waste Management of Illinois, Inc. v. Illinois Pollution Control Board et al., 292 Ill. Dec. 445, 826 N.E.2d 586 (3rd Dist. 2005). The Clerk of the Supreme Court issued the Court's mandate to the appellate court on June 16, 2005.

The Third District's original unpublished order was summarized in detail in *Environmental Register* No. 608 (February 2005) at pp. 3-7. The case was discussed again in *Environmental Register* No. 609 (March 2005) at pp. 4-5 after the Court's grant of the Board's motion to publish that decision.

In brief, the Board vacated the County Board's decision on jurisdictional grounds. The Board found the County lacked jurisdiction over the siting application because Waste Management of Illinois, Inc. (WMII) failed to notify a nearby landowner, Brenda Keller, of its siting application in accordance with Section 39.2(b) of the Act (415 ILCS 5/39.2(b) (2002)). Section 39.2(b) of the Act (415 ILCS 5/39.2(b) (2002)) has three distinct elements. First, property owners listed on the authentic tax records must be served notice. Second, property owners who own property within 250 feet of the lot line of the proposed facility must be notified. Third, service on those property owners must be made using certified mail return receipt or personal service.

The Board moved to publish the court's decision primarily because it was the first appellate court to apply to Section 39.2 (b) of the Act the Illinois Supreme Court's holding in People ex rel. v. \$30,700 U.S. Currency et al., 199 Ill. 2d 142, 766 N.E.2d 1084 (2002) (\$30,700 U.S. Currency). Under \$30,700 U.S. Currency, service is deemed complete once the notice is placed in the mail. In other words, under Section 39.2(b) of the Act (415 ILCS 5/39.2(b) (2002)), an applicant can effect service by mailing the pre-filing notice to property owners certified mail return receipt and the service is proper upon mailing. The Board found the Supreme Court's decision in \$30,700 U.S. Currency effectively overruled the appellate court's decision in Ogle County Board v. PCB, 272 Ill. App. 3d 184, 649 N.E.2d 545 (2nd Dist 1995) (Ogle County) (finding that actual receipt of notice by the landowner, and not just mailing of it by the applicant, was required to effectuate service under Section 39.2 (b) of the Act).

Rule Update

Board Grants Motion to Extend the Public Comment Period in Revisions to Radium Water Quality Standards: Proposed New 35 Ill. Adm. Code 302.307 and Amendments to 35 Ill. Adm. Code 302.207 and 302.525 (R04-21)

On June 2, 2005, the Board granted the motion filed by the City of Joliet (Joliet) to extend the first notice public comment period in this rulemaking. The 45-day public comment period, originally scheduled to end on June 13, 2005, will now run through August 15, 2005.

In its May 13, 2005 motion for an extension of time, Joliet stated that it needed additional time to develop data to clarify the range of combined radium levels in discharge from publicly owned treatment works (POTWs) that rely on groundwater containing more than 3.75 pCi/L combined radium. Joliet stated that it is working with a number of other POTWs that also utilize groundwater with natural levels of radium that exceed 3.75 pCi/L to collect data to present to the Board. In its motion, Joliet stated that the extension of time would allow Joliet enough time to collect samples, have the samples analyzed, prepare the laboratory sampling analysis report and transmit the results, analyze and compile the various combined radium results, and prepare a public comment based on the results to present to the Board.

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The Board did not receive any objections to this motion. In its June 2, 2005 order, the Board found that the additional information that Joliet plans to present would more fully develop the record before the Board in this rulemaking. Therefore, the Board granted the motion to extend the public comment period.

Copies of the Board's order in R04-21 may be obtained by calling Dorothy Gunn at 312-814-3620, or by downloading copies from the Board's Web site at www.ipcb.state.il.us.

For additional information contact Amy Antonioli at 312/814-3665; email address antonioa@ipcb.state.il.us.

Board Adopts Final Opinion and Order in Amendments to Emissions Reduction Market System, 35 Ill. Adm. Code 205 and 211 (R05-11)

On June 2, 2005, the Board adopted a final opinion and order in Amendments to Emissions Reduction Market System, 35 Ill. Adm. Code 205 and 211 (R05-11). The adopted rulemaking amends the Board's air regulations for the Emissions Reduction Market System (ERMS). The Board made only minor changes to the proposal it adopted for first notice on November 19, 2004 (published on December 17, 2004 at 28 Ill. Reg. 16137 and 16180). The adopted amendments were filed with the Secretary of State's Index office with a June 13, 2005 effective date and published in the *Illinois Register* on June 24, 2005 at 29 Ill. Reg. 8848 and 8892.

The ERMS system is a cap and trade program that involves VOM emissions in the Chicago area. It is designed to reduce VOM emission in the Chicago non-attainment area below the levels required by reasonably available control technology and other emission standards. The rulemaking revised the program rules affecting sources in the Chicago ozone non-attainment area by modifying the applicability provisions and clarifying other related provisions that were affected by the implementation of the 8-Hour Ozone National Ambient Air Quality Standard and the revocation of the 1-Hour Ozone National Ambient Air Quality Standard.

These revisions were necessary because the United States Environmental Protection Agency (USEPA) revoked the 1-hour ozone national ambient air quality standard (NAAQS) effective June 15, 2005. More specifically, on April 30, 2004, USEPA promulgated the first phase of its Final Rule to Implement the 8-Hour Ozone NAAQS. *See* 69 Fed. Reg. 23951. Designations and classifications for this standard were effective on June 15, 2004, and the Chicago area is a Moderate Nonattainment Area for the 8-Hour Ozone NAAQS. *See* 69 Fed. Reg. 23858, 23898. However, on June 15, 2005, USEPA revoked the 1-Hour Ozone NAAQS, including the associated designations and classifications. *See* 69 Fed. Reg. 23951, 23969.

The revocation of the 1-hour NAAQS affects applicability thresholds. Prior to this rulemaking sources subject to the CAAPP were those with potential to emit 25 tons of VOM, but now that the 1-hour ozone NAAQS is revoked, the applicability threshold raises to 100 tons. The amendments adopted in this rulemaking are designed to ensure that ERMS remains in place in its current form so the required VOM emissions reductions in the Chicago area are maintained.

The Board held hearings in this rulemaking in Chicago on January 27, 2005 and on February 22, 2005. The Board did not receive any public comments in this rulemaking.

Copies of the Board's opinion and order in R05-11 may be obtained by calling Dorothy Gunn at 312-814-3620, or by downloading copies from the Board's Web site at www.ipcb.state.il.us.

For additional information contact John Knittle at 217-278-3111; e-mail address knittlej@ipcb.state.il.us

Board Actions

June 2, 2005

Via Videoconference

Springfield and Chicago, Illinois

Rulemakings

- R04-21 In the Matter of: Revisions to Radium Water Quality Standards: Proposed New 35 Ill. Adm. Code 302.307 and Amendments to 35 Ill. Adm. Code 302.207 and 302.525 – The Board granted the City of Joliet’s motion for extension of the public comment period until August 15, 2005. 5-0
R, Water
- R05-11 In the Matter of: Amendments to Emissions Reduction Market Systems, 35 Ill. Adm. Code 205 and 211 – The Board adopted a final opinion and order in this rulemaking amending the Board’s air regulations. 5-0
R, Air

Administrative Citations

- AC 03-5 IEPA v. Loxley, Inc. – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Cass County facility, the Board found that respondent had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2002)) 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 violations of 415 ILCS 5/21(p) (3), (4), (7) (2002). 5-0
- AC 05-51 County of Sangamon v. Patrick O’Keefe – The Board granted complainant’s motion for voluntary dismissal of this administrative citation. 5-0
- AC 05-61 IEPA v. Timothy Pearce – The Board accepted for hearing a petition for review of an administrative citation against this Clay County respondent. 5-0
- AC 05-64 IEPA v. Charles Bellemey and Willie Doucher – The Board accepted for hearing, respondent, Charles Bellemey’s petition for review of an administrative citation. Because Willie Doucher (Doucher) failed to timely file a petition for review, the Board found that this Champaign County respondent violated Section 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2002)), and ordered Doucher to pay a civil penalty of \$3,000. 5-0
- AC 05-65 County of Montgomery v. Michael Schwab – The Board found that this Montgomery County respondent violated Section 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$3,000. 5-0

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AC 05-67 IEPA v. Donald E. and Mary A. Jennings – The Board found that these Brown County respondents violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2002)), and ordered respondents to pay a civil penalty of \$1,500. 5-0

Decisions

PCB 05-89 People of the State of Illinois v. Redfearn Earthmoving, Inc. – In this water enforcement action concerning a Jo Daviess 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) (2002)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$2,000, and to cease and desist from further violations. 5-0
W-E

Motions and Other Matters

PCB 03-222 People of the State of Illinois v. Mecalux Illinois, Inc. – 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 Cook County facility, the Board ordered publication of the required newspaper notice. 5-0
A-E

PCB 04-49 Jo'Lyn Corporation v. IEPA – The Board granted petitioner's motion for voluntary dismissal of this permit appeal involving a McHenry County facility. 5-0
P-A, Land

PCB 05-13 People of the State of Illinois v. Paul DiFranco, Sr. and Mark's Construction, Inc. – 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 Cook County facility, the Board ordered publication of the required newspaper notice. 5-0
A-E

PCB 05-158 Wilson Sporting Goods v. IEPA – 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. UST Appeal

PCB 05-197 Pete's Marathon 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 Marion County facility. 5-0
UST Appeal
90-Day Ext.

PCB 05-198 Basic Wire & Cable 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. 5-0
UST Appeal
90-Day
Ext.

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PCB 05-199	<u>People of the State of Illinois v. Champion Environmental Services, Inc.</u> – The Board accepted for hearing this air enforcement action involving a site located in Rock Island County.	5-0 A-E
PCB 05-200	<u>People of the State of Illinois v. Greg Rudeen individually and d/b/a Rock River Townhomes and d/b/a Rudeen and Associates</u> – The Board accepted for hearing this water enforcement action involving a site located in Winnebago County.	5-0 W-E

June 16, 2005
Chicago, Illinois

Adjusted Standards

AS 05-2	<u>In the Matter of: Petition of the Village of Bensenville for an Adjusted Standard from 35 Ill. Adm. Code 620.410 Regarding Chloride</u> – The Board accepted for hearing petitioner’s second amended petition.	5-0 Water
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Administrative Citations

AC 04-63 AC 04-64 (cons.)	<u>County of Jackson v. Egon Kamarasy</u> – The Board entered an interim opinion and order finding respondent violated Section 21(p)(1), (p)(3) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2002)) and assessing a penalty of \$7,5000. The violations were alleged in two separate administrative citations, covering a different site. The Board ordered the Clerk of the Board and the Environmental Protection Agency to file within 14 days a statement of hearing costs, supported by affidavit, with service on respondent. The Board will then issue a final order assessing hearing costs.	5-0
AC 05-66	<u>County of Kankakee v. Municipal Trust & Savings Bank Trust #1697</u> – The Board found that this Kankakee County respondent violated Sections 21(p)(1), (p)(3) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$4,500.	5-0
AC 05-73	<u>County of LaSalle v. Harriet Baugher and John Baugher</u> – The Board on its own motion dismissed this administrative citation due to complainant’s failure to timely serve the administrative citation on the respondents and file it with the Board.	5-0

Decisions

PCB 04-100	<u>People of the State of Illinois v. Roberts Environmental Control, Inc.</u> – In this air enforcement action concerning a Cook County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2002)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$7,500, and to cease and desist from further violations.	5-0 A-E
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PCB 04-225 People of the State of Illinois v. Prairie Lane Development, L.L.C. – 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) (2002)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$11,000, and to cease and desist from further violations. 5-0
W-E

PCB 05-63 People of the State of Illinois v. North Rockwell, L.L.C. – In this air enforcement action concerning a Cook County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2002)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$37,000, and to cease and desist from further violations. 5-0
A-E

Motions and Other Matters

PCB 97-2 People of the State of Illinois v. Jersey Sanitation Corporation – The Board granted respondent’s motion for reconsideration of its February 3, 2005 Board order, but denied the request to modify the final opinion and order. The February 3, 2005 order found respondent violated various sections of the Environmental Protection Act and the Board regulations over a 13-year period. The Board ordered the respondent to pay a total civil penalty of \$65,000 and \$24,100 to the Office of the Attorney General. 5-0
A&W-E

PCB 03-214 Illinois Ayers Oil Company v. IEPA – The Board denied petitioners request for supplemental attorney fees. 5-0
PCB 05-48 UST Appeal
(not cons.)

PCB 04-103 Illinois State Toll Highway Authority (Des Plaines South) v. IEPA – The Board granted petitioner’s motion for voluntary dismissal of these consolidated underground storage tank appeals involving a Cook County facility. 5-0
PCB 04-119 UST Appeal
(cons.)

PCB 04-106 People of the State of Illinois v. Thomas Gray, an individual, Steve Whyte, an individual, Gladys Whyte, an individual, Leona Childress, an individual, and William McCoy, an individual – The Board granted complainant’s motion to voluntarily dismiss respondents Leona Childress and William McCoy from this enforcement action. 5-0
LE

PCB 04-162 People of the State of Illinois v. Asbestos Control and Environmental Services Corporation – 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 Cook County facility, the Board ordered publication of the required newspaper notice. 5-0
A-E

PCB 04-177 Illinois State Toll Highway Authority (Des Plaines Oasis North) v. IEPA – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility. 5-0
UST Appeal

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PCB 04-186	<u>Waste Management of Illinois, Inc. v. County Board of Kankakee County, Illinois</u> – The Board denied parties’ joint motion for remand.	5-0 P-C-F-S-R
PCB 04-194	<u>People of the State of Illinois v. Dur-O-Wal, 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 Kane County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 05-32	<u>People of the State of Illinois v. GTC, International</u> – The Board granted complainant’s motion to voluntarily dismiss this air enforcement action involving a site located in Cook County.	5-0 A-E
PCB 05-101	<u>Mac’s Convenience Stores L.L.C. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Will County facility.	5-0 UST Appeal
PCB 05-125 PCB 05-126	<u>Red Rooster Corporation f/k/a Clark Retail Enterprises, Inc. (Clark Oil #2086) v. IEPA</u> – The Board granted petitioner’s motion to consolidate these underground storage tank appeals involving a Peoria County facility.	5-0 P-A, Land
PCB 05-156	<u>Vision Properties Blue Island, L.L.C. 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.	5-0 UST Appeal
PCB 05-161	<u>Crest Automotive 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.	5-0 UST Appeal
PCB 05-162	<u>Ye Olde Glass Shoppe 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 Clark County facility.	5-0 UST Appeal
PCB 05-166	<u>Clinton County Oil Company, Inc. (Petitioner’s Letter Dated February 8, 2005) 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 Madison County facility.	5-0 UST Appeal
PCB 05-167	<u>Clinton Oil Company, Inc. (Petitioner’s Letter Dated March 2, 2005) 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 Madison County facility.	5-0 UST Appeal
PCB 05-201	<u>People of the State of Illinois v. Illinois Tool Works, Inc.</u> – The Board accepted for hearing this air enforcement action involving a site located in Cook County.	5-0

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		A-E
PCB 05-202	<u>People of the State of Illinois v. Phoenix Finishing, Inc.</u> – The Board accepted for hearing this air enforcement action involving a site located in DuPage County.	5-0 A-E
PCB 05-203	<u>People of the State of Illinois v. Homewood Disposal Service, Inc.</u> – The Board accepted for hearing this land enforcement action involving a site located in Cook County.	5-0 L-E
PCB 05-204	<u>People of the State of Illinois v. Lake Street Development L.L.C.</u> – The Board accepted for hearing this water enforcement action involving a site located in Lake County.	5-0 W-E
PCB 05-205	<u>Young Farms-Summer (Property Identification Number 08-000-852-00) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Young Farms located in Lawrence County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).	5-0 T-C
PCB 05-206	<u>Probst Grain and Livestock, Inc. (Property Identification Numbers 58-06-05-400-010; 58-06-08-200-005; 58-06-09-400-02) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Probst Grain and Livestock, Inc. located in Jasper County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).	5-0 T-C
PCB 05-207	<u>People of the State of Illinois v. Precision Twist Drill Co.</u> – The Board accepted for hearing this air enforcement action involving a site located in McHenry County.	5-0 A-E
PCB 05-208	<u>Robert Bennett 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 Lake County facility.	5-0 UST Appeal 90-Day Ext.
PCB 05-209	<u>Larry’s Automotive Service 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 Madison County facility.	5-0 UST Appeal 90-Day Ext.
PCB 05-210	<u>Borgic Enterprises, Inc.-Newton (Property Identification Number 29-13-35-300-008) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Borgic Enterprises, Inc. located in Jasper County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS	5-0 T-C

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200/11-10 (2002)).

PCB 05-211	<u>Richard Ver Heecke (Property Identification Number 07-21-100-002) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Richard Ver Heecke located in Henry County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).	5-0 T-C
PCB 05-214	<u>People of the State of Illinois v. Barry Hayden d/b/a Hayden Properties</u> – The Board accepted for hearing this water enforcement action involving a site located in St. Clair County.	5-0 W-E

New Cases

June 2, 2005 Board Meeting

05-197 Pete’s Marathon 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 Marion County facility.

05-198 Basic Wire & Cable 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.

05-199 People of the State of Illinois v. Champion Environmental Services, Inc. – The Board accepted for hearing this air enforcement action involving a site located in Rock Island County.

05-200 People of the State of Illinois v. Greg Rudeen individually and d/b/a Rock River Townhomes and d/b/a Rudeen and Associates – The Board accepted for hearing this water enforcement action involving a site located in Winnebago County.

AC 05-070 IEPA v. James Stutsman – The Board accepted an administrative citation against this Mason County respondent.

AC 05-071 IEPA v. Gene Breeden – The Board accepted an administrative citation against this Iroquois County respondent.

AC 05-072 IEPA v. Gary Clover d//a Clover Concrete – The Board accepted an administrative citation against this Williamson County respondent.

AC 05-073 County of LaSalle v. Harriet Baugher and John Baugher – The Board accepted an administrative citation against these LaSalle County respondents.

AC 05-074 IEPA v. Richard Holmes d/b/a/ Rich’s Towing and Linda Holmes – The Board accepted an administrative citation against these Jackson County respondents.

AC 05-075 County of Montgomery v. Lawrence and Tina Dickenson – The Board accepted an administrative citation against these Montgomery County respondents.

June 16, 2005 Board Meeting

05-201 People of the State of Illinois v. Illinois Tool Works, Inc. – The Board accepted for hearing this air enforcement action involving a site located in Cook County.

05-202 People of the State of Illinois v. Phoenix Finishing, Inc. – The Board accepted for hearing this air enforcement action involving a site located in DuPage County.

05-203 People of the State of Illinois v. Homewood Disposal Service, Inc. – The Board accepted for hearing this land enforcement action involving a site located in Cook County.

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- 05-204** People of the State of Illinois v. Lake Street Development L.L.C. – The Board accepted for hearing this water enforcement action involving a site located in Lake County.
- 05-205** Young Farms-Sumner (Property Identification Number 08-000-852-00) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Young Farms located in Lawrence County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).
- 05-206** Probst Grain and Livestock, Inc. (Property Identification Numbers 58-06-05-400-010; 58-06-08-200-005; 58-06-09-400-02) v. IEPA - Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Probst Grain and Livestock, Inc. located in Jasper County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).
- 05-207** People of the State of Illinois v. Precision Twist Drill Co. – The Board accepted for hearing this air enforcement action involving a site located in McHenry County.
- 05-208** Robert Bennett 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 Lake County facility.
- 05-209** Larry’s Automotive Service 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 Madison County facility.
- 05-210** Borgic Enterprises, Inc.-Newton (Property Identification Number 29-13-35-300-008) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Borgic Enterprises, Inc. located in Jasper County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).
- 05-211** Richard Ver Heecke (Property Identification Number 07-21-100-002) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Richard Ver Heecke located in Henry County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).
- 05-212** John & Linda Maracic v. TNT Logistics – The Board held for a later duplicative/frivolous determination this citizens’ noise enforcement action involving a Will County facility.
- 05-213** Vincent & Jennifer Neri v. TNT Logistics – The Board held for a later duplicative/frivolous determination this citizens’ noise enforcement action involving a Will County facility.
- 05-214** People of the State of Illinois v. Barry Hayden d/b/a Hayden Properties – The Board accepted for hearing this water enforcement action involving a site located in St. Clair County.
- AC 05-076** County of Jackson v. Gary Clover – The Board accepted an administrative citation against this Jackson County respondent.
- AC 05-077** IEPA v. Hunter Garrard – The Board accepted an administrative citation against this Crawford County respondent.
- R06-001** In the Matter of: UST Update, USEPA Amendments (January 1, 2005 through June 30, 2005) – The Board reserved this docket for a routine update, to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is January 1, 2005 through June 30, 2005.
- R06-002** In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (January 1, 2005 through June 30, 2005) – The Board reserved this docket for a routine update, to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is January 1, 2005 through June 30, 2005.
- R06-003** In the Matter of: Definition of VOM Update, USEPA Amendments (January 1, 2005 through June 30, 2005) – The Board reserved this docket for a routine update, to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is January 1, 2005 through June 30, 2005.

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R06-004 In the Matter of SDWA Update, USEPA Amendments (January 1, 2005 through June 30, 2005) – The Board reserved this docket for a routine update, to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is January 1, 2005 through June 30, 2005.

R06-005 In the Matter of: UIC Update, USEPA Amendments (January 1, 2005 through June 30, 2005) – The Board reserved this docket for a routine update, to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is January 1, 2005 through June 30, 2005.

R06-006 In the Matter of: RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (January 1, 2005 through June 30, 2005) – The Board reserved this docket for a routine update, to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is January 1, 2005 through June 30, 2005.

R06-007 In the Matter of: RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2005 through June 30, 2005) – The Board reserved this docket for a routine update, to make the Board rules “identical in substance” to United States Environmental Protection Agency rules adopted during the update period. The update period is January 1, 2005 through June 30, 2005.

Provisional Variances

IEPA 05-006 Premcor Refining Group, Inc. v. IEPA–The Illinois Environmental Protection Agency granted Premcor Refining Groups Inc. a provisional variance from the accumulation time limitations of 35 Ill. Code 722.134(b) for its facility in Cook County for a time period from June 11, 2005 through July 11, 2005, subject to conditions. The provisional variance was needed due to unforeseen, temporary, and uncontrollable circumstances.

Public Act 93-0152 (Senate Bill 222) amended Sections 35-37 of the Illinois Environmental Act (415 ILCS 5/5(b) (2004)) so that provisional variances are issued by the Illinois Environmental Protection Agency (IEPA). If the IEPA grants a provisional variance, then the IEPA must file a copy of its written decision with the Board. The Board must maintain copies of the provisional variances for public inspection. Copies of provisional variances can be obtained by contacting the Clerk’s Office at (312) 814-3620, or by visiting the Board’s Website at www.ipcb.state.il.us. If the IEPA denies a provisional variance request, then the applicant may initiate a proceeding with the Board for a full variance.

Calendar

7/01/05 11:00 AM	R05-20	In the Matter of: Proposed Amendments to Exemptions From State Permitting Requirements for Plastic Injection Molding Operations (35 Ill. Adm. Code 201.146)	James R. Thompson Center Room 8-032 100 W. Randolph Street Chicago
7/7/05 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		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

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7/11/05 11:00 AM	AC 05-28	County of Vermilion, Illinois v. Bill Wernick	Municipal Building Lower level Conference Room 17 West Main Street Danville
7/15/05 10:00 AM	R05-20	In the Matter of: Proposed Amendments to Exemptions From State Permitting Requirements for Plastic Injection Molding Operations (35 Ill. Adm. Code 201.146)	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, (North Entrance) Springfield
7/18/05 11:00 AM	AC 05-20	IEPA v. John Groff (formerly John Groff and Robert Groff)(IEPA File #412-04-AC)	City Hall Council Chambers 101 S. Broadway Salem
7/21/05 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		James R. Thompson Center Hearing Room 9-040 100 W. Randolph Street Chicago
7/27/05 10:00 AM	R04-22	In the Matter of: Proposed Amendments to Regulations of Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 732)(Consolidated: R04-22 and R04-23	Lesar Law Building Room 206 1150 Douglas Dr. Carbondale
7/27/05 10:00 AM	R04-23	In the Matter of: Regulation of Petroleum Leaking Underground Storage Tanks (Proposed new 35 Ill. Adm. Code 734)(Consolidated: R04-22 and R04-23	Lesar Law Building Room 206 1150 Douglas Dr. Carbondale
8/4/05 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East Springfield
8/18/05 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		James R. Thompson Center Hearing Room 9-040 100 W. Randolph Street Chicago
8/24/05 10:00 AM	PCB 05-97	Henson Oil Co. v. IEPA	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, (North Entrance) Springfield
8/25/05 10:30 AM	R04-25	In the Matter of: Proposed Amendments to Dissolved Oxygen Standards 35 Ill. Adm. Code 302.206	Michael A. Bilandic Building Room N505 Fifth Floor 160 N. LaSalle Chicago
9/1/05 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		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

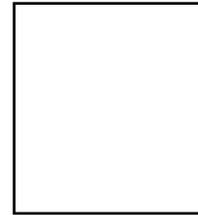
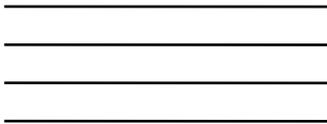
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<p>9/1/05 1:30 PM</p>	<p>R03-09</p>	<p>In the Matter of: Proposed New and Updated Rules for Measurement and Numerical Sound Emissions Standards Amendments to 35 Ill. Adm. Code 901 and 910</p>	<p>Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, (North Entrance) Springfield</p>
<p>9/15/05 11:00 AM</p>	<p><u>Illinois Pollution Control Board Meeting</u></p>		<p>James R. Thompson Center Hearing Room 9-040 100 W. Randolph Street Chicago</p>

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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