
Environmental Register

November 2010 - Number 677

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

G. Tanner Girard, Acting Chairman

Board Members:

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Letter from the Chairman

November was another active month for Board rulemaking activities. Below, I have 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.

On November 4, 2010, the Board adopted a second-notice proposal in Reasonably Available Control Technology (RACT) for volatile Organic Material Emissions From Group II consumer & Commercial Products: Propose Amendments to 35 Ill. Adm. Code 211, 218, and 219 (R10-8(A)). The amendments are based upon an Illinois Environmental Protection Agency (IEPA) motion seeking to correct a technical error in recently-adopted rules. The proposal appears on the agenda for the legislative Joint Committee on Administrative Rule's December 14, 2010 meeting.

On November 4, 2010, the Board adopted a first-notice proposal in Clean-Up Amendment to 35 Ill. Adm. Code Part 243 (R9-19). The proposal amends Part 243 of the Board's air regulations to incorporate updated federal air quality standards for ozone, particulate matter, and lead. The proposal also seeks to make technical corrections to Sections 217.388 and 223.205.

On November 18, 2010, the Board accepted a proposal from the IEPA entitled Tiered Approach to Corrective Action Objectives (TACO) (Indoor Inhalation): Amendments to 35 Ill. Adm. Code 742 (R11-09). The proposal amends the IEPA's TACO regulations by adding the indoor inhalation exposure route to the existing risk-based methodology of TACO. The amendments are intended to protect building occupants from vapor intrusion, which is the migration of a contaminated site's volatile chemicals from the soil and groundwater to the indoor air.

Also on November 18, 2010, the Board adopted amendments to the air regulations in 10-Year Federally Enforceable State Operating Permits (FESOP): Amendments to 35 Ill. Adm. Code 201.162 (R10-21). The proposed rule extends the possible maximum term from five years to ten years for permits issued by the Agency under the Federally Enforceable State Operating Permit (FESOP) program.

In November, the Board continued to make progress in the rulemaking, Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304 (R8-09). In Subdocket B on November 4, 2010, the Board denied a motion to bar the Metropolitan Water Reclamation District of Greater Chicago (District) from filing a supplement to the Chicago Health Environmental Exposure and Recreation Study. The Board held two days of hearings in subdocket C on November 8 and 9, 2010. Additional hearings have been scheduled for March 9 and 10, 2011, in Chicago, to address aquatic life uses. Deadlines for submission of hearing materials were established for the March hearings: February 2, 2011 to pre-file testimony and February 23, 2011 to pre-file questions. Finally, in Subdocket A, the Board closed the first-notice public comment period on November 30, 2010.

Please visit the Board website at www.ipcb.state.il.us for information on the rulemakings listed above as well as other Board rulemaking dockets and contested cases.



Sincerely,

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

Dr. G. Tanner Girard

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Rulemaking Update

Board Agrees to Accept Additional Information Through December 31, 2010 in In the Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304, R08-09(B)

In an August 2010 order, the Board stated that the record in this subdocket would close on December 31, 2010. Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and Lower Des Plaines River Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303, and 304, R08-9(B) (Aug. 5, 2010) slip. op. at 3. The Board, on November 4, 2010, denied the motion filed by the People of the State of Illinois (People) asking that the Board bar the Metropolitan Water Reclamation District of Greater Chicago (District) from filing a supplement to the Chicago Health Environmental Exposure and Recreation Study (CHEERS).

The People filed the motion to bar on October 8, 2010, arguing that the filing of the supplemental report is disruptive of the previously set deadline for closing the record in Subdocket B and manifests a “bad-faith effort” by the District to continue the rulemaking. The District filed a response on October 22, 2020. On October 25, 2010, Environmental Law and Policy Center, Friends of the Chicago River, Sierra Club of Illinois Chapter, natural Resource Defense Council and Openlands (Environmental Groups) filed a response in support of the People’s motion.

The Board explained that the environmental rulemaking process in Illinois requires information gathering in a public forum and the Board allows all information relevant to be admitted. Given the information gathering function of the environmental rulemaking process in Illinois, the Board finds no reason to preclude any participant from continuing to analyze the data and conclusions of the CHEERS report to prepare comments for Subdocket B to submit to the Board before December 31, 2010.

Opinions and orders of the Board, hearing officer orders, hearing transcripts, and other documents in rulemaking records are posted on the Board’s Web site. Copies may be obtained by calling the Clerk’s office at 312-814-3620 and payment of any charges, or by downloading them without charge from the Board’s Website at www.ipcb.state.il.us.

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

Board Adopts for First Notice Proposed Updates to Air Rules for Ozone, Particulates, and Lead in In the Matter of: Air Quality Standards Clean-up: Amendments to 35 Ill. Adm. Code Part 243, R09-19

On November 4, 2010, the Board adopted for first notice a proposal to “clean up” Part 243 of the Board’s air regulations to, among other things, incorporate updated federal air quality standards for ozone, particulate matter, and lead. In the Matter of Air Quality Standards Clean-up: Amendments to 35 Ill. Adm. Code Part 243, R09-19. The Illinois Environmental Protection Agency (IEPA) filed the proposal on December 1, 2008, and amended it in January 2009. After conducting two public hearings in this matter and considering the entire record, the Board proposed for first notice the amendments to its air quality standards.

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The proposed amendments are intended to update Part 243 of the Board's regulations to reflect federal air quality standards and to make technical corrections to Sections 217.388 and 223.205. The proposed changes are the result of a new National Ambient Air Quality Standards adopted by the United States Environmental Protection Agency.

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, R09-19, 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 Tim Fox at 312-814-6085 or email at foxt@ipcb.state.il.us.

Board Extends Completion Deadline in Identical in Substance Rulemaking SDWA Update, USEPA Amendments (January 1, 2009 through June 30, 2009 R10-01, SDWA Update USEPA Amendments (July 1, 2009 through December 31, 2009 R10-17, and SDWA Updated, UEPA Amendments (January 1, 2010 through June 30, 2010 R11-06

On November 4, 2010, the Board extended until December 30, 2020 the deadline by which the Board must complete rulemaking in these dockets: SDWA Update, USEPA Amendments (January 1, 2009 through June 30, 2009 R10-01, SDWA Update, USEPA Amendments July 1, 2009 through December 31, 2009 R10-17, and SDWA Update, USEPA Amendments January 1, 2010 through June 30, 2010 R11-06. The Board reserved docket R10-01 to accommodate amendments to the Illinois regulations that are "identical in substance" to drinking water regulations adopted by USEPA during the period January 1, 2009 through June 30, 2009. The Board reserved docket R10-17 and R11-06 to accommodate possible amendments to the Illinois regulations that are "identical in substance" to drinking water regulations adopted by USEPA during the period July 1, 2009 through December 31, 2009 and January 1, 2010 through June 30, 2010 respectively. The Board adopted a proposal for public comment in this matter on August 5, 2010. The Notice of Proposed Amendments appeared in the October 8, 2010 issue of the *Illinois Register*, at 34 Ill. Reg. 14841. This publication of the Notice of Proposed Amendments began the public comment period, which will end on November 22, 2010 – after the current extended due date of November 15, 2010. Thus, a second extension of the due date for final Board action will be necessary, until December 20, 2010.

Board Adopts Second Notice Opinion and Order to Correct Technical Error in Volatile Organic Material Emissions Regulations in In the Matter of: Reasonably Available Control Technology (RACT) for volatile Organic Material Emissions From Group II consumer & Commercial Products: Propose Amendments to 35 Ill. Adm. Code 211, 218, and 219, R10-08(A)

On November 4, 2010, the Illinois Pollution Control Board adopted for second-notice a proposal to correct a technical error in recently-filed air regulations addressing emission of volatile organic material (VOM). The rulemaking is docketed as In the Matter of: Reasonably Available Control Technology (RACT) for volatile Organic Material Emissions From Group II consumer & Commercial Products: Propose Amendments to 35 Ill. Adm. Code 211, 218, and 219, R10-08(A). The rulemaking proposal will now be reviewed by the Joint Committee on Administrative Rules (JCAR) at JCAR's December 14, 2010 meeting.

This proposal stems from an Illinois Environmental Protection Agency (IEPA) motion seeking to correct a technical error in the rules adopted in June 2010 in the fast-track rulemaking 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 (June 17, 2010). In adopting regulations in docket R10-8, the Board held this subdocket (A) open for 45 days to deal with any issues raised by the Flexible Packaging Association; none were raised. On July 29, 2010, the IEPA filed a “Motion for Leave to File in Subdocket A, or Alternatively, Motion to Open Subdocket B” to correct a technical error requiring removal of certain exclusionary language from Sections 218.187(b)(1) and 219.187(b)(1). The IEPA argues that the error makes compliance with the rules “impossible” and that there is no disagreement that an amendment is necessary.

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 Tim Fox at (312)-814-6085 or email at foxt@ipcb.state.il.us.

Board Allows IEPA Withdrawal of Proposal in Docket R09-9, and Accepts for Hearing New Proposal In the Matter of: Tiered Approach to Corrective Action Objectives (TACO) (Indoor Inhalation): Amendments to 35 Ill. Adm. Code 742, R11-9.

The Board, on November 18, 2010, accepted for hearing the proposed rulemaking docketed as In the Matter of: Tiered Approach to Corrective Action Objectives (TACO) (Indoor Inhalation): Amendments to 35 Ill. Adm. Code 742, R11-9. On November 9, 2010, the Illinois Environmental Protection Agency (IEPA) filed the proposal to amend the Board’s TACO rules to account for indoor inhalation of contaminants.

The IEPA’s proposal notes that TACO provides “procedures for developing remediation objectives based on various risks to human health posed by environmental conditions at a site.” With the proposed amendments, the IEPA seeks to “add the indoor inhalation exposure route to the existing risk-based methodology.” The amendments are intended to protect building occupants from vapor intrusion, which is the migration of a contaminated site’s volatile chemicals from the soil and groundwater to the indoor air.

Also on November 18, 2010, the Board granted the IEPA’s motion to voluntarily withdraw the IEPA’s two-year old proposal in the rulemaking captioned In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (TACO) (35 Ill. Adm. Code 742) (R09-9). The Board therefore closed docket R09-9. The Board directed the hearing officer assigned to proceed expeditiously to hearing in docket R11-9.

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 Richard McGill at (312)-814-6983 or email at mcgillr@ipcb.state.il.us.

The Board Adopts Amendments In the Matter of: 10-Year Federally Enforceable State Operating Permits (FESOP): Amendments to 35 Ill. Adm. Code 201.162, R10-21.

The Board, on November 18, 2010, adopted amendments to the air rules extending the maximum term that the Illinois Environmental Protection Agency (IEPA) can issue a Federal Enforceable State Operating Permit (FESOP) from five years to ten. On April 20, 2010, the 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, and the Board held hearings July 8 and 21, 2010. The Joint Committee on Administrative Rules reviewed the rule, suggested no changes and voted a certificate of no objection at its November 16, 2010 meeting. The adopted rule will become effective upon filing with the Secretary of State. The sole provision of the air rules amended is Section 201.162. During hearing, the IEPA presented testimony that extending the maximum term that IEPA could issue a FESOP from five to ten years would result in an expected reduction of administrative resources and costs to both the affected sources with a five percent decrease in workload of FESOP renewals within five years of adoption of the proposal. The Board found that IEPA’s granting FESOPs for a longer term will not affect the implementation of air pollution control programs or enforcement of air quality standards in the State of Illinois and is compliant with all applicable federal standards.

Opinions and orders of the Board, hearing officer orders, hearing transcripts, and other documents in rulemaking records are posted on the Board’s Web site. Copies may be obtained by calling the Clerk’s office at 312-814-3620

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and payment of any charges, or by downloading them without charge from the Board's Website at www.ipcb.state.il.us.

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

Board Actions

November 4, 2010

Chicago, Illinois

Rulemakings

- | | | |
|----------------------|--|--------------|
| R 08-9(B) | <u>In The Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304</u> – The Board denied the People of the State of Illinois' motion to bar the Metropolitan Water Reclamation District of Greater Chicago from filing a supplement to the Chicago Health Environmental Exposure and Recreation Study (CHEERS). The Board will consider all information received by December 31, 2010. | 5-0
Water |
| R 09-19 | <u>In the Matter of Air Quality Standards Clean-up: Amendments to 35 Ill. Adm. Code Part 243</u> – The Board adopted a first notice opinion and order in this rulemaking to amend the Board's air rules. | 5-0
Air |
| R 10-1 | <u>SDWA Update, USEPA Amendments (January 1, 2009 through June 30, 2009)</u> | 5-0
PWS |
| R10-7 | <u>SDWA Update, USEPA Amendments (July 1, 2009 through December 31, 2009)</u> | |
| R11-6 (cons.) | <u>SDWA Update, USEPA Amendments (January 1, through June 30, 2010)</u> – The Board extended the deadline for completion of rulemaking from November 15, 2010 until December 30, 2010. | |
| R 10-8(A) | <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 second notice opinion and order in this rulemaking to amend the Board's air rules. | 5-0
Air |

Administrative Citations

- | | | |
|----------------|---|-----|
| AC 11-8 | <u>IEPA v. August Oelschlager</u> – The Board found that this Livingston County respondent violated Sections 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 07-53 | <u>People of the State of Illinois v. Moline Place Development, L.L.C.</u> – In this water enforcement action concerning a Rock Island County facility, the Board granted complainant's motion for summary judgment on Counts I and II of the complaint, finding respondent Moline Place Development, L.L.C. | 5-0
W -E |
|------------------|--|-------------|

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(Moline Place) has violated Sections 12(a) and 12(f) of the Environmental Protection Act (Act) (415 ILCS 5/12(a) and 12(f) (2006)) and Sections 309.102(a) of the Board's water pollution regulations (35 Ill. Adm. Code 309.102(a)). In addition, Moline Place must properly implement the storm water pollution prevention plan in its National Pollutant Discharge Elimination System permit, and comply with all other requirements of that permit. The Board ordered the respondent to pay a total civil penalty of \$45,000.00, to cease and desist from further violations.

PCB 08-96	<u>United City of Yorkville v. Hamman Farms</u> – The Board granted complainant's motion to strike respondent's third motion to dismiss, including respondent's supporting brief. Additionally, the Board denied respondent's motion to strike complainant's answer to respondent's affirmative defenses to count IV of the amended complaint. The Board determined that respondent may file an answer, including any affirmative defenses, to counts I, II, and III of the amended complaint by January 3, 2011.	5-0 A,L,W-E, Citizens
PCB 10-52 PCB 10-69 PCB 10-80 PCB 10-85	<u>Catherine Thomas, d/b/a Thomas 12th Street Disposal (IEPA Log No. 2007-300) v. IEPA</u> – The Board granted petitioner's motion to consolidate the pending permit appeals and for leave to amend the pleadings.	5-0 P-A, Land
PCB 10-100	<u>Rolf Schilling, Pam Schilling and Suzanne Ventura v. Gary D. Hill, Villa Land Trust and Prairie Living West, LLC</u> – The Board denied respondents' motion to dismiss the complaint and to dismiss Mr. Hill and Villa as parties to this dispute. The Board found that the alleged violations in the complaint were neither duplicative nor frivolous, and accepted for hearing this matter involving a Jackson County facility.	5-0 L-E
PCB 11-10	<u>Veolia ES Zion Landfill, Inc. v. City Council of the City of Zion, Illinois</u> – The Board denied respondent's motion to dismiss.	5-0 P-C-F-S-R
PCB 11-11	<u>People of the State of Illinois v. Clinton Landfill, Inc.,</u> – The Board granted the complainant's motion to clarify and found that count III of the complaint is part of the stipulation. Upon receipt of clarification of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a DeWitt County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E
PCB 11-14	<u>People of the State of Illinois v. Waste Management of Illinois, Inc. and Cottonwood Hills Landfill</u> – The Board granted the complainant's motion to clarify and found that count VI of the complaint is part of the stipulation. Upon receipt of clarification of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a St. Clair County facility, the Board ordered publication of the required newspaper notice.	5-0 L-E
PCB 11-18	<u>People of the State of Illinois v. Sub Source, Inc., an Illinois corporation,</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 in this land enforcement action involving a Winnebago County facility, the Board accepted the case and ordered publication of the required	5-0 L-E

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newspaper notice.

November 18, 2010

Chicago, Illinois

Rulemakings

- R 09-9** In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742) – The Board granted petitioner’s motion to voluntarily withdraw this rulemaking proposal and closed the docket. 4-0
Land
- R 10-21** In the Matter of: 10-Year Federally Enforceable State Operating Permits (FESOP) Amendments to 35 Ill. Adm. Code Part 201.162 – The Board adopted a final opinion and order in this rulemaking which amends the Board’s air rules. 4-0
Air
- R 11-9** In the Matter of: Tiered Approach to Corrective Action Objectives (TACO) (Indoor Inhalation): Amendments to 35 Ill. Adm. Code 742 – The Board accepted for hearing the Illinois Environmental Protection Agency’s November 9, 2010 proposal to amend the Board’s land pollution control regulations. 4-0
Land

Adjusted Standards

- AS 07-6** In the Matter of: Petition of Cabot Corporation for an Adjusted Standard from 35 Ill. Adm. Code Part 738, Subpart B – The Board granted petitioner’s motion for reconsideration and correction of the typographical error in condition 2, sentence 2, of the Board’s October 7, 2010 opinion and order. 4-0

Administrative Citations

- AC 11-4** IEPA v. Karen L. Allen – The Board accepted respondent’s amended petition for review for hearing. 4-0
- AC 11-10** IEPA v. Luke Marquard, Jr. – The Board found that this Morgan County respondent violated Section 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2008)), and ordered respondent to pay a civil penalty of \$3,000. 4-0

Adjudicatory Cases

- PCB 07-13** People of the State of Illinois v. Ray F. Landers, individually, and Equipping the Saints Ministry International, Inc., an Illinois not-for-profit corporation – In this air enforcement action concerning a Sangamon County facility, the Board granted complainant’s motion for summary judgment, finding respondent Equipping the Saints Ministry International, Inc. has violated Section 9.1(d)(1) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(d)(1) (2008)) by violating the federal Clean Air Act (CAA) regulations involving the National Emission Standards for Hazardous Air Pollutants (NESHAP) for asbestos (40 C.F.R. Part 61, Subpart M). The Board denied the complainant’s motion for summary judgment as to Ray F. 4-0
A-E

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Landers.

PCB 10-106	<u>Terri D. Gregory v. Regional Ready Mix</u> – The Board found that complainant’s second amended complaint was frivolous and dismissed this matter.	4-0 A, N-E
PCB 10-108	<u>People of the State of Illinois v. William Charles Real Estate Investment, L.L.C.</u> , – The Board accepted respondent’s amended answer and affirmative defense and denied as moot complainant’s motion to strike respondent’s originally-pled affirmative defenses.	4-0 W-E
PCB 11-12	<u>People of the State of Illinois v. Altorfer, Inc.</u> , – In this land enforcement action concerning a Peoria 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 \$25,000.00, and to cease and desist from further violations.	4-0 L-E
PCB 11-15	<u>Midwestern Regional Medical Center, Inc. v. IEPA</u> – The Board granted this Lake County facility’s motion for voluntary dismissal of this permit appeal.	4-0 P-A, Air
PCB 11-19	<u>People of the State of Illinois v. Gerald N. Knoblauch, LLC and Bender Land Improvement, Inc.</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 in this land enforcement action involving a Woodford County facility, the Board accepted the case and ordered publication of the required newspaper notice.	4-0 W-E
PCB 11-20	<u>People of the State of Illinois v. City of Colchester</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 in this land enforcement action involving a McDonough County facility, the Board accepted the case and ordered publication of the required newspaper notice.	4-0 W-E
PCB 11-21	<u>People of the State of Illinois v. Prairieland Investment Group, LLC and Kevin S. Cook, d/b/a KC Construction</u> – The Board accepted for hearing this air enforcement action involving a site located in Hancock County.	4-0 A-E

New Cases

November 4, 2010 Board Meeting

11-18 People of the State of Illinois v. Clinton Landfill, Inc., – 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 land enforcement action involving a Winnebago County facility, the Board accepted the case and ordered publication of the required newspaper notice.

AC 11-11 IEPA v. Kenneth Earl and Barbara Koker – The Board accepted an administrative citation against these Logan County respondents.

AC 11-12 County of Perry v. Martin Vuichard – The Board accepted an administrative citation against this Perry County respondent.

November 18, 2010 Board Meeting

11-19 People of the State of Illinois v. Gerald N. Knoblauch, LLC and Bender Land Improvement, Inc. – 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 land enforcement action involving a Woodford County facility, the Board accepted the case and ordered publication of the required newspaper notice.

11-20 People of the State of Illinois v. Clinton Landfill, Inc., – 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 land enforcement action involving a Winnebago County facility, the Board accepted the case and ordered publication of the required newspaper notice.

11-21 People of the State of Illinois v. Prairieland Investment Group, LLC and Kevin S. Cook, d/b/a KC Construction – The Board accepted for hearing this air enforcement action involving a site located in Hancock County.

11-22 Scott Mayer v. Lincoln Prairie Water Company, Korte & Luitjohan Contractors, Inc., and Milano & Grunloh Engineers, LLC – No action taken.

AC 11-13 IEPA v. Ray Newingham – The Board accepted an administrative citation against this Greene County respondent.

AC 11-14 IEPA v. Jason Johnson Sr. and Robin Johnson – The Board accepted an administrative citation against these Mason County respondents.

Provisional Variance

IEPA 11-06 City of Oregon v. Illinois Environmental Protection Agency—The Illinois Environmental Protection Agency (IEPA) granted, subject to conditions, the City of Oregon’s request for a variance so that it can make major improvements to its wastewater treatment facilities. In order to complete these improvements, the existing package plant must be temporarily taken out of service. The IEPA granted the provisional variance from the effluent limits for CBOD₅ and Suspended Solids contained in its NPDES permit IL0020184, subject to conditions. The provisional variance is effective from December 6, 2010 through January 20, 2011.

Public Act 93-0152 (Senate Bill 222) amended Sections 35-37 of the Illinois Environmental Act (415 ILCS 5/5(b) (2008)) so that provisional variances are issued by the Illinois Environmental Protection Agency (IEPA). If the IEPA grants a provisional variance, then the IEPA must file a copy of its written decision with the Board. The Board must maintain copies of the provisional variances for public inspection. Copies of provisional variances can be obtained by contacting the Clerk’s Office at (312) 814-3620, or by visiting the Board’s Website at www.ipcb.state.il.us. If the IEPA denies a provisional variance request, then the applicant may initiate a proceeding with the Board for a full variance.

Calendar

12/2/10 11:00 AM	Illinois Pollution Control Board Meeting	James R. Thompson Center 100 W. Randolph Street Chicago
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12/9/10 11:00 AM	R11-08	<u>In the Matter of: Regulatory Proposal for NOx Trading Program Sunset Provisions for Non-Electric Generation Units (“Non-EGU”): Amendments to 35 Ill. Adm. Code Part 217 Subpart U</u>	Illinois Pollution Control Board Hearing Room 1244N 1021 N. Grand Avenue East (North Entrance) Springfield
12/16/10 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
1/6/11 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
1/20/11 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
2/3/11 11:00 am	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
2/17/11 11:00 am	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
3/3/11 11:00 am	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
3/9/11	R08-08(C)	<u>In the Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304</u> (Continues until complete or through March 10, 2011)	James R. Thompson Center Room 2-025 100 W. Randolph Chicago
3/17/11 11:00 am	Illinois Pollution Control Board Meeting		Videoconference Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago And 1021 N. Grand Avenue East Oliver Holmes Conference Room 2012 N Springfield

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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