

---

# Environmental Register

March 2008 - Number 645

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

---

G. Tanner Girard, Acting Chairman

Board Members:

Thomas E. Johnson, Nicholas J. Melas, Andrea S. Moore

Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph, Suite 11-500  
Chicago, Illinois 60601  
(312) 814-3620  
(312) 814-6032 TDD

Illinois Pollution Control Board  
1021 North Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274  
(217) 524-8500

Web Site: <http://www.ipcb.state.il.us>

## Letter from the Chairman

As I prepare this letter on April 8th, the General Assembly is considering thirteen bills with particular interest for the Illinois Pollution Control Board, the parties regulated by the Board, and the citizens of Illinois. If enacted into law, the bills summarized below will impact Board rulemaking over the next few years. For the current status of these bills when you are reading this letter you can consult the General Assembly's website at [www.ilga.gov](http://www.ilga.gov).



House Bill 4172 amends the Environmental Protection Act by providing criteria for the use of coal combustion by-product (CCB) as structural fill (also see Senate Bill 2567). HB 4426 amends the Environmental Protection Act by adding legislative findings related to plasma arc incineration and defining "plasma arc incinerator." The bill also provides that the term "pollution control facility" includes plasma arc incinerators.

HB 4622 amends the Environmental Protection Act by specifying that the term "recyclable general construction debris" includes wood salvaged from general construction or demolition debris and processed for use as fuel under specified circumstances. HB 4622 also amends the Illinois Solid Waste Management Act by providing that the definition of "recycling" includes combustion of wood or biomass fuel for energy recovery under specified circumstances.

HB 4710 amends the Asbestos Abatement Act, the Response Action Contractor Indemnification Act, and the Alternate Fuels Act and repeals both the Hazardous Waste Crane and Hoisting Equipment Operators Licensing Act and the Hazardous Waste Laborers Licensing Act. HB 4789 creates the Radon-Resistant Residences Act, including a Radon-Resistant Building Codes Task Force to recommend rules for building codes.

HB 5348 creates the Mercury Thermostat Collection Act and, among its provisions, requires thermostat manufacturers to establish and maintain a program for the collection and recycling of mercury thermostats. HB 5773 amends the Environmental Protection Act and the State Finance Act regarding the processing and disposal of white goods.

SB 2083 creates the Illinois Diesel Emissions Reduction Act, the Illinois Diesel Emissions Reduction Funding Program, and the Diesel Emissions Reduction Fund.

SB 2157 amends the Environmental Protection Act to specify that a municipal or county facility is not deemed to be a waste management facility because it is used for the cremation of deceased non-companion animals.

SB 2166 amends the Environmental Protection Act by providing that "clean construction or demolition debris" includes debris with contaminants that do not exceed certain levels. SB 2166 also requires IEPA to develop a special authorization for specified clean construction or demolition debris fill operations.

SB 2313 creates the Electronic Products Recycling and Reuse Act and, among other provisions, requires manufacturers, retailers, collectors, and recyclers to perform certain duties related to recycling or reusing certain electronic products.

SB 2639 amends the Environmental Protection Act by re-enacting language concerning fast-track rulemaking for the Board under the Clean Air Act.

SB 2640 amends the Environmental Protection Act with regard to IEPA and Board procedures in the Clean Air Act Permitting Program.

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  |
| APPELLATE UPDATE | P. 6  |
| BOARD ACTIONS    | P. 8  |
| NEW CASES        | P. 12 |
| BOARD CALENDAR   | P. 13 |

## Federal Update

---

### **United States Environmental Protection Agency Publishes Finding of States' Failure to Submit State Implementation Plans Required for the 1997 8-Hour Ozone NAAQS Under the Clean Air Act**

On March 24, 2008 (73 Fed. Reg. 15416) the United States Environmental Protection Agency (USEPA) published its final action finding that several states, including Illinois, failed to submit State Implementation Plans (SIPs) to satisfy certain requirements of the Clean Air Act (CAA) for the 1997 8-hour ozone National Ambient Air Quality Standards (NAAQS).

Under the CAA and USEPA's implementing regulations, states with nonattainment areas classified as moderate, serious, severe or extreme were required to submit by June 15, 2007, SIPs to demonstrate how each nonattainment area would attain the 1997 8-hour ozone standard as expeditiously as practicable but no later than the applicable dates established in the implementing regulations. The states were also required to demonstrate reasonable further progress (RFP). Additionally, states were required by September 15, 2006, to submit for these same areas SIPs demonstrating that sources specified under the CAA were subject to reasonably available control technology requirements (RACT). States that are part of the Ozone Transport Region (OTR) were required to submit SIPs to meet the 1997 8-hour ozone RACT requirement for the entire state by September 15, 2006. The RACT requirement applies to all areas within the Ozone Transport Region, regardless of the area's designation for the 1997 8-hour ozone standard.

By this action USEPA made a finding of failure to submit for those nonattainment areas and OTR areas that have not made the required SIP submissions. If USEPA has not affirmatively found that the state has submitted the required plan or plans within 18 months, the offset sanction applies in the area. If within 6 additional months USEPA has still not affirmatively determined that the state has submitted the required plan, the highway funding sanction applies in an area if it is designated nonattainment. No later than two years after USEPA makes the finding, USEPA must promulgate a Federal Implementation Plan if the state has not submitted and USEPA has not approved the required SIP.

This action is effective on March 24, 2008.

General questions concerning this notice should be addressed to Mr. Butch Stackhouse, Office of Air Quality Planning and Standards, Air Quality Policy Division, Mail Code: C504-2, 109 TW Alexander Drive, Research Triangle Park, NC 27709; telephone (919) 541-5208.

### **United States Environmental Protection Agency Proposes Disapproval of an Illinois NO<sub>x</sub> SIP Revision Under the Clean Air Act**

On March 4, 2008 (73 Fed. Reg. 11565) the United States Environmental Protection Agency (USEPA) proposed disapproval of an Illinois SIP revision for nitrogen oxide (NO<sub>x</sub>). The Illinois rule involved is Subpart X of 35 Ill. Adm. Code 217, which establishes a program for voluntary NO<sub>x</sub> reductions by facilities not otherwise subject to NO<sub>x</sub> emission limits. The Board adopted the rule in consolidated docket R01-16/R01-17 in April 2001. The Illinois Environmental Protection Agency (IEPA) submitted the rule to USEPA for SIP approval on May 1, 2001.

Under the voluntary NO<sub>x</sub> reductions program, a facility that is not otherwise subject to NO<sub>x</sub> emission controls can demonstrate a reduction in NO<sub>x</sub> emissions, obtain a credit for that reduction, and trade that credit to another facility that is subject to NO<sub>x</sub> emissions limitations.

## Environmental Register – March 2008

In the notice, USEPA stated it had three main concerns with the Illinois rule. First, that the rule did not guarantee that NO<sub>x</sub> emission allowances would only be awarded for emission reductions that are real and that are additional NO<sub>x</sub> emission reductions beyond those that would have occurred anyway, i.e., even in the absence of Subpart X. Second, USEPA was concerned that the Subpart X rule would not require the same level of monitoring required of sources participating in the NO<sub>x</sub> Budget Trading Program. And finally, even though Illinois argued that Subpart X constitutes an Economic Incentive Program (EIP) and EIPs may be used to provide NO<sub>x</sub> SIP call emission credits, USEPA noted that the EIP guidance also states that NO<sub>x</sub> SIP call requirements supersede EIP requirements. USEPA stated that any requested NO<sub>x</sub> SIP revision failing to meet the requirements of the NO<sub>x</sub> SIP call would also fail to comply with the requirements of the EIP policy. In this case, USEPA found that the more critical policy requirements of concern are those of the NO<sub>x</sub> SIP call itself rather than other aspects of the EIP policy.

Comments must be received on or before April 3, 2008. Submit your comments, identified by Docket ID No. EPA-R05-OAR-2007-1096, by one of the following methods:

- 1) <http://www.regulations.gov>: Follow the online instructions for submitting comments.
- 2) E-mail: [mooney.john@epa.gov](mailto:mooney.john@epa.gov).
- 3) Fax: (312) 886-5824.
- 4) Mail: John M. Mooney, Chief, Criteria Pollutant Section, (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.
- 5) Hand Delivery: John M. Mooney, Chief, Criteria Pollutant Section, (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois. Such deliveries are only accepted during the Regional Office's normal hours of operation, and special arrangements should be made for deliveries of boxed information. The Regional Office's official hours of operation are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

For further information contact Edward Doty, Environmental Scientist, Criteria Pollutant Section, Air Programs Branch (AR-18), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6057, [doty.edward@epa.gov](mailto:doty.edward@epa.gov).

## Rule Update

### **Board Adopts Second Notice Opinion and Order in Procedures Required by P. A. 94-849 for Reporting Releases of Radionuclides at Nuclear Power Plants: New 35 Ill. Adm. Code 1010 (R07-20)**

On March 6, 2008, the Board adopted a second notice opinion and order in Procedures Required by P. A. 94-849 for Reporting Releases of Radionuclides at Nuclear Power Plants: New 35 Ill. Adm. Code 1010 (R07-20). During the first notice period the Board did not receive any comments on the proposed rule. The only changes made to the rule at second notice were to correct the text as it was published in the *Illinois Register* so that the rule matched the text that the Board proposed for first notice. The rule was filed with the Joint Committee on Administrative Rules (JCAR) and is scheduled to be considered at the April 15, 2008 JCAR meeting.

This rulemaking is based on a proposal filed with the Board by the Illinois Environmental Protection Agency (IEPA) on May 25, 2007. The IEPA's proposal is driven by amendments to the Environmental Protection Act (Act) in Public Act 94-849 which, in adding Section 13.6 to the Act (415 ILCS 5/13.6 (2006)), required the IEPA to propose rules to the Board to establish standards for detecting and reporting unpermitted releases of radionuclides from nuclear power plants.

The proposed new Part 1010 procedures will allow licensees of power plants to fulfill their obligation under Section 13.6 of the Act to report unpermitted releases of radionuclides to the IEPA and the Illinois Emergency Management Agency (IEMA). Among other things, these procedures establish a requirement that within 24 hours of any unpermitted release of radionuclides into the groundwater, surface water, or soil, the licensee must evaluate the release to determine whether it needs to be reported and, if reporting is necessary, make the a report to the IEPA and IEMA within that same 24 hours. The proposal gives the proper procedure for reporting the releases, including the appropriate reporting phone numbers for the Agency and IEMA as well as instructions on electronic reporting. The proposal also requires a follow-up written report sent to the IEPA and IEMA within five days after reporting the release. This follow-up report must contain the information required for the initial report as well as supplemental information on the release utilizing the best data available.

## Environmental Register – March 2008

Copies of the Board's opinion and order in R07-20 may be obtained by calling the Clerk's office at 312-814-3620, or by downloading copies from the Board's Web site at [www.ipcb.state.il.us](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 Order Consolidating Dockets and Extending the Adoption Deadline in the Identical In Substance Rulemaking Wastewater Pretreatment Update, USEPA Amendments (January 1, 2007 though June 30, 2007)(R08-5); SDWA Update, USEPA Amendments (January 1, 2007 though June 30, 2007)(R08-7); SDWA Update, USEPA Amendments (July 1, 2007 though December 31, 2007)(R08-13) (consolidated).**

On March 6, 2008, the Board adopted an order to consolidate the identical in substance rulemakings in identical in substance rulemaking: Wastewater Pretreatment Update, USEPA Amendments (January 1, 2007 though June 30, 2007)(R08-5); SDWA Update, USEPA Amendments (January 1, 2007 though June 30, 2007)(R08-7); SDWA Update, USEPA Amendments (July 1, 2007 though December 31, 2007)(R08-13). In that order the Board also found it necessary to extend the one-year period for completion of these amendments. The adoption deadline, based on the first federal action in docket R08-5, originally was March 12, 2008. The Board found that the statutory one-year period in this consolidated docket was insufficient for completion of the amendments.

The Board has not yet adopted a proposal for public comment in this rulemaking, so there has been no *Illinois Register* publication. The Board anticipates that it will adopt a proposal for public comment at its April 17, 2008 meeting, and that the proposal will be filed by April 28, 2008 with the Secretary of State's Index Department for publication in the May 9, 2008 *Illinois Register*. If these events timely occur and no additional delay is required to adequately respond to public comments, the Board anticipates adoption of final rules at its July 24, 2008 meeting. The Board anticipates filing the adopted amendments with the Secretary of State's Index Department by August 4, 2008.

The Board was unable to initiate this rulemaking earlier due to the unusually high demands on staff resources over the last several months as a result of a greatly increased volume of complex federal rulemaking. In addition, the Board expects this rulemaking to take a considerable amount of effort, since it involves updating the analytical methods used to demonstrate compliance with the SDWA and wastewater pretreatment requirements.

Copies of the Board's opinion and order in R08-5/7/13 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 Michael J. McCambridge at 312-814-6924; e-mail address [mccambm@ipcb.state.il.us](mailto:mccambm@ipcb.state.il.us)

### **Board Dismisses Five Identical in Substance Rulemaking Dockets As Unnecessary: UST Update, USEPA Regulations (July 1, 2007 through December 31, 2007), R08-10; Wastewater Pretreatment, USEPA Regulations (July 1, 2007 through December 31, 2007), R08-11 Definition of VOM, USEPA Regulations (July 1, 2007 through December 31, 2007), R08-12; UIC Update, USEPA Regulations (July 1, 2007 through December 31, 2007), R08-14; and RCRA Subtitle D Update, USEPA Regulations (July 1, 2007 through December 31, 2007), R08-15**

Every six months the Board reserves a series of dockets for adoption of Board rules to accommodate any rules adopted by the United States Environmental Protection Agency (USEPA) to implement various programs. On March 6, 2008, the Board dismissed as unnecessary five dockets reserved to consider rules adopted by USEPA during the period July 1, 2007 through December 31, 2007. In each of the five program areas described below, USEPA adopted no rules during the update period.

**UST (R08-10).** Section 22.4(d) of the Environmental Protection Act (415 ILCS 5/22.4(d) (2006)) requires the Board to adopt regulations which are "identical in substance," as defined at Section 7.2 of the Act (415 ILCS 5/7.2 (2006)), to underground storage tank (UST) regulations promulgated by the USEPA pursuant to Section 9003 of the federal Resource Conservation and Recovery Act of 1976 (RCRA) as amended, 42 U.S.C. § 6993 (2000), to implement Subtitle I of RCRA (42 U.S.C. §§ 6991 *et seq.* (2000)), with certain limitations. USEPA has codified its UST regulations at 40 C.F.R. 281 through 283.

**Wastewater Pretreatment (R08-11).** Sections 7.2 and 13.3 of the Environmental Protection Act (Act) (415 ILCS 5/7.2 and 13.3 (2006)), require the Board to adopt regulations that are "identical in substance" to regulations of the United States Environmental Protection Agency (USEPA). 415 ILCS 5/7.2 (2006). Specifically, Section 13.3

## Environmental Register – March 2008

relates to wastewater pretreatment regulations that the USEPA adopted to implement Sections 307(b), (c), and (d) and 402(b)(8) and (b)(9) of the federal Water Pollution Control Act (FWPCA) (33 U.S.C. §§ 1317(b), (c), and (d) and 1342(b)(8) and (b)(9) (2003)). USEPA has codified the federal wastewater pretreatment rules as 40 C.F.R. 400 through 499.

**Definition of VOM (R08-12).** Sections 7.2 and 9.1(e) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(e) (2006)) requires the Board to adopt regulations that are “identical in substance” to regulations of the United States Environmental Protection Agency (USEPA). 415 ILCS 5/7.2 (2006). Specifically, Section 9.1(e) of the Act (415 ILCS 5/9.1(e) (2006)) relates to the definition of “volatile organic material” (VOM) and those compounds that USEPA has found to be exempted from regulation under state implementation plans for ozone due to negligible photochemical reactivity. USEPA has codified these exemptions as part of its definitions at 40 C.F.R. 51.100(s).

**UIC Program (R08-14).** Section 13(c) of the Environmental Protection Act (415 ILCS 5/13(c) (2006)) requires the Board to adopt regulations that are “identical in substance” to regulations of the United States Environmental Protection Agency (USEPA). 415 ILCS 5/7.2 (2006). Specifically, Section 13(c) relates to underground injection control (UIC) regulations that USEPA adopted to implement provisions of the Safe Drinking Water Act (42 U.S.C. § 300h *et seq.* (2000)). USEPA has codified its UIC regulations at 40 C.F.R. 144 through 148.

**RCRA Subtitle D (R08-15).** Section 22.40(a) of the Environmental Protection Act (415 ILCS 5/22.40(a) (2006)) requires the Board to adopt regulations that are “identical in substance” to regulations of the USEPA. 415 ILCS 5/7.2 (2006). Specifically, Section 22.40(a) relates to municipal solid waste landfill (MSWLF) regulations that USEPA adopted to implement Subtitle D of the Resource Conservation and Recovery Act of 1976 (42 U.S.C §§ 6941-6949 (1998); RCRA Subtitle D). USEPA has codified the federal MSWLF rules as 40 C.F.R. 258.

Copies of the Board’s separate dismissal 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 Mike McCambridge at 312/814-6924; e-mail address: [mccambm@ipcb.state.il.us](mailto:mccambm@ipcb.state.il.us).

### **Board Requests Public Comment on Federal Amendments in RCRA Subtitle C Update, USEPA Regulations (July 1, 2007 through December 31, 2007) (R08-16)**

On March 6, 2008, the Board adopted an order in RCRA Subtitle C Update, USEPA Regulations (July 1, 2007 through December 31, 2007) (R08-16) requesting public comment on federal adopted by the United States Environmental Protection Agency (USEPA). These USEPA rules implement Subtitle C of the federal Resource Conservation and Recovery Act of 1976 (RCRA Subtitle C) (42 U.S.C. §§ 6921 *et seq.* (2005)). The Board reserved this docket for USEPA amendments during the period of July 1, 2007 through December 31, 2007. During that time period, USEPA amended its hazardous waste regulations one time, on July 18, 2007. The nature of the USEPA action was unusual, so that the Board is requesting comment before a determination is made that no action is necessary, and the Board dismisses this docket. The Board requested that comments be filed before April 7, 2008.

On July 18, 2007, USEPA amended a single provision of the hazardous waste rules and adopted new rules that pertain to the use of “chat” in federally funded highway projects. Chat is a granular material generated from the extraction and beneficiation of lead and zinc minerals. It is produced in the Tri-State Mining District of southwest Missouri, southeast Kansas, and northeast Oklahoma. It is primarily composed of a hard rock called “chert,” and it is useful in making asphalt-based road materials, Portland cement, and epoxy traction coatings.

The federal action of July 18, 2007 establishes standards for the environmentally sound use of this material. They add a new part 278 to the federal solid waste rules that establishes standards and conditions for use of chat in federally funded highway projects.

In its March 6, 2006 order, the Board stated that, for several reasons, the Board does not believe it necessary to include corresponding rules to the Illinois hazardous waste regulations. Initially, USEPA asserted the authority of section 6006 of RCRA (42 U.S.C. § 6966b, as added by § 6018 of Pub. L. 109-59 (Aug 10, 2005)). *See* 40 C.F.R. 278.2, as added at 72 Fed. Reg. 39331, 39343-44 (July 18, 2007). The Board’s identical-in-substance mandate is limited to rules adopted by USEPA pursuant to sections 3001 through 3005 of RCRA (42 U.S.C. §§ 6921-25 (2005)). *See* 415 ILCS 5/22.4(a) (2006). Second, the chat standards do not affect implementation of the hazardous waste regulations in any way. Third, the chat material originates outside Illinois, and it is unclear that it will be used

## Environmental Register – March 2008

in Illinois. See 415 ILCS 5/7.2(a)(1) (2006). Finally, these rules appear to be requirements that USEPA has developed to implement federal procurement requirements, and they do not apply outside that context.

The Board invited public comment on whether the provisions of new 40 C.F.R. 278, as adopted by USEPA at 72 Fed. Reg. 39331 (July 18, 2007), should be included in the Illinois hazardous waste regulations. Any comments received must conspicuously indicate the docket number, R08-16, and be received by the Board by April 7, 2008 to receive consideration.

Copies of the Board's order 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 Mike McCambridge at 312/814-6924; e-mail address: [mccambm@ipcb.state.il.us](mailto:mccambm@ipcb.state.il.us).

### **Board Adopts Proposal for Public Comment Opinion and Order and Extends the Adoption Deadline in the Identical In Substance Rulemaking RCRA Subtitle C Update, USEPA Amendments (January 1, 2006 though June 30, 2006) R07-5; RCRA Subtitle C Update, USEPA Amendments (July 1, 2006 though December 31, 2006) R07-14 (consolidated)**

On March 20, 2008, the Board entered an opinion and order in RCRA Subtitle C Update, USEPA Amendments (January 1, 2006 though June 30, 2006) R07-5; RCRA Subtitle C Update, USEPA Amendments (July 1, 2006 though December 31, 2006) R07-14 (consolidated) to adopt a proposal for public comment and to extend the adoption deadline in this identical-in-substance rulemaking. The proposal for public comment was published at 32 *Illinois Register* 4915-5935 (April 11, 2008). Accordingly, the 45-day public comment period ends May 26, 2008; all public comments must be filed or postmarked by that date.

As is explained in the order, the Board has extended the adoption deadline for this rulemaking to allow for the 45-day public comment period following publication, and to allow the United States Environmental Protection Agency (USEPA) 30 days to review the final amendments before the Board files them for adoption. The March 20, 2008 order stated that the Board anticipates adoption of final rules at its June 5, 2008 meeting; because the Board holds adopted RCRA Subtitle C rulemakings for 30 days for USEPA review, the Board anticipates filing the adopted amendments with the Secretary of State's Index Department by July 14, 2008. This proceeding updates the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the *Federal Register* during two update periods.

The consolidated R07-5/R07-14 docket amends rules in Parts 703, 720, 721, 722, 723, 724, 725, 726, 727, 728, and 739. The amendments to the various Parts are inter-related. The amendments include federal actions from: April 4, 2006, (71 Fed. Reg. 16862), July 14, 2006 (71 Fed. Reg. 40254), July 28, 2006 (71 Fed. Reg. 42928), and March 5, 2005 (70 Fed. Reg. 10776).

The April 4, 2006 action contained paperwork reduction amendments, primarily directed towards Environmental Performance Track Program facilities. The amendments from July 14, 2006 addressed corrections to various rules. The July 28, 2006 amendments covered conditional exclusion of CRTs that are reused or recycled from regulation as solid waste.

In addition to the federal actions that fall within the timeframe of this docket, the Board included the one additional federal action from March 5, 2005 that occurred in earlier consolidated docket R06-5/R06-6/R06-7, which the Board adopted on January 5, 2006. For the reasons described in the opinion in that earlier docket, the nature of one set of federal amendments involved in that docket was such that the Board could not conclude them until after September 5, 2006. This set of amendments addressed changes to the hazardous waste manifest system.

Copies of the Board's opinion and order 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 Mike McCambridge at 312/814-6924; e-mail address: [mccambm@ipcb.state.il.us](mailto:mccambm@ipcb.state.il.us).

**Board Accepts Proposal for Hearing in Proposed Amendments to Groundwater Quality Standards, 35 Il. Adm. Code 620 (R08-18)**

On March 20, 2008, the Board adopted an order in Proposed Amendments to Groundwater Quality Standards, 35 Il. Adm. Code 620 (R08-18) accepting the proposal filed by the Illinois Environmental Protection Agency (IEPA) for hearing. The proposal, filed by the IEPA on February 19, 2008, seeks to amend the Board's groundwater quality regulations.

The IEPA stated that this rulemaking is intended to account for new scientific data, update the groundwater standards that have been amended at the federal level, update technical references that are in the Incorporations by Reference, and address any additional groundwater parameters that have been discovered.

The Board is currently scheduling hearings in this rulemaking.

Copies of the Board's order 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).

## **Appellate Update**

**Second District Affirms Board Finding of Violation and Imposition of \$3000 Penalty and Hearing Costs in Northern Illinois Service Co. v. Environmental Protection Agency and Pollution Control Board, No. 2-07-0213 (2d Dist. March 11, 2008) (affirming Board orders in AC 05-40 (affirming July 26, 2007 final order as modified April 19, 2007)**

On March 11, 2008, the Second District Appellate Court issued an opinion affirming the Board in Northern Illinois Service Co. v. Environmental Protection Agency and Pollution Control Board, No. 2-07-0213 (2d Dist. March 11, 2008) (hereinafter NISC (2d. Dist.)) In an administrative citation (AC) case, the Board had found that Northern Illinois Service Co. (NISC) committed two violations of the Environmental Protection Act (Act), 415 ILCS 5/1 et seq. (2006) at NISC's "Roscoe Quarry." IEPA v. Northern Illinois Service Company, AC05-40 (July 26, 2007 final order as modified April 19, 2007)(hereinafter IEPA v. NISC). The Board found that NISC violated the open dumping of waste prohibitions of Sections 21(p)(1) (litter) and (p)(7) (general construction or demolition debris) of the Act, 415 ILCS 5/21(p)(1) and (7) (2006), and imposed the corresponding statutory civil penalty of \$3,000, along with Board and Agency hearing costs.

NISC petitioned the Second District for review of the Board's decision, but only regarding the violation of Section 21(p)(1). The court's opinion, which will be published, will provide helpful precedent in the decision of future AC cases.

**The Board's Decision: IEPA v. NISC**

The Board set out the facts of the case before it in a September 21, 2006 interim opinion and order, and citations below are to that opinion. (Although the order was subsequently vacated, the findings of fact and conclusions of law were incorporated into the Board's July 26, 2007 final order as modified April 19, 2007). IEPA v. NISC, AC 05-40 (Sept. 21, 2006 interim opinion)

NISC specializes in excavation and demolition contracting at its site known as the Roscoe Quarry, located at 4960 Rockton Road in Roscoe, Winnebago County. In the course of business, Northern uses sand from the Roscoe Quarry to complete its projects. Workers also haul dirt and other material back from other excavations to the Roscoe Quarry site. *Id.*, slip op. at 2.

An Agency field inspector conducted two site investigations at the Roscoe Quarry, the first inspection in July of 2004 and the second inspection on October 4, 2004. At the time of the October 4, 2006 inspection, over 150 cubic yards of concrete debris with protruding rebar filled low-lying areas of the quarry. A debris pile contained steel conduit. Approximately 9,700 cubic yards of landscape debris were piled northwest of the concrete debris. The landscape debris resembled "an island with a moat" and stood 10 to 13 feet high.

The landscape material consisted of uprooted trees and cut trees, some of which have been on the property for more than ten years. An access road surrounded a large pile of trees, which was in turn surrounded by more landscape debris. Trees at the site were not processed in any way. In

## Environmental Register – March 2008

fact, trees at the base of the mounds of landscape debris showed signs of decay. Furthermore, the position of the trees did not change between the July and October inspections. *Id.*, slip op. at 2.

In its analysis, the Board related that NISC did not contest the alleged violation of Section 21(p)(7) of the Act, which prohibits the open dumping of waste resulting in the deposition of general or clean construction or demolition debris. Accordingly, the Board found that NISC had committed that violation. *Id.*, slip op. at 7. NISC did contest the alleged Section 21(p)(1) violation, arguing that the landscape debris could be used as mulch, and that it therefore had value and was not "waste" or "litter." *Id.*

In its finding of a Section 21(p)(1) violation, the Board ruled that the pile of landscape material was "waste," both because it constituted "landscape waste," a subset of "waste," and "other discarded material," and that the pile constituted "litter." *Id.*, slip op. at 9-10.

The Board issued its final opinion and order on January 26, 2007. IEPA v. NISC (Jan. 26, 2007 final order). Because there were two violations of Section 21(p) and the violations are first offenses, the Board found that under Section 42(b)(4-5) of the Act, the total civil penalty due was \$3,000. 415 ILCS 5/42(b)(4-5) (2006). The Board also found that because Northern did not succeed at hearing, it was required to pay the hearing costs of both the IEPA and the Board, totaling \$672.75. 35 Ill. Adm. Code 108.502, 108.504. IEPA v. NISC (Jan. 26, 2007 final order), slip op. at 2. In response to motion by NISC, on April 19, 2007 the Board modified its final order to stay payment of the hearing costs and \$1,500 for the contested Section 21(p)(1) violation pending appeal. But the Board did not stay payment of the \$1,500 for the uncontested Section 21(p)(7) violation. IEPA v. NISC (Apr. 29, 2007 order), slip op. at 3.

### The Court's Decision: NISC (2d. Dist.)

After a brief recitation of the facts of the case and synopsis of the Board's interim opinion (*id.* at 1-4), the Second District Appellate Court commenced its analysis by addressing the parties' arguments concerning standard of review. The court declined to select a standard of review to apply, finding that the Board would prevail under either a "manifest weight of the evidence" standard or a "de novo" standard. *Id.*, slip op. at 5. Next, interpreting the Illinois Supreme Court's decision in Alternate Fuels, Inc. v. Director of the Illinois Environmental Protection Agency, 215 Ill. 2d 219, 237-38 (2004), the Second District held that the trees were "discarded material" within the Act's definition of "waste." The court stated:

Here, there was no evidence presented that the trees had ever been "collected, separated or processed and returned to the economic mainstream in the form of raw materials or products." 415 ILCS 5/3.380 (West 2004)[quoting portion of definition of "recycling, reclamation or reuse."]. [IEPA inspector] Jacobsen testified that they showed evidence of decay and did not change position between the July and October inspections. The trees "were not processed. They were just laid there to rot." In addition, NISC admitted that trees were present at the site when it acquired the property 10 years ago and that it had been placing trees on the site ever since. \*\*\* Accordingly, we conclude that the uprooted, dead trees on NISC's property fall within the definition of waste as other discarded material. We reject NISC's argument that, because [NISC witness] Foss testified that the trees have market value as mulch, they cannot be deemed discarded. Whether an item has value has no bearing on whether it is discarded." NISC (2d. Dist.), slip op. at 8-9 (emphasis added).

The court then applied the same analysis as did the Board in distinguishing City of Lake Forest v. Pollution Control Board, 146 Ill. App. 3d 848 (2nd Dist. 1986) from this case. NISC argued that trees are not "waste" because they are unlike other items specifically mentioned in the definition of "waste," such as "garbage" and "sludge from a waste treatment plant." *Id.*, slip op. 9. The court disagreed, stating that in Lake Forest:

"We found that, because leaves grow and fall from trees naturally, leaves are not 'of the same nature as garbage or sludge which is generated and discarded by people.' Lake Forest, 146 Ill. App. 3d at 855. Here, however, unlike in Lake Forest, the trees did not appear in the Roscoe Quarry naturally; rather, NISC uprooted whole trees and hauled them to a pile in the Roscoe Quarry in the course of its excavation business. Put another way, the trees were 'generated [in that they were uprooted] and discarded [in that they were placed in a pile and left to decay] by people.' Indeed, at least some portion of the trees had been present for over 10 years. Therefore, we find that, under the facts presented, unlike the leaves in Lake Forest, the uprooted trees here are 'of the same nature as garbage or sludge which is generated and discarded by people.'" Lake Forest, 146 Ill. App. 3d at 855." NISC (2d. Dist.), slip op. at 9-10.

## Environmental Register – March 2008

The court then ruled that it need not reach the issue of whether the trees qualified as "landscape waste" under the Act because the court had already concluded that the trees were "other discarded material" within the meaning of "waste." *Id.*, slip op. at 10. The court quoted the definition of "litter" contained in the Litter Control Act, 415 ILCS 105/3(a) (2006), and then concluded that "the trees fall within the definition of litter as 'any discarded, used or unconsumed substance or waste.'" *Id.*

For all of these reasons, the court affirmed the Board. *Id.*, slip op. at 11.

## Board Actions

---

**March 6, 2008**  
**Chicago, Illinois**

### Rulemakings

|   |   |                            |
|---|---|----------------------------|
| <b>R07-20</b>                                 | <u>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</u> – The Board adopted a second notice opinion and order in this rulemaking to set new standards for detecting and reporting unpermitted releases of radionuclides from nuclear power plants.   | 4-0<br>Other               |
| <b>R08-5</b><br><b>R08-7</b><br><b>R08-13</b> | <u>Wastewater Pretreatment Update, USEPA Amendments (January 1, 2007 through June 30, 2007); SDWA Update, USEPA Amendments (January 1, 2007 through June 30, 2007); SDWA Update, USEPA Amendments (July 1, 2007 through December 31, 2007)</u> – The Board on its own motion consolidated these "identical-in-substance" rulemakings to amend the Board's wastewater pretreatment and drinking water regulations and extended the deadline for completion of amendments from March 12, 2008 to August 15, 2008. | 4-0<br>Water<br>PWS<br>PWS |
| <b>R08-10</b>                                 | <u>UST Update, USEPA Amendments (July 1, 2007 through December 31, 2007)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its exemptions from the definition of underground storage tank during the update period of July 1, 2007 through December 31, 2007.   | 4-0<br>Land                |
| <b>R08-11</b>                                 | <u>Wastewater Pretreatment Update, USEPA Amendments (July 1, 2007 through December 31, 2007)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its wastewater pretreatment regulations during the update period of July 1, 2007 through December 31, 2007.  | 4-0<br>Water               |
| <b>R08-12</b>                                 | <u>Definition of VOM Update, USEPA Amendments (July 1, 2007 through December 31, 2007)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its volatile organic emission regulations during the update period of July 1, 2007 through December 31, 2007.  | 4-0<br>Air                 |

## Environmental Register – March 2008

|               |  |             |
|---------------|--|-------------|
| <b>R08-14</b> | <u>UIC Update, USEPA Amendments (July 1, 2007 through December 31, 2007)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground injection control regulations during the update period of July 1, 2007 through December 31, 2007.   | 4-0<br>Land |
| <b>R08-15</b> | <u>RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (July 1, 2007 through December 31, 2007)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its municipal solid waste landfill regulations during the update period of July 1, 2007 through December 31, 2007. | 4-0<br>Land |
| <b>R08-16</b> | <u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2007 through December 31, 2007)</u> – The Board requested public comments by April 7, 2008 concerning its intent to dismiss this “identical-in-substance” rulemaking to update the Board’s hazardous waste regulations.   | 4-0<br>Land |

### Adjudicatory Cases

|                   |  |                      |
|-------------------|--|----------------------|
| <b>PCB 06-177</b> | <u>People of the State of Illinois v. Sheridan Sand &amp; Gravel Co.</u> – In this land enforcement action concerning a LaSalle County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2006)), and accepted a stipulation and settlement agreement, ordering the respondent to pay a total civil penalty of \$10,000, and to cease and desist from further violations. | 4-0<br>L-E           |
| <b>PCB 07-143</b> | <u>Joe's Midtown Auto Repair v. IEPA</u> – The Board granted this Bureau County facility’s motion for voluntary dismissal of this underground storage tank appeal.   | 4-0<br>UST<br>Appeal |
| <b>PCB 08-42</b>  | <u>Tom Edwards/River Rescue v. IEPA and Peoria Disposal Company</u> – The Board accepted petitioner’s amended petition, restarting the decision timeclock.   | 4-0<br>P-A,<br>RCRA  |
| <b>PCB 08-46</b>  | <u>People of the State of Illinois v. Rancho Amigo, LLC</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 Jo Daviess County facility, the Board ordered publication of the required newspaper notice.   | 4-0<br>W - E         |
| <b>PCB 08-47</b>  | <u>Metropolitan Water Reclamation District of Greater Chicago v. Illinois Environmental Protection Agency</u> – The Board accepted for hearing this permit appeal involving a Cook County facility.  | 4-0<br>P-A,<br>Water |
| <b>PCB 08-48</b>  | <u>Vesuvius USA Corporation v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Coles County facility.   | 4-0<br>P-A, Air      |

**March 20, 2008  
Chicago, Illinois**

**Rulemakings**

|               |   |             |
|---------------|---|-------------|
| <b>R07-5</b>  | <u>In the Matter of: RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2006 through June 30, 2006)</u>   | 4-0<br>Land |
| <b>R07-14</b> | <u>In the Matter of: RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2006 through December 31, 2006)</u> – The Board adopted a proposal for public comment in this “identical-in-substance” consolidated rulemaking to amend the Board’s hazardous waste regulations and extended the deadline for completion of rulemaking from April 16, 2008 to July 14, 2008. |             |
| <b>R08-18</b> | <u>In the Matter of: Proposed Amendments to Groundwater Quality Standards, 35 Ill. Adm. Code 620</u> – The Board accepted for hearing the Illinois Environmental Protection Agency’s February 19, 2008 proposal to amend the Board’s groundwater quality regulations. The Board also granted the motion for waiver of certain filing requirements.                                    | 4-0<br>PWS  |

**Adjusted Standards**

|                |  |            |
|----------------|--|------------|
| <b>AS 08-3</b> | <u>In the Matter of: Petition for Adjusted Standard from 35 Ill. Adm. Code 620.420 for Nobel Risley’s Landfill #2</u> – The Board accepted petitioner’s second amended petition for hearing. | 4-0<br>PWS |
|----------------|--|------------|

**Administrative Citations**

|                 |   |     |
|-----------------|---|-----|
| <b>AC 07-54</b> | <u>IEPA v. Adolph M. Lo</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Champaign County facility, the Board found that respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2006)) and ordered him to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondent’s petition for review and the alleged violation of Sections 21(p)(3) and (p)(7) of the Act (415 ILCS 5/21(p) (p)(3), (p)(7) (2006)). | 4-0 |
| <b>AC 08-11</b> | <u>IEPA v. Ken and Ella Cook</u> – The Board found that these respondents violated Sections 21(p)(1) and (7) of the Act (415 ILCS 5/21(p)(1), (7) (2006)), assessing a penalty of \$3,000 in this administrative citation involving a Williamson County facility.   | 4-0 |
| <b>AC 08-12</b> | <u>IEPA v. Norma Eddington and Cecil Eddington</u> – The Board found that these respondents violated Sections 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2006)), assessing a penalty of \$1,500 in this administrative citation involving a Cass County facility.  | 4-0 |
| <b>AC 08-13</b> | <u>County of DuPage v. Margarito Sotelo</u> – The Board found that this respondent violated Sections 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2006)), assessing a penalty of \$1,500 in this administrative citation involving a DuPage County facility.   | 4-0 |
| <b>AC 08-15</b> | <u>County of DuPage v. Jamal Abro</u> – The Board found that this respondent violated Sections 21(p)(1) and (3) of the Act (415 ILCS  | 4-0 |

Environmental Register – March 2008

|                 |  |     |
|-----------------|--|-----|
|                 | 5/21(p)(1), (3) (2006)), assessing a penalty of \$3,000 in this administrative citation involving a DuPage County facility.  |     |
| <b>AC 08-16</b> | <u>IEPA v. Gene Breeden</u> – The Board accepted respondent’s petition for review in this administrative citation involving an Iroquois County facility, and set the matter for hearing. | 4-0 |

**Adjudicatory Cases**

|                   |  |                      |
|-------------------|--|----------------------|
| <b>PCB 04-65</b>  | <u>Champion Laboratories, Inc. v. IEPA</u> – The Board granted this Edwards County facility’s motion for voluntary dismissal of this permit appeal.  | 4-0<br>P-A, Air      |
| <b>PCB 05-154</b> | <u>McLean County Asphalt v. IEPA</u> – The Board granted this Cass County facility’s motion for voluntary dismissal of this underground storage tank appeal.   | 4-0<br>UST<br>Appeal |
| <b>PCB 07-144</b> | <u>People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois v. Mick Morfey, individually and William Knauer, individually</u> – The Board granted the complainant’s motions to deem facts admitted and for summary judgment. The Board found respondent Knauer violated Sections 9(a), 9.1(d), 9.13(a) and 9(c) of the Environmental Protection Act (Act), 415 ILCS 5/9(a), 9.1 (d), 9.13(a), 9(c) (2006), and Sections 61.145(a) and (b), 61.145(c)(i), (c)(2), (c)(6) and (c)(8), 61.150(b) of the National Emissions Standards for Hazardous Air Pollutants for asbestos, 40 C.F.R. 61.145(a) and (b), 61.145(c)(i), (c)(2), (c)(6) and (c)(8), 61.150(b). as alleged in the complaint and assessed the requested civil penalty of \$100,000. | 4-0<br>E – Air       |
| <b>PCB 07-147</b> | <u>L. Keller Oil Properties, Inc. / Farina v. IEPA</u> – The Board denied petitioner’s motion for reconsideration and affirmed its December 6, 2007 opinion and order in its entirety. In addition, the Board denied petitioner’s request for oral argument.   | 4-0<br>P-A, Land     |
| <b>PCB 08-17</b>  | <u>People of the State of Illinois v. Felker Pharmacy, Inc. and Rod Bennett Construction, Inc. v. McClellan Blakemore Architects, Inc. and Wendler Engineering Services, Inc.</u> – The Board accepted third party complainant Rod Bennett Construction, Inc.’s third-party complaint for hearing.   | 4-0<br>W-E           |
| <b>PCB 08-27</b>  | <u>People of the State of Illinois v. City of Hometown</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 Cook County facility, the Board ordered publication of the required newspaper notice.  | 4-0<br>E-PWS         |
| <b>PCB 08-32</b>  | <u>Partylite Worldwide, Inc. v. IEPA</u> – The Board found that the Illinois Environmental Protection Agency (IEPA) failed to take action on petitioner’s completed application for a Clean Air Act Permit Program (CAAPP) permit as required by Section 39.5(5)(j) of the Act (415 ILCS 5/39.5(5)(j) (2006)). The Board directed the IEPA to take action on petitioner’s application for a CAAPP permit by July 18, 2008.   | 4-0<br>P-A, Air      |

Environmental Register – March 2008

|                  |  |                                     |
|------------------|--|-------------------------------------|
| <b>PCB 08-37</b> | <u>Woodworth &amp; Sons, Inc. v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Champaign County facility.  | 4-0<br>UST<br>Appeal                |
| <b>PCB 08-49</b> | <u>Joyce Farms Recycling, Inc. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Kankakee County facility.  | 4-0<br>90-Day<br>Ext, UST<br>Appeal |
| <b>PCB 08-50</b> | <u>Jet Farm</u> – Prophetstown v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Jet Farm, located in Whiteside County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)). | 4-0<br>T-C, W                       |
| <b>PCB 08-51</b> | <u>People of the State of Illinois v. Highland Baking Company, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in Cook County.  | 4-0<br>E-Air                        |
| <b>PCB 08-52</b> | <u>People of the State of Illinois v. Dr. Charles R. Boyce, d/b/a Chatham Veterinary Clinic</u> – The Board accepted for hearing this water enforcement action involving a site located in Sangamon County.  | 4-0<br>E-Land                       |

## New Cases

---

### March 6, 2008 Board Meeting

**08-46** People of the State of Illinois v. Prairie Material Sales, Inc., – The Board accepted for hearing this water enforcement action involving a site located in DuPage County.

**08-47** People of the State of Illinois v. Distinctive Homes, Ltd. and Distinctive Companies, Ltd – The Board accepted for hearing this water enforcement action involving a site located in Cook County.

**08-48** People of the State of Illinois v. Distinctive Homes, Ltd. and Distinctive Companies, Ltd – The Board accepted for hearing this water enforcement action involving a site located in Cook County.

**AC 08-17** City of Chicago Department of Environment v. Crystal IL 98LLC. – The Board accepted an administrative citation against this Cook County respondent.

**AC 08-18** IEPA v. Carol G. Prieb – The Board accepted an administrative citation against this Union County respondent.

**AC 08-19** IEPA v. C. John Blickham – The Board accepted an administrative citation against this Adams County respondent.

**AC 08-20** County of Jackson v. James Moake – The Board accepted an administrative citation against this Jackson County respondent.

**AC 08-21** County of Jackson v. Jack Reeves and Jacqueline Watkins – The Board accepted an administrative citation against these Jackson County respondents.

**R 08-18** In the Matter of: Proposed Amendments to Groundwater Quality Standards, 35 Il. Adm. Code 620 – No action taken.

**March 20, 2008 Board Meeting**

**08-49** Joyce Farms Recycling, Inc. v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Kankakee County facility.

**08-50** Jet Farm – Prophetstown v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Jet Farm, located in Whiteside County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).

**08-51** People of the State of Illinois v. Highland Baking Company, Inc. – The Board accepted for hearing this water enforcement action involving a site located in Cook County.

**08-52** People of the State of Illinois v. Dr. Charles R. Boyce, d/b/a Chatham Veterinary Clinic – The Board accepted for hearing this water enforcement action involving a site located in Sangamon County.

**Calendar**

|                            |  |   |   |
|----------------------------|--|---|---|
| <b>4/3/08</b><br>11:00 AM  | <b><u>Illinois Pollution Control Board Meeting</u></b> |   | <b>James R. Thompson Center</b><br><b>100 W. Randolph Street</b><br><b>Chicago</b>  |
| 4/9/08<br>9:00 AM          | R07-19   | <u>In the Matter of: 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</u> | Madison County Administration Building<br>Room 203 157 N. Main Street<br>Edwardsville   |
| 4/10/08<br>9:00 AM         | R07-19   | <u>In the Matter of: 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</u> | Madison County Administration Building<br>Room 203 157 N. Main Street<br>Edwardsville   |
| 4/16/08<br>10:00 AM        | PCB 08-42  | <u>Tom Edwards/River Rescue v. IEPA and Peoria Disposal Company</u>   | Peoria County Courthouse<br>County Board Room 403<br>324 Main Street<br>Peoria  |
| <b>4/17/08</b><br>11:00 AM | <b><u>Illinois Pollution Control Board Meeting</u></b> |   | <b>James R. Thompson Center</b><br><b>Room 09-040</b><br><b>100 W. Randolph Street</b><br><b>Chicago</b>                      |
| 4/23/08<br>11:30 AM        | R08-09   | <u>In the Matter of: Water Quality Standards for 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</u> | Environmental Protection Agency<br>Des Plaines Regional Office<br>LGI Room, Second Floor<br>9511 West Harrison<br>Des Plaines |
| 4/24/08<br>9:00 AM         | R08-09   | <u>In the Matter of: Water Quality Standards for 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</u> | Environmental Protection Agency<br>Des Plaines Regional Office<br>LGI Room, Second Floor<br>9511 West Harrison<br>Des Plaines |

Environmental Register – March 2008

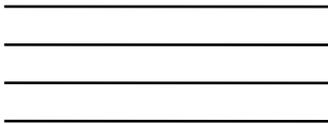
|                             |  |   |  |
|-----------------------------|--|---|--|
| 4/30/08<br>9:00 AM          | R08-17   | <u>In the Matter of: Standards and Limitations for Organic Material Emissions for Area Sources Proposed New 35 Ill. Adm. Code Part 223</u>  | IEPA Office Building<br>Training Room 1214 West<br>1021 N. Grand Avenue East<br>(North Entrance)<br>Springfield              |
| 5/1/08<br>9:00 AM           | R08-17   | <u>In the Matter of: Standards and Limitations for Organic Material Emissions for Area Sources Proposed New 35 Ill. Adm. Code Part 223</u>  | IEPA Office Building<br>Training Room 1214 West<br>1021 N. Grand Avenue East<br>(North Entrance)<br>Springfield              |
| <b>5/1/08<br/>11:00 AM</b>  | <b><u>Illinois Pollution Control Board Meeting</u></b> |   | <b>Illinois Pollution Control Board<br/>Hearing Room<br/>1021 North Grand Avenue East<br/>North Entrance<br/>Springfield</b> |
| 5/7/08<br>9:00 AM           | R07-19   | <u>In the Matter of: 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</u> | James R. Thompson Center<br>Room 9-034<br>100 W. Randolph Street<br>Chicago  |
| 5/8/08<br>9:00 AM           | R07-19   | <u>In the Matter of: 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</u> | James R. Thompson Center<br>Room 9-034<br>100 W. Randolph Street<br>Chicago  |
| 5/15/08<br>9:00 AM          | AS 08-05   | <u>In the Matter of: Petition of BFI Waste Systems of North America, Inc. for Waste Delisting</u>   | Ogle County Judicial Center<br>Room 301<br>106 South Fifth Street<br>Oregon  |
| <b>5/15/08<br/>11:00 AM</b> | <b><u>Illinois Pollution Control Board Meeting</u></b> |   | <b>James R. Thompson Center<br/>Room 09-040<br/>100 W. Randolph Street<br/>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.

-----CUT HERE-----



Illinois Pollution Control Board  
Environmental Register Coordinator  
1021 N. Grand Avenue East  
P.O. Box 19274  
Springfield, Illinois 62794-9274