
Environmental Register

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G. Tanner Girard, Acting Chairman

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Letter from the Chairman

June was another busy month at the Board, so I will discuss a few of the highlights. On June 21, 2007, the Board accepted rulemaking proposal R07-20, Procedures Required by P. A. 94-849 for Reporting Releases of Radionuclides at Nuclear Power Plants. The Illinois Environmental Protection Agency (IEPA), in consultation with the Illinois Emergency Management Agency (IEMA), proposed the rules to the Board on May 25, 2007 pursuant to P. A. 94-849, which added Section 13.6 to the Act (415 ILCS 5/13.6 (2006)). Section 13.6 requires that the Board shall “adopt rules prescribing standards for detecting and reporting unpermitted releases of radionuclides” within one year from receipt of the proposal. P. A. 94-849 was enacted following a series of leaks of tritiated water from the Braidwood Nuclear Power Station in Will County. The Board will hold at least two hearings in this proceeding. Consult our website (www.ipcb.state.il.us) for times and locations.



Also on June 21, 2007, the Board affirmed Peoria County’s decision to deny siting approval to expand Peoria Disposal Company’s existing hazardous waste landfill in Peoria County (*See* PCB 06-184). The Board found that Peoria County properly voted to deny Peoria Disposal Company’s siting application on May 3, 2006 and that the procedures Peoria County followed to address the merits of the application were fundamentally fair. Additionally, the Board found that Peoria County’s determination that Peoria Disposal Company failed to meet the requirements of criteria i, ii, iii, and v of Section 39.2 of the Act (415 ILCS 5/39.2 (2006)) was not against the manifest weight of the evidence.

During June the Board also completed hearings in the NO_x rulemaking proceeding pursuant to Section 28.5 of the Act (415 ILCS 5/27.5 (2006)). (*See* R07-18, Fast-Track Rules Under Nitrogen Oxide (NO_x) SIP Call Phase II: Amendments 35 Ill. Adm. Code Section 201.146, Parts 211 and 217 (R07-18)). Hearings for the NO_x rulemaking proceeding pursuant to Section 27 of the Act (415 ILCS 5/27 (2006)) will begin September 18 in Springfield and November 5 in Chicago (*See* R07-19, Section 27 Proposed Rules for Nitrogen Oxide (NO_x) Emissions from Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Parts 211 and 217). Our website (www.ipcb.state.il.us) has times and locations.

Additional information about these proceedings is available from the Board’s Clerk’s Office On-Line (COOL), which is accessible through the Board’s Web site at www.ipcb.state.il.us.

Sincerely,

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

Dr. G. Tanner Girard

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Federal Update

United States Environmental Protection Agency Proposes Supplemental Amendments to the Lead Renovation, Repair, and Painting Program Under the Toxic Substances Control Act

On June 5, 2007 (72 Fed. Reg. 31022) the United States Environmental Protection Agency (USEPA) proposed supplemental amendments to its January 10, 2006 (71 Fed. Reg. 1587) proposal. In the January rulemaking, USEPA proposed new requirements under the authority of section 402(c)(3) of the Toxic Substances Control Act (TSCA) to reduce exposure to lead hazards created by renovation, repair, and painting activities that disturb lead-based paint in “target housing”. “Target housing” is defined in TSCA section 401 as any housing constructed before 1978, except housing for the elderly or persons with disabilities (unless any child under age 6 resides or is expected to reside in such housing) or any 0-bedroom dwelling. The rulemaking sought to establish requirements for training renovators and dust sampling technicians; for certifying renovators, dust sampling technicians, and renovation firms; for accrediting providers of renovation and dust sampling technician training; for renovation work practices; and for recordkeeping. That proposal would also allow interested States, Territories, and Indian Tribes the opportunity to apply for and receive authorization to administer and enforce all of the elements of the new renovation requirements.

The supplemental notice contains USEPA's proposal to add child-occupied facilities to the buildings covered by the proposal. Child-occupied facilities may be located in public or commercial buildings or in target housing. A child-occupied facility would be defined as a building, or a portion of a building, constructed prior to 1978, visited regularly by the same child, under 6 years of age, on at least two different days within any week (Sunday through Saturday period), provided that each day's visit lasts at least 3 hours and the combined weekly visits last at least 6 hours, and the combined annual visits last at least 60 hours.

Comments, identified by docket identification number EPA-HQ-OPPT-2005-0049, must be received on or before July 5, 2007 and should be submitted by one of the following methods:

1) Federal eRulemaking Portal: <http://www.regulations.gov>.

Follow the on-line instructions for submitting comments.

2) Mail: Document Control Office (7407M), Office of Pollution

Prevention and Toxics (OPPT), Environmental Protection Agency, 1200

Pennsylvania Ave., NW., Washington, DC 20460-0001.

For general information contact: Colby Lintner, 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: Mike Wilson, National Program Chemicals Division (7404T), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 566-0521; e-mail address: wilson.mike@epa.gov.

United States Environmental Protection Agency Proposes Amendments to Refine the Increment Modeling Procedures Under the Clean Air Act Prevention of Significant Deterioration New Source Review Program

On June 6, 2007 (72 Fed. Reg. 31371) the United States Environmental Protection Agency (USEPA) proposed amendments to the New Source Review (NSR) program rules implementing the Clean Air Act. The NSR program includes Prevention of Significant Deterioration (PSD) measures, which protect air quality in areas that currently have clean air. For some pollutants, the PSD program protects clean air through a system of “increments.” These increments specify the maximum extent to which the ambient concentration of these pollutants may be allowed to increase above the legally defined baseline concentration in an area with clean air.

In this rulemaking, USEPA proposed to refine several aspects of the method that may be used to calculate an increase in concentration for increment purposes. USEPA stated that these refinements are intended to clarify how States and regulated sources may calculate increases in concentrations for the purposes of determining compliance with the PSD increments.

Written comments, identified by Docket ID No. EPA-HQ-OAR-2006-0888, must be received on or before August 6, 2007. Submit your comments, by one of the following methods:

- 1) <http://www.regulations.gov> Follow the online instructions for submitting comments.
- 2) E-mail: a-and-r-docket@epa.gov.
- 3) Fax: (202) 566-1741.
- 4) Mail: Environmental Protection Agency, EPA Docket Center (EPA/DC), Air and Radiation Docket, Mail Code 6102T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Please include 2 copies.

For further information contact Ms. Jessica Montanez, New Source Review Group, Air Quality Policy Division (C504-03), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, telephone number: (919) 541-3407; fax number: (919) 541-5509, or e-mail address: montanez.jessica@epa.gov.

Rule Update

Board Accepts IEPA Proposal for Hearing in Procedures for Reporting Releases of Radionuclides at Nuclear Power Plants: New 35 Ill. Adm. Code 1010 (R07-20)

On June 21, 2007, the Board accepted for hearing a proposal to add a new Part 1010 to the Board’s regulations in Procedures for Reporting Releases of Radionuclides at Nuclear Power Plants: New 35 Ill. Adm. Code 1010 (R07-20). The proposal, filed by the Illinois Environmental Protection Agency (IEPA) on May 25, 2007, was submitted pursuant to P. A. 94-849, which added Section 13.6 to the Act (415 ILCS 5/13.6 (2006)). Section 13.6 of the Act requires that IEPA propose rules to the Board “prescribing standards for detecting and reporting unpermitted releases of radionuclides.” 415 ILCS 5/13.6 (2006). The Board has one year from receipt of the proposal to adopt final rules.

The IEPA stated that the proposal was developed in consultation with Interagency Coordinating Committee on Groundwater and the Groundwater Advisory Committee. The IEPA also consulted with the Illinois Emergency Management Agency (IEMA) and Exelon Corporation (Exelon).

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The statement of reasons explained that the proposal seeks to refine when an unpermitted release of radionuclides must be reported to the IEPA and IEMA. The IEPA indicated that the proposal addresses most of the concerns raised by those consulted except for a concern raised by Exelon. The IEPA did not include language suggested by Exelon, because the IEPA believed the language exceeded the scope of Section 13.6 of the Act (415 ILCS 5.13.6 (2006)).

The Board is in the process of scheduling hearings in this rulemaking.

Copies of the Board's opinion and order in R07-20 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 Marie Tipsord at 312-814-4925 e-mail address tipsordm@ipcb.state.il.us.

Board Accepts Proposal for Hearing in Site Specific Rule for City of Joliet Wastewater Treatment Plant, Fluoride and Copper Discharges, 35 Ill. Adm. Code 303.432 (R07-21)

On June 21, 2007, the Board accepted for hearing a site-specific rulemaking proposal in Site Specific Rule for City of Joliet Wastewater Treatment Plant, Fluoride and Copper Discharges, 35 Ill. Adm. Code 303.432 (R07-21). This rulemaking, filed by the City of Joliet (Joliet) on May 30, 2007, seeks site-specific relief from the Board's general use water quality standards for copper and fluoride (35 Ill. Adm. Code 302.208(e) and (g)) and provisions for determining water quality based effluent limitations (35 Ill. Adm. Code 304.105). In its proposal, Joliet requested, "permanent relief from the water quality based effluent limitations" that apply for copper and fluoride.

The rulemaking proposes site-specific copper and fluoride discharge limits that would apply to Joliet's Eastside wastewater treatment plant (Eastside WWTP), located at 1021 McKinley Avenue in Joliet, which serves approximately 90,000 customers. Under Joliet's proposal, the general use water quality standards for copper and fluoride (35 Ill. Adm. Code 302.208 (e) and (g)) and the provisions for determining water quality based effluent limitations (35 Ill. Adm. Code 304.105) would not apply to "that portion of the Hickory Creek downstream from the Joliet Street bridge in Joliet, to the juncture with the Des Plaines River that receives the discharge from the Joliet" East Side WWTP. Instead, Joliet proposed that the Eastside WWTP discharge comply with a copper limit of 0.15 milligrams per liter (mg/L) and a fluoride limit of 3.5 mg/L as monthly average values.

Joliet explained that on March 30, 2007, it entered into a Consent Order with the Illinois Attorney General and the Illinois Environmental Protection Agency (IEPA) in the Circuit Court for the Twelfth Judicial Circuit in Will County, Illinois, No. 05-CH-593 (specific case caption not provided). The Consent Order "imposed an interim daily maximum limit for copper of 0.1156 mg/l and a daily maximum fluoride discharge limit of 3.5 mg/l." Joliet stated that under the Consent Order, "it was envisioned that Joliet would pursue relief from the fluoride and copper limits set forth in its NPDES Permit." According to Joliet, the Consent Order specifies that the interim copper limit would expire when the copper limit is amended in Joliet's NPDES permit or on the date "upon which a final decision regarding same could not be appealed."

The Board accepted Joliet's site-specific rulemaking proposal for hearing, and granted Joliet's motion to waive the 200-signature requirement. The Board did note that the proposal did not address the applicability of or provide the information requested in the "published study or report" requirement of Section 102.210(c) (35 Ill. Adm. Code 102.210(c)). The Board requested that Joliet address Section 102.210(c), or its inapplicability, in writing prior to or at hearing.

The Board is in the process of scheduling hearings in this rulemaking.

Copies of the Board's opinion and order in R07-21 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.

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For additional information contact Richard McGill at 312-814-6983; e-mail address mcgillr@ipcb.state.il.us.

Board Actions

June 7, 2007

Via Videoconference

Springfield and Chicago, Illinois

Administrative Citations

- | | | |
|-----------------|---|-----|
| AC 05-44 | <u>IEPA v. Donald Eichen</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Macoupin County facility, the Board found that respondent had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2006)) 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. | 4-0 |
| AC 05-70 | <u>IEPA v. James Stutsman</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 \$372.75 and a civil penalty of \$3,000. Due to the delay of seven weeks between service of the Illinois Environmental Protection Agency's statement of hearing costs and its arrival in the Board's office, the Board on its own motion reconsidered its previous final opinion and order of November 16, 2006, and vacated that order on December 7, 2006. This order follows the Board's interim order of September 21, 2006, which found that this respondent had violated Sections 21(p)(1) and (7) of the Environmental Protection Act. (415 ILCS 5/21(p)(1), (7) (2006)). | 4-0 |
| AC 07-12 | <u>IEPA v. Francis E. Morris</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Gallatin County facility, the Board found that respondent had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2006)) 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), and (7) (2006). | 4-0 |
| AC 07-45 | <u>County of LaSalle v. Wayne and Becky Foster</u> – The Board granted complainant's motion to dismiss the administrative citation. | 4-0 |
| AC 07-54 | <u>IEPA v. Adolph M. Lo</u> – The Board accepted as timely respondents' petition for review of this administrative citation involving a Champaign County facility. | 4-0 |
| AC 07-55 | <u>IEPA v. Gire Properties, Inc. and Gire Construction, Inc.</u> – The Board granted complainant's motion to dismiss this administrative citation. | 4-0 |

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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> – In this water enforcement action concerning a Jefferson County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2006)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$1,200, and to cease and desist from further violations.	4-0 W-E
PCB 06-51	<u>People of the State of Illinois v. CSX Transportation, Inc.</u> – In this air, land, and water enforcement action concerning an Edwards County site, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2006)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$80,000, and to cease and desist from further violations.	4-0 A-L-W-E
PCB 06-151	<u>People of the State of Illinois v. Big River Zinc and Allied Waste Transportation, Inc. d/b/a Midwest Waste</u> – In this land enforcement action concerning a St. Clair County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2006)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$4,500, and to cease and desist from further violations. Respondent must perform a supplemental environmental project (SEP) by reserving landfill capacity for waste. The value of the SEP is \$16,800 and the SEP must be performed as specified in the stipulation and proposal for settlement.	4-0 L-E
PCB 06-193	<u>People of the State of Illinois v. Ron Fisher Motorsports, Inc. d/b/a F & L Salvage</u> – In this land enforcement action concerning a Washington County site, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2006)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$7,000, and to cease and desist from further violations.	4-0 L-E
PCB 07-49	<u>People of the State of Illinois v. City of Woodstock</u> – In this water enforcement action concerning a McHenry County site, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2006)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$2,300, and to cease and desist from further violations.	4-0 W-E

Motions and Other Matters

PCB 04-213	<u>The Village of Lombard, Illinois, an Illinois municipality corporation v. Bill's Auto Center, Bill's Standard Service, and William Kovar</u> – The Board granted complainant's motion to dismiss this citizen's enforcement and cost recovery action involving a DuPage County facility.	4-0 L-E Citizen
PCB 05-93	<u>York High Neighborhood Committee (a voluntary organization) Janet and Fred Hodge, Patricia and David Bennett, Sheila and Mike Trant, Joe Vosicky, Jean and Peter Conroy, Frank Soldano, Joseph Reamer, Elizabeth and Charles Laliberte v. Elmhurst Public Schools, District 205</u> – The Board granted the parties' agreed motion for extension of time until June 18, 2007 to file an amended stipulation and settlement agreement.	4-0 N-E
PCB 05-215 PCB 06-103	<u>People of the State of Illinois v. First Rockford Group, 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 Winnebago County facility, the Board ordered publication of the required newspaper notice.	4-0 PWSE
PCB 06-177	<u>People of the State of Illinois v. Sheridan Sand & Gravel Co.</u> – The Board granted complainant's motion to strike the three alleged affirmative defenses set forth by respondent.	4-0 L-E
PCB 07-17	<u>Dale L. Stanhibel v. Tom Halat d/b/a Tom's Vegetable Market</u> – The Board construed respondent's April 23, 2007 motion for summary judgment as an unopposed motion to dismiss and dismissed the complaint with prejudice.	4-0 A&N-E
PCB 07-79	<u>North American Lighting, Inc. v. IEPA</u> – The Board granted this Edgar County facility's motion for voluntary dismissal of this permit appeal.	4-0 P-A Air
PCB 07-80	<u>Russ Taylor v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Champaign County facility.	4-0 UST-Appeal
PCB 07-96	<u>Kyle Nash v. Karen Sokolowski</u> – The Board directed complainant to file proof of service of the complaint on the respondent by July 9, 2007.	4-0 N-E Citizens
PCB 07-97	<u>Kyle Nash v. Louis Jiminez</u> – The Board directed complainant to file proof of service of the complaint on the respondent by July 9, 2007.	4-0 N-E Citizens

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PCB 07-112	<u>Lone Star Industries, Inc. 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 LaSalle County facility.	4-0 P-A
PCB 07-113	<u>Rochelle Waste Disposal, L.L.C. v. The City of Rochelle and The Rochelle City Council</u> – The Board accepted for hearing and on its own motion consolidated this third-party pollution control facility siting appeal with PCB 07-116 involving a site in Ogle County.	4-0 P-C-F-S-R 3rd Party
PCB 07-115	<u>Dynergy Midwest Generation, Inc. (Havana Power Station) v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Mason County facility.	4-0 P-A
PCB 07-116	<u>Concerned Citizens of Ogle County v. The City of Rochelle, The City Council of the City of Rochelle, and Rochelle Waste Disposal, L.L.C.</u> – The Board accepted for hearing and own its on motion consolidated this third-party pollution control facility siting appeal with PCB 07-113 involving a site in Ogle County.	4-0 P-C-F-S-R 3rd Party
PCB 07-117	<u>Dennis Sturtevant – Shannon v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dennis Sturtevant, located in Carroll County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).	4-0 T-C, Water
PCB 07-118	<u>Blackland Pork, LLC – Blue Mound v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Blackland Pork, LLC, located in Macon County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).	4-0 T-C, Water
PCB 07-119	<u>Mahr’s Service & Sales 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 Fulton County facility.	4-0 UST Appeal, 90-Day Extension
PCB 07-120	<u>Ruth Oil Company 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 Stark County facility.	4-0 UST Appeal, 90-Day Extension
PCB 07-121	<u>Willingham Farms 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 Pulaski County facility.	4-0 UST Appeal 90-Day Extension

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PCB 07-122	<u>Stitzel Hog Farm – Shannon v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Stitzel Hog Farm, located in Carroll County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).	4-0 T-C, Water
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June 21, 2007
Chicago, Illinois

Rulemakings

R07-20	<u>In the Matter of: Procedures for Reporting Releases of Radionuclides at Nuclear Power Plants</u> – The Board accepted for hearing the Illinois Environmental Protection Agency’s May 25, 2007 proposal.	4-0 R, Water
R07-21	<u>In the Matter of: Site Specific Rule for City of Joliet Wastewater Treatment Plant Fluoride and Copper Discharges, 35 Ill. Adm. Code 303.432</u> – The Board accepted for hearing petitioner’s May 30, 2007 proposal to amend the Board’s water pollution control regulations. The Board granted petitioner’s motion to waive requirement to submit 200 signatures. The Board also requested that petitioner address the deficiencies noted in the order.	4-0 R, Water

Adjusted Standards

AS 07-06	<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 granted the motions for incorporation and from the requirement to file an original and nine copies of the USEPA application and plan. The motion for relief from the requirement at 35 Ill. Adm. Code 104.402 to serve the Illinois Environmental Protection Agency with a copy of this petition was denied. No action was taken on the motion for a stay of this proceeding or on petition sufficiency.	4-0 Land
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Administrative Citations

AC 06-50	<u>IEPA v. Marla Lewis Gates, Mark Gates, and Mark Kingsley Lewis</u> – The Board accepted for hearing Mark Gates’ amended petition for review.	4-0
AC 07-50	<u>IEPA v. Doug Hensley and Eric & Charmin Joseph</u> – The Board granted the Illinois Environmental Protection Agency motion to dismiss Doug Hensley and Eric Joseph and found that Charmin Savage f/k/a Charmin Joseph violated Sections (p)(1) and (p)(3) of the Act (415 ILCS 5/21(p)(1), (p)(3) (2004)), and ordered respondent to pay a civil penalty of \$3,000.	4-0

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AC 07-56	<u>County of Ogle v. BFI Waste Systems of North America, Inc.</u> – The Board found that this Ogle County respondent violated Section (o)(11) of the Act (415 ILCS 5/21(o)(11) (2004)), and ordered respondent to pay a civil penalty of \$500.	4-0
AC 07-58	<u>County of Macon, Illinois v. Veolia ES Valley View Landfill</u> –The Board found that this Macon County respondent violated Section (o)(5) and (o)(11) of the Act (415 ILCS 5/21(o)(5), (o)(11) (2004)), and ordered respondent to pay a civil penalty of \$1,000.	4-0
AC 07-59	<u>County of Jackson v. Ryan Dantone, d/b/a The Gallery</u> – The Board granted complainant’s motion to dismiss the administrative citation.	4-0
AC 07-63	<u>IEPA v. Clinton D. and Ruth H. Jordan</u> – The Board accepted for hearing respondents’ petition for review of this administrative citation involving a Marion County facility.	4-0

Decisions

PCB 06-184	<u>Peoria Disposal Company v. Peoria County Board</u> – The Board affirmed the decision of the Peoria County Board denying petitioner’s application to expand an existing hazardous waste pollution control facility.	4-0 P-C-F-S-R
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Motions and Other Matters

PCB 02-214	<u>Metropolitan Sanitary District of Greater Chicago (Lemont Plant) v. IEPA</u> – The Board granted this Cook County facility’s motion for voluntary dismissal of this permit appeal.	4-0 P-A, Water
PCB 03-191	<u>People of The State of Illinois v. Community Landfill Company, Inc. and City of Morris</u> – The Board affirmed the May 17, 2007 order granting the complainant’s motion to set a hearing date and directed the hearing officer to proceed expeditiously to hearing with both respondents.	4-0 L-E
PCB 06-9	<u>The Estate of Gerald Hess v. IEPA</u> – The Board granted this Cook County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 P-A, UST Appeal
PCB 06-52	<u>Knapp Oil Company, Don’s 66 v. IEPA</u> – The Board granted the respondent’s motion for summary judgment, denied petitioner’s cross-motion for summary judgment and found the respondent properly rejected petitioner’s August 2, 2005 high priority corrective action plan and budget.	4-0 UST Appeal

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PCB 06-171	<u>American Bottom Conservancy v. Illinois Environmental Protection Agency and United States Steel Corporation - Granite City Works</u> – The Board denied respondent United States Steel Corporation - Granite City Works’ May 30, 2007 motion to stay Board orders of January 26, 2007 and May 3, 2007, pending appellate review of the orders.	4-0 T-S
PCB 07-87	<u>Estate of Fred Johnson 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 Christian County.	4-0 UST Appeal
PCB 07-109	<u>Lawrence Reed v. Mark Howard</u> – The Board directed complainant to file proof of service of the complaint on the respondent by July 23, 2007.	4-0 N-E
PCB 07-111	<u>Collins & Aikman v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board granted certification to the oil/water separator facilities of Collin and Aikman's, located in Champaign County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)). The Board declined to certify the re-grind equipment facilities.	4-0 T-C, Water
PCB 07-123	<u>Dynegy Midwest Generation, Inc. (Hennepin Power Station) v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Putnam County facility.	4-0 P-A, Air, 90 Day Extension
PCB 07-124	<u>People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois v. Kraft Foods Global, Inc.</u> – The Board accepted for hearing this air enforcement action involving a site located in DuPage County.	4-0 A-E
PCB 07-125	<u>Cairo/Lowe Oil 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 Alexander County facility.	4-0 UST Appeal, 90 Day Extension
PCB 07-126	<u>Gateway FS, Inc. 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 Randolph County facility.	4-0 UST Appeal, 90-Day Extension
PCB 07-127	<u>Pioneer Oil Company 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 Montgomery County facility.	4-0 UST Appeal, 90-Day Extension

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PCB 07-128	<u>Jahrraus Oil Company, Inc. 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 Marion County facility.	4-0 UST Appeal, 90-Day Extension
PCB 07-129	<u>Yesley Service Company, Inc. 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 Randolph County facility.	4-0 UST Appeal, 90-Day Extension
PCB 07-130	<u>Gallaher's Shell 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 Hancock County facility.	4-0 UST Appeal, 90-Day Extension
PCB 07-131	<u>People of the State of Illinois v. Vithalbhaj Patel</u> – The Board accepted for hearing this air enforcement action involving a site located in Madison County.	4-0 A-E
PCB 07-132	<u>People of the State of Illinois v. C. Grantham Company</u> – The Board accepted for hearing this land enforcement action involving a site located in St. Clair County.	4-0 L-E
PCB 07-133	<u>People of the State of Illinois, Lisa Madigan, Attorney General of the State of Illinois v. Thomas P. Mathews</u> – The Board accepted for hearing this water enforcement action involving a site located in McHenry County.	4-0 W-E
PCB 07-134	<u>People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois v. Village of Rockton</u> – The Board accepted for hearing this water enforcement action involving a site located in Winnebago County.	4-0 W-E
PCB 07-136	<u>M. L. Rongo v. IEPA</u> – The Board dismissed the petition for review as not timely and not meeting any of the Board's or statutory requirements for a petition for review.	4-0 UST Appeal
PCB 07-137	<u>Russell Oil Company, Inc. 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 Williamson County facility.	4-0 UST Appeal, 90-Day Extension
PCB 07-138	<u>Watertower Marina, Inc. 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 McHenry County facility.	4-0 UST Appeal, 90-Day Extension

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PCB 07-139	<u>People of the State of Illinois v. Jalil “Jerry” Rizqallah, d/b/a Timberline Mobile Home Park</u> – The Board accepted for hearing this public water supply enforcement action involving a site located in Woodford County.	4-0 PWS-E
PCB 07-140	<u>Anne or Fred Hood 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 Macoupin County facility.	4-0 UST Appeal, 90-Day Extension
PCB 07-141	<u>F. A. Stein Oil Company 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 St. Clair County facility.	4-0 UST Appeal, 90-Day Extension
PCB 07-142	<u>Big Tony’s Lounge 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 Alexander County facility.	4-0 UST Appeal, 90-Day Extension
PCB 07-143	<u>Joe’s Midtown Auto Repair 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 Bureau County facility.	4-0 UST Appeal, 90-Day Extension
PCB 07-144	<u>People of the State of Illinois v. Mick Morfey and William Knauer</u> – The Board accepted for hearing this air enforcement action involving a site located in Carroll County.	4-0 A-E

New Cases

June 7, 2007 Board Meeting

07-112 Lone Star Industries, Inc. v. IEPA – 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 LaSalle County facility.

07-113 Rochelle Waste Disposal, L.L.C. v. The City of Rochelle and The Rochelle City Council – The Board accepted for hearing and on its own motion consolidated this third-party pollution control facility siting appeal with PCB 07-116 involving a site in Ogle County.

07-114 Robert Habeeb v. The Coach House Restaurant – The Board held for a later duplicative/frivolous determination this citizens’ noise enforcement action involving a Cook County facility.

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07-115 Dynegy Midwest Generation, Inc. (Havana Power Station) v. IEPA – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Mason County facility.

07-116 Concerned Citizens of Ogle County v. The City of Rochelle, The City Council of the City of Rochelle, and Rochelle Waste Disposal, L.L.C. – The Board accepted for hearing and own its on motion consolidated this third-party pollution control facility siting appeal with PCB 07-113 involving a site in Ogle County.

07-117 Dennis Sturtevant – Shannon v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dennis Sturtevant, located in Carroll County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).

07-118 Blackland Pork, LLC – Blue Mound v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Blackland Pork, LLC, located in Macon County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).

07-119 Mahr’s Service & Sales 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 Fulton County facility.

07-120 Ruth Oil Company 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 Stark County facility.

07-121 Willingham Farms 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 Pulaski County facility.

07-122 Stitzel Hog Farm – Shannon v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Stitzel Hog Farm, located in Carroll County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).

AC 07-060 IEPA v. Joseph Combs – The Board accepted an administrative citation against this Greene County respondent.

AC 07-061 IEPA v. Ben and Destiny Wyant – The Board accepted an administrative citation against these Williamson County respondents.

AC 07-062 IEPA v. John A. & Kay E. Oldham – The Board accepted an administrative citation against these Clay County respondents.

AC 07-063 IEPA v. Clinton D. & Ruth H. Jordan – The Board accepted an administrative citation against these Williamson County respondents.

AS 07-006 In the Matter of: Petition of Cabot Corporation for an Adjusted Standard from 35 Ill. Adm. Code Part 738. Subpart B – No action taken.

R07-020 In the Matter of: Procedures for Reporting Releases of Radionuclides at Nuclear Power Plants – No action taken.

R07-021 In the Matter of: Site Specific Rule for City of Joliet Wastewater Treatment Plant Fluoride and Copper Discharges, 35 Ill. Adm. Code 303.432 – No action taken.

June 21, 2007 Board Meeting

07-123 Dynegy Midwest Generation, Inc. (Hennepin Power Station) v. IEPA – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Putnam County facility.

07-124 People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois v. Kraft Foods Global, Inc. – The Board accepted for hearing this air enforcement action involving a site located in DuPage County.

Environmental Register – June 2007

- 07-125** Cairo/Lowe Oil 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 Alexander County facility.
- 07-126** Gateway FS, Inc. 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 Randolph County facility.
- 07-127** Pioneer Oil Company 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 Montgomery County facility.
- 07-128** Jahrtaus Oil Company, Inc. 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.
- 07-129** Yesley Service Company, Inc. 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 Randolph County facility.
- 07-130** Gallaher's Shell 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 Hancock County facility.
- 07-131** People of the State of Illinois v. Vithalbhai Patel – The Board accepted for hearing this air enforcement action involving a site located in Madison County.
- 07-132** People of the State of Illinois v. C. Grantham Company – The Board accepted for hearing this land enforcement action involving a site located in St. Clair County.
- 07-133** People of the State of Illinois, Lisa Madigan, Attorney General of the State of Illinois v. Thomas P. Mathews – The Board accepted for hearing this water enforcement action involving a site located in McHenry County.
- 07-134** People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois v. Village of Rockton – The Board accepted for hearing this water enforcement action involving a site located in Winnebago County.
- 07-135** George R. Strunk v. Williamson Energy LLC, Pond Creek Mine #1 – Formal Complaint (6/11) – The Board held for a later duplicative/frivolous determination this citizens' air, noise and water enforcement action involving a Williamson County facility.
- 07-136** M. L. Rongo v. IEPA – The Board dismissed the petition for review as not timely and not meeting any of the Board's or statutory requirements for a petition for review.
- 07-137** Russell Oil Company, Inc. 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 Williamson County facility.
- 07-138** Watertower Marina, Inc. 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 McHenry County facility.
- 07-139** People of the State of Illinois v. Jalil "Jerry" Rizqallah, d/b/a Timberline Mobile Home Park – The Board accepted for hearing this public water supply enforcement action involving a site located in Woodford County.
- 07-140** Anne or Fred Hood 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 Macoupin County facility.
- 07-141** F. A. Stein Oil Company 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 St. Clair County facility.
- 07-142** Big Tony's Lounge 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 Alexander County facility.

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07-143 Joe's Midtown Auto Repair 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 Bureau County facility.

07-144 People of the State of Illinois v. Mick Morfey and William Knauer – The Board accepted for hearing this air enforcement action involving a site located in Carroll County.

AC 07-064 IEPA v. Marcelo Mendoza – The Board accepted an administrative citation against this Champaign County respondent.

AC 07-065 IEPA v. Todd McKinney – The Board accepted an administrative citation against this St. Clair County respondent.

AC 07-065 Ogle County v. John and Angela Baker – The Board accepted an administrative citation against these Ogle County respondents.

AC 07-067 Ogle County v. Harry Poggioli, Jr. – The Board accepted an administrative citation against this Ogle County respondent.

AC 07-068 IEPA v. Todd McKinney – The Board accepted an administrative citation against this St. Clair County respondent.

AS 07-007 In the Matter of: Petition of Illinois Department of Transportation, District 8, for an Adjusted Standard from 35 Ill. Adm. Code 302.208(g) (NPDES Permit No. ILD0070955) – No action taken.

Calendar

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
7/16/07 9:00 AM	PCB 07-113	Rochelle Waste Disposal, L.L.C. v. The City of Rochelle, an Illinois Municipal Corporation and The Rochelle City Council (Consolidated: PCB 07-113 and 116)	City Council Chambers Rochelle Municipal Building 420 North Sixth Street Rochelle
7/16/07 9:00 AM	PCB 07-116	Concerned Citizens of Ogle County v. The City of Rochelle, The City Council of the City of Rochelle, Illinois and Rochelle Waste Disposal, L.L.C. (Consolidated: PCB 07-113 and 116)	City Council Chambers Rochelle Municipal Building 420 North Sixth Street Rochelle

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7/17/07 9:00 AM	PCB 07-113	Rochelle Waste Disposal, L.L.C. v. The City of Rochelle, an Illinois Municipal Corporation and The Rochelle City Council (Consolidated: PCB 07-113 and 116)	City Council Chambers Rochelle Municipal Building 420 North Sixth Street Rochelle
7/17/07 9:00 AM	PCB 07-116	Concerned Citizens of Ogle County v. The City of Rochelle, The City Council of the City of Rochelle, Illinois and Rochelle Waste Disposal, L.L.C. (Consolidated: PCB 07-113 and 116)	City Council Chambers Rochelle Municipal Building 420 North Sixth Street Rochelle
7/19/07 9:00 AM	AS 04-04	In the Matter of: Petition of Johns Manville For an Adjusted Standard from 35 Ill. Adm. Code Part 814: 811.310, 811.311, 811.318	Assembly Room – 10 th Floor Lake County Administration Building 18 North County Street Waukegan
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
8/9/07 1:00 PM	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
8/23/07 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		James R. Thompson Center Room 9-040 100 W. Randolph Street Chicago

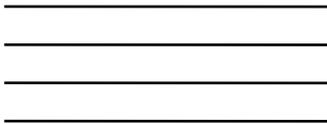
Environmental Register – June 2007

8/23/07 9:00 AM	PCB 07-84	American Bottom Conservancy and Sierra Club v. City of Madison, Illinois and Waste Management of Illinois, Inc.	County Board Room 203 Madison County Administration Building 157 N. Main Street Edwardsville
8/24/07 9:00 AM	PCB 07-84	American Bottom Conservancy and Sierra Club v. City of Madison, Illinois and Waste Management of Illinois, Inc.	County Board Room 203 Madison County Administration Building 157 N. Main Street Edwardsville
9/6/07 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
9/18/07 9:00 AM	R07-19	In the Matter of: Section 27 Proposed Rules for Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendment to 35 Ill. Adm. Code Parts 211 and 217 (Continues as necessary or until September 28, 2007)	Training Room 1214 West IEPA Office Building 1021 N. Grand Ave. (North Entrance) Springfield
9/20/07 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		James R. Thompson Center Room 9-040 100 W. Randolph Street Chicago

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

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

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