
Environmental Register

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

G. Tanner Girard, Acting Chairman

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Letter from the Chairman

On Monday, October 15, 2007, the First Chairman of the Board, David P. Currie, passed away in Chicago. Currie was credited with drafting legislation that became the Environmental Protection Act in 1970, establishing both the Board and the Illinois Environmental Protection Agency (IEPA). Governor Ogilvie appointed Currie Chairman in July 1970.

Currie taught law at the University of Chicago for 45 years, and held the title of Edward H. Levi Distinguished Service Professor. As a professor, Currie won the teaching excellence award from law school graduates a record 4 times and was an internationally recognized constitutional scholar. In addition, Currie was a leading member of Chicago's Gilbert & Sullivan Opera Co.: playing the lead and directing numerous productions as well as serving as president of the company for many years.

In the Board's 1995 Annual Report celebrating the 25th Anniversary of the Board, Currie was interviewed on the early days of the Board. He stated that the "Board was intended to be a small body that made decisions rather than going out and doing the initial research." Currie noted that in the early days the Board relied heavily on the IEPA and the Institute of Environmental Quality (which eventually was absorbed into the Department of Natural Resources). For example, in 1972 when developing air rules, the Board called upon these two agencies to "make detailed scientific-supported proposals" for Illinois environmental regulations.

Currie expressed amazement and pleasure at the Board's teamwork and "the willingness to think about the merits of questions rather than taking positions representing our backgrounds." Currie was a "big believer" in public hearings and felt that the public hearings "were really quite wonderful." He also related that the Board relied on USEPA guidelines to make decisions and the Board had "very good relations" with many environmental groups.

Currie's background as a constitutional scholar laid the groundwork for the separation of powers between the Board and the IEPA in the arena of Illinois environmental regulation. Over the past four decades, Illinois citizens and their environment have benefited greatly from Professor Currie's foresight, and that legacy will continue to bless us all. We are grateful for his leadership. Our prayers are with his wife, Barbara Flynn Currie, and family.



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:

FEDERAL UPDATE	P. 1
RULE UPDATE	P. 2
BOARD ACTIONS	P. 5
NEW CASES	P. 10
BOARD CALENDAR	P. 11

Federal Update

United States Environmental Protection Agency Adopts Direct Final Rule, and Proposes Identical Rule, to Approve the Illinois State Implementation Plan for the Clean Air Interstate Rule Under the Clean Air Act

On October 16, 2007 (72 Fed. Reg. 58528) the United States Environmental Protection Agency (USEPA) adopted a direct final rule, and proposed an identical proposed rule, to approve the Illinois State Implementation Plan (SIP) for the Clean Air Interstate Rule (CAIR). In this action USEPA approved a revision to the Illinois State Implementation Plan (SIP) submitted on September 14, 2007. This revision addresses the requirements of USEPA's Clean Air Interstate Rule (the federal CAIR), promulgated on May 12, 2005 (70 Fed. Reg. 25161), and subsequently revised on April 28, 2006 (71 Fed. Reg. 25327), and December 13, 2006 (70 Fed. Reg. 74792). The approval applies to the regulatory amendments adopted by the Board on September 20, 2007 in Fast-Track Rules Under Nitrogen Oxide (NO_x) SIP Call Phase II: Amendments to 35 Ill. Adm. Code Section 201.146, Parts 211 and 217 (R07-18). A more detailed description of the Board's rulemaking can be found in the September 2007 issue of the *Environmental Register* at page 3.

USEPA has determined that the Illinois SIP revision fully meets the federal CAIR requirements for Illinois. Therefore, as a consequence of the SIP approval, USEPA will also withdraw the CAIR Federal Implementation Plans (FIPs) concerning sulfur dioxide (SO₂), nitrogen oxides (NO_x) annual, and NO_x ozone season emissions for Illinois. The CAIR FIPs for all states in the federal CAIR region were promulgated on April 28, 2006 (71 Fed. Reg. 25327) and subsequently revised on December 13, 2006 (70 Fed. Reg. 74792).

The federal CAIR requires states to reduce emissions of SO₂ and NO_x that significantly contribute to, and interfere with maintenance of, the national ambient air quality standards (NAAQS) for fine particulates (PM_{2.5}) and/or ozone in any downwind state. The federal CAIR establishes state budgets for SO₂ and NO_x and requires states to submit SIP revisions that implement these budgets in states that USEPA concluded did contribute to nonattainment in downwind states. States have the flexibility to choose which control measures to adopt to achieve the budgets, including participating in the USEPA-administered cap-and-trade programs. In the SIP revision that USEPA approved, USEPA found that Illinois met federal CAIR requirements by participating in the USEPA-administered cap-and-trade programs addressing SO₂, NO_x annual, and NO_x ozone season emissions.

This direct final rule will be effective December 17, 2007, unless USEPA receives adverse comments by November 15, 2007. If adverse comments are received, USEPA will publish a timely withdrawal of the direct final rule in the Federal Register informing the public that the rule will not take effect.

Comments, identified by Docket ID No. EPA-R05-OAR-2007-0376, should be submitted by one of the following methods:

1. On-line at www.regulations.gov Follow the instructions for submitting comments.
2. E-mail: mooney.john@epa.gov.

3. Fax: (312) 886-5824.
4. Mail: EPA-R05-OAR-2007-0376", John M. Mooney, Chief, Criteria Pollutant Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

United States Environmental Protection Agency Adopts “Significant New Use Rule” for Mercury Switches in Motor Vehicles Under the Federal Toxic Substances Control Act

On October 5, 2007 (72 Fed. Reg. 56903) the United States Environmental Protection Agency (USEPA) adopted a “significant new use rule” (SNUR) to regulate mercury switches in motor vehicles.

This SNUR covers elemental mercury used in certain convenience light switches, anti-lock braking system (ABS) switches, and active ride control system switches. Persons who intend to manufacture (defined by statute to include import) or process elemental mercury for a use designated by this rule as a significant new use must notify USEPA at least 90 days before commencing the manufacturing or processing of the chemical substance for such significant new use. The required notification is designed to provide USEPA with the opportunity to evaluate the intended use and, if necessary, to prohibit or limit that activity before it occurs.

This final rule is effective November 5, 2007.

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 Thomas Groeneveld, 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) 566-1188; groeneveld.thomas@epa.gov.

Rule Update

Board Adopts Second Notice Proposal in Proposed Amendments to Solid Waste Landfill Rules, 35 Ill. Adm. Code 810 and 811 (R07-8)

On October 4, 2007, the Board adopted a second notice opinion and order in Proposed Amendments to Solid Waste Landfill Rules, 35 Ill. Adm. Code 810 and 811 (R07-8). The proposal, which is substantively identical to the proposal the Board adopted for first notice, was filed with the Joint Committee on Administrative Rules (JCAR) for consideration at the November 13, 2007 JCAR meeting.

This rulemaking proposes amendments to Parts 810 and 811 that are intended to update the Board’s solid waste disposal regulations in order to reflect practical experience gained through the implementation of those rules and the expanded technical and scientific knowledge achieved since the Board first adopted these standards in 1990. This rulemaking is based on a proposal that was filed with the Board on July 27, 2006, by the Illinois Chapter of the National Solid Wastes Management Association (NSWMA). A more detailed description of the amendments in this rulemaking can be found in the July 2007 issue of the *Environmental Register* (see pages 3-4).

Copies of the Board’s opinion and order in R07-8 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 312-814-6085; e-mail address foxt@ipcb.state.il.us.

Board Adopts Second Notice Opinion and Order in Amendments to the Board's Procedural Rules and Underground Storage Tank Regulations to Reflect P.A. 94-274, P.A. 94-276, P.A. 94-824, P.A. 95--031, P.A. 95-0177, and P.A. 95-0408 (35 Ill. Adm. Code 101.202, 732.103, 732.702, 734.115, 734.719) (R07-17)

On October 4, 2007, the Board adopted a second notice opinion and order in Amendments to the Board's Procedural Rules and Underground Storage Tank Regulations to Reflect P.A. 94-274, P.A. 94-276, and P.A. 94-824 (35 Ill. Adm. Code 101.202, 732.103, 732.702, 734.115, 734.719) (R07-17). The Board made substantive changes to the first notice proposal before filing it with the Joint Committee on Administrative Rules (JCAR). These changes reflect statutory changes made by three additional public acts: P.A. 95--031, P.A. 95-0177, and P.A. 95-0408. Joint Committee on Administrative Rules will consider the proposal at its November 13, 2007 meeting.

The amendments in the Board's R07-17 rulemaking docket propose changes to Parts 101, 732, and 734 to incorporate recent statutory changes to the Environmental Protection Act (Act) (415 ILCS 5/1 et seq.).

The amendments to Part 101 are driven by changes to the Act found in Public Act 94-0824 (P.A. 94-0824). P.A. 94-0824, effective June 2, 2006, amended the Act's definition of "pollution control facility." See 415 ILCS 5/3.330(a)(11.5). Specifically, P.A. 94-0824 added a sixteenth exception to that definition to include processing sites or facilities that receive used oil for purposes of recycling the used oil. Additionally, after the Board opened this rulemaking docket, the General Assembly and the Governor had acted upon legislation that added three new exceptions to the Act's definition of "pollution control facility." See Public Acts 95-0131, 95-0177, 95-0408. As part of the changes made to the first notice proposal, the Board is proposing to add these three exceptions to its definition of "pollution control facility" at second notice.

The amendments to Parts 732 and 734 are driven by changes to the Act found in Public Act 94-274 and 94-276. Public Act 94-0274 (P.A. 94-0274), effective January 1, 2006, amended the Act's definitions with regard to certain activities taken by the Illinois Environmental Protection Agency (IEPA) in its underground storage tank (UST) program. See 415 ILCS 5/57.2 (2004). Specifically, P.A. 94-0274 provides that, in the Title XVI of the Act addressing petroleum USTs,

The Board is seeking to amend the definition of "owner" in Sections 732.103 and 734.115 of its UST regulations (35 Ill. Adm. Code 732.103, 734.115) to reflect the statutory amendment enacted by P.A. 94-0274.

Public Act 94-0276 (P.A. 94-0276), effective January 1, 2006, amended the Act's provisions regarding no further remediation (NFR) letters. See 415 ILCS 5/57.10(c). Specifically, the P.A. 94-0276 provides that the Act's subsection addressing the significance of the IEPA's issuance of an NFR letter "does not apply to off-site contamination related to the occurrence that has not been remediated due to denial of access to the off-site property." The Board proposed to amend its regulations regarding NFR letters in Sections 732.702 and 734.710 (35 Ill. Adm. Code 732.702, 734.710) to reflect the statutory amendment enacted by P.A. 92-0276. At second notice the Board incorporated some technical changes that were suggested by the IEPA. Specifically, the IEPA suggested changes to clarify the impact of the statutory amendments on unremediated properties by moving the proposed language within the Section where the Board had proposed it for first notice.

Copies of the Board's opinion and order in R07-17 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 312-814-6085; e-mail address foxt@ipcb.state.il.us.

Board Adopts First Notice, Without Commenting on the Merits of the Proposal, in the Site-Specific Rulemaking Abbott Laboratories' Proposed Site Specific Amendment to Applicability Section of Organic Material Emission Standards and Limitations for the Chicago Area; Subpart T: Pharmaceutical Manufacturing (35 Ill. Adm. Code 218.480(b)) (R08-8)

On October 4, 2007, the Board adopted an opinion and order accepting for hearing the proposal filed by Abbott Laboratories (Abbott) and sending it to first notice, without commenting on the merits of the proposal, in Abbott Laboratories' Proposed Site Specific Amendment to Applicability Section of Organic Material Emission Standards and Limitations for the Chicago Area; Subpart T: Pharmaceutical Manufacturing (35 Ill. Adm. Code 218.480(b)) (R08-8). The first notice was filed with the Secretary of State's Index department and published in the *Illinois Register* at 31 Ill. Reg. 14581 on October 26, 2007.

Abbott's September 4, 2007 proposal seeks site-specific amendments for its pharmaceutical manufacturing facility located in Libertyville Township, Lake County. The affected Section, 35 Ill. Adm. Code 218.480(b), contains certain exemptions that are only applicable to Abbott's air suspension coater/dryer, fluid bed dryers, tunnel dryers, and Accelacotas. Abbott is proposing to amend these site-specific exemptions by "capping" and lowering the overall emissions allowable under the exemptions from its tunnel dryers numbered #1, #2, #3 and #4, and fluid bed dryers numbered #1, #2 and #3, and calculating the amount of exempted emissions from the dryers based on the actual combined emissions from the dryers. Abbott believes that, if adopted, the proposed amendment would reduce the overall allowable emissions from these units while increasing Abbott's operational flexibility, by allowing it to make preferential use of the more efficient fluid bed dryers.

In response to Abbott's request, the Board accepted the proposal for hearing, waived the 200 signatures requirement and ordered first notice publication, without comment on the merits of the Abbott proposal. While Abbott had also requested expedited consideration of its proposal, the Board did not grant this request due to resource constraints.

The Board is in the process of scheduling a hearing in this rulemaking. The Board will accept written public comment on this proposal for 45 days after the date of publication in the *Illinois Register*.

Copies of the Board's opinion and order in R08-8 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 more information, contact Kathleen M. Crowley at 312/814-6929 or email at crowlek@ipcb.state.il.us.

Board Adopts Identical in Substance Proposal for Public Comment and Sets Hearing As Required by the federal Clean Air Act in Exemptions from the Definition of VOM, USEPA Amendments (January 1, 2007 through June 30, 2007) (R08-6)

On October 18, 2007, the Board adopted a proposal for public comment in Exemptions from the Definition of VOM, USEPA Amendments (January 1, 2007 through June 30, 2007) (R08-6). The rulemaking is designed to update the definition of "volatile organic material" (VOM) in the Board's air pollution regulations (35 Ill. Adm. Code 211.7150). The update is needed to ensure that Illinois' regulations reflect the United States Environmental Protection Agency's (USEPA) most recent exemption of chemical compounds from regulation as ozone precursors. The proposal was filed with the Secretary of State's Index department with an anticipated publication date in the *Illinois Register* of November 2, 2007.

The R08-6 proceeding relates to the listings of compounds exempted from the State definition of "volatile organic material" (VOM) or "volatile organic compound" (VOC) in 35 Ill. Adm. Code 211.7150 of the Illinois air pollution control rules. These amendments would update the definition to correspond with amendments to the corresponding definition of VOC in the federal

regulations at 40 C.F.R. 51.100(s) that the United States Environmental Protection Agency (USEPA) adopted during the period July 1, 2006 through December 31, 2007. USEPA amended the definition of VOC once during this time period on January 18, 2007 (72 Fed. Reg. 2193) by adding 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane to the list of chemical species that are exempt from the federal definition of VOC and, accordingly, which are exempt from regulation for control of ozone precursors. This compound is also known as HFE-7300 or L-14787, and it has the empirical formula $C_2F_5CF(OCH_3)CF(CF_3)_2$.

USEPA stated that HFE-7300 has a variety of potential uses including as a heat transfer fluid and substitute for ozone depleting substances and substances with high global warming potentials, such as hydrofluorocarbons, perfluorocarbons, and perfluoropolyethers. HFE-7300 may be used in azeotropic mixtures for use in coating deposition, cleaning, and lubricating applications.

As adoption of this proposal could lead to amendment of the Illinois State Implementation Plan for compliance with the federal Clean Air Act, the Board has scheduled the public hearing required under such circumstances. Hearing will be held on December 5, 2007, at 1:30 pm in Room 11-500 at 100 W. Randolph Street, James R. Thompson Center, Chicago, Illinois. Additional details are contained in an October 19, 2007 hearing officer order.

The Board will accept comments on this identical in substance proposal for 45 days after the rulemaking is published in the *Illinois Register* before considering it for final adoption. Copies of the Board's opinion and order as well as the hearing officer order in R08-06 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 Mike McCambridge at 312/814-6924 or by email at mccambm@ipcb.state.il.us.

Board Actions

October 4, 2007

Chicago, Illinois

Rulemakings

- | | | |
|---------------|--|----------------|
| R07-8 | In the Matter of: Proposed Amendments to Solid Waste Landfill Rules, 35 Ill. Adm. Code 810 and 811 – The Board adopted a second notice opinion and order in this rulemaking to amend the Board's solid waste disposal regulations. | 4-0
R, Land |
| 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, P.A. 94-0824, P.A. 95-031, P.A. 95-0177, and P.A. 95-0408 (35 Ill. Adm. Code 101.202, 732.103, 732.702, 634.115, and 734.710) – The Board adopted a second notice opinion and order in this rulemaking to amend the Board's procedural rules and underground storage tank regulations to reflect recent legislation. | 4-0
R, Land |
| R08-8 | In the Matter of: Abbott Laboratories' Proposed Site-Specific Amendment to Applicability Section of Organic Material Emission Standards and Limitations for the Chicago Area: Subpart T: Pharmaceutical Manufacturing (35 Ill. Adm. Code 218.480(b)) – The Board accepted for hearing petitioner's September 4, 2007 proposal to amend the Board's air pollution | 4-0
R, Air |

Environmental Register – October 2007

control regulations. The Board also authorized first notice publication of the proposal without comment on the merits. The Board granted petitioner's motions to waive requirements to submit 200 signatures, but denied the request for expedited review. The Board also requested that petitioner address the "published study or report" requirement of 35 Ill. Adm. Code 102.210(c).

Adjusted Standards

- AS 08-3** In the Matter of: Petition for Adjusted Standard from 35 Ill. Adm. Code 620.420 for Nobel Risley's Landfill #2 – The Board granted the Illinois Environmental Protection Agency's motion for an extension of the time in which it must file the recommendation, now due on November 19, 2007. The Board also granted petitioner's motion for leave to file only a total of four copies of the 1,250-page technical justification. The Board denied petitioner's request for expedited review. 4-0

Administrative Citations

- AC 08-4** IEPA v. Fred Honaker - The Board found that this respondent violated Sections 21(p)(1), (3) and (7) of the Act (415 ILCS 5/21(p)(1), (3) and (7) (2006)) and ordered respondent to pay a penalty of \$4,500. 4-0
- AC 08-5** County of Macon, Illinois v. Annette Topps and Richard Jones - The Board found that Annette Topps only, violated Sections 21(p)(1), (3) and (7) of the Act (415 ILCS 5/21(p)(1), (3) and (7) (2006)) and ordered respondent to pay a penalty of \$4,500. Richard Jones' petition for review was accepted for hearing on September 20, 2007. 4-0

Adjudicatory Cases

- PCB 01-69** Terminal Railroad Association v. IEPA – The Board granted this St. Clair County facility's motion for voluntary dismissal of this permit appeal. P-A, Land 4-0
- PCB 05-202** People of the State of Illinois v. Phoenix Finishing, Inc. – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a DuPage County facility, the Board ordered publication of the required newspaper notice. A-E 4-0
- PCB 06-7** Lawrence Keith Padgett and Charlotte Ann Padgett v. Attorney's Title Guaranty Fund, Inc. – The Board granted the joint motion for voluntary dismissal of this citizens noise enforcement action involving a Champaign County site. N-E 4-0
- PCB 06-157** People of the State of Illinois v. Belvidere National Bank and Trust Company Trust Number 1600, a trust, Cordray Brothers, W-E 4-0

Environmental Register – October 2007

	<u>Inc., an Illinois corporation, and as sole beneficiary of Trust No. 1600</u> – In this water enforcement action concerning a Boone County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (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.	
PCB 06-185	D & L Landfill, Inc. v. IEPA – The Board granted this Boone County facility’s motion for voluntary dismissal of this permit appeal.	4-0 A, P-A
PCB 07-40	<u>People of the State of Illinois v. Village of Browning</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this public water supply enforcement action involving a Schuyler County facility, the Board ordered publication of the required newspaper notice.	4-0 PWS-E
PCB 07-82	Bob’s Service Center, Inc. v. IEPA – The Board denied petitioner’s motion to consolidate this case with fourteen other UST appeals.	4-0 Appeal
PCB 07-99	L.W. Paul Supply Co., Inc. v. IEPA – The Board denied petitioner’s motion to consolidate this case with fourteen other UST appeals.	4-0 UST Appeal
PCB 07-108	Reed’s Service v. IEPA – The Board denied petitioner’s motion to consolidate this case with fourteen other UST appeals.	4-0 UST Appeal
PCB 07-115	<u>Dynergy Midwest Generation, Inc. (Havana Power Station) v. IEPA</u> – The Board granted petitioner’s motion for a partial stay of the construction permit.	4-0 P-A, Air
PCB 07-119	Mahr’s Service and Sales v. IEPA – The Board denied petitioner’s motion to consolidate this case with fourteen other UST appeals.	4-0 UST Appeal
PCB 07-120	Ruth Oil Co., Inc. v. IEPA – The Board denied petitioner’s motion to consolidate this case with fourteen other UST appeals.	4-0 UST Appeal
PCB 07-126	Gateway FS, Inc. v. IEPA – The Board denied petitioner’s motion to consolidate this case with fourteen other UST appeals.	4-0 UST Appeal
PCB 07-127	Pioneer Oil Company v. IEPA – The Board denied petitioner’s motion to consolidate this case with fourteen other UST appeals.	4-0 UST Appeal
PCB 07-128	Jahraus Oil Company, Inc. v IEPA – The Board denied petitioner’s motion to consolidate this case with fourteen other UST appeals.	4-0 UST Appeal

Environmental Register – October 2007

PCB 07-129	Yesley Service Company, Inc. v. IEPA – The Board denied petitioner’s motion to consolidate this case with fourteen other UST appeals.	4-0 UST Appeal
PCB 07-130	Gallaher's Shell v. IEPA – The Board denied petitioner’s motion to consolidate this case with fourteen other UST appeals.	4-0 UST Appeal
PCB 07-137	Russell Oil Company, Inc. v. IEPA – The Board denied petitioner’s motion to consolidate this case with fourteen other UST appeals.	4-0 UST Appeal
PCB 07-138	Watertower Marina, Inc. v. IEPA – The Board denied petitioner’s motion to consolidate this case with fourteen other UST appeals.	4-0 UST Appeal
PCB 07-140	Anne or Fred Hood v. IEPA – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this facility located in Macoupin County.	4-0 UST Appeal
PCB 08-12	Loretta Thigpen v. Morton Mobile Home Park, LLC, an Illinois limited liability company, d/b/a Edgewood Terrace Mobile Home Park – The Board found the alleged violations of the Board’s regulation and the Environmental Protection Act neither duplicative nor frivolous and accepted this citizen’s public water supply enforcement action involving a Tazewell County facility for hearing.	4-0 PWS-E, Citizens
PCB 08-15	People of the State of Illinois v. Four S, LLC – 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 \$2,500, and to cease and desist from further violations.	4-0 W-E
PCB 08-22	Midwest Generating, LLC, Will County Generating Station v. IEPA – The Board granted petitioner’s motion for a partial stay of the construction permit. The Board denied the request for stay as to a portion of Condition 5(b) only.	4-0 P-A, Air
PCB 08-23	Midwest Generating, LLC, Powerton Generating Station v. IEPA – The Board granted petitioner’s motion for a partial stay of the construction permit. The Board denied the request for stay as to a portion of Condition 5(b) only.	4-0 P-A, Air
PCB 08-24	Midwest Generating, LLC, Joliet Generating Station v. IEPA – The Board granted petitioner’s motion for a partial stay of the construction permit. The Board denied the request for stay as to a portion of Condition 5(b) only.	4-0 P-A, Air
PCB 08-26	People of the State of Illinois v. Gary Cates, d/b/a Cherry Street Automotive, Calvin Booth, d/b/a Auto Salvage Illinois, and S. I. Promotion Flora, Inc. – The Board accepted for hearing this land enforcement action involving a site located in Lee County.	4-0 L-E

Environmental Register – October 2007

PCB 08-27 People of the State of Illinois v. City of Hometown – The Board accepted for hearing this public water supply enforcement action involving a site located in Cook County. 4-0
PWS-E

October 18, 2007
Chicago, Illinois

Rulemakings

R08-6 Definition of VOM Update, USEPA Amendments (January 1, 2007 through June 30, 2007) – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to update the definition of “volatile organic material” (VOM) in the Board’s air pollution regulations. 4-0
R, Air

Adjusted Standards

AS 07-2 In the Matter of: Proposed Extension of Adjusted Standard Applicable to Illinois-American Water Company's Alton Public Water Supply Facility Discharge to the Mississippi River – The Board granted this Madison County facility an adjusted standard from the effluent discharge requirements, pursuant to 35 Ill Adm. Code 304.106 and 304.124, effective October 17, 2007 and subject to conditions. 4-0

AS 08-2 In the Matter of: Petition of Stericycle, Inc. for an Adjusted Standard from Ill. Adm. Code tit. 35 1422.111(B)(1); 1450.105(A)-(B); 1450.200 (E); and Condition 15 of Permit No. 1997-264-DE/OP, Supplemental Permit No. 2005-182-SP – The Board ordered petitioner to file an amended petition to cure noted deficiencies on or before November 18, 2007, or the petition would be subject to dismissal. 4-0

Adjudicatory Cases

PCB 06-33 People of the State of Illinois v. First Choice Construction, Inc. – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a St. Clair County facility, the Board ordered publication of the required newspaper notice. 4-0
L-E

PCB 07-28 People of the State of Illinois v. Provena Hospitals, d/b/a Provena United Samaritans Medical Center, and Resurrection Catholic Cemetery Association of Danville, Illinois – Upon receipt of separate proposed stipulations and settlement agreements between the People and each party, and agreed motions to request relief from the hearing requirement, in this land enforcement action involving a Vermillion County facility, the Board ordered publication of the required newspaper notices. 4-0
L-E

Environmental Register – October 2007

PCB 07-123	<u>Dyegy Midwest Generation, Inc. (Hennepin Power Station) v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Bureau County facility. No action was taken on petitioner’s motion for partial stay of specified conditions in the construction permit.	4-0 PA-Air
PCB 07-143	<u>Joe’s Midtown Auto Repair v. IEPA</u> – The Board denied respondent’s motion to dismiss.	4-0 UST Appeal
PCB 08-5	<u>Dunn’s University BP v. IEPA (Corrective Action Plan Dated December 30, 2006)</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 Coles County.	4-0 UST Appeal
PCB 08-28	<u>People of the State of Illinois v. City of Jerseyville</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Jersey County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E
PCB 08-29	<u>People of the State of Illinois v. Gateway Bobcat of Herberer Equipment Co., Inc. d/b/a Bobcat of St. Louis</u> – The Board accepted for hearing this public water supply enforcement action involving a site located in Cook County.	4-0 W-E

New Cases

October 4, 2007 Board Meeting

08-26 People of the State of Illinois v. Gary Cates, d/b/a Cherry Street Automotive, Calvin Booth, d/b/a Auto Salvage Illinois, and S. I. Promotion Flora, Inc. – The Board accepted for hearing this land enforcement action involving a site located in Lee County.

08-27 People of the State of Illinois v. City of Hometown – The Board accepted for hearing this public water supply enforcement action involving a site located in Cook County.

October 18, 2007 Board Meeting

08-28 People of the State of Illinois v. City of Jerseyville – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Jersey County facility, the Board ordered publication of the required newspaper notice.

08-29 People of the State of Illinois v. Gateway Bobcat of Herberer Equipment Co., Inc. d/b/a Bobcat of St. Louis – The Board accepted for hearing this public water supply enforcement action involving a site located in Cook County.

08-30 Caseyville Sport Choice, LLC, an Illinois Limited Liability Company v. Erma I. Seiber, Administratrix of the Estate of James A. Seiber, Deceased, and Erma I. Seiber in her individual capacity – The Board held this action for the filing of proof of service and a later duplicative/frivolous determination concerning this citizens’ land enforcement action involving a St. Clair County facility.

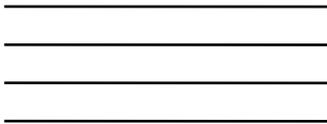
Calendar

11/1/07 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		James R. Thompson Center Room 9-040 100 W. Randolph Street Chicago
11/6/07 9:00 AM	PCB 08-25	Peoria Disposal Company v. IEPA	Peoria County Board Room 403 324 Main Street Peoria
11/15/07 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		James R. Thompson Center Room 9-040 100 W. Randolph Street Chicago
11/27/07 8:30 AM	PCB 04-102	Noveon, Inc. v. IEPA	Municipal Building Council Chamber 426 E. Park Row Henry
12/5/07 1:30 PM	R08-06	In the Matter Of: Definition of VOM Update, USEPA Amendments (January 1, 2007 through June 30, 2007)	James R. Thompson Center 100 W. Randolph Street, Suite 11-500 Chicago
12/6/07 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 Illinois Pollution Control Board Hearing Room 1021 N. Grande Ave. East (North Entrance) Springfield
12/12/07 1:30 PM	AC 07-24	IEPA (File No. 304-06-AC) v. C. John Blickhan	City Hall Caucus Room 730 Main Street Quincy
12/20/07 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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