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# Environmental Register

November 2007 - Number 641

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

During November, the Board took action in several rulemaking dockets. Below, I've summarized three dockets that have generated significant interest. Information about these proceedings and the Board's other cases is available on our Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

On November 15, 2007, the Board proposed for second notice Proposed Amendments To Dissolved Oxygen Standard 35 Ill. Adm. Code 302.206 (R04-25). The proposal amends Illinois' dissolved oxygen (DO) general use water quality standards. The Board proposes "two-season" numeric DO standards. The proposal divides the year into an "early life stages" season (March through July) and an "other life stages" season (August through February). The "early life stages" of fish (egg, embryo, larval, and recently-hatched juvenile) are more sensitive to low DO concentrations than later juvenile and adult stages, and therefore warrant greater protection. Additionally, the proposal designates approximately 8% of Illinois' 71,394 general use stream miles to receive "enhanced" numeric DO standards to protect DO-sensitive species present in meaningful amounts. The proposal also includes a narrative DO standard to protect quiescent and isolated sectors of general use waters where naturally-occurring DO concentrations cannot reasonably be expected to attain the numeric DO standards.



Also on November 15, 2007, the Board adopted for final-notice, Proposed Amendments to Solid Waste Landfill Rules, 35 Ill. Adm. Code 810 and 811 (R07-8). The Board action amends Parts 810 and 811 of regulations governing solid waste disposal and standards for new solid waste landfills. The Illinois Chapter of the National Solid Wastes Management Association originally filed the proposal to reflect expanded technical and scientific knowledge, as well as practical implementation experience, achieved since the Board first adopted these standards in 1990.

On November 1, 2007, the Board accepted Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and Lower Des Plaines River Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303, and 304 (R08-9) for hearing. The proposal amends rules for waters designated as Secondary Contact and Indigenous Aquatic Life Uses to update the designated uses, and criteria necessary to protect existing uses. The proposal was filed by IEPA on October 26, 2007. All waters that carry the designations are water bodies that were a part of the engineering effort that reversed the flow of the Chicago River and are known as the "Chicago Area Water Way System" (CAWS) and Lower Des Plaines River. In 2000 and 2002, the IEPA began pilot programs for the Lower Des Plaines River and CAWS to develop use attainability analysis for these waters. The proposed rule changes incorporate the findings of the pilot programs. Hearings will be held in early 2008 in Joliet and Chicago. Check the Board's website ([www.ipcb.state.il.us](http://www.ipcb.state.il.us)) for times and locations.

On behalf of my Board colleagues and our staff, I wish you a Happy Holiday Season.

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

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### **United States Environmental Protection Agency Adopts Direct Final Rule, and Proposes Identical Proposed Rule, to Allow for Automatic Withdrawals of Federal Implementation Plans for the Clean Air Interstate Rule Under the Clean Air Act**

On November 2, 2007 (72 Fed. Reg. 62337) the United States Environmental Protection Agency (USEPA) adopted a direct final rule that would allow for USEPA's automatic withdrawal of Federal Implementation Plans (FIPs) for the Clean Air Interstate Rule (CAIR), upon the effective date of USEPA's approval of a full State Implementation Plan (SIP) revision meeting the CAIR requirements.

USEPA stated that it believes it is appropriate for the FIP withdrawal to be automatic because to the extent that USEPA approves the State's full CAIR SIP, this corrects the deficiency that provided the basis for USEPA's promulgation of the FIPs in that state in the first place.

The direct final rule is effective unless USEPA receives adverse comments on the rule by December 17, 2007. If adverse comments are received, USEPA will withdraw the direct final rule and proceed with the proposed rule that was published in the same issue of the Federal Register at 72 Fed. Reg. 62175.

The Board adopted Illinois' CAIR rules 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 (September 20, 2007). See *Environmental Register* No. 639 (September 2007) at page 3. The Illinois CAIR SIP was submitted to USEPA and subsequently approved through a direct final rule published at 72 Fed. Reg. 58528 (October 16, 2007). See *Environmental Register* No. 640 (October 2007) at page 1.

Written comments on this direct final rule must be received by USEPA by December 17, 2007 and should be submitted by one of the following methods:

- 1) <http://www.regulations.gov> Follow the on-line instructions for submitting comments.
- 2) E-mail: [a-and-r-Docket@epa.gov](mailto:a-and-r-Docket@epa.gov). Attention Docket ID No. EPA-HQ-OAR-2007-0510.
- 3) Fax: (202) 566-9744. Attention Docket ID No. EPA-HQ-OAR-2007-0510.
- 4) Mail: EPA Docket Center, EPA West (Air Docket), Attention Docket ID No. EPA-HQ-OAR-2007-0510, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

For further information contact Carla Oldham, Air Quality Planning Division, Office of Air Quality Planning and Standards, mail code C539-04, Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: 919-541-3347; fax number: 919-541-0824; e-mail address: [oldham.carla@epa.gov](mailto:oldham.carla@epa.gov).

## Rule Update

### **Board Accepts Proposal for Hearing in Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303, and 304 (R08-9)**

On November 1, 2007, the Board accepted a proposal for hearing in Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303, and 304 (R08-9). The proposal, filed by the Illinois Environmental Protection Agency (IEPA) on October 26, 2007, seeks to amend the Board's water quality standards for the "Chicago Area Water Way System" (CAWS) and the Lower Des Plaines River. On November 15, 2007, having received no responses in opposition, the Board granted the IEPA's request to hold the required hearings in this rulemaking in Chicago and Joliet.

The IEPA proposes amendments to update the designated uses and criteria necessary to protect the uses for the waters currently designated for Secondary Contact and Indigenous Aquatic Life Uses. (These specific designations were given to those waters not suited for General Use activities.) All waters in Illinois that carry these designations are water bodies that were a part of the engineering effort that reversed the flow of the Chicago River and are known as the CAWS and the Lower Des Plaines River. In 2000 and 2002, the IEPA began pilot programs for the Lower Des Plaines River and CAWS to develop use attainability analysis (UAA) for these waters. These proposed rule changes incorporate the findings of the pilot programs.

Specifically, the proposal adds definitions in Part 301. In Part 302 Subpart A, the proposal suggests minor changes to ensure consistency with Subpart D and Part 303. In Part 302 Subpart D, the IEPA proposes a title changed as well as several substantive changes intended to reflect IEPA policy changes. In Part 303, the IEPA proposes three distinct recreational uses and three distinct aquatic life uses applicable to CAWS or the Lower Des Plaines River. The proposal would also add a new Section 304.224 establishing a standard for effluent bacteria for discharges impacted by the fecal coliforms standard in this proposal.

Hearings in R08-9 will be held on January 8, 2008, in Chicago and on March 10, 2008, in Joliet.

Pre-filing dates and other procedural information are contained in the hearing officer's order of November 20, 2007.

Copies of the Board's opinion and order in R08-9, as well as any hearing officer orders, 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 Marie Tipsord at 312-814-4925; e-mail address [tipsordm@ipcb.state.il.us](mailto:tipsordm@ipcb.state.il.us).

### **Board Adopts Second Notice Opinion and Order in Proposed Amendments to Dissolved Oxygen Standard 35 Ill. Adm. Code 302.206 (R04-25)**

On November 15, 2007, the Board adopted a second notice opinion and order in Proposed Amendments to Dissolved Oxygen Standard 35 Ill. Adm. Code 302.206 (R04-25). The Board made only minor changes to the proposal it adopted for first notice on July 12, 2007. The changes included use of "consecutive 24-hour periods" instead of using "calendar days" when measuring DO-standard attainment; the Board adopted these changes at the request of the Illinois Environmental Protection Agency (IEPA). Additionally, the Board made minor clarification changes to the listing of the water bodies in the proposed new Appendix D. The Board sent this rulemaking, as required by the Illinois Administrative Procedure Act (5 ILCS 100/1-1 *et seq.* (2006)), to the Joint Committee on Administrative Rules (JCAR) for review, currently scheduled for JCAR's January 9, 2008 meeting.

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This rulemaking proposes amendments to the Board's general use water quality standard for dissolved oxygen or "DO", to make them consistent with the National Criteria Document or "NCD" for DO of the United States Environmental Protection Agency (USEPA), Ambient Aquatic Life Water Quality Criteria for Dissolved Oxygen (Freshwater) (USEPA, Chapman 1986). The Board's first notice proposal, published at 31 Ill. Reg. 11028 (August 3, 2007), was based on aspects of both the proposal filed by the Illinois Association of Wastewater Agencies (IAWA), and the joint proposal later filed by the Illinois Department of Natural Resources (DNR) and the Illinois Environmental Protection Agency (IEPA).

The first notice proposal included a two-season numeric DO standard with values based on daily minima and 7- and 30-day averages. The "early life stages" season of the proposed two-season numeric DO standard would run from March 1st through July 31st. The egg, embryo, larval, and recently-hatched juvenile life stages of fish are more sensitive to low DO concentrations than later juvenile and adult stages. Additionally, the proposal designated stream segments (approximately 8% of general use stream miles in Illinois) to receive "enhanced" numeric dissolved oxygen standards to protect DO-sensitive fish and macroinvertebrate species present in meaningful amounts. The proposal also included a narrative DO standard to protect quiescent and isolated sectors of general use waters.

During the first notice period the Board received comments from the IEPA, IAWA, Thomas J. Murphy Ph. D., and the Metropolitan Water Reclamation District of Greater Chicago (MWRDGC). The issues raised during first notice addressed: (1) subjecting designated stream segments to more protective DO standards; (2) the technical feasibility and economic reasonableness of meeting the proposed water quality standards; (3) the lack of "implementation rules"; (4) expressing the DO water quality standard as concentration in milligrams per liter (mg/L) rather than as percent saturation; (5) criteria for future site-specific relief from the proposed rules; (6) clarifying language related to the measurement of DO-standard attainment; and (7) the potential for designating stream segments by "river miles."

As previously stated, the Board was persuaded to make changes only concerning the sixth issue: the measurement of DO-standard attainment. In its public comment, the IEPA suggested that Section 302.206(d) be modified to avoid restricting the determination of daily means and daily minima to a "calendar day." According to the IEPA, limiting measurements to calendar days, as opposed to any period of 24 consecutive hours, can result in "unusable dissolved oxygen measurements that are otherwise valid and meaningful." The IEPA explained that the calendar day restriction, which it originally proposed, "unintentionally prevents using the results of any dissolved oxygen monitoring period that did not begin and end specifically at midnight."

Copies of the Board's opinion and order in R04-25 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 Adopts Final Opinion and Order in Proposed Amendments to Solid Waste Landfill Rules, 35 Ill. Adm. Code 810 and 811 (R07-8)**

On November 15, 2007, the Board adopted a final opinion and order in Proposed Amendments to Solid Waste Landfill Rules, 35 Ill. Adm. Code 810 and 811 (R07-8). The adopted amendments were filed with the Secretary of State's Index department with a November 27, 2007 effective date and published in the December 7, 2007 issue of the *Illinois Register* at 31 Ill. Reg. 16167 and 16172. The amendments were considered at the November 13, 2007 meeting of the Joint Committee on Administrative Rules (JCAR); the Board received JCAR's Notice of No Objection on November 15, 2007.

The adopted rules are based on a proposal that was filed with the Board on July 27, 2006, by the Illinois Chapter of the National Solid Waste Management Association (NSWMA) with the

concurrence of the Illinois Environmental Protection Agency (IEPA). The adopted amendments to Parts 810 and 811 update the Board's solid waste disposal regulations to reflect practical experience gained by both the waste disposal industry and the IEPA through the implementation of those rules and the expanded technical and scientific knowledge achieved since the Board first adopted these standards in 1990. See Development, Operating, and Reporting Requirements for Non-Hazardous Waste Landfills, R 88-7 (Aug. 17, 1990). A detailed description of the rules is contained in *Environmental Register* No. 637 (July, 2007) at pp. 3-4.

Copies of the Board's opinions and orders 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](http://www.ipcb.state.il.us).

For additional information contact Tim Fox at 312-814-6085; e-mail address [foxt@ipcb.state.il.us](mailto:foxt@ipcb.state.il.us).

**Board Adopts Final 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 November 15, 2007 the Board adopted a final 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). The final amendments were filed with the Secretary of State's Index department with a November 21, 2007 effective date and published in the December 7, 2007 issue of the *Illinois Register* at 31 Ill. Reg. 16110, 16132, and 16151. The amendments were considered at the November 13, 2007 meeting of the Joint Committee on Administrative Rules (JCAR); the Board received JCAR's Notice of No Objection on November 15, 2007.

The final rules make changes to Parts 101, 732, and 734 to incorporate recent statutory changes to the Environmental Protection Act (Act) (415 ILCS5 /1 et seq.). The Board's first notice proposal contained changes required to reflect changes made by three public acts. At second notice, the Board included changes required by three additional public acts.

First, the amendments to Part 101 were driven by legislative changes to the Act's definition of "pollution control facility." See 415 ILCS 5/3.330(a)(11.5). Changes were made by Public Act 94-0824, effective June 2, 2006; Public Act 95-0131 effective August 13, 2007; Public Act 95-0177, effective January 1, 2008; and Public Act 95-0408, effective August 24, 2007.

Next, the amendments to Parts 732 and 734 were driven by changes to provisions of the Act's definitions governing the underground storage tank (UST) program. Public Act 94-274 effective January 1, 2006, changed the Act's definition of owner. See 415 ILCS5/57.2 (2006). The Board's adopted amendments incorporate the statutory changes to the definition of "owner" in Sections 732.103 and 734.115 of the UST regulations (35 Ill. Adm. Code 732.103, 734.115).

Public Act 94-0276 effective January 1, 2006, amended the Act's provisions regarding no further remediation (NFR) letters. See 415 ILCS 5/57.10(c). The Board amended 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

Copies of the Board's opinions and orders 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](http://www.ipcb.state.il.us).

For additional information contact Tim Fox at 312-814-6085; e-mail address [foxt@ipcb.state.il.us](mailto:foxt@ipcb.state.il.us).

## Board Actions

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November 1, 2007

Chicago, Illinois

### Rulemakings

- R08-9**      In The Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304 – The Board accepted for hearing the Illinois Environmental Protection Agency’s October 26, 2007 proposal to amend the Board’s water pollution control regulations. The Board granted the motion to file a limited number of copies, but reserved ruling on the motion to hold hearings in Chicago and Joliet until the response time has run.      4-0  
R, Water

### Adjusted Standards

- AS 07-3**      In the Matter of: Petition of Midwest Generation, LLC, Waukegan Generating Station for an Adjusted Standard from 35 Ill. Adm. Code 225.230 – The Board granted petitioner’s motion to file status report *instanter* and accepted the status report.      4-0  
Air
- AS 07-4**      In the Matter of: Petition of Midwest Generation, LLC, Will County Generating Station for an Adjusted Standard from 35 Ill. Adm. Code 225.230 – The Board granted petitioner’s motion to file status report *instanter* and accepted the status report.      4-0  
Air
- 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 ordered petitioner to file an amended petition to cure noted deficiencies on or before December 3, 2007, or the petition would be subject to dismissal.      4-0  
PWS
- AS 08-4**      In the Matter of: Petition of the City of Chicago Heights for an Adjusted Standard from 35 IAC 810.103, 814.102, and 814.501(c) – The Board directed petitioner to file the required certificate of publication by November 30, 2007, or this petition will be dismissed.      4-0  
Land

### Adjudicatory Cases

- PCB 96-98**      People of the State of Illinois v. Skokie Valley Asphalt, Inc., Edwin L. Frederick, Jr., individually and as owner and President of Skokie Valley Asphalt Co., Inc., and Richard J. Frederick, individually and as owner and Vice President of Skokie Valley Asphalt Co., Inc. – The Board issued its final order having previously found that that respondents violated the following provisions of the Environmental Protection Act (Act) and the Board’s regulations: Sections 12 (a) and (f) of the Act (415 ILCS 5/12(a) and (f) (2002)), and 35 Ill. Adm. Code 302.203, 304.105, 304.106, 305.102(b), 309.102(a), and 309.104(a). The Board      4-0  
W-E

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ordered the respondents to pay a total civil penalty of \$153,000, lifting the previous stay on payment. The Board also awarded complainant \$30,225 in attorney fees and \$2,291.20 in costs, for a total of \$32,516.20.

<b>PCB 96-143</b>	<u>People of the State of Illinois v. Michel Grain Company, Inc., a/k/a Michel Fertilizer, Caryle Michel and Ronnie Todd and Ronnie Todd Land Trust</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 facilities located in Jefferson and Hamilton Counties, the Board ordered publication of the required newspaper notice.	4-0 W-E
<b>PCB 05-202</b>	<u>People of the State of Illinois v. Phoenix Finishing, Inc.</u> – In this air enforcement action concerning a DuPage 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 \$2,000, and to cease and desist from further violations.	4-0 A-E
<b>PCB 07-23</b>	<u>People of the State of Illinois v. Greg Giertz d/b/a Giertz Swine Farm #1</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 Mercer County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E
<b>PCB 07-123</b>	<u>Dynegy Midwest Generation, Inc. (Hennepin Power Station) v. IEPA</u> – The Board granted petitioner’s motion for a partial stay of the construction permit.	4-0 PA-Air
<b>PCB 07-133</b>	<u>People of the State of Illinois, Lisa Madigan, Attorney General of the State of Illinois v. Thomas P. Mathews</u> – The Board granted complainant’s motion in part, and struck the first four of the five alleged affirmative defenses set forth in respondent’s answer. The Board denied the complainant’s motion to strike respondent’s asserted laches defense.	4-0 A, N, W-E
<b>PCB 08-29</b>	<u>People of the State of Illinois v. Gateway Bobcat of Herberer Equipment Co., Inc. d/b/a Bobcat of St. Louis</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 St. Clair County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E

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<b>PCB 08-30</b>	<u>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</u> – The Board found complainant’s alleged violations of the Board’s regulation and the Environmental Protection Act neither duplicative nor frivolous and accepted this citizen’s land enforcement action involving a St. Clair County facility for hearing.	4-0 L-E
<b>PCB 08-31</b>	<u>Nokomis Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Montgomery County facility.	4-0 UST Appeal

**November 15, 2007**  
**Chicago, Illinois**

### **Rulemakings**

<b>R04-25</b>	<u>In the Matter of: Proposed Amendments to Dissolved Oxygen Standard 35 Ill. Adm. Code 302.206</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s general use water quality standard for dissolved oxygen.	4-0 R, Water
<b>R07-8</b>	<u>In the Matter of: Proposed Amendments to Solid Waste Landfill Rules, 35 Ill. Adm. Code 810 and 811</u> – The Board adopted a final opinion and order in this rulemaking to update the Board’s solid waste disposal regulations.	4-0 R, Land
<b>R07-17</b>	<u>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</u> – The Board adopted a final opinion and order in this rulemaking to amend the Board’s procedural rules and underground storage tank regulations to reflect recent legislation.	4-0 Procedural, Land
<b>R08-9</b>	<u>In The Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and the Lower Des Plaines River: Proposed Amendmends to 35 Ill. Adm. Code 301, 302, 303 and 304</u> – The Board granted the motion to hold hearings in Chicago and Joliet, Illinois.	4-0 R, Water

### **Adjudicatory Cases**

<b>PCB 04-185</b>	<u>Midwest Generation EME, LLC v. IEPA</u> – The Board granted the parties’ joint motion to stay this trade secret appeal through April 17, 2008, unless the Board issues an order terminating the stay earlier.	4-0 T-S Air
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<b>PCB 04-215</b>	<u>Commonwealth Edison Company v. IEPA</u> – The Board granted the parties’ joint motion to stay this trade secret appeal through April 17, 2008, unless the Board issues an order terminating the stay earlier.	4-0 T-S Air
<b>PCB 04-216</b>	<u>Midwest Generation v. IEPA</u> – The Board granted the parties’ joint motion to stay this trade secret appeal through April 17, 2008, unless the Board issues an order terminating the stay earlier.	4-0 T-S Air
<b>PCB 06-33</b>	<u>People of the State of Illinois v. First Choice Construction, Inc.</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) (2004)), and accepted a stipulation and settlement agreement, ordering the respondent to pay a total civil penalty of \$2,000, and to cease and desist from further violations.	4-0 L-E
<b>PCB 06-82</b>	<u>People of the State of Illinois v. Barger Engineering, Inc.</u> – The Board granted complainant’s motion to file a second amended complaint and accepted the amended complaint.	4-0 W-E
<b>PCB 08-10</b>	<u>Dunn’s University BP (Corrective Action Plan dated March 5, 2007) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Coles County facility.	4-0 UST Appeal
<b>PCB 08-28</b>	<u>People of the State of Illinois v. City of Jerseyville</u> – In this water 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) (2004)), and accepted a stipulation and settlement agreement, ordering the respondent to pay a total civil penalty of \$1,080, and to cease and desist from further violations.	4-0 W-E
<b>PCB 08-32</b>	<u>Partylite Worldwide, Inc. v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Kane County facility.	4-0 P-A, Air

## New Cases

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### November 1, 2007 Board Meeting

**08-31** Roy Pan, Inc. v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Roy Pan, Inc., located in Clay County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).

**AC 08-007** County of Vermilion, Illinois v. Connie Yount – The Board accepted an administrative citation against this Vermilion County respondent.

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**AC 08-008** IEPA v. James and Mildred Taviner – The Board accepted an administrative citation against these Williamson County respondents.

**AC 08-009** IEPA v. Gene and Elena Greenwood – The Board accepted an administrative citation against these Calhoun County respondents.

**R08-009** In The Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304 – The Board accepted for hearing the Illinois Environmental Protection Agency’s October 26, 2007 proposal to amend the Board’s water pollution control regulations. The Board granted the motion to file a limited number of copies, but reserved ruling on the motion to hold hearings in Chicago and Joliet until the response time has run.

### November 15, 2007 Board Meeting

**08-32** Partylite Worldwide, Inc. v. IEPA – The Board accepted for hearing this permit appeal involving a Kane County facility.

## Calendar

12/5/07 1:30 PM	R08-06	In the Matter Of: <u>Definition of VOM Update, USEPA Amendments (January 1, 2007 through June 30, 2007)</u>	James R. Thompson Center 100 W. Randolph Street, Suite 11-500 Chicago
<b>12/6/07 11:00 AM</b>	<b><u>Illinois Pollution Control Board Meeting</u></b>		<b>James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago</b>
12/12/07 10:00 AM	AC 07-24	<u>IEPA (File No. 304-06-AC) v. C. John Blickhan</u>	City Hall Caucus Room 730 Main Street Quincy
12/20/07 8:30 AM	PCB 04-102	<u>Noveon, Inc. v. IEPA</u>	Council Chamber Municipal Building 426 E. Park Row Henry
<b>12/20/07 11:00 AM</b>	<b><u>Illinois Pollution Control Board Meeting</u></b>		<b>Chicago/Springfield James R. Thompson Center Hearing Room 9-040 100 W. Randolph Street Chicago</b>
<b>1/10/08 11:00 AM</b>	<b><u>Illinois Pollution Control Board Meeting</u></b>		<b>Videoconference Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago And 1021 N. Grand Avenue East Illinois Pollution Control Board Room Springfield</b>

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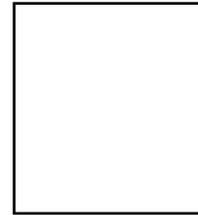
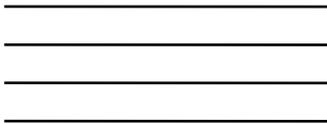
<p>1/23/08 9:00 AM</p>	<p>AC 06-50</p>	<p><u>IEPA v. Marla Lewis Gates, Mark Gates, and Mark Kingsley Lewis (IEPA No. 98-06-AC)</u></p>	<p>Logan County Courthouse, Room 36 (3<sup>rd</sup> Floor Jury Room) 601 Broadway St. Lincoln</p>
<p><b>1/24/08 11:00 AM</b></p>	<p><b><u>Illinois Pollution Control Board Meeting</u></b></p>		<p><b>Chicago/Springfield James R. Thompson Center Hearing Room 9-040 100 W. Randolph Street Chicago</b></p>



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

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

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