
Environmental Register

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Letter from the Chairman

On March 22, 2007, the Supreme Court of Illinois issued an opinion reversing the Third District Appellate Court's Rule 23 order and confirming the Board's decision in a landfill siting appeal, Town & Country Utilities, Inc., et al. v. Illinois Pollution Control Board, et al., Nos. 101619, 101652. This case is the "Town & Country I" appeal, docketed by the Board as PCB 03-31, 03-33, 03-35 (cons.), concerning a proposal to site a new municipal solid waste landfill in the City of Kankakee.

On January 9, 2003, the Board reversed the City's grant of siting approval to the applicant, Town & Country Utilities, Inc. and Kankakee Regional Landfill, LLC (Town & Country), based on Town & Country's failure to satisfy criterion (ii) of Section 39.2(a) of the Act (proposed facility designed, located, and proposed to be operated so as to protect public health, safety, and welfare). On September 7, 2005, the Third District Appellate Court reversed the Board, reinstating the City's grant of siting approval. The Supreme Court of Illinois granted the Board's petition for leave to appeal and held that (1) the Third District erred in reviewing the City's decision rather than the Board's, and (2) the Board's decision on criterion (ii) is not against the manifest weight of the evidence.

Note that, in a non-precedential Rule 23 order issued on September 17, 2006, the Third District Appellate Court reversed the Board's March 18, 2004 decision in the "Town & Country II" landfill siting appeal, PCB 04-33, 34, 35 (cons.). The caption of the Town & Country II appeal before the Third District is County of Kankakee, Illinois, Edward D. Smith, Kankakee County State's Attorney, Byron Sandburg and Waste Management of Illinois, Inc v. Illinois Pollution Control Board, City of Kankakee, Illinois, Kankakee Regional Landfill, LLC and Town & Country Utilities, Inc., 3d Dist., Nos. 3-04-0271, 3-04-0285, 3-04-0289 (cons.).

With the Town & Country I appeal then pending, Town & Country filed another siting application with the City of Kankakee on March 7, 2003. The City approved this subsequent siting application on August 18, 2003. In Town & Country II, the Board, in a March 18, 2004 opinion and order, affirmed the City's decision to approve Town & Country's subsequent 2003 siting application.

The Third District reversed the Board's decision, finding that Town & Country was barred from filing its 2003 siting application with the City because that application violated Section 39.2(m) of the Act, which provides that an "applicant may not file a request for local siting approval which is substantially the same as a request which was disapproved pursuant to a finding against the applicant under any of the criteria (i) through (ix) of subsection (a) of this Section within the preceding two years." The Board held that Section 39.2(m) did not apply because the City had not "disapproved" the 2002 application. The Board accordingly did not address whether the 2003 siting application was "substantially the same" as the 2002 application. The Board has joined Town & Country in filing a petition for rehearing. Pursuant to a Court order, the County has responded to that petition.



Sincerely,

A handwritten signature in cursive script that reads "G. Tanner Girard". The signature is written in dark ink on a white background.

Dr. G. Tanner Girard

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Federal Update

United States Environmental Protection Agency Publishes Supplemental Notice of Proposed Rulemaking for Emissions Testing of Existing Electrical Generating Units Under the Prevention of Significant Deterioration and Nonattainment New Source Review Programs Under the Clean Air Act

On May 8, 2007 (72 Fed. Reg. 26201) the United States Environmental Protection Agency (USEPA) published a supplemental notice of proposed rulemaking (SNPR) to USEPA's October 20, 2005 (70 Fed. Reg. 61081) notice of proposed rulemaking (NPR).

In the October 2005 NPR, USEPA proposed revising the emissions test for existing electric generating units (EGUs) that are subject to the regulations governing the Prevention of Significant Deterioration (PSD) and nonattainment major New Source Review (NSR) programs (collectively "NSR") mandated by parts C and D of title I of the Clean Air Act (CAA). At that time USEPA proposed three alternatives for the emissions test: a maximum achievable hourly emissions test, a maximum achieved hourly emissions test, and an output-based hourly emissions test. The SNPR recasts the proposed options so that the output-based test becomes an alternative method to implement the maximum achieved or maximum achievable hourly tests, rather than a separate option.

This SNPR also proposed a new option in which the hourly emissions increase test is added to the existing requirements for computing a significant increase and a significant net emissions increase on an annual basis. It also included proposed rule language and supplemental information for the October 2005 proposal, including an examination of the impacts on emissions and air quality. USEPA stated that these proposed regulations interpret the emissions increase component of the modification test under CAA 111(a)(4), in the context of NSR, for existing EGUs, and that the proposed regulations would promote the safety, reliability, and efficiency of EGUs.

Comments must be received on or before July 9, 2007. Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2005-0163 by one of the following methods:

- 1) <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.
- 2) E-mail: a-and-r-docket@epa.gov.
- 3) Mail: Attention Docket ID No. EPA-HQ-OAR-2005-0163, U.S. Environmental Protection Agency, EPA West (Air Docket), 1200 Pennsylvania Avenue, NW., Mail code: 6102T, Washington, DC 20460.

For further information contact Ms. Janet McDonald, Air Quality Policy Division (C504-03), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, telephone number: (919) 541-1450; fax number: (919) 541-5509, or electronic mail e-mail address: mcdonald.janet@epa.gov.

United States Environmental Protection Agency Proposes Amendments Extending Compliance Dates for the Concentrated Animal Feeding Operations Regulations and Effluent Limitations Guidelines and Standards for Under the National Pollutant Discharge Elimination System Permit Program

On May 10, 2007 (72 Fed. Reg. 26582) the United States Environmental Protection Agency (USEPA) published a proposed rulemaking to extend until 2009 certain compliance dates in the National Pollutant Discharge Elimination System (NPDES) permitting requirements and Effluent Limitations Guidelines and Standards (ELGs) for concentrated animal feeding operations (CAFOs). The extension would allow USEPA to complete rulemaking to respond to the decision of the Second Circuit Court of Appeals in Waterkeeper Alliance et al. v. EPA, 399 F.3d 486 (2nd Cir. 2005). USEPA stated that the sole purpose of this proposed rule was to address timing issues associated with the USEPA's response to the Waterkeeper decision.

The proposal seeks to revise from 2007 to 2009 the dates by which facilities newly defined as CAFOs are required to seek permit coverage and by which all permitted CAFOs are required to develop and implement their nutrient management plans (NMPs). The dates established in the 2003 CAFO rule (issued on February 12, 2003 at 68 Fed. Reg. 7175) were later modified by a rule published in the *Federal Register* on February 10, 2006 (71 Fed. Reg. 6978). USEPA proposed to extend, from July 31, 2007, to February 27, 2009, the date by which operations defined as CAFOs as of April 14, 2003, but that were not defined as CAFOs prior to that date, must seek NPDES permit coverage. USEPA also proposed to extend, from July 31, 2007, to February 27, 2009, the date by which operations that become defined as CAFOs after April 14, 2003, due to operational changes that would not have made them a CAFO prior to April 14, 2003, and that are not new sources, must seek NPDES permit coverage. Finally, USEPA proposed amendments to extend the deadline by which permitted CAFOs are required to develop and implement NMPs, from July 31, 2007, to February 27, 2009.

Comments on this proposed action must be received on or before June 11, 2007. Comments should be identified by Docket ID No. EPA-HQ-OW-2005-0036 and submitted by one of the following methods:

- (1) <http://www.regulations.gov>: Follow the on-line instructions for submitting comments.
- (2) E-mail: ow-docket@epa.gov, Attention Docket ID No. EPA-HQ-OW-2005-0036.
- (3) Mail: Send the original and three copies of your comments to: Water Docket, Environmental Protection Agency, Mail code 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attention Docket ID No. OW-2005-0036.

For further information contact Rebecca Rose, Water Permits Division, Office of Wastewater Management (4203M), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 564-0758, e-mail address: roose.rebecca@epa.gov.

Rule Update

Board Adopts Proposal for Public Comment in SDWA Update, USEPA Amendments (January 1, 2006 though June 30, 2006) R07-2; SDWA Update, USEPA Amendments (July 1, 2006 though December 31, 2006) R07-11 (consolidated)

On May 3, 2007, the Board adopted a proposal for comment in SDWA Update, USEPA Amendments (January 1, 2006 though June 30, 2006) R07-2; SDWA Update, USEPA

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Amendments (July 1, 2006 through December 31, 2006) R07-11 (consolidated). This rulemaking proposes amendments to the Illinois regulations that are “identical in substance” to drinking water regulations adopted by the United States Environmental Protection Agency (USEPA). The USEPA rules implement Sections 1412(b), 1414(c), 1417(a), and 1445(a) of the federal Safe Drinking Water Act (SDWA) (42 U.S.C. §§ 300g-1(a), 300g-3(c), 300g-6(a), and 300j-4(a) (2003)). The Board has previously adopted two extension orders in this rulemaking; the final adoption is now expected at the July 26, 2007 meeting, with filing of the rules with the Secretary of State’s Index department on or before August 6, 2007 (See the April 2007 issue of the *Environmental Register* at page 5).

The R07-2 docket includes federal SDWA amendments that USEPA adopted in the periods January 1, 2006 through June 30, 2006, and the R07-11 docket includes federal SDWA amendments that USEPA adopted in the periods July 1, 2006 through December 31, 2006. The amendments incorporate into the Illinois regulations three related, significant new federal rules: the Stage 2 Disinfectants and Disinfection Byproducts Rule, the Long Term 2 Enhanced Surface Water Treatment Rule, and the Groundwater Rule.

January 4, 2006 (71 Fed. Reg. 388)

USEPA adopted the Stage 2 Disinfectants and Disinfection Byproducts Rule (DBPR). The DBPR regulates drinking water disinfection practices and the content of disinfection byproducts in drinking water. The Stage 2 DBPR is intended to further reduce the risks of cancer and reproductive and other adverse health effects associated with disinfection byproducts. The Stage 2 rule includes maximum contaminant level standards and monitoring, reporting, and public notification requirements for these contaminants. The Stage 2 rule applies to any community water supply or non-transient, non-community water system that adds a disinfectant other than ultraviolet light to drinking water.

Implementation of the Stage 2 DBPR occurs in phases, and the deadlines for completion of the various phases are staggered, depending on system size. The earliest compliance deadline, for a supplier that serves 100,000 persons or more to submit an initial distribution system evaluation (IDSE) plan to the State, was October 1, 2006. The latest compliance deadline, which requires compliance with the monitoring requirements by a supplier that serves fewer than 10,000 persons of which *Cryptosporidium* monitoring is required, is October 1, 2014.

The Stage 2 DBPR is an extension of the existing Stage 1 DBPR, adopted by USEPA on December 16, 1998 (at 63 Fed. Reg. 69390) and by the Board on July 22, 1999 (in docket R99-12). The DBPR is a companion to the Enhanced Surface Water Treatment Rule (see the entry below for the January 5, 2006 USEPA action). The federal amendments include corrections to existing regulations and to the existing Stage 1 DBPR.

January 5, 2006 (71 Fed. Reg. 654)

USEPA adopted the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR). The LT2ESWTR requires the use of treatment techniques and imposes monitoring, reporting, and public notification requirements on all systems that use surface water as a source of raw water. USEPA intends that the rule protect against *Cryptosporidium* and other microbial contaminants, like *Giardia lamblia*.

Implementation of the LT2ESWTR occurs in phases, just as it does for the Stage 2 DBPR. The deadlines for completion of the various phases are staggered, also depending on system size. The earliest compliance deadline is for a supplier that serves 100,000 persons or more to begin its first round of monitoring was October 1, 2006. The latest compliance deadline, which requires a supplier that serves fewer than 10,000 persons which monitors for *Cryptosporidium* to begin a second round of monitoring, is April 1, 2019.

The LT2ESWTR is an extension of earlier rules pertaining to treatment of surface water that USEPA has adopted. USEPA adopted the Surface Water Treatment Rule (SWTR) and the Total Coliform Rule (TCR) on June 29, 1989 (at 54 Fed. Reg. 27486 and 27544, respectively), and the

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Board adopted the rules on May 24, 1990 (in docket R88-26). USEPA then adopted the Interim Enhanced Surface Water Treatment Rule (IESWTR) on December 16, 1998 (at 63 Fed. Reg. 69478), which the Board adopted together with the Stage 1 DBPR (see the entry for the USEPA action on July 4, 2006, above) on July 22, 1999 (in docket R99-12). Later, USEPA adopted the Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR) on January 14, 2002 (67 Fed. Reg. 1812), and the Board adopted it on December 19, 2002 (in docket R03-4). The LT2ESWTR is a companion to the Stage 2 DBPR (see the entry for the USEPA action of January 4, 2006, above).

January 27, 2006 (71 Fed. Reg. 4644) and June 29, 2006 (71 Fed. Reg. 37168)

USEPA corrected the January 4, 2006 Stage 2 DBPR.

January 30, 2006 (71 Fed. Reg. 4968) and February 6, 2006 (71 Fed. Reg. 6136)

USEPA corrected the January 5, 2006 LT2ESWTR.

R07-11: SDWA Update, USEPA Amendments July 1, 2006 through December 31, 2006

November 8, 2006 (71 Fed. Reg. 65574)

USEPA adopted the Ground Water Rule (GWR). Compliance with the federal GWR is required by December 1, 2009. The GWR is intended to increase protection against microbial pathogens in public water systems that use ground water sources. Under the GWR, disinfection is required as a treatment technique for all public water systems, including surface water systems and ground water systems, as necessary. The GWR targets ground water systems that are susceptible to fecal contamination, instead of requiring disinfection for all ground water systems. The GWR requires ground water systems that are at risk of fecal contamination to take corrective action to reduce cases of illnesses and deaths due to exposure to microbial pathogens.

November 21, 2006 (71 Fed. Reg. 67427)

USEPA corrected the references to analytical methods for use under GWR.

Copies of the Board's opinion and order in R07-2/11 may be obtained by calling the Clerk's office at 312-814-3620, or by downloading copies from the Board's Web site at www.ipcb.state.il.us.

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

Board Adopts Order to Bifurcate April 6, 2007 IEPA Proposal, Creating Two Dockets in Fast-Track Rules Under Nitrogen Oxide (NOx) SIP Call Phase II: Amendments to 35 Ill. Adm. Code Section 201.146, Parts 211 and 217 (R07-18) and Section 27 Proposed Rules for Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Parts 211 and 217 (R07-19)

On May 17, 2007, the Board adopted an order addressing objections raised to the use of the fast track rulemaking procedures of Section 28.5 of the Environmental Protection Act, 415 ILCS 5/28.5 in the rulemaking then-docketed as Nitrogen Oxide (NOx) Emissions from Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Section 201.146, 211, and 217, R07-18. This rulemaking was initiated by an April 6, 2007 proposal made by the Illinois Environmental Protection Agency (IEPA) for amendments to 35 Ill. Adm. Code 201.146, 211, and 217, citing as authority among other things the fast track rulemaking procedures of Section 28.5 of the Environmental Protection Act, 415 ILCS 5/28.5. The Board received an objection to the use of the fast-track procedures on April 16, 2007 from ANR Pipeline, Natural Gas Pipeline Company, Trunkline Gas Company, and Panhandle Eastern Pipeline Company, and on April 17, 2007 the Illinois Environmental Regulatory Group. Consistent with the strict timeframes of Section 28.5 of the Act, the Board filed the entire rule proposal with the Secretary of State, pending receipt of responses to the objections and ruling on

them. Nitrogen Oxide (NOx) Emissions from Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Section 201.146, 211, and 217, R07-18 (April 19, 2007). This was published in the *Illinois Register* at 35 Ill. Reg. 6597 (May 4, 2007).

The Board ruled on the objections in a single May 17, 2007 order, finding that the IEPA's April 6, 2007 proposal must be handled in two dockets under separate statutory authorities and rulemaking tracks. Since some portions of the proposed new 217.Subpart Q do not meet the standard for a fast track rule under Section 28.5 of the Act, the Board created a new docket to proceed with non-qualifying provisions under Section 27. Accordingly, the Board bifurcated the amendments that were originally proposed. Docket R07-18 was retitled and is continuing under the Section 28.5 the hearing schedule for only those amendments that qualify as fast track rules. The text of these rules is identified as Attachment A to the Board's order in R07-18 Fast-Track Rules Under Nitrogen Oxide (NOx) SIP Call Phase II: Amendments to 35 Ill. Adm. Code Section 201.146, Parts 211 and 217 and R07-19 Section 27 Proposed Rules for Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Parts 211 and 217 (May 17, 2007).

The Board then proposed for first notice, under its general rulemaking authority at Section 27 of the Act (415 ILCS 5/27), the new 217.Subpart Q with all text as proposed in the original R07-18 docket, including text which did not qualify under the fast track process and amendments to Part 211 that were solely related to the language being removed from consideration under the fast track provisions. This language is being considered in the new docket titled Section 27 Proposed Rules for Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Parts 211 and 217 (R07-19). First notice of the Docket R07-19 proposal (excluding the fast track R07-18 elements) will be published in the *Illinois Register*. The Board is in the process of scheduling hearings in this rulemaking.

Copies of the Board's opinion and order in R07-18 may be obtained by calling the Clerk's office at 312-814-3620, or by downloading copies from the Board's Web site at www.ipcb.state.il.us.

For additional information contact Tim Fox at 312-814-6885; e-mail address foxt@ipcb.state.il.us.

Board Actions

May 3, 2007

Via Videoconference

Springfield and Chicago, Illinois

Rulemakings

R07-2	<u>In the Matter of: SDWA Update, USEPA Amendments (January 1, 2006 through June 30, 2006; In the Matter of: SDWA Update, USEPA Amendments (July 1, 2006 through December 31, 2006)</u> – The Board adopted a proposal for	4-0
R07-11		R, PWS
(cons.)	public comment in this “identical-in-substance” consolidated rulemaking to amend the Board's drinking water regulations.	

Administrative Citations

AC 04-51	<u>IEPA v. Michael Moreton</u> – The Board entered a final opinion and order requiring respondent to pay hearing costs of the Illinois Environmental Protection Agency and the Board in the amount of \$336.12 and a civil penalty of \$3,000. This order follows the Board's interim order of February 1, 2007, which	4-0
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found that this respondent had violated Sections 21(p)(1) and (7) of the Environmental Protection Act. (415 ILCS 5/21(p)(1) and 21(p)(7) (2004)).

AC 05-47	<u>IEPA v. Stacy Hess</u> – The Board entered a final opinion and order requiring respondent to pay hearing costs of the Illinois Environmental Protection Agency and the Board in the amount of \$371.10 and a civil penalty of \$4,500. This order follows the Board's interim order of March 1, 2007, which found that this respondent had violated Sections 21(p)(1), (3) and (7) of the Environmental Protection Act. (415 ILCS 5/21(p)(1), (3), and (7) (2004)).	4-0
AC 06-32	<u>County of Jackson v. David Skidmore</u> – The Board entered a final opinion and order requiring respondent to pay hearing costs of the Illinois Environmental Protection Agency and the Board in the amount of \$220.20 and a civil penalty of \$4,500. This order follows the Board's interim order of March 1, 2007, which found that this respondent had violated Sections 21(p)(1), (3) and (7) of the Environmental Protection Act. (415 ILCS 5/21(p)(1), (3), and (7) (2004)).	4-0
AC 06-50	<u>IEPA v. Marla Lewis Gates, Mark Gates, and Mark Kingsley Lewis</u> – The Board granted respondent Mark Gates' April 17, 2007 motion for extension of time, allowing him until June 4, 2007 to file an amended petition.	4-0
AC 07-21	<u>County of Macon v. Tim Walker</u> – The Board granted respondent's motion to reconsider, but declined to modify or vacate the January 26, 2007 Board Order.	4-0
AC 07-34	<u>County of Jackson v. Alvin Valdez and Ruben J. Valdez</u> – The Board accepted for hearing respondent Ruben J. Valdez's amended petition for review.	4-0
AC 07-47	<u>County of Ogle v. Rochelle Waste Disposal, L.L.C. and Clyde A. Gelderloos, Chief Operator and City of Rochelle</u> – The Board found that these Ogle County respondents violated Section (o)(5) of the Act (415 ILCS 5/21(o)(5) (2004)), and ordered respondents to pay a civil penalty of \$500.	4-0

Decisions

PCB 06-78	<u>People of the State of Illinois v. North American Lighting, Inc.</u> – In this air and water enforcement action concerning a Clay 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) (2004)), and accepted a stipulation and settlement agreement, ordering the respondent to pay a total civil penalty of \$15,000, and to cease and desist from further violations.	4-0 A&W-E
PCB 06-160	<u>People of the State of Illinois v. Matrix National Investment Corp.</u> – In this water enforcement action concerning a Madison 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) (2004)), and accepted a stipulation and settlement agreement, ordering the respondent to pay a total civil penalty of \$5,000, and to cease and desist from further violations.	4-0 W-E

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PCB 07-24	<u>Webb & Sons, Inc. v. IEPA</u> – The Board entered a final opinion and order requiring the Illinois Environmental Protection Agency (IEPA) to reimburse petitioner attorney fees in the amount of \$3,569.63 from the UST Fund. This order follows the Board's interim order of February 17, 2007, in which the Board affirmed respondent's rejection of petitioner's proposed budget for personnel for four specified job titles, but reversed the IEPA's rejection of petitioner's proposed budget for the 16 remaining job titles in the proposed personnel budget.	4-0 UST Appeal
PCB 07-41	<u>People of the State of Illinois v. Village of Nebo</u> – In this public water supply 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) (2004)), and accepted a stipulation and settlement agreement, ordering the respondent to pay a total civil penalty of \$1,500, and to cease and desist from further violations.	4-0 PWS-E
Motions and Other Matters		
PCB 93-71	<u>Indian Refining Company, now part of the AWR Liquidating Trust v. IEPA</u> – The Board granted this Lawrence County facility's motion for voluntary dismissal of this permit appeal.	4-0 P-A, Land
PCB 99-134	<u>People of the State of Illinois v. Peabody Coal Company</u> – The Board found that the Board's September 18, 2003 order granting a stay in this matter dissolved on December 1, 2003, denied complainant's April 11, 2007 motion to lift stay as moot. The Board found that nothing bars the hearing officer from ruling on the June 6, 2003 motion for protective order.	4-0 W-E
PCB 03-54	<u>Freedom Oil Company v. IEPA</u> – The Board granted this Edgar County facility's motion for voluntary dismissal of these consolidated underground storage tank	4-0
PCB 03-56	appeals.	UST
PCB 03-105		Appeal
PCB 03-179		
PCB 04-02		
PCB 04-158	<u>Hannel Oil Company v. IEPA</u> – The Board granted this Morgan County facility's motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
PCB 05-193	<u>Vernon and Elaine Zohfeld v. Bob Drake, Wabash Valley Service Company, Michael J. Pfister, Noah D. Horton, and Steve Kinder</u> – The Board construed respondent Michael J. Pfister's (Pfister) motion for summary judgment as an unopposed motion to dismiss and granted the unopposed motion to dismiss (Pfister only) with prejudice.	4-0 A-E
PCB 06-51	<u>People of the State of Illinois v. CSX Transportation, Inc.</u> – Upon receipt of a	4-0

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	proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air, land and water enforcement action involving an Edwards County facility, the Board ordered publication of the required newspaper notice.	A,L,&W-E
PCB 06-171	<u>American Bottom Conservancy v. IEPA and United States Steel Corporation – Granite City Works</u> – The Board denied respondent United States Steel Corporation’s motion to reconsider the Board order of January 26, 2007.	4-0 P-A, NPDES
PCB 07-49	<u>People of the State of Illinois v. City of Woodstock</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a McHenry County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E
PCB 07-65	<u>Electro-Motive Diesel, Inc. v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was filed on behalf of this facility located in Cook County.	4-0 P-A, Air
PCB 07-69	<u>Siemens Energy & Automation v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this facility located in Kane County.	4-0 UST Appeal
PCB 07-101	<u>Midwest Generation, L.L.C. – Powerton Generating Station v. IEPA</u> – The Board accepted for hearing and granted petitioner’s motion for partial stay of specified conditions in the construction permit in this permit appeal involving a Tazewell County facility.	4-0 P-A, Air
PCB 07-102	<u>City of O’Fallon v. IEPA</u> – The Board ordered petitioner to file an amended petition to cure noted deficiencies, accompanied by an attorney’s appearance on or before June 3, 2007, or the petition would be subject to dismissal.	4-0 P-A, NPDES
PCB 07-104	<u>People of the State of Illinois v. Washington Trails Edge, L.L.C.</u> – The Board accepted for hearing this water enforcement action involving a site located in Tazewell County.	4-0 W-E
PCB 07-105	<u>Harley Frey v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Wayne County facility.	4-0 UST Appeal
PCB 07-106	<u>Christian County Farmers Supply Company (Stonington) v. IEPA (Property ID No. 16-009-28-400-002)</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Christian County Farmers Supply Company, located in Christian County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	4-0

May 17, 2007
Via Videoconference
Chicago, Illinois

Rulemakings

R07-18	<u>In the Matter of: Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Section 201.146, Parts 211 and 217</u> – The Board found that part of the Illinois Environmental Protection Agency’s April 6, 2007 proposal is not “required to be adopted” by the Clean Air Act. Accordingly, the Board bifurcated this proposal by continuing to consider the portion applicable to the 28 internal combustion engines affected by the nitrogen oxides State Implementation Plan Call Phase II under Section 28.5 of the Act (415 ILCS 5/28.5 (2004)) in docket R07-18. The Board opened R07-19 and will consider the remainder of the proposal in that separate docket under Section 27 of the Act (415 ILCS 5/27 (2004)).	4-0 R, Air
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Adjusted Standards

AS 07-5	<u>In the Matter of: Petition of Cabot Corporation for an Adjusted Standard from 35 Ill. Adm. Code Part 738, Subpart B</u> – The Board dismissed this petition for an adjusted standard for petitioner’s failure to timely publish notice of the filing of the petition by advertisement in a newspaper of general circulation in the area likely to be affected, as required by Section 28.1 of the Environmental Protection Act (415 ILCS 5/28.1(d)(1) (2004)).	4-0 Land
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Administrative Citations

AC 07-36	<u>IEPA v. Lawrence Abraham Bartolomucci</u> – The Board granted complainant’s motion to dismiss these consolidated administrative citations concerning a Jefferson County facility.	4-0
AC 07-37		Land
AC 07-38 (cons.)		
AC 07-49	<u>IEPA v. Herman F. and Karen Meyers (IEPA #55-07-AC)</u> – The Board found that respondents violated Section 21(p)(1), (p)(3), (p)(4), and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(4), and (p)(7) (2004)), assessing a penalty of \$6,000 in this administrative citation involving a Massac County facility.	4-0 Land
AC 07-51	<u>IEPA v. Gene Breeden</u> – The Board found that this Iroquois County respondent violated Section 21(p)(1) and (p)(3) of the Act (415 ILCS 5/21(p)(1), (p)(3) (2004)). Because there are two violations of Section 21(p) and these violations are subsequent offenses, respondent was ordered to pay a civil penalty of \$6,000.	4-0 Land
AC 07-52	<u>County of LaSalle v. Mike Johnson</u> – The Board found that this LaSalle County respondent violated Section (p)(1) of the Act (415 ILCS 5/21(p)(1) (2004)), and	4-0 Land

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ordered respondents to pay a civil penalty of \$1,500.

AC 07-53	<u>IEPA v. Renee C. Lo</u> – The Board dismissed respondent’s petition for review of this administrative citation as untimely filed and found that this Champaign respondent violated Sections 21(p)(1), (3) and (7) of the Act (415 ILCS 5/21(p)(1), (3) and (7) (2004)) and ordered respondent to pay a penalty of \$4,500.	4-0 Land
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Decisions

PCB 05-44	<u>People of the State of Illinois v. Roger Kuberski, d/b/a Mount Vernon Quality Times, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Jefferson County facility, the Board ordered publication of the required newspaper notice.	4-0 A-E
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Motions and Other Matters

PCB 03-191	<u>People of the State of Illinois v. Community Landfill Company, Inc. and City of Morris</u> – The Board granted complainant’s motion to set a hearing date and denied respondent City of Morris’ motion for extension of time to file a response.	4-0 L-E
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PCB 06-119	<u>People of the State of Illinois v. Strata Geologic Services, Inc.</u> – The Board granted complainant’s motion for leave to file an amended complaint and accepted the complaint.	4-0 L-E
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PCB 07-84	<u>American Bottom Conservancy and Sierra Club v. City of Madison Illinois and Waste Management of Illinois, Inc.</u> – The Board granted petitioners’ motion for Kathleen G. Henry to appear <i>pro hac vice</i> and respondent the City of Madison’s motion for leave to file an amended index.	4-0 P-C-F-S-R
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PCB 07-93	<u>Equistar Chemicals, L.P. (Property Identification Number 03-20-200-014) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s (IEPA) recommendation, the Board found and certified that specified facilities of Equistar Chemicals, LP (Equistar), located in Grundy County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)). The facilities are a wastewater treatment plant effluent temperature control and the Lift Station #23 Overflow Prevention at Equistar’s water pollution control facility. The IEPA did not recommend that the Potable Water System Improvements be certified and not receiving any petition for review, the Board declines to certify.	4-0 T-C Water
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PCB 07-107	<u>Roy Pan, Inc. v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Roy Pan, Inc., located in Clay County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	4-0 UST Appeal
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PCB 07-108	<u>Reed's Service v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a White County facility.	4-0 UST Appeal
PCB 07-110	<u>City of Granite City 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.	4-0 UST Appeal 90-Day Ext.

New Cases

May 3, 2007 Board Meeting

07-104 People of the State of Illinois v. Washington Trails Edge, L.L.C. – The Board accepted for hearing this water enforcement action involving a site located in Tazewell County.

07-105 Harley Frey v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Wayne County facility.

07-106 Christian County Farmers Supply Company (Stonington) v. IEPA (Property ID No. 16-009-28-400-002) – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Christian County Farmers Supply Company, located in Christian County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).

AC 07-055 IEPA v. Gire Properties Inc. and Gire Construction Inc. – The Board accepted an administrative citation against these Douglas County respondents.

AC 07-056 County of Ogle v. BFI Waste Systems of North America, Inc. – The Board accepted an administrative citation against these Ogle County respondents.

May 17, 2007 Board Meeting

07-107 Roy Pan, Inc. v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Roy Pan, Inc., located in Clay County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).

07-108 Reed's Service v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a White County facility.

07-109 Lawrence Reed v. Mark Howard – The Board held for a later duplicative/frivolous determination this citizens' noise enforcement action involving a Cook County facility.

07-110 City of Granite City 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.

07-111 Collins & Aikman v. IEPA – No action taken.

AC 07-057 IEPA v. Bernard Kotter – The Board accepted an administrative citation against this Pulaski County respondent.

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AC 07-058 County of Macon, Illinois v. Veolia ES Valley View Landfill – The Board accepted an administrative citation against this Macon County respondent.

AC 07-059 County of Jackson v. Ryan Dantone, d/b/a The Gallery – The Board accepted an administrative citation against this Jackson County respondent.

Calendar

<p>6/7/07 11:00 AM</p>	<p><u>Illinois Pollution Control Board Meeting</u></p>		<p>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</p>
<p>6/7/07 1:00 PM</p>	<p>R07-17</p>	<p>In the Matter of: Amendments to the Board's Procedural Rules and Underground Storage Tank Rules to Reflect P.A. 94-0274, P.A. 94-0276 and P.A. 94-0824 (35 Ill. Adm. Code 101.202, 732.103, 732.702, 634.115, and 734.710</p>	<p>Illinois Pollution Control Board Conference Room IEPA Office Building (North Entrance) 1021 North Grand Avenue East Springfield</p>
<p>6/19/07 10:00 AM</p>	<p>R07-18</p>	<p>In the Matter of: Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Section 201.146, Parts 211 and 217</p>	<p>Michael A. Bilandic Building Auditorium Fifth Floor, Room C-500 160 N. LaSalle Street Chicago</p>
<p>6/20/07 10:00 AM</p>	<p>R07-18</p>	<p>In the Matter of: Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Section 201.146, Parts 211 and 217</p>	<p>Michael A. Bilandic Building Auditorium Fifth Floor, Room C-500 160 N. LaSalle Street Chicago</p>
<p>6/21/07 10:00 AM</p>	<p>R07-18</p>	<p>In the Matter of: Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Section 201.146, Parts 211 and 217</p>	<p>Michael A. Bilandic Building Auditorium Fifth Floor, Room C-500 160 N. LaSalle Street Chicago</p>
<p>6/21/07 11:00 AM</p>	<p><u>Illinois Pollution Control Board Meeting</u></p>		<p>James R. Thompson Center Room 9-040 100 W. Randolph Street Chicago</p>

Environmental Register – May 2007

6/21/07 11:00 AM	PCB 07-105	Harley Frey v. IEPA	Illinois Pollution Control Board Conference Room IEPA Office Building (North Entrance) 1021 North Grand Avenue East Springfield
6/22/07 10:00 AM	R07-18	In the Matter of: Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Section 201.146, Parts 211 and 217	Michael A. Bilandic Building Auditorium Fifth Floor, Room C-500 160 N. LaSalle Street Chicago
6/25/07 10:00 AM	R07-18	In the Matter of: Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Section 201.146, Parts 211 and 217	James R. Thompson Center Room 9-031 100 W. Randolph Street Chicago
6/26/07 10:00 AM	R07-18	In the Matter of: Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Section 201.146, Parts 211 and 217	James R. Thompson Center Room 9-031 100 W. Randolph Street Chicago
6/27/07 10:00 AM	R07-18	In the Matter of: Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Section 201.146, Parts 211 and 217	James R. Thompson Center Room 9-031 100 W. Randolph Street Chicago
6/28/07 10:00 AM	R07-18	In the Matter of: Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Section 201.146, Parts 211 and 217	James R. Thompson Center Room 9-031 100 W. Randolph Street Chicago
6/29/07 10:00 AM	R07-18	In the Matter of: Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Section 201.146, Parts 211 and 217	James R. Thompson Center Room 9-031 100 W. Randolph Street Chicago

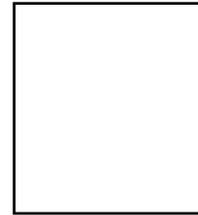
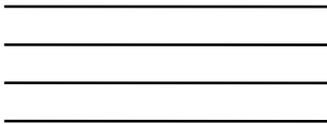
Environmental Register – May 2007

7/02/07 1:00 PM	R07-18	In the Matter of: Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Section 201.146, Parts 211 and 217 (Continues as necessary or until July 12, 2007)	IEPA Office Building (North Entrance) Training Room 1214 West 1021 North Grand Avenue East Springfield
7/12/07 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
7/19/07 10:30 AM	AC 07-43	County of Jackson v. Bob Osinga (Site Code 0778105047)	Jackson County Health Department Rear building conference room 415 Health Department Road Murphysboro
7/19/07 11:00 AM	AC 07-34	County of Jackson v. Alvin Valdez and Ruben J. Valdez (Site Code 0778035022)	Jackson County Health Department Rear building conference room 415 Health Department Road Murphysboro
7/26/07 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		James R. Thompson Center Room 9-040 100 W. Randolph Street Chicago
8/9/07 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		Illinois Pollution Control Board Board Room IEPA Office Building (North Entrance) 1021 North Grand Avenue East Springfield
8/7/07 11:00 AM	R07-17	In the Matter of: Amendments to the Board's Procedural Rules and Underground Storage Tank Rules to Reflect P.A. 94-0274, P.A. 94-0276 and P.A. 94-0824 (35 Ill. Adm. Code 101.202, 732.103, 732.702, 634.115, and 734.710)	Illinois Pollution Control Board Conference Room IEPA Office Building (North Entrance) 1021 North Grand Avenue East 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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