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# Environmental Register

August 2007 - Number 638

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

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G. Tanner Girard, Acting Chairman

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# Letter from the Chairman

The Governor has recently signed several bills changing environmental law in Illinois. Ten of those bills are summarized below. You can obtain more information on these and other bills through the General Assembly's Web site at [www.ilga.gov](http://www.ilga.gov).



Three new Public Acts amend the definition of "pollution control facility." PA 95-0131 (HB 937), effective August 13, 2007, amends the definition by excluding certain sites or facilities used for wood combustion facilities for energy recovery that accept and burn only wood material. PA 95-0177 (HB 3638), effective January 1, 2008, amends the definition by excluding a site if it temporarily holds in transit for 10 days or less, non-putrescible solid waste in original containers, no larger in capacity than 500 gallons, provided that such waste is further transferred to a recycling, disposal, treatment, or storage facility on a non-contiguous site and provided such site or facility complies with certain federal requirements. The bill also defines "non-putrescible solid waste". PA 95-0408 (SB 126), effective August 24, 2007, excludes from the definition a transfer station used exclusively for landscape waste where the waste is held no longer than 24 hours from the time it was received.

PA 95-0403 (HB 277), effective August 24, 2007, provides that, if the Illinois Environmental Protection Agency has formed a priority list for payment after completion of underground storage tank corrective action measures, an owner or operator on the list may assign an amount on the list to any bank, financial institution or any person.

PA 95-0288 (HB 316), effective August 20, 2007, provides that for permits for the development or construction of new pollution control facilities and permits for local siting approval of pollution control facilities, the appropriate county board or governing body of the municipality for the facility shall be the county board of the county or the governing body of the municipality in which the facility is to be located as of the date when the application for siting approval is filed.

PA 95-0121 (HB 496), effective August 13, 2007, provides that reclaimed "or other" asphalt pavement is included in the Act's definitions of "general construction or demolition debris" and "clean construction or demolition debris." The bill further provides that reclaimed or other asphalt pavement shall not be considered speculatively accumulated if specified conditions are met.

PA 95-0066 (HB 516), effective August 13, 2007, removes a provision allowing self-inspection by the owner or operator of nuclear power plants in lieu of inspections by the Illinois Environmental Protection Agency and Illinois Emergency Management Agency.

PA 95-0049 (SB 154), effective August 10, 2007, eliminates a provision terminating the 50-cent new or used tire fee collected from retail customers.

PA 95-0452 (SB 1241) states that no person shall install, sell, offer to sell, distribute, or offer to distribute a mercury thermostat in Illinois beginning July 1, 2008.

PA 95-0460 (SB 1419), effective August 27, 2007, gives the Board express authority to adopt regulations and emission standards concerning stationary emission sources that are required by federal law; otherwise part of the State's attainment plan and are necessary to attain the national ambient air quality standards; or are necessary to comply with the requirements of the federal Clean Air Act.

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

## Inside This Issue:

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FEDERAL UPDATE	P. 1
RULE UPDATE	P. 1
BOARD ACTIONS	P. 5
NEW CASES	P. 9
PROVISIONAL VARIANCES	P. 9
BOARD CALENDAR	P. 10

## Federal Update

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### **United States Environmental Protection Agency Proposes Conforming Amendments, and Identical Direct Final Amendments, to the General Provisions for Consolidated Federal Air Rule Under the Clean Air Act**

On August 27, 2007 (72 Fed. Reg. 48953) the United States Environmental Protection Agency (USEPA) proposed conforming amendments, and identical direct final amendments, to the General Provisions for Consolidated Federal Air Rule (CAR). Some of the important goals of the CAR are to reduce regulatory burden by consolidating and simplifying requirements and eliminating duplicative requirements, and facilitate implementation and compliance by making the requirements easier to understand and incorporating streamlined compliance approaches from the most recent rules.

On May 16, 2007 (72 Fed. Reg. 27437), USEPA published a final rule that revised the General Provisions for Standards of Performance for New Stationary Sources, for National Emission Standards for Hazardous Air Pollutants, and for National Emission Standards for Hazardous Air Pollutants for Source Categories to allow extensions to the deadline imposed for source owners and operators to conduct initial or other required performance tests in certain specified circumstances. In this proposed rule USEPA recognized that it should have also revised the Consolidated Federal Air Rule to allow similar extensions.

Written comments must be received by September 26, 2007. Comments should be identified by Docket ID No. EPA-HQ-OAR-2007-0429 and submitted by mail to Revisions to Consolidated Federal Air Rule, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

For further information contact Ms. Lula Melton, Air Quality Assessment Division (C304-02), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541-2910; fax number: (919) 541-4511; e-mail address [melton.lula@epa.gov](mailto:melton.lula@epa.gov)

Pursuant to Section 9.1(b) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(b) (2006)), once adopted by the USEPA, NESHAP rules are applicable and enforceable under the Act without further action by the Board.

## Rule Update

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### **Board Adopts Second Notice Opinion and Order 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)**

On August 9, 2007, the Board adopted a second notice opinion and order in Fast-Track Rules Under Nitrogen Oxide (NOx) SIP Call Phase II: Amendments to 35 Ill. Adm. Code Section

## Environmental Register – August 2007

201.146, Parts 211 and 217 (R07-18). The rules are intended to reduce interstate and intrastate transport of nitrogen oxides (NO<sub>x</sub>) emissions on both ozone season and annual bases by reducing NO<sub>x</sub> emissions from stationary reciprocating internal combustion engines addressed in the NO<sub>x</sub> State Implementation Plan (SIP) Call Phase II. *See* 69 Fed. Reg. 21603 (April 21, 2004).

Docket R07-18 was one of two dockets initiated by the April 30, 2007 Illinois Environmental Protection Agency (IEPA) filing of a proposal for emissions standards for nitrogen oxides from stationary reciprocating internal combustion engines and turbines. Participants disputed whether rulemaking should proceed under the Clean Air Act fast track proceedings of Section 28.5 of the Environmental Protection Act (Act) 415 ILCS 5/28.5 or under the general rulemaking procedures of Section 27 of the Act, 415 ILCS 5/27. By order of May 17, 2007, the Board bifurcated the proposal, creating two dockets: Fast-Track Rules Under Nitrogen Oxide (NO<sub>x</sub>) 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 (NO<sub>x</sub>) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Parts 211 and 217 (R07-19). *See* Environmental Register # 635 (May 2007), at p. 4-5.

The Board timely completed two sets of hearings on the IEPA proposal under the fast-track timetable of Section 28.5, and timely adopted and submitted the second notice order to the Joint Committee on Administrative Rules (JCAR) under the Section 28.5 timetable. JCAR scheduled the R07-18 rules for review at its September 18, 2007 meeting.

While the Board's August 9, 2007 second notice order made numerous changes to the proposal that was published for first notice at 31 Ill. Reg. 6597 (May 4, 2007), these changes were the direct result of the May 17, 2007 bifurcation order. The Board made some additional changes to the amendments in response to the IEPA's July 5, 2007 public comment, in order to clarify or correct portions of the rulemaking that remained after the bifurcation.

The amendments proposed at second notice are intended to satisfy Illinois' obligations under the Clean Air Act, 42 U.S.C. § 7401 *et seq.* Specifically, the rules are intended to satisfy Illinois' obligation to submit a State Implementation Plan to address the requirements of the Phase II of the United States Environmental Protection Agency's (USEPA) nitrogen oxides (NO<sub>x</sub>) State Implementation Plan (SIP) call. The NO<sub>x</sub> SIP call required affected states, including Illinois, to regulate NO<sub>x</sub> emissions from large stationary internal combustion engines as required by the federal Clean Air Act (CAA). 69 Fed. Reg. 21604 (April 21, 2004).

One of the most important changes made at second notice in response to public comments was to postpone the initial compliance date for the proposed amendments from May 1, 2007 to January 1, 2008. The amendments as adopted for second notice include:

### **Part 211 amendments**

The amendments to Part 211 include the addition of four new definitions; "brakehorsepower," "diesel engine," "lean-burn engine," and "rich-burn engine," and an amendment to the definition of "emergency or standby unit". The amendments to Part 211 are designed to support the substantive changes that are being proposed to Part 217.

### **Part 217 amendments**

The amendments to Part 217 propose a new Subpart Q and Appendix G that are intended to address the control of NO<sub>x</sub> emissions from stationary reciprocating internal combustion engines, including a number of compliance, reporting, and recordkeeping requirements. The second notice proposal contains updates to measurement methods and to the materials that are incorporated by reference in Part 217. The applicability section clarifies that the proposed requirements of Subpart Q are applicable to the engines that are listed in Appendix G. The proposed amendments contain specific requirements regarding testing and monitoring that address both initial performance and ongoing testing requirements.

The control and maintenance requirements of Subpart Q include limits on the discharge of NO<sub>x</sub> and offer compliance options to owners and operators through emissions averaging plans (as an

alternative to the use of concentration limits). The amendments include standards and requirements for the emissions averaging plans that include a requirement that units must be located in Illinois and be owned by the same parent company. Additionally, units can only be used in one emissions averaging plan. Further requirements for emissions averaging plans include requiring demonstrations of compliance with both the ozone season and calendar year standards, formulas for demonstrating this compliance, and equations to determine the affected units' actual NO<sub>x</sub> emissions for the type of fuel that the unit uses. Units included in an emissions averaging plan must undergo testing once every five years.

The amendments also propose conditions for units that use continuous emissions monitoring systems (CEMS) in lieu of stack testing and portable monitoring. Units that are equipped with CEMS that meet specific federal requirements or that are following alternative procedures that have been approved by the IEPA or the USEPA in a federally enforceable permit are allowed alternative testing and monitoring requirements.

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](http://www.ipcb.state.il.us).

For additional information contact Tim Fox at 312-814-6885; e-mail address [foxt@ipcb.state.il.us](mailto:foxt@ipcb.state.il.us).

**Board Adopts Final Rules in Proposed New Clean Air Interstate Rules (CAIR) SO<sub>2</sub>, NO<sub>x</sub> Annual and NO<sub>x</sub> Ozone Season Trading Programs, 35 Ill. Adm. Code 225, Subparts A, C, D, E, and F (R06-26)**

On August 23, 2007, the Board adopted a final opinion and order in Proposed New Clean Air Interstate Rules (CAIR) SO<sub>2</sub>, NO<sub>x</sub> Annual and NO<sub>x</sub> Ozone Season Trading Programs, 35 Ill. Adm. Code 225, Subparts A, C, D, E, and F (R06-26). The Board held five days of hearing on the May 30, 2006 proposal filed by the Illinois Environmental Protection Agency (IEPA), adopting its second notice opinion and order on July 26, 2007, and submitting it to the Joint Committee on Administrative Rules (JCAR) for review. JCAR accepted the rule on July 30, 2007. Also on July 30, 2007, Midwest Generation, LLC (Midwest Generation) filed a motion for additional hearings, which the Board denied on August 9, 2007. In its denial order, the Board explained that the Illinois Administrative Procedures Act (IAPA) (5 ILCS 100 (2006)) prohibits hearings on a rulemaking that has gone to second notice, that additional hearings would jeopardize compliance with federal deadlines, and stated that Midwest Generation, through its active participation in this rulemaking, had numerous opportunities to raise issues through the regular rulemaking process.

JCAR considered the CAIR rules at its August 14, 2007 meeting, and issued a certificate of no objection. The Board adopted final rules on August 23, and filed them with the Secretary of State's Index department with an August 31, 2007 effective date. The final CAIR rules were published in the *Illinois Register* on September 7, 2007 at 31 Ill. Reg. 12864.

The adopted rules are intended to satisfy Illinois' obligations under the United States Environmental Protection Agency's (USEPA's) "Rule to Reduce Interstate Transport of Fine Particulate Matter and Ozone; Revisions to Acid Rain Program; Revisions to the NO<sub>x</sub> SIP Call" (known as the "federal CAIR"), 70 Fed. Reg. 25162 (May 12, 2005). The amendments also address, in part, the State's obligation to meet federal Clean Air Act requirements for the control of fine particulate matter (PM<sub>2.5</sub>) and ozone in the Chicago and Metro East/St. Louis nonattainment areas.

The adopted rules are codified at 35 Ill. Adm. Code 225, and amend Subpart A and add new Subparts C, D, E, and F.

New Subpart C establishes a sulfur dioxide (SO<sub>2</sub>) trading program in Illinois. The rules include provisions governing applicability, compliance and emission requirements, permit requirements, and the allocations of allowances under the trading program.

## Environmental Register – August 2007

New Subpart D adds requirements to control NO<sub>x</sub> emissions from large electrical generating units through a NO<sub>x</sub> trading program. The rules establish applicability and compliance requirements and establish an annual trading budget for affected units. The regulations also provide for the “set-aside” of a certain amount of allowances for new units. Additionally, the new regulations contain recordkeeping and reporting provisions for units to earn Clean Air Set Aside (CASA) credits if the company sponsors a project that qualifies as a energy efficiency and conservation, renewable energy, or clean technology project.

The new Subpart E establishes a NO<sub>x</sub> emission control program for the ozone season. The rules establish applicability and compliance requirements, as well as permit requirements. The amendments include the timelines to establish the ozone season and set the standards for the ozone allocations. Subpart E also contains standards for new units set-asides and clean air set-asides.

Subpart F establishes for Combined Pollutant Standards (CPS) an alternative means of compliance with the emissions standards for mercury in Subpart B and sets specific emissions levels for NO<sub>x</sub>, particulate matter (PM), and SO<sub>2</sub>. New Subpart F is the result of a December 10, 2006 joint motion filed with the Board by IEPA and Dynegy Midwest Generation. These participants entered into a memorandum of understanding wherein they agreed to a timeline for Dynegy Midwest Generation to achieve deep and sustained reductions in emissions of mercury, SO<sub>2</sub>, and NO<sub>x</sub> from its coal-fired Illinois EGUs. Under new Subpart F, reductions in mercury, NO<sub>x</sub>, PM, and SO<sub>2</sub> emissions will be accomplished through a combination of permanent shut-downs of EGUs, installation of activated halogenated carbon injection systems for reduction of mercury, and the installation of pollution control equipment for NO<sub>x</sub>, PM, and SO<sub>2</sub> emissions that will also reduce mercury emissions as a co-benefit. EGUs identified for compliance with Subpart F are referred to as a “CPS Group.”

Finally, the adopted amendments containing new definitions and materials to be incorporated by reference to supplement the proposed trading programs.

Copies of the Board’s opinion and order in R06-26 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](http://www.ipcb.state.il.us).

For additional information contact Richard McGill at 312-814-6983; e-mail address [mcgillr@ipcb.state.il.us](mailto:mcgillr@ipcb.state.il.us).

### **Board Grants Illinois Environmental Protection Agency’s Motion to Withdraw Testimony and Postpone Scheduled Hearings in Nitrogen Oxide (NOx) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Parts 211 and 217 (R07-19)**

Docket R07-19 was one of two dockets initiated by the April 30, 2007 Illinois Environmental Protection Agency (IEPA) filing of a proposal for emissions standards for nitrogen oxides from stationary reciprocating internal combustions engines and turbines. Participants disputed whether rulemaking should proceed under the Clean Air Act fast track proceedings of Section 28.5 of the Environmental Protection Act (Act) 415 ILCS 5/28.5 or under the general rulemaking procedures of Section 27 of the Act, 415 ILCS 5/27. By order of May 17, 2007, the Board bifurcated the proposal, creating two dockets: 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). See Environmental Register # 635 (May 2007), at p. 4-5.

The Board, by its hearing officer, scheduled hearings in the R07-19 Section 27 general rulemaking for September and November 2007, establishing deadlines for the prefiling of testimony to expedite the hearing process. On August 23, 2007, the Board granted a July 9, 2007

## Environmental Register – August 2007

IEPA motion to withdraw its previously filed testimony. In its motion the IEPA explained that its prefiled testimony had originally been intended to address the greater scope of proposed regulations in Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Section 201.146 and Parts 211 and 217 (R07-18), and that as a result of the bifurcation order that the Board adopted on May 17, 2007 the scope of the rulemaking in docket R07-19 was narrowed and that the IEPA would prefer to address those amendments in its testimony.

In an August 27, 2007 order, the hearing officer then granted an August 23, 2007 IEPA request to cancel deadlines for the prefiling of testimony and to postpone the scheduled hearings in September and November 2007. Hearings have not as yet been rescheduled.

Copies of the Board's opinion and orders, as well as hearing officer orders, in R07-19 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](http://www.ipcb.state.il.us).

For additional information contact Tim Fox at 312-814-6885; e-mail address [foxt@ipcb.state.il.us](mailto:foxt@ipcb.state.il.us).

## Board Actions

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August 9, 2007  
Springfield, Illinois

### Rulemakings

<b>R06-26</b>	<u>In the Matter of: Proposed New Clean Air Interstate Rule (CAIR) SO<sub>2</sub>, NO<sub>x</sub> Annual and NO<sub>x</sub> Ozone Season Trading Programs, 35 Ill. Adm. Code 225, Subparts A, C, D, E, and F</u> – The Board denied Midwest Generation's motion for an additional hearing in this proposed rulemaking, noting that under the Administrative Procedure Act, no changes in a rule are possible after second notice has been submitted to the Joint Committee on Administrative Rules (JCAR), except those requested by JCAR.	4-0 R, Air
<b>R07-18</b>	<u>In the Matter of: Fast-Track Rules Under Nitrogen Oxide (NO<sub>x</sub>) SIP Call Phase II: Amendments to 35 Ill. Adm. Code Section 201.146, Parts 211 and 217</u> – The Board adopted a second notice opinion and order to amend the Board's air pollution control regulations, specifically to satisfy Illinois' obligations under the United States Environmental Protection Agency's nitrogen oxides (NO <sub>x</sub> ) State Implementation Plan Call Phase II.	4-0 R, Air

### Adjusted Standards

<b>AS 07-006</b>	<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 motion to stay this request for an adjusted standard until February 8, 2008 pending USEPA action on petitioner's parallel application.	4-0 Land
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### Administrative Citations

<b>AC 07-70</b>	<u>IEPA v. Curtis and Sherry Pellhum</u> – The Board found that these Cass County respondents violated Sections (p)(1) and (p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3) (2006)), and ordered respondent to pay a civil penalty of \$3,000.	4-0
<b>AC 07-71</b>	<u>IEPA v. Steve B. and Beth M. Segner</u> – The Board accepted for hearing respondents’ petition for review of this administrative citation involving a Williamson County facility.	4-0

### Motions and Other Matters

<b>PCB 98-108</b>	<u>City of Freeport v. IEPA</u> – The Board on its own order dismissed this Stephenson County facility’s permit appeal for failure to diligently pursue litigation.	4-0 P-A
<b>PCB 06-153</b>	<u>Midwest Petroleum Company v. IEPA</u> – The Board granted this St. Clair County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
<b>PCB 07-16</b>	<u>People of the State of Illinois v. CSX Transportation, Inc</u> – The Board denied complainant’s motion for reconsideration of its July 12, 2007 opinion and order granting summary judgment to complainant, but declining to assess a penalty or attorney fees and cost.	4-0 W-E
<b>PCB 07-109</b>	<u>Lawrence Reed v. Mark Howard</u> – The Board found the alleged violation frivolous and dismissed the complaint.	4-0 N-E
<b>PCB 07-135</b>	<u>George R. Strunk v. Williamson Energy LLC (Pond Creek Mine #1)</u> – The Board directed complainant to file proof of service of the complaint on the respondent by September 10, 2007.	4-0 Citizens A,N,W-E
<b>PCB 07-145</b>	<u>Randy Grant, Donald Grant and Patricia Wallace v. Mach Mining (Pond Creek Mine #1)</u> – The Board directed complainant to file proof of service of the complaint on the respondent by September 10, 2007.	4-0 Citizens N-E
<b>PCB 07-146</b>	<u>Fox Moraine, LLC v. United City of Yorkville, City Council</u> – The Board granted in part respondent’s motion for relief from certain record filing requirements, but reserved ruling on Kendall County’s motion to intervene.	4-0 P-C-F-S-R

## Environmental Register – August 2007

<b>PCB 07-147</b>	<u>L. Keller Oil Properties, Inc. / Farina v. IEPA</u> – The Board denied respondent’s motion for summary judgment.	4-0 P-A
<b>PCB 08-10</b>	<u>Dunn’s University BP 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 Coles County facility.	4-0 UST Appeal, 90-Day Extension
<b>PCB 08-11</b>	<u>People of the State of Illinois v. Plastic Capacitors, Inc.</u> – The Board accepted for hearing this air enforcement action involving a site located in Cook County.	4-0 A-E
<b>PCB 08-12</b>	<u>Loretta Thigpen v. Morton Mobile Home Park, LLC d/b/a Edgewood Terrace Mobile Home Park</u> – The Board held this action for proof of service and a later duplicative/frivolous determination in this citizens’ public water supply enforcement action involving a Tazewell County facility.	Citizens PWS-E
<b>PCB 08-13</b>	<u>Chad Gifford v. American Metal Fibers, Inc.</u> – The Board held this action for a later duplicative/frivolous determination in this citizens’ noise enforcement action involving a Lake facility.	Citizens N-E
<b>PCB 08-14</b>	<u>Dale’s Service v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Massac County facility.	4-0 UST Appeal, 90-Day Extension

**August 23, 2007  
Chicago, Illinois**

### **Rulemakings**

<b>R06-26</b>	<u>In the Matter of: Proposed New Clean Air Interstate Rule (CAIR) SO<sub>2</sub>, NO<sub>x</sub> Annual and NO<sub>x</sub> Ozone Season Trading Programs, 35 Ill. Adm. Code 225, Subparts A, C, D, E, and F</u> – The Board adopted a final opinion and order in this rulemaking amending the Board’s air pollution regulations.	4-0 R, Air
<b>R07-19</b>	<u>In the Matter of: Section 27 Proposed Rules for Nitrogen Oxide (NO<sub>x</sub>) Emissions From Stationary Reciprocating Internal Combustion Engines and Turbines: Amendments to 35 Ill. Adm. Code Parts 211 and 217</u> – The Board granted the Illinois Environmental Protection Agency’s motion to withdraw testimony.	4-0 R, Air

**Administrative Citations**

**AC 07-72**      IEPA v. Landfill 33 Ltd., Wendt Family Trust, Richard Deibel, and Brian Hayes – The Board found that these Effingham County respondents violated Sections 21(o)(5) and (o)(12) of the Environmental Protection Act (415 ILCS 5/21(o)(5) and (o)(12) (2006)), and ordered respondents to pay a civil penalty of \$1,000.      4-0

**Motions and Other Matters**

**PCB 06-157**      People of the State of Illinois v. Belvidere National Bank and Trust Company Trust Number 1600, a trust, Cordray Brothers, Inc., an Illinois corporation, and as sole beneficiary of Trust No. 1600 – 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 three sites located in Boone and Ogle Counties, the Board ordered publication of the required newspaper notice.      4-0  
W-E

**PCB 07-146**      Fox Moraine, LLC v. United City of Yorkville, City Council – The Board granted Kendall County’s motion to intervene.      4-0  
P-C-F-S-R

**PCB 08-09**      Midwest Generation, LLC, Will County Generating Station v. IEPA – The Board granted petitioner’s motion for a partial stay of the construction permit.      4-0  
P-A  
Air

**PCB 08-15**      People of the State of Illinois v. Four S, LLC. – 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 Madison County facility, the Board ordered publication of the required newspaper notice.      4-0  
W-E

**PCB 08-16**      Dalee Oil Company v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Madison County facility.      4-0  
UST Appeal

**PCB 08-17**      People of the State of Illinois v. Felker Pharmacy, Inc. and Rod Bennett Construction, Inc. – The Board accepted for hearing this water enforcement action involving a site located in Lee County.      4-0  
W-E

## New Cases

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### August 9, 2007 Board Meeting

**08-10** People of the State of Illinois v. Union Pacific Railroad Company – The Board accepted for hearing this public water supply enforcement action involving a site located in Cook County.

**08-11** People of the State of Illinois v. Arona Corporation, d/b/a Aaron's Sales & Lease Ownership – The Board accepted for hearing this air enforcement action involving a site located in Winnebago County.

**08-12** Midwest Generation, LLC, Will County Generating Station v. IEPA – The Board accepted for hearing this permit appeal involving a Will County facility. No action was taken on petitioner's motion for stay of specified conditions in the permit.

**08-13** Midwest Generation, LLC, Will County Generating Station v. IEPA – The Board accepted for hearing this permit appeal involving a Will County facility. No action was taken on petitioner's motion for stay of specified conditions in the permit.

**08-14** Midwest Generation, LLC, Will County Generating Station v. IEPA – The Board accepted for hearing this permit appeal involving a Will County facility. No action was taken on petitioner's motion for stay of specified conditions in the permit.

**AC 08-04** IEPA v. Carol G. Prieb – The Board accepted an administrative citation against this Union County respondent.

**AS 08-01** IEPA v. Charles Stuller – The Board accepted an administrative citation against this Macoupin County respondent.

### August 23, 2007 Board Meeting

**08-15** People of the State of Illinois v. Four S, LLC, – 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 Madison County facility, the Board ordered publication of the required newspaper notice.

**08-16** Dalee Oil Company v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Madison County facility.

**08-17** People of the State of Illinois v. Felker Pharmacy, Inc. and Rod Bennett Construction, Inc. – The Board accepted for hearing this water enforcement action involving a site located in Lee County.

**AC 08-05** County of Macon, Illinois v. Annette Topps and Richard Jones – The Board accepted for hearing this petition for review of an administrative citation against these Macon County respondents.

## Provisional Variances

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**IEPA 08-02** Exelon Generation Company, L.L.C. Quad Cities Nuclear Power Station v. IEPA – On August 10, 2007, the Illinois Environmental Protection Agency (IEPA) granted a request by Exelon Generation Company, L.L.C. Quad Cities Nuclear Power Station for a 45-day provisional variance from Special Condition 6B of NPDES Permit IL0005037. This condition establishes thermal discharge limits for Exelon's Quad Cities Station and it allows excursion hours from these limits. Excursion hours are periods of time in which the temperature at the edge

## Environmental Register – August 2007

of the mixing zone may be three degrees Fahrenheit warmer than the temperature limit in the permit. Due to the extremely hot weather conditions, Exelon's Quad Cities Station sought the provisional variance for additional excursion hours and to allow discharges at excess temperatures during already permitted excursion hours.

*Public Act 93-0152 (Senate Bill 222) amended Sections 35-37 of the Illinois Environmental Act (415 ILCS 5/5(b) (2002)) so that provisional variances are issued by the Illinois Environmental Protection Agency (IEPA). If the IEPA grants a provisional variance, then the IEPA must file a copy of its written decision with the Board. The Board must maintain copies of the provisional variances for public inspection. Copies of provisional variances can be obtained by contacting the Clerk's Office at (312) 814-3620, or by visiting the Board's Website at [www.ipcb.state.il.us](http://www.ipcb.state.il.us). If the IEPA denies a provisional variance request, then the applicant may initiate a proceeding with the Board for a full variance.*

## Calendar

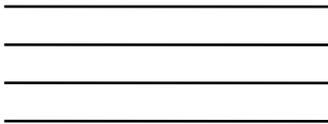
9/5/07 10:00 AM	R 07-20	In the Matter of: Procedures Required by PA 94-849 for Reporting Releases of Radionuclides at Nuclear Power Plants: New 35 Ill. Adm. Code Part 1010	James R. Thompson Center 2-025 100 West Randolph Street Chicago
<b>9/6/07 11:00 AM</b>	<b><u>Illinois Pollution Control Board Meeting</u></b>		<b>James R. Thompson Center Room 9-040 100 W. Randolph Street Chicago</b>
9/10/07 9:00 AM	PCB 03-191	People of the State of Illinois v. Community Landfill Company, Inc. and City of Morris  (Continues as necessary or until September 13, 2007)	Grundy County Administrative Center Board Room 1320 Union Street Morris
<b>9/20/07 11:00 AM</b>	<b><u>Illinois Pollution Control Board Meeting</u></b>		<b>James R. Thompson Center Room 9-040 100 W. Randolph Street Chicago</b>
<b>10/4/07 11:00 AM</b>	<b><u>Illinois Pollution Control Board Meeting</u></b>		<b>James R. Thompson Center Room 9-040 100 W. Randolph Street Chicago</b>
10/10/07 1:00 PM	R 07-20	In the Matter of: Procedures Required by PA 94-849 for Reporting Releases of Radionuclides at Nuclear Power Plants: New 35 Ill. Adm. Code Part 1010	Training Room 1214 West IEPA Office Building 1021 N. Grand Ave. (North Entrance) Springfield
<b>10/18/07 11:00 AM</b>	<b><u>Illinois Pollution Control Board Meeting</u></b>		<b>James R. Thompson Center Room 9-040 100 W. Randolph Street Chicago</b>



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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