
Environmental Register

June 2010 - Number 672

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

During June, the Board moved forward in a number of open rulemaking dockets. Below, I've summarized recent activity. As always, information about these proceedings is available through the Clerk's Office Online (COOL) at our Web site at www.ipcb.state.il.us.

R10-22 In the Matter of: Revision of Mailing Address for Service of Documents: Proposed Amendment to 35 Ill. Adm. Code 101.304. On June 2, 2010, the Illinois Attorney General's Office (AG) proposed an amendment to the Board's procedural rules to update contact addresses for the Division Chief of Environmental Enforcement at the Office of the Attorney General, and the Office of Legal Services at the Illinois Department of Natural Resources (IDNR). On June 17, 2010, the Board accepted the proposal and submitted it to first-notice publication.

R10-21 Regulatory Proposal for 10-Year Federally Enforceable State Operating Permits (FESOP) Amendments to 35 Ill. Adm. Code Part 201.162. The Illinois Environmental Protection Agency's proposal seeks to extend the possible duration of Federally Enforceable State Operating Permits (FESOP) from 5 years to 10 years. On June 17, 2010, the Board submitted the proposal to first-notice publication in the *Illinois Register*. Hearings are now scheduled to take place July 8, 2010, in Chicago and July 21, 2010, in Springfield.

R10-19 Procedural Rules for Authorizations Under P. A. 95-115 (Regulation of Phosphorus in Detergents Act), 35 Ill. Adm. Code 106.Subpart H. On June 3, 2010, the Board adopted a second-notice opinion and order proposing procedural rules under the Regulation of Phosphorus in Detergents Act (415 ILCS 92/5 (2008)).

R10-18 In the Matter of: Procedural Rules on Hearings in Identical in Substance Rulemakings. On June 17, 2010, the Board adopted a second-notice opinion and order. The proposal would allow the Board to hold identical-in-substance rulemaking hearings by videoconference.

R9-16/R10-4 RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2008 through December 31, 2008), RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2009 through June 30, 2009). On June 17, 2010, the Board adopted a proposal for public comment to update the Illinois hazardous waste regulations by incorporating revisions to corresponding federal regulations. The opinion alone in this substantial identical-in-substance rulemaking runs several hundred pages.

R10-8 Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group II Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219 On June 17, 2010, the Board adopted air pollution regulations to reduce emissions of volatile organic material (VOM) from Group II Consumer & Commercial Products. Group II includes industrial cleaning solvents, flat wood paneling coatings, flexible packaging printing materials, lithographic printing materials, and letterpress printing materials.

Daily status of these rulemakings and the Board's contested case docket can be found by visiting our website at www.ipcb.state.il.us.



Sincerely,

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

Dr. G. Tanner Girard

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Rulemaking Update

Board Adopts Second-Notice Proposal for Procedural Rules for Cleaning Agent Authorizations under the Regulation of Phosphorus in Detergents Act, (R10-19)

On June 3, 2010, the Illinois Pollution Control Board proposed new rules for second notice review by the Joint Committee on Administrative Review (JCAR) as provided by the Illinois Administrative Procedure Act, 5 ILCS 5/100 *et seq.* (2008). The rulemaking proposal is docketed as In the Matter of: Procedural Rules for Authorizations Under P.A. 95-115 (Regulation of Phosphorus in Detergents Act): New 35 Ill. Adm. Code 106.Subpart H, (R10-19). The Board made only one substantive change in response to public comment, as described below.

These proposed rules apply to Board authorizations made under the Regulation of Phosphorus in Detergents Act which prohibits the manufacture, distribution, sale, and use of “any cleaning agent” that contains more than 0.5% phosphorus by weight, expressed as elemental phosphorus after July 1, 2010. Under this act, the “Board may authorize the use of additional cleaning agents that contain phosphorus of an amount exceeding 0.5% by weight upon finding that there is no adequate substitute for that cleaning agent or that compliance with this Section would otherwise be unreasonable or create a significant hardship on the user.”

The Board proposes codifying the procedures for cleaning agent authorizations as a new Subpart H to existing Part 106, entitled “Proceedings Pursuant to Specific Rules or Statutory Provisions.” The new 35 Ill. Adm. Code 106.Subpart H follows the general format of the other subparts within Part 106. Unlike other types of determinations in Part 106, the Board does not propose that a hearing be held on every petition filed; however a hearing will be held upon timely request. The burden of proof is on the petitioner.

Following JCAR approval and Board adoption of final rules, the new rules would become effective upon filing with the Illinois Secretary of State.

The Board’s March 18, 2010 first notice proposal was published at 34 Ill. Reg. 5545-5554 (April 16, 2010). The first notice public comment period closed on May 31, 2010 with the Illinois Environmental Protection Agency (IEPA) filing the only comment. In response to the IEPA comment, the Board deleted the portion of the proposed rule that would have required the naming of the IEPA as a party respondent in every action under the rules.

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board’s Web site and may be downloaded from the Web without charge. Hard copies may be obtained for \$.75 per page from the Clerk’s office, Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601.

Board Proposes for Public Comment And Extends Rulemaking Completion Deadline in Identical in Substance Docket RCRA Subtitle C (Hazardous Waste) Update, UEPA Amendments (July 1, 2008 through June 30, 2009, and June 15, 2010), (R09-16/R10-4)

On June 17, 2010, the Board proposed for public comment identical-in-substance amendments in the hazardous waste regulations adopted by the United States Environmental Protection Agency (USEPA) during the time period July 1, 2008 through June 30, 2009. To avoid confusion to the regulated community, the Board also included in this docket the June 15, 2010 retraction of certain rules USEPA adopted December 19, 2008 (see table below). These USEPA rules implement Subtitle C of the federal Resource Conservation and Recovery Act of 1976 (RCRA Subtitle C). The Board also further extended the deadline for completion of this rulemaking until November 5, 2010.

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The USEPA rules included in this docket are listed chronologically below:

October 30, 2008 (73 Fed. Reg. 64668)	Adoption of Definition of Solid Waste Rule (DSWR) amendments: (1) exclusion of “hazardous secondary materials” (HSMs) that are the subject of “legitimate reclamation” from the definition of solid waste; (2) addition of a procedure for an administrative “non-waste” determination for HSMs that are used like a product or intermediate in a continuous industrial process; and (3) addition of financial assurance requirements applicable to entities other than the generator that manage HSMs.
December 1, 2008 (73 Fed. Reg. 64668)	Adoption of optional alternative hazardous waste generator requirements applicable to “eligible academic entities” (college and university laboratories and other facilities affiliated with colleges and universities). The alternative standards will apply in lieu of the pertinent of the generally applicable large-quantity waste generator, small-quantity waste generator, or conditionally exempt small-quantity generator waste regulations.
December 19, 2008 (73 Fed. Reg. 77954)	Addition of “emission-comparable fuel” (ECF) to the existing “comparable fuels” exclusion from the definition of solid waste, including ancillary amendments to accommodate the addition of ECF.
June 25, 2009 (74 Fed. Reg. 30228)	USEPA amended references to reflect the change in name of the “Office of Solid Waste” to its new name, “Office of Resource Conservation and Recovery.”
June 15, 2010 (75 Fed. Reg. 33712)	USEPA withdrew the ECF rule from the December 19, 2008 amendments (described above) to the excluded fuels rule. The corrective and clarifying amendments of December 19, 2008 were unaffected.

In its roughly 300-page opinion, the Board included 35 multi-part requests for public comment on the DSWR amendments alone. The rule text itself runs to roughly 350 pages.

The Board will cause the proposed amendments to be published in the *Illinois Register* and will hold the docket open to receive public comments for 45 days after the date of the *Illinois Register* publication.

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board’s Web site and may be downloaded from the Web without charge. Hard copies may be obtained for \$.75 per page from the Clerk’s office, Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601.

For more information contact Michael McCambridge at (312)-814-6924 or email at mcambm@ipcb.state.il.us.

Board Consolidates, and Extends Rule Completion Deadline) in Two Identical-In-Substance Dockets Dealing with Amendments to the Federal Drinking Water Regulations, (R10-1/R10-17)

On June 17, 2010, the Board consolidated SDWA Update, USEPA Amendments (January 1, 2009 through June 30, 2009) (R10-1) and SDWA Update, USEPA Amendments (July 1, 2009 through December 31, 2009) (R10-17). Additionally, the Board extended until November 15, 2010 the deadline by which the Board must complete rulemaking in these dockets.

The Board reserved docket R10-1 to accommodate amendments to the Illinois regulations that are “identical-in-substance” to drinking water regulations adopted by the USEPA during the period January 1, 2009 through June 30, 2009. The Board reserved docket R10-17 to accommodate possible amendments to the Illinois regulations that are

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“identical-in-substance” to the drinking water regulations adopted by USEPA during the period July 1, 2009 through December 31, 2009. USEPA amended the federal regulations in both of these periods.

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board’s Web site and may be downloaded from the Web without charge. Hard copies may be obtained for \$.75 per page from the Clerk’s office, Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601.

For more information contact Michael McCambridge at (312)-814-6924 or email at mcambm@ipcb.state.il.us.

Board Adopts Final Opinion and Order to Establish Reasonably Available Control Technology for Control of Volatile Organic Material Emissions For Group II Consumer Products, (R 10-8)

On June 17, 2010, the Illinois Pollution Control Board adopted a final order adopting air pollution regulations. The Illinois Environmental Protection Agency initiated this proceeding on July 9, 2009, and the Board has docketed it as In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group II Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219, (R10-08).

The adopted regulations intend to reduce emissions of volatile organic material (VOM) from Group II Consumer & Commercial Products in ozone nonattainment areas classified as moderate and above in order to meet Illinois’ obligations under the Clean Air Act (CAA). Group II products include industrial cleaning solvents, flat wood paneling coatings, flexible packaging printing materials, lithographic printing materials and letter press printing materials.

Additionally, after reviewing correspondence received on June 7, 2010 (after the close of the first notice public comment period) from the Flexible Packaging Association (FPA), the Board opened a subdocket in which the Board may address issues raised by the FPA.

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board’s Web site and may be downloaded from the Web without charge. Hard copies may be obtained for \$.75 per page from the Clerk’s office: Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601

Board Adopts Second-Notice Proposed Rules to Allow Videoconference Hearings in Identical In Substance Rulemakings, (R10-18)

The Board, on June 17, 2010, proposed procedural rule amendments for second notice review by the Joint Committee on Administrative Review (JCAR) as provided by the Illinois Administrative Procedure Act. The proposed procedural rules will allow videoconference hearings in rulemaking proceedings pursuant to Section 7.2 of the Environmental Protection Act (Act) (415 ILCS 5/7.2 (2008)). The proposal is docketed as In the Matter of: Proposed Amendment to Procedural Rules on Hearings in Identical in Substances Rulemakings, (R10-18).

Traditionally, the Board holds public hearings at one location in rulemakings that amend the definition of volatile organic material (VOM) pursuant to the Act. The Board held those hearings as required by Section 110 of the Clean Air Act 42 U.S.C. § 7410 (2006), which requires the State to conduct a public hearing before submitting an amendment of the State Implementation Plan to the United States Environmental Protection Agency (USEPA) for review and approval. These hearings are generally brief with little to no testimony placed in the report.

Additionally, the Board proposes amending the procedural rules to allow the Board to hold other types of hearings authorized by Section 7.2 of the Act such as underground injection control rules, and underground storage tank rules via videoconference. The Board is not required to hold hearings in these hearings, however, there is a possibility that a hearing in the future may serve the public interest.

The Board has the ability to videoconference between the Chicago and Springfield Offices of the Board. The Board believes that holding these types of hearings via videoconference will allow more economical participation by the public and government officials without hampering the proceedings. The Board received only one comment and that was in support of the Board’s proposal.

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board’s Web site and may be downloaded from the Web without charge. Hard copies may be obtained for \$.75 per

page from the Clerk's office Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601

For more information contact Marie Tipsord at (312) 814-4925 or email at tipsorm@ipcb.state.il.us.

The Board Adopts First Notice Proposal to Allow IEPA Issuance of Federally Enforceable State Air Operating Permits Lasting Up to 10-Years, (R10-21)

The Pollution Control Board, on June 17, 2010, authorized first-notice publication of a proposal to amend the Board's air rules without commenting on the proposal's merits. On April 20, 2010, the Illinois Environmental Protection Agency (IEPA) filed the proposal which is docketed as In the Matter of: 10-Year Federally Enforceable State Operating Permits (FESOP): Amendments to 35 Ill. Adm. Code 201.162, (R10-21).

In the Statement of Reason accompanying the proposal, the IEPA states that this proposal would extend from five-years to 10-years the maximum term that the IEPA could issue a Federally Enforceable State Operating Permit (FESOP). The sole provision of the air rules to be amended is Section 201.162.

The IEPA explains that the amendments are "expected to reduce administrative costs of the permitting process for both the affected sources and the Illinois EPA." The IEPA states that FESOP sources are located throughout the state, and that the proposed rules will affect approximately 800 sources that have applied for or obtained FESOPs. The IEPA explains that it has averaged 61 new FESOP applications each year since the year 2000, and 66 FESOP renewal applications each year over the last ten years. If the proposal is adopted the IEPA may choose to issue a FESOP for a term shorter than ten years for situations in which the source may have been out of compliance.

Publication of these proposed amendments in the *Illinois Register* will begin a 45-day public comment period, during which anyone may file a public comment with the Board. The Board encourages persons to file public comments on these proposed amendments. The docket number for this rulemaking, R10-12, should be indicated on the public comment.

Public comments must be filed with the Clerk of the Board. Public comments may be filed at the following address: Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601.

In addition, public comments may be filed electronically through COOL at www.ipcb.state.il.us. Any questions about electronic filing through COOL should be directed to the Clerk's Office at (312) 814-3629

The Board has scheduled hearing on the proposal as follows:

Thursday, July 8, 2010 at 12:00 noon

JAMES R. THOMPSON CENTER
Room 11-512
100 W. Randolph—Room 11-512
Chicago, IL 60601

Wednesday, July 21, 2010 at 1:00 p.m.

IEPA OFFICE BUILDING
Room 1244N, First Floor
1021 N. Grand Avenue East
Springfield, IL 62794

A June 9, 2010 hearing officer order establishes procedures and deadlines for the pre-filing of testimony and comments.

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board's Web site and may be downloaded from the Web without charge. Hard copies may be obtained for \$.75 per page from the Clerk's office.

For more information contact Kathleen Crowley at (312)-814-6929 or email at crowlek@ipcb.state.il.us.

Board Authorizes First Notice Publication of Proposal by the Office of the Attorney General to Update Mailing Information in Procedural Rules, R 10-22

On June 17, 2010, the Board adopted a first notice proposal to amend the Board's procedural rules to update the proper mailing address for the Division for Chief of Environmental Enforcement at the Office of the Attorney General (AGO), and the Office of Legal Services at the Illinois Department of Natural Resources (IDNR). The AGO'S June 2, 2010 proposal is docketed as In the Matter of: Revision of Mailing Address for Service of Documents Proposed Amendments to 35 Il. Adm. Code 101-304, (R10-22).

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Under the proposed changes, the AGO's service address is:

Division Chief of Environmental Enforcement
Office of the Attorney General
100 West Randolph Street, Suite 1200
Chicago, IL 60601

The IDNR's service address is:

Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62701-1787

The Board does not presently intend to hold a public hearing to amend these procedural rules, as the AGO did not request a public hearing and none is required under Section 26 of the Environmental Protection Act, 415 ILCS 5/28 (2008). Publication of these proposed amendments in the *Illinois Register* will begin a 45-day public comment period, during which anyone may file a public comment with the Board. The Board encourages persons to file public comments on these proposed amendments. The docket number for this rulemaking, R10-22, should be indicated on the public comment.

Public comments must be filed with the Clerk of the Board. Public comments may be filed at the following address: Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601.

In addition, public comments may be filed electronically through COOL at www.ipcb.state.il.us. Any questions about electronic filing through COOL should be directed to the Clerk's Office at (312) 814-3629

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board's Web site and may be downloaded from the Web without charge. Hard copies may be obtained for \$.75 per page from the Clerk's office

For more information contact Marie Tipsord at (312)-814-4925 or email at tipsorm@ipcb.state.il.us.

Board Actions

June 3, 2010
Chicago, Illinois

Rulemakings

R 10-19	<u>Procedural Rules for Authorizations Under P. A. 95-115 (Regulation of Phosphorus in Detergents Act), 35 Il. Adm. Code 106.Subpart H</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board's procedural rules.	5-0 Proc.
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Administrative Citations

AC 08-27	<u>IEPA v. Hiram Vanderheiden, Jr.</u> – The Board entered a final opinion and order requiring respondent to pay hearing costs of the Illinois Environmental Protection Agency and the Board in the amount of \$406.60 and a civil penalty of \$3,000. This order follows the Board's interim order of April 4, 2010, which found that this respondent had violated Sections 21(p) (1) and (7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) and (7) (2008)).	5-0
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AC 09-56	<u>IEPA v. Gary J. and James R. Szczeblewski</u> – The Board entered a final opinion and order requiring respondents to pay hearing costs of the Illinois Environmental Protection Agency and the Board in the amount of \$506.20 and a civil penalty of \$3,000. This order follows the Board's interim order of April 15, 2010, which found that these respondents had violated Sections 21(p) (1) and (7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) and (7) (2008)).	5-0
AC 10-17	<u>Perry County Solid Waste Management Dept. v. Perry Ridge Landfill, Inc.</u> – The Board accepted for hearing respondent's amended petition for review of this administrative citation involving a Perry County facility.	5-0
AC 10-21	<u>IEPA v. David Charles Bettis</u> – The Board directed respondent to file a certificate of service with the Board documenting that Bettis served a copy of the petition on the Illinois Environmental Protection Agency on or before July 5, 2010, or this action will be subject to dismissal.	5-0

Adjudicatory Cases

PCB 09-39	<u>People of the State of Illinois v. Al-Algonquin Apartments, LLC, Algonquin Apartments, LLC, and Algonquin Management, LLC</u> – In this air enforcement action concerning a Cook 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) (2008)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$43,000, and to cease and desist from further violations.	5-0 A -E
PCB 09-66	<u>Elmhurst Memorial Healthcare and Elmhurst Memorial Hospital v. Chevron U.S.A., Inc.</u> – The Board directed complainants to file proof of service of a pending motion to add Texaco as a respondent on Texaco with the Board on or before June 17, 2010.	5-0 L-E
PCB 10-13	<u>Jon Chualovsky v. Commonwealth Edison</u> – No action taken.	Citizens, N-E
PCB 10-53	<u>Dynegy Midwest Generation, Inc. (Wood River Power Station) v. IEPA</u> – The Board granted this Madison County facility's motion for voluntary dismissal of this permit appeal.	5-0 P-A, Water
PCB 10-65	<u>Donald Koch, d/b/a Llad Enterprises 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 Lake County facility.	5-0 UST Appeal
PCB 10-98	<u>Midwest Generation, LLC - Will County Generating Station v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Will County facility. No action was taken on petitioner's motion for stay of specified conditions in the permit.	5-0 P-A, Air

June 17, 2010
Chicago, Illinois

Rulemakings

R 09-16	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2008 through December 31, 2008)</u>	5-0 Land
R 10-4 Cons.	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2009 through June 30, 2009)</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 September 13, 2010 until November 15, 2010.	
R 10-1	<u>SDWA Update, USEPA Amendments (January 1, 2009 through June 30, 2009) (due June 17, 2010)</u>	5-0 PWS
R 10-17 Cons.	<u>SDWA Update, USEPA Amendments (July 1, through December 31, 2009)</u> – The Board on its own motion consolidated these “identical-in-substance” rulemakings to amend the Board’s drinking water regulations and extended the deadline for completion of amendments from June 29, 2010 until November 15, 2010.	
R 10-8	<u>In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group II Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219</u> – The Board adopted a final opinion and order in this rulemaking amending the Board’s air rules. The Board on its own motion opened a subdocket B in this rulemaking for the purpose of addressing issues raised by the Flexible Packaging Association.	5-0 Air
R 10-18	<u>In the Matter of: Procedural Rules on Hearings in Identical in Substance Rulemakings</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s procedural rules.	5-0 Proc.
R 10-21	<u>In the Matter of: 10-Year Federally Enforceable State Operating Permits (FESOP) Amendments to 35 Ill. Adm. Code Part 201.162</u> – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s air rules.	5-0 Air
R 10-22	<u>Attorney General's Proposal of Regulations; Statement of Reasons; Notice of Proposed Amendment; Proposed Amendment to 35 Ill. Adm. Code 101.304</u> – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s procedural rules.	5-0 Proc.

Administrative Citations

AC 09-54	<u>IEPA v. Richard A. & David J. Krumhoz d/b/a Krumholz Brothers Landscaping</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Peoria County facility, the Board found that respondents had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2008)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondents’ petition for review. To effectuate the parties’ intent that respondents pay a total civil penalty of \$1,500, the Board on its own motion, dismissed the alleged violation of Section 21(p)(3) and (p)(7) of the Act.	5-0
AC 10-23	<u>IEPA v. John J. and Kathy D. Still</u> – The Board accepted for hearing respondents’ petition for review of this administrative citation involving a Brown County facility.	5-0
AC 10-24	<u>IEPA v. Steve Danielson</u> – The Board found that this Bureau County respondent violated Section 21(p) (1) of the Act (415 ILCS 5/21(p) (1) (2008)). Because this is a second or subsequent adjudicated violation of Section 21(p) (1) (<i>see IEPA v. Danielson, AC 09-27 (Jan. 22, 2009)</i>), the Board ordered respondent to pay a civil penalty of \$3,000.	5-0
AC 10-25	<u>IEPA v. Kenneth Verbout</u> – The Board accepted respondent’s petition for review in this administrative citation involving a Bureau County facility, and set the matter for hearing.	5-0
AC 10-26	<u>IEPA v. Tuttle Grain, Inc.</u> – The Board found that this Crawford County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p) (1) (2008)), and ordered respondent to pay a civil penalty of \$1,500.	5-0

Adjudicatory Cases

PCB 08-86	<u>City of Quincy v. IEPA</u> – The Board granted in part and denied in part the Illinois Environmental Protection Agency’s (IEPA) motion to reconsider. In addition, the Board denied IEPA’s motion to supplement the motion to reconsider with new matter. The Board affirmed its March 4, 2010 decision, in which the Board: (1) granted City of Quincy’s (Quincy) motion for summary judgment; (2) struck the provisions of Special Condition 14(7) of the permit that designate the receiving waters of CSO outfalls 002, 006, and 007 as “sensitive areas” and imposed corresponding requirements; and (3) remanded the matter to IEPA to reissue the NPDES permit to Quincy in accordance with the Board’s opinion.	5-0 P-A, Water
PCB 10-8	<u>People of the State of Illinois v. Don Swinson, and Champion Environmental Services, Inc.</u> – The Board directed that either the complainant file an amended complaint or the parties file an amended stipulation and proposed settlement, accompanied by another request for relief from the hearing requirement.	5-0 L-E
PCB 10-10	<u>People of the State of Illinois v. Thermogas Company, Inc. n/k/a Williams Fertilizer, Inc. formerly d/b/a McLeansboro Thermogas, a foreign corporation</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 Hamilton County facility, the Board ordered	5-0 W-E

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publication of the required newspaper notice.

PCB 10-14	<u>People of the State of Illinois v. Eco-Clean Environmental, Inc. now d/b/a Eco Environmental, Inc.</u> – In this land enforcement action concerning a Montgomery 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) (2008)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$10,250.00, and to cease and desist from further violations.	5-0 L-E
PCB 10-43	<u>People of the State of Illinois v. Robert Miller, d/b/a MIL-R-MOR FARM</u> – In this water enforcement action concerning a Stephenson 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) (2008)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$2,000.00, and to cease and desist from further violations.	5-0 W-E
PCB 10-69	<u>Catherine Thomas, d/b/a Thomas 12th Street Disposal v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Vermilion County facility.	5-0 P-A, Land
PCB 10-70	<u>Wheeling/GWA Auto Shop v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	5-0 UST Appeal
PCB 10-90	<u>American Louver Company v. IEPA</u> – The Board granted petitioner’s motion for a stay of the permit’s contested conditions.	5-0 P-A, Air
PCB 10-98	<u>Midwest Generation, LLC - Will County Generating Station v. IEPA</u> – The Board granted petitioner’s motion for a stay of the permit’s contested conditions.	5-0 P-A, Air
PCB 10-99	<u>American Louver Company v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Cook County facility.	5-0 P-A, Air
PCB 10-101	<u>Dave McGhee 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 Douglas County facility.	5-0 UST Appeal, 90-Day Extension
PCB 10-102	<u>People of the State of Illinois v. City of Charleston</u> – The Board accepted for hearing this water enforcement action involving a site located in Coles County.	5-0 W-E
PCB 10-103	<u>Stop The Mega-Dump v. County Board of DeKalb County, Illinois and Waste Management, of Illinois Inc.</u> – The Board accepted for hearing this pollution control facility siting appeal involving a DeKalb County facility. The Board on its own motion consolidated this appeal with <u>Waste Management of Illinois, Inc. v. DeKalb County Board</u> , PCB 10-104.	5-0 L-S- App Third Party
PCB 10-104	<u>Waste Management of Illinois, Inc. v. DeKalb County Board</u> – The Board accepted for hearing this pollution control facility siting appeal involving a DeKalb County facility. The Board on its own motion consolidated this appeal with <u>Stop The Mega-Dump v. County Board of DeKalb County, Illinois and Waste Management, of Illinois Inc.</u> , PCB 10-103.	5-0 L-S- App
PCB 10-105	<u>People of the State of Illinois v. Kevin Fairfield and Sue Fairfield</u> – Upon receipt of a complaint accompanied by a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement	5-0 W-E

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in this water enforcement action involving a Morgan County facility, the Board accepted the case and ordered publication of the required newspaper notice.

New Cases

June 3, 2010 Board Meeting

10-98 Midwest Generation, LLC - Will County Generating Station v. IEPA – The Board accepted for hearing this permit appeal involving a Will County facility. No action was taken on petitioner’s motion for stay of specified conditions in the permit.

10-99 American Louver Company v. IEPA – No action taken.

June 17, 2010 Board Meeting

10-100 Rolf Schilling, Pam Schilling and Suzanne Ventura v. Gary D. Hill, Villa Land Trust and Prairie Living West, LLC – No action taken.

10-101 Dave McGhee 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 Douglas County facility.

10-102 People of the State of Illinois v. City of Charleston – The Board accepted for hearing this water enforcement action involving a site located in Coles County.

10-103 Stop The Mega-Dump v. County Board of DeKalb County, Illinois and Waste Management, of Illinois Inc. – The Board accepted for hearing this pollution control facility siting appeal involving a DeKalb County facility. The Board on its own motion consolidated this appeal with Waste Management of Illinois, Inc. v. DeKalb County Board, PCB 10-104.

10-104 Waste Management of Illinois, Inc. v. DeKalb County Board – The Board accepted for hearing this pollution control facility siting appeal involving a DeKalb County facility. The Board on its own motion consolidated this appeal with Stop The Mega-Dump v. County Board of DeKalb County, Illinois and Waste Management, of Illinois Inc., PCB 10-103.

10-105 People of the State of Illinois v. Kevin Fairfield and Sue Fairfield – Upon receipt of a complaint accompanied by a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Morgan County facility, the Board accepted the case and ordered publication of the required newspaper notice.

AC 10-28 IEPA v. Gary J. and James r. Scczeblewski – The Board accepted an administrative citation against these Franklin County respondents.

AC 10-29 IEPA v. Christa Hjort – The Board accepted an administrative citation against this Macon County respondent.

AC 10-30 County of Jackson v. Frances Klink – The Board accepted an administrative citation against this Jackson County respondent.

R10-22 Attorney General's Proposal of Regulations; Statement of Reasons; Notice of Proposed Amendment; Proposed Amendment to 35 Ill. Adm. Code 101.304 – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s procedural rules.

Calendar

7/1/10 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
7/8/10 10:00 AM	PCB 10-83	<u>Village of Morton v. IEPA</u>	Police Department Training Room 375 W. Birchwood Morton
7/15/10 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
7/15/10 1:00 PM	R10-09	<u>In the Matter of: Financial Assurance Instruments—Renewal and Terms: Amendments to 35 Ill. Adm. Code 807.Subpart F, 810.104 and 811.Subpart G</u>	James R. Thompson Center Room 9-040 100 W. Randolph Street Chicago
8/5/10 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
8/19/10 11:00 am	Illinois Pollution Control Board Meeting		James R. Thompson Center 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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