
Environmental Register

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

Thomas Holbrook, Chairman

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Letter from the Chairman

During February, the Board acted in several rulemaking dockets, and I've summarized that activity below. 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 February 2, 2012, in Site Specific Rule for City of Joliet Wastewater Treatment Plant Fluoride and Copper Discharges, 35 Ill. Adm. Code 303.432, (R7-21), the Board granted the City's motion to dismiss and closed the docket.

On February 2, 2012, in 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, R8-9(B), the Board adopted rules establishing an effluent limit, applicable from March 1 through November 30, of 400 fecal coliform colony forming units per 100 mL if fewer than 10 samples are taken in a month for effluent discharges to Primary Contact Recreation Use segments of the CAWS. The effective date is March 1, 2016. The Board declined to establish an effluent limit for other segments designated as Incidental Contact Recreation Use, Non-contact Recreation Use, and Non-Recreation Use waters.

On February 2, 2012, in SDWA Update, USEPA Amendments (January 1, 2011 through June 30, 2011), R12-4, the Board proposed amendments to the Illinois regulations that are "identical in substance" to drinking water regulations adopted by the United States Environmental Protection Agency (USEPA).

On February 2, 2012, in Proposed Amendments to Clean Construction or Demolition Debris (CCDD) Fill Operations: Proposed Amendments to 35 Ill. Adm. Code 1100, R 12-9, the Board adopted a first-notice opinion and order amending rules for CCDD fill operations to allow for use of uncontaminated CCDD and uncontaminated soil to be used as fill at quarries, mines and other excavations. Additional hearings will take place during the first-notice period.

On February 2, 2012, in Procedural Rules for Authorizations Under P. A. 97-220 for Certain Landscape Waste and Compost Applications and On-Farm Composting Facilities: New 35 Ill. Adm. Code 106.Subpart I, R12-11, the Board adopted a second first-notice proposal, which addresses comments generated by its original proposal.

In February 2, 2012, in Procedural Rules for Review of Petitions for Temporary Landfill Ban Waivers Under Section 95 of the Electronic Products Recycling and Reuse Act: New 35 Ill. Adm. Code 106, Subpart J, R 12-21, the Board adopted a first-notice proposal to establish procedures for consideration of these petitions.

On February 15, 2012, the Board held the second hearing on Proposed Amendments to Nonhazardous Special Waste Hauling and the Uniform Program (35 Ill. Adm. Code 809), R12-13. The Agency indicated that Public Act 97-220, effective July 28, 2011, effectively withdrew Illinois from the Uniform State Hazardous Materials Transportation and Registration Program and that the proposed amendments are necessary to remove references to it.

Please visit our website (www.ipcb.state.il.us) for more information on the rulemakings described above, as well as information on our docket of contested cases.



Sincerely,

A handwritten signature in black ink that reads "Thomas Holbrook". The signature is written in a cursive style with a large, sweeping initial "T".

Thomas Holbrook
Chairman

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Rulemaking Update

Board Adopts Effluent Limit and Bacterial Water Quality Standard for Primary Contact Recreation Use Waters in the Chicago Area Waterway System and Lower DesPlaines River, R08-09(B)

The Illinois Pollution Control Board, on February 2, 2012, adopted a rule establishing an effluent limit for fecal coliform colony forming units (CFU) during the period of March 1 through November 30 for effluent discharges to Primary Contact Recreation water segments of the Chicago Area Waterway System (CAWS) and Lower Des Plaines River (LDPR). The rulemaking is docketed as 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).

The Board rule establishes an effluent limit of 400 CFU per 100 ml if less than 10 samples are taken in a month for effluent discharges to Primary Contact Recreation Use water segments of the CAWS. The effective date is March 1, 2016, for existing dischargers. The Board declines to establish an effluent limit for other segments of the CAWS and Lower Des Plaines River that are designated as Incidental Contact Recreation Use, Non-contact Recreation Use, and Non-Recreation Use waters at this time. The rules are effective February 2, 2012, and were published at 36 Ill. Reg. 2586 (Feb.17, 2012).

The rule applies to the following segments of the CAWS: 1) Lower North Shore Channel from North Side Water Reclamation Plant to confluence with North Branch of the Chicago River; 2) North Branch of the Chicago River from its confluence with North Shore Channel to its confluence with South Branch of the Chicago River and Chicago River; 3) Chicago River; 4) South Branch of the Chicago River; 5) Little Calumet River from its confluence with Calumet River and Grand Calumet River to its confluence with Calumet-Sag Channel; and 6) Calumet-Sag Channel.

The Board, in consideration of comments received, adopted bacterial water quality standards for CAWS and LDPR but only as to those waters designated as Primary Recreation waters. The Board will propose bacterial standards in R08-09(C) to reflect the Board's findings on the bacterial water quality standards.

You can access information about this rulemaking electronically through COOL at www.ipcb.state.il.us.

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

The Board Adopts "Identical in Substance" Proposal for Public Comment In the Matter of SDWA Update, USEPA Amendments (January 1, 2011 through June 30, 2011), R1'2-04

On February 2, 2012, the Board proposed amendments to the Illinois regulations that are "identical in substance" to drinking water regulations adopted by the United States Environmental Protection Agency (USEPA). The amendments involved in this docket incorporate into the Illinois drinking water regulations amendments in response to one USEPA action during the identical-in-substance update period of January 1, 2011 through June 30, 2011. That sole USEPA action was the June 24, 2011 approval of alternative equivalent analytical methods for monitoring compliance with water quality parameters required for drinking water.

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 publication. The Board will then adopt and file the final rules, taking into account the public comments received. The Board specifically requests comment on one

aspect of the rules. The Board requests comments on the way the Board has incorporated the USEPA-approved alternative equivalent analytical methods into the Illinois regulations.

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 presently expects that rules will be adopted and filed no later than the statutory due date of June 24, 2012.

For more information contact Michael J. McCambridge at 312-814-6924 or email at mccambm@ipcb.state.il.us.

Board Adopts First Notice Opinion and Order in Expedited Rulemaking for Amendments to Clean Construction or Demolition Debris Fill Operations Rules, R12-9

The Illinois Pollution Control Board, on February 2, 2012, adopted a first notice opinion and order in a proposal to amend the Board's rules for Clean Construction or Demolition Debris and Uncontaminated Soil Fill Operations. The amendments would allow for use of uncontaminated clean construction or demolition debris (CCDD) and uncontaminated soil to be used as fill at quarries, mines and other excavations. On July 29, 2011, the Illinois Environmental Protection Agency (IEPA) filed the proposal with the Board, which was docketed as Proposed Amendments To Clean Construction Or Demolition Debris Fill Operations (CCDD): Proposed Amendments To 35 Ill. Adm. Code 1100, R12-9. Section 22.51 of the Environmental Protection Act (Act) (415 ILCS 5/22.51 (2010)), requires the Board to adopt rules no later than one year after receipt of the IEPA's proposal, *i.e.* on or before July 26, 2012.

The IEPA proposal specified: 1) the use of CCDD and uncontaminated soil as fill material at CCDD fill operations; 2) the use of uncontaminated soil as fill material at uncontaminated soil fill operations; and 3) the maximum concentrations of contaminants that may be present in the uncontaminated soil component of construction or demolition debris.

The IEPA proposal also reflected changes necessitated by P.A. 97-0137 (eff. July 14, 2011). The first change removes the benzo(a)pyrene restriction at Section 3.160(c)(1) of the Act (415 ILCS 5/3/160(c)(1)(2010)). This change allows the Board to consider Tiered Approach to Corrective Action Objectives (TACO) background levels for all carcinogens and not just for the one carcinogen, benzo(a)pyrene. The second amendment allows Professional Geologists, as well as Professional Engineers to provide certifications under the interim soil certification requirements.

After reviewing the record in this proceeding and in consideration of the comments and testimony, the Board made several changes to IEPA's proposal. The Board found that no evidence was provided to demonstrate that CCDD or uncontaminated soil fill sites were a source of groundwater contamination. Also considering the potentially sizable costs for groundwater monitoring, the Board found that this record does not support groundwater monitoring at this time. The Board therefore eliminated the proposed groundwater monitoring requirement.

Because the Board determined not to proceed with groundwater monitoring, the Board strengthened soil certification and soil testing requirements. The Board required soil certification to be based upon source site evaluation conducted in accordance with ASTM standards. Further, the Board found that the proposed soil certification requirements must include analytical soil testing data to show compliance with the maximum allowable concentrations (MACs) when the soil is from a potentially impacted property (PIP). Additionally, soil fill operations would be required to submit annual operating reports similar to those required by CCDD operations, and the soil fill operation registration form is expanded to include the information required for CCDD permits.

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, R12-9, 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.

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

Board Adopts Second First Notice Proposal for New Procedural Rules for Landscape Waste and Compost Authorizations Under 415 ILCS 21(q), R 12-11

On February 2, 2012, the Board adopted a proposed opinion and order directing a second first notice publication in the *Illinois Register* of modified new procedural rules for adjusted standards addressing Board authorizations for certain landscape waste and compost applications and on-farm composting. The rulemaking is docketed as In the Matter Of: Procedural Rules for Authorizations Under P.A. 97-220 For Certain Landscape Waste and Compost Applications and On-Farm Composting Facilities: New 35 Ill. Adm. Code 106.Subpart I, R12-11. The Board's original October 20, 2011 first notice proposal was published at 35 Ill. Reg. 18492 (Nov. 14, 2011). Given the type of changes being proposed in response to public comments received during the first notice period, the Board found it advisable to again publish first notice changes in the *Illinois Register* and to initiate another public comment period. Publication of the February 2, 2012 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.

In the absence of any other rulemaking proposal, the Board initiated this rulemaking in response to P.A. 97-220, signed and effective July 28, 2011. P.A. 97-220 amends the Environmental Protection Act to specify that the Board rather than the Illinois Environmental Protection Agency (IEPA) may authorize certain exceptions to the provisions of Section 21(q) of the Environmental Protection Act (Act), 415 ILCS 5/21. One type of Board authorization would allow any person to apply landscape waste and composted landscape waste at a rate greater than "agronomic rates" of not more than 20 tons per acre per year. The other type of Board authorization is limited to farmers who operate a composting facility on the land that they utilize landscape waste compost to operate the compost facility on more than two percent of the property's total acreage. Without such Board authorizations, these activities are prohibited, and subject to enforcement.

These rules differ from the original first notice rules by requiring the applicant for a Section 21(q) authorization to publish newspaper notice of the application in the area likely to be affected. The new notice requirement is similar to that required for adjusted standards under Section 28.1 of the Act and the Board's adjusted standard procedural rules at 35 Ill. Adm. Code 104. These added rules provide that the Board will hold a public hearing if requested to do so in writing by any person within 21 days of the notice's publication. Added rules concerning conduct of the public hearing are similar to those in Part 104.

The Board is not required to hold a public hearing to amend its procedural rules pursuant to Section 26 and 27 of the Act. The Board presently does not intend to hold a hearing on these proposed rules unless requested to do so.

The Board encourages persons to file public comments on these proposed amendments. The docket number for this rulemaking, R12-11, 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.

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

Board Adopts First Notice for Proposed New Rules for Temporary Waiver of Landfill Ban for Electronic Devices, R12-21

On February 2, 2012, the Board adopted for first-notice publication in the *Illinois Register* proposed new procedural rules for petitions filed with the Board for temporary waivers of the landfill ban under Section 95 of the Electronic Products Recycling and Reuse Act (EPRRA). The rulemaking is docketed as In the Matter of: Procedural Rules for Review of Petitions for Temporary Landfill Ban Waivers Under Section 95 of the Electronic Products Recycling and Reuse Act. New 35 Ill. Adm. Code 106.Subpart J,R12-21.

Publication of these proposed amendments in the *Illinois Register* began a 45-day public comment period, during which anyone may file a public comment with the Board. The proposed rules were published at 36 Ill. Reg. 2444 (Feb.) 17, 2012, and the public comment period accordingly closes on April 2, 2012.

The General Assembly first adopted EPRRA in 2008. In 2011, the General Assembly enacted amendments including a revised definition of “covered electronic device” (“CED”) and a revised landfill ban. Section 95(a) of EPRRA provides that, beginning on January 1, 2012, and except as provided by a temporary waiver, “no person may knowingly cause or allow the mixing of a CED” or any other similar item “with municipal waste that is intended for disposal at a landfill.” 415 ILCS 150/95(a) (2010); *see* Public Act 97-287, eff. Aug. 10, 2011. Section 95(b) provides that, beginning on January 1, 2012, and except as provided by a temporary waiver, “no person may knowingly cause or allow the disposal of a CED” or any other similar item “in a sanitary landfill.” 415 ILCS 150/95(b) (2010); *see* Public Act 97-287, eff. Aug. 10, 2011.

Section 95(e) authorizes the Board, beginning April 1, 2012, but no later than December 31, 2013, “to review temporary CED landfill ban waiver petitions by county governments or municipal joint action agencies (action agencies). . . .” 415 ILCS 150/95(e) (2010). Specifically, the Board reviews these petitions to “determine whether the respective county’s or action agency’s jurisdiction may be granted a temporary CED landfill ban waiver due to a lack of funds and a lack of collection opportunities to collect CEDs and EEDs within the county’s or action agency’s jurisdiction.” *Id.*

Section 95(e) of EPRRA addresses issues including contents of a petition for a temporary landfill ban waiver, criteria for Board consideration of a petition, the Board’s decision deadline, appeal of Board orders denying temporary landfill ban waivers, and implementation of waivers. The proposed new 35 Ill. Adm. Code 106.Subpart J implements these provisions and follows the general format of other subparts of Part 106.

Because the Board is not required to hold a public hearing on proposed amendments to its procedural rules, the Board does not now intend to hold a hearing on these proposed rules. However, the Board invites public comment on this proposal. The Board encourages persons to file public comments on these proposed amendments. The docket number for this rulemaking, R12-21, 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.

For more information contact Tim Fox at 312-814-6085 or email at foxt@ipcb.state.il.us.

Board Adopts First Notice in Rulemaking to Update Procedural Rules’ Definition of Pollution Control Facility, R 12-22

On February 2, 2012, the Board adopted for first notice a proposal to amend the definition of “pollution control facility” in Section 101.202 of its procedural rules. The proposal intends only to make the definition consistent with recent Public Acts amending it. The rulemaking is docketed as In the Matter of: Updates to the Definition of “Pollution Control Facility” at Section 101.202 of the Board’s Procedural Rules to Reflect Recent Public Acts, R12-22. Publication of these proposed amendments in the *Illinois Register* began a 45-day public comment period, during which anyone may file a public comment with the Board. The proposed rules were published at 36 Ill. Reg. 2469 (Feb.) 17, 2012, and the public comment period accordingly closes on April 2, 2012.

The Board encourages persons to file public comments on these proposed amendments. The docket number for this rulemaking, R12-22, 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.

For more information contact Tim Fox at 312-814-6085 or email at foxt@ipcb.state.il.us.

Board Grants Proponent’s Request to Dismiss in In the Matter of: Site Specific Rule for City of Joliet Wastewater Treatment Plant fluoride and Copper Discharges, 35 Ill. Adm. Code 303.432, R07-21

On February 2, 2012, the Board dismissed this regulatory docket at the proponent’s request. On May 30, 2012, the Board received this site-specific rulemaking proposal from the City of Joliet which sought relief from the Board’s general use water quality standards for copper and fluoride (35 Ill. Adm. Code 302.208(e) and (g)) and provisions

for determining water quality based effluent limitations (35Ill. Adm. Code 304.105). The relief requested was for discharges from Joliet's Eastside Waste Water Treatment Plant (WWTP) to Hickory Creek through outfall 0001. Joliet filed the rulemaking petition in accordance with a March 30, 2001 Consent Order in the Circuit Court for the Twelfth Judicial Circuit in Will County, Illinois for case No 05 CH 593. Joliet entered into the consent agreement with the Illinois Attorney General and the Illinois Environmental Protection Agency because Joliet could not comply with its NPDES permit limits for fluoride and copper.

The Board repeatedly deferred hearing at Joliet's request, as Joliet stated that it was seeking funding for WWTP improvements. On January 24, 2012, Joliet filed a motion to dismiss this proceeding because effluent discharged from the Eastside Waste Water Treatment Plant was diverted to the newly constructed Des Plaines River Outfall and became subject to the effluent limitations set forth for outfall 002 in the Renewed NPDES Permit. The Board accordingly granted Joliet's motion and closed the docket.

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

Board Dismisses Seven Reserved Identical in Substance Rulemaking Dockets as Unnecessary: R 12-14, R12-15, R12-16, R12-17, R12-18, R12-19 and R12-20

Every six months the Board reserves a series of dockets for adoption of Board rules under Section 7.2 of the Environmental Protection Act (Act) (415 ILCS 5/7.2 (2010)) that are "identical in substance" to any rules adopted by the United States Environmental Protection Agency (USEPA) to implement various programs. On February 2, 2012, the Board dismissed as unnecessary the following dockets reserved to consider rules adopted by the USEPA during the period of July 1, 2011 through December 31, 2011. As USEPA did not amend its rules during the update period, no amendments are needed to Board rules.

UST Update (12-14) Section 22.4(d) relates 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) (42 U.S.C. §§ 6991b (2006)) to implement Subtitle I of RCRA (42 U.S.C. §§ 6991 *et seq.* (2006)), with certain limitations. USEPA has codified its UST regulations at 40 C.F.R. 281 through 283.

Wastewater Pretreatment Update (R12-15) Section 13.3 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) (2006)). USEPA has codified the federal wastewater pretreatment rules as 40 C.F.R. 400 through 499.

VOM Update (12-16) Section 9.1(e) of the Act (415 ILCS 5/9.1(e) (2010)) 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).

SDWA Update (12-17) Section 17.5 of the Act (415 ILCS 5/17.5 (2010)) requires the Board to adopt regulations that are "identical in substance" to the National Primary Drinking Water regulations (NPDWRs) adopted by the USEPA. 415 ILCS 5/7.2(2010). These regulations implement sections 1412(B), 1414(C), 1417(a), and 1445(A) of the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300g-1(b), 300g-3(c), 300g-6(a) & 300j-4(a) (2006). USEPA had codified its SDWA regulations at 40 C.F.R. 141 through 143.

UIC Update (R12-18) 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.* (2006)). USEPA has codified its UIC regulations at 40 C.F.R. 144 through 148.

RCRA Subtitle D Update (12-19) 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 (2006); RCRA Subtitle D). USEPA has codified the federal MSWLF rules as 40 C.F.R. 258.

RCRA Subtitle C (12-20) Sections 7.2 and 22.4(a) of the Environmental Protection Act (415 ILCS 5/7.2 and 22.4(a) (2010)) require the Board to adopt regulations that are “identical in substance” to hazardous waste regulations adopted by the USEPA. 415 ILCS 5/7.2 (2010). 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.* (2006)). USEPA has codified the federal hazardous waste rules as 40 C.F.R. 260 through 266, 268, 270, 271, 273, and 279.

Board Actions

February 2, 2012

Via video conference

Springfield and Chicago, Illinois

Rulemakings

R07-21	<u>In the Matter of: Site Specific Rule for City of Joliet Wastewater Treatment Plant Fluoride and Copper Discharges, 35 Ill. Adm. Code 303.432</u> – The Board granted petitioner’s motion for voluntary dismissal of this site-specific rulemaking proposal.	5-0 Water
R08-9(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 adopted a final opinion and order in this rulemaking proposal which amends the Board’s water pollution control regulations. Specifically the Board established an effluent limit for fecal coliform colony forming units during the months of March 1 through November 30 for effluent discharges to Primary Contact Recreation water segments of the Chicago Area Waterway System and Lower Des Plaines River.	5-0 Water
R12-4	<u>SDWA Update, USEPA Amendments (January 1, 2011 through June 30, 2011)</u> – The Board adopted a proposal for public comment in this rulemaking to amend the Board’s drinking water regulations.	5-0 Water
R12-9	<u>In the Matter of: Proposed Amendments to Clean Construction or Demolition Debris (CCDD) Fill Operations: Proposed Amendments to 35 Ill. Adm. Code 1100</u> – The Board adopted a first notice opinion and order in this rulemaking proposal to amend the Board’s land pollution control regulations.	5-0 Members Burke and Zalewski abstained Land
R12-11	<u>In the Matter of: Procedural Rules for Authorizations Under P. A. 97-220 for Certain Landscape Waste and Compost Applications and On-Farm Composting Facilities: New 35 Ill. Adm. Code 106.Subpart I</u> – The Board adopted a second first notice opinion and order in this rulemaking proposal to amend the Board’s procedural rules.	5-0 Proc

R12-14	<u>UST Update, USEPA Amendments (July 1, 2011 through December 31, 2011)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground storage tank regulations during the update period of July 1, 2011 through December 31, 2011.	5-0 Land
R12-15	<u>Wastewater Pretreatment Update, USEPA Amendments (July 1, 2011 through December 31, 2011)</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, 2011 through December 31, 2011.	5-0 Water
R12-16	<u>Definition of VOM Update, USEPA Amendments (July 1, 2011 through December 31, 2011)</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, 2011 through December 31, 2011.	5-0 Air
R12-17	<u>SDWA Update, USEPA Amendments (July 1, 2011 through December 31, 2011)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its drinking water regulations during the update period of July 1, 2011 through December 31, 2011.	5-0 PWS
R12-18	<u>UIC Update, USEPA Amendments (July 1, 2011 through December 31, 2011)</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, 2011 through December 31, 2011.	5-0 Land
R12-19	<u>RCRA Subtitle D Municipal Solid Waste Landfill Update, USEPA Amendments (July 1, 2011 through December 31, 2011)</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, 2011 through December 31, 2011.	5-0 Land
R12-20	<u>RCRA Subtitle C Hazardous Waste Update, USEPA Amendments (July 1, 2011 through December 31, 2011)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its hazardous waste regulations during the update period of July 1, 2011 through December 31, 2011.	5-0 Land
R12-21	<u>In the Matter of: Procedural Rules for Review of Petitions for Temporary Landfill Ban Waivers Under Section 95 of the Electronic Products Recycling and Reuse Act: New 35 Ill. Adm. Code 106, Subpart J</u> – The Board adopted a first notice opinion and order in this rulemaking proposal to amend the Board’s procedural rules.	5-0 Proc

R12-22	<u>In the Matter of: Updates to the Definition of "Pollution Control Facility" at Section 101.202 of the Board's Procedural Rules to Reflect Recent Public Acts</u> – The Board adopted a first notice opinion and order in this rulemaking proposal to amend the Board’s procedural rules.	5-0 Proc
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Adjusted Standards

AS 12-2	<u>In the Matter of: Terrona Farms' Request for Adjusted Standard for Composting Under 415 ILCS 21(q)(3)(A)</u> – The Board dismissed this request for an adjusted standard for failure to file a new adjusted standard petition addressing the jurisdictional, procedural and informational deficiencies noted in its October 20, 2011 and December 1, 2011 orders.	5-0 Land
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Administrative Citations

AC 12-12	<u>County of DuPage v. Dale A Turek and Ronald J. Turek</u> – The Board, on its own motion, dismissed this administrative citation for lack of evidence of timely service.	5-0
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AC 12-20	<u>IEPA v. Shelby and Sons, Inc.</u> – The Board accepted for hearing respondent’s petition for review of this administrative citation involving a Franklin County facility.	5-0
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AC 12-21	<u>IEPA v. Katherine Blunk</u> – The Board accepted for hearing respondent’s petition for review of this administrative citation involving a Iroquois County facility.	5-0
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AC 12-22	<u>IEPA v. Terry L. Young</u> – The Board accepted for hearing respondent’s petition for review of this administrative citation involving a Clay County facility.	5-0
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AC 12-23	<u>IEPA v. Dale Gordon Spradlin and Barbara J. Spradlin</u> – The Board accepted Barbara Spradlin’s petition for review of an administrative citation but directed her to file an amended petition to cure the deficiencies noted. In addition, the Board granted the Illinois Environmental Protection Agency’s motion to dismiss Dale Gordon Spradlin.	5-0
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Adjudicatory Cases

PCB 06-83	<u>People of the State of Illinois v. Levi A. Kaufman</u> – The Board granted complainant’s motion for voluntary dismissal of this enforcement action.	5-0 L-E
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PCB 10-23	<u>United States Steel Corporation v. IEPA, American Bottom Conservancy as Intervenor</u> – The Board denied the joint motion of the Illinois Environmental Protection Agency and American Bottom Conservancy to dismiss this appeal by U.S. Steel of the original Clean Air Act Permit Program permit. In addition, the Board granted U.S. Steel’s amended motion to stay the instant proceeding, but only through February 4, 2013.	4-0 Holbrook abstained P-A, Air
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PCB 10-84	<u>People of the State of Illinois v. Professional Swine Management, LLC, Hilltop View LLC, Wildcat Farms, LLC, High-Power Pork, LLC, Eagle Point, LLC, Lone Hollow, LLC, Timberline, LLC, Prairie State Gilts, Ltd., North Fork Pork, LLC, Little Timber, LLC, and Twin Valley Pumping, Inc.</u> – The Board denied all pending motions to dismiss or strike; the complaint in whole or in part.	5-0 W-E
PCB 11-44	<u>Lakeland Food & Gas, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal.	5-0 UST Appeal
PCB 11-69	<u>Knapp Oil Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal.	5-0 UST Appeal
PCB 12-65	<u>WRB Refining, LLC (Coker Switch Valve Interlock Project) v. IEPA</u> – The Board denied the Roxanna Community Unit School District’s motion for leave to intervene. The Board accepted the Illinois Environmental Protection Agency’s recommendation. The Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	4-0 Holbrook abstained T-C, A
PCB 12-66	<u>WRB Refining, LLC (VOC Flare Line Heat Trace Project) v. IEPA</u> – The Board denied the Roxanna Community Unit School District’s motion for leave to intervene. The Board accepted the Illinois Environmental Protection Agency’s recommendation. The Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	4-0 Holbrook abstained T-C, A
PCB 12-67	<u>WRB Refining, LLC (Refinery-Wide Leak Detection and Repair Program) v. IEPA</u> – The Board denied the Roxanna Community Unit School District’s motion for leave to intervene. The Board accepted the Illinois Environmental Protection Agency’s recommendation. The Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	4-0 Holbrook abstained T-C, A
PCB 12-68	<u>WRB Refining, LLC (Distilling West Flare Gas Recovery Project) v. IEPA</u> – The Board denied the Roxanna Community Unit School District’s motion for leave to intervene. The Board accepted the Illinois Environmental Protection Agency’s recommendation. The Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	4-0 Holbrook abstained T-C, A
PCB 12-69	<u>WRB Refining, LLC (Aromatics West Heater Stock NOx Reduction Project) v. IEPA</u> – The Board denied the Roxanna Community Unit School District’s motion for leave to intervene. The Board accepted the Illinois Environmental Protection Agency’s recommendation. The Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	4-0 Holbrook abstained T-C, A

PCB 12-70	<u>WRB Refining, LLC (Gasoline Hydrotreater) v. IEPA</u> – The Board denied the Roxanna Community Unit School District’s motion for leave to intervene. The Board accepted the Illinois Environmental Protection Agency’s recommendation. The Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	4-0 Holbrook abstained T-C, A
PCB 12-71	<u>WRB Refining, LLC (Blow-Off Pit Elimination Project) v. IEPA</u> – The Board denied the Roxanna Community Unit School District’s motion for leave to intervene. The Board accepted the Illinois Environmental Protection Agency’s recommendation. The Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	4-0 Holbrook abstained T-C, A
PCB 12-72	<u>WRB Refining, LLC (Aromatics South Flare Stack Upgrade) v. IEPA</u> – The Board denied the Roxanna Community Unit School District’s motion for leave to intervene. The Board accepted the Illinois Environmental Protection Agency’s recommendation. The Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	4-0 Holbrook abstained T-C, A
PCB 12-73	<u>WRB Refining, LLC (New Units’ Continuous Emissions Monitoring Systems for Furnaces) v. IEPA</u> – The Board denied the Roxanna Community Unit School District’s motion for leave to intervene. The Board accepted the Illinois Environmental Protection Agency’s recommendation. The Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	4-0 Holbrook abstained T-C, A
PCB 12-74	<u>WRB Refining, LLC (New Units’ Maintenance Drop-Out System) v. IEPA</u> – The Board denied the Roxanna Community Unit School District’s motion for leave to intervene. The Board accepted the Illinois Environmental Protection Agency’s recommendation. The Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	4-0 Holbrook abstained T-C, A
PCB 12-75	<u>WRB Refining, LLC (Ultralow Sulfur Diesel Expansion Project) v. IEPA</u> – The Board denied the Roxanna Community Unit School District’s motion for leave to intervene. The Board accepted the Illinois Environmental Protection Agency’s recommendation. The Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	4-0 Holbrook abstained T-C, A

PCB 12-76	<u>WRB Refining, LLC (Coker Blowdown System Off-Gas Recovery) v. IEPA</u> – The Board denied the Roxanna Community Unit School District’s motion for leave to intervene. The Board accepted the Illinois Environmental Protection Agency’s recommendation. The Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	4-0 Holbrook abstained T-C, A
PCB 12-77	<u>WRB Refining, LLC (Coker Truck Washing for Particulates) v. IEPA</u> – The Board denied the Roxanna Community Unit School District’s motion for leave to intervene. The Board accepted the Illinois Environmental Protection Agency’s recommendation. The Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	4-0 Holbrook abstained T-C, A
PCB 12-78	<u>WRB Refining, LLC (New Units’ Flare System) v. IEPA</u> – The Board denied the Roxanna Community Unit School District’s motion for leave to intervene. The Board accepted the Illinois Environmental Protection Agency’s recommendation. The Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	4-0 Holbrook abstained T-C, A
PCB 12-79	<u>WRB Refining, LLC (Delayed Coker Naphtha Hydrotreater) v. IEPA</u> – The Board denied the Roxanna Community Unit School District’s motion for leave to intervene. The Board accepted the Illinois Environmental Protection Agency’s recommendation. The Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	4-0 Holbrook abstained T-C, A
PCB 12-80	<u>WRB Refining, LLC (Ultralow NOx Burners) v. IEPA</u> – The Board denied the Roxanna Community Unit School District’s motion for leave to intervene. The Board accepted the Illinois Environmental Protection Agency’s recommendation. The Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	4-0 Holbrook abstained T-C, A
PCB 12-81	<u>WRB Refining, LLC (Subpart Ja Revisions to Flares) v. IEPA</u> – The Board denied the Roxanna Community Unit School District’s motion for leave to intervene. The Board accepted the Illinois Environmental Protection Agency’s recommendation. The Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	4-0 Holbrook abstained T-C, A

PCB 12-82	<u>WRB Refining, LLC (Aromatics North Flare Gas Recovery Project) v. IEPA</u> – The Board denied the Roxanna Community Unit School District’s motion for leave to intervene. The Board accepted the Illinois Environmental Protection Agency’s recommendation. The Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	4-0 Holbrook abstained T-C, A
PCB 12-83	<u>WRB Refining, LLC (MACT II Compliance Project for Fluid Catalytic Cracking Unit No. 2) v. IEPA</u> – The Board denied the Roxanna Community Unit School District’s motion for leave to intervene. The Board accepted the Illinois Environmental Protection Agency’s recommendation. The Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	4-0 Holbrook abstained T-C, A
PCB 12-84	<u>WRB Refining, LLC (New Units’ Emissions-Free Sample Stations) v. IEPA</u> – The Board denied the Roxanna Community Unit School District’s motion for leave to intervene. The Board accepted the Illinois Environmental Protection Agency’s recommendation. The Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	4-0 Holbrook abstained T-C, A
PCB 12-85	<u>People of the State of Illinois v. Charles Cowell</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Randolph County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E
PCB 12-86	<u>WRB Refining, LLC (Sampling Station Upgrade Project for Fluid Catalytic Cracking Limits and Cat Feed Hydrotreater) v. IEPA</u> – The Board denied the Roxanna Community Unit School District’s motion for leave to intervene. The Board accepted the Illinois Environmental Protection Agency’s recommendation. The Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	4-0 Holbrook abstained T-C, A
PCB 12-87	<u>WRB Refining, LLC (LDAR Sampling Station Upgrade) v. IEPA</u> – The Board denied the Roxanna Community Unit School District’s motion for leave to intervene. The Board accepted the Illinois Environmental Protection Agency’s recommendation. The Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	4-0 Holbrook abstained T-C, A
PCB 12-88	<u>WRB Refining, LLC (Aromatics South Flare Subpart Ja Tie=Ins Project) v. IEPA</u> – The Board denied the Roxanna Community Unit School District’s motion for leave to intervene. The Board accepted the Illinois Environmental Protection Agency’s recommendation. The Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	4-0 Holbrook abstained T-C, A

PCB 12-89	<u>WRB Refining, LLC (B and C Sulfur Pits Environmental Risk Reduction Project) v. IEPA</u> – The Board denied the Roxanna Community Unit School District’s motion for leave to intervene. The Board accepted the Illinois Environmental Protection Agency’s recommendation. The Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	4-0 Holbrook abstained T-C, A
PCB 12-90	<u>WRB Refining, LLC (Continuous Emissions Monitoring System and Consent Decree Improvements for Flares) v. IEPA</u> – The Board denied the Roxanna Community Unit School District’s motion for leave to intervene. The Board accepted the Illinois Environmental Protection Agency’s recommendation. The Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	4-0 Holbrook abstained T-C, A
PCB 12-91	<u>WRB Refining, LLC (Pump LDAR Phase II Project) v. IEPA</u> – The Board denied the Roxanna Community Unit School District’s motion for leave to intervene. The Board accepted the Illinois Environmental Protection Agency’s recommendation. The Board found and certified that specified facilities of WRB Refining, LLC located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2010)).	4-0 Holbrook abstained T-C, A
PCB 12-101	<u>ConocoPhillips Company v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Madison County facility.	3-0 Burke, Holbrook abstained P-A, NPDES
PCB 12-102	<u>Quick Oil Company vs. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Fulton County facility.	5-0 UST Appeal
PCB 12-103	<u>Maribeth, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Williamson County facility.	5-0 UST Appeal
PCB 12-104	<u>People of the State of Illinois v. Walk Stock Farm, 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 water enforcement action involving a Cumberland County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 12-105	<u>KB Sullivan, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Moultrie County facility.	5-0 UST Appeal

**February 16, 2012
Chicago, Illinois**

Administrative Citations

AC 10-21	<u>IEPA v. David Charles Bettis</u> – The Board entered an interim opinion and order finding respondent violated Sections 21(p) (1) and (p) (3) of the Illinois Environmental Protection Act (415 ILCS 5/21(p) (1), (p) (3) (2010)) and assessing a penalty of \$3,000. The Board ordered the Clerk of the Board and the Illinois Environmental Protection Agency to file by March 5, 2012, a statement of hearing costs, supported by affidavit, with service on respondent. Respondent may respond to the cost statement within 21 days of service.	5-0
AC 11-13	<u>IEPA v. Ray Newingham</u> – The Board entered an interim opinion and order finding respondent violated Sections 21(p) (1) and (p) (7) of the Illinois Environmental Protection Act (415 ILCS 5/21(p) (1), (p) (7) (2010)) and assessing a penalty of \$3,000. The Board ordered the Clerk of the Board and the Illinois Environmental Protection Agency to file by March 5, 2012, a statement of hearing costs, supported by affidavit, with service on respondent. Respondent may respond to the cost statement within 21 days of service.	5-0
AC 12-14	<u>IEPA v. Harold Dean Foster</u> – The Board found that this Livingston County respondent violated Sections 21(p)(1), (p)(3), and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2010)), and ordered respondent to pay a civil penalty of \$4,500.	5-0

Adjudicatory Cases

PCB 11-57	<u>Bunge-SCF Grain, L.L.C. [f/k/a SCF Development], LLC v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	5-0 P-A, Air
PCB 11-58	<u>People of the State of Illinois v. Zachary Isaac d/b/a Nu Shine Car Wash and Samuel Johnson</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 McHenry County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 11-60	<u>American Disposal Services of Illinois, Inc. v. County Board of McLean County, Illinois, Henson Disposal, Inc. and TKNTK, LLC</u> – The Board denied respondents’ motion to strike and dismiss the petition for review.	5-0 L-SA, 3d P
PCB 11-79	<u>People of the State of Illinois v. Inverse Investment L.L.C.</u> , – The Board denied respondent’s motion to dismiss.	5-0 W-E
PCB 11-81	<u>Geneseo Municipal Utilities v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	5-0 P-A, Air
PCB 11-86 PCB 12-46 (cons.)	<u>Exxonmobil Oil Corporation v. IEPA</u> <u>Exxonmobil Oil Corporation v. IEPA</u> – The Board granted petitioner’s motion for clarification and modified pages 20 and 29 of the opinion nunc pro tunc, as indicated in the corrected opinion and order dated December 1, 2011 accompanying the February 16, 2012.	4-0 Holbrook abstained A-V

PCB 12-21	<u>People of the State of Illinois v. Altivity Packaging, LLC., Intra-Plant Maintenance Corporation, Ironhustler Excavating, Inc. and Ron Bright, d/b/a Quarter Construction</u> – The Board granted petitioner’s complainant’s motion to strike certain affirmative defenses asserted by Altivity Packaging, LLC in its Answer and Affirmative defenses. The Board reserved ruling on all other pending motions.	5-0 L-E
PCB 12-27	<u>People of the State of Illinois v. Industrial Enclosure Corporation</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Kane County facility, the Board ordered publication of the required newspaper notice.	5-0 L-E
PCB 12-35	<u>People of the State of Illinois v. Six M. Corporation, Inc., William Maxwell and Joinder of James McIlvain as Necessary Party</u> – The Board struck respondents’ affirmative defense, in response to objections of complainant and joined necessary party.	5-0 W-E
PCB 12-58	<u>Atkinson Landfill Company v. IEPA</u> – The Board granted the joint motion to dismiss this permit appeal with prejudice. The Board therefore found that the motion “to withdraw the contested paragraph at issue in this permit appeal” is moot.	5-0 P-A, Air
PCB 12-59	<u>People of the State of Illinois v. Village of Cave In Rock</u> – In this water enforcement action concerning a Hardin 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) (2010)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$1,950.00, and to cease and desist from further violations.	5-0 W-E

New Cases

February 2, 2012 Board Meeting

12-101 ConocoPhillips Company v. IEPA – The Board accepted for hearing this permit appeal involving a Madison County facility.

12-102 Quick Oil Company vs. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Fulton County facility.

12-103 Maribeth, Inc. v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Williamson County facility.

12-104 People of the State of Illinois v. Walk Stock Farm, 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 water enforcement action involving a Cumberland County facility, the Board ordered publication of the required newspaper notice.

12-105 KB Sullivan, Inc. v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Moultrie County facility.

AC 12-25 IEPA v. Johnson Truck Sales, Inc. – The Board accepted an administrative citation against this White County respondent.

AC 12-26 IEPA v. Gary Bloodworth – The Board accepted an administrative citation against this Williamson County respondent.

February 16, 2012 Board Meeting

AC 12-27 IEPA v. Republic Services of Indiana, L.P. – The Board accepted an administrative citation against this Lawrence County respondent.

AC 12-28 IEPA v. Southern Indiana Tire, Inc. – The Board accepted an administrative citation against this Crawford County respondent.

AC 12-29 IEPA v. H&M Salvage & Discount Co. and Carl Hagler – The Board accepted an administrative citation against these Perry County respondents.

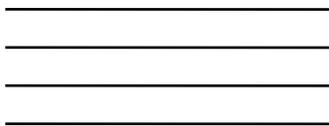
Calendar

3/1/2012 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
3/13/12 11:00 AM	R12-09	<u>In the Matter of: Proposed Amendments to Clean Construction Demolition Debris (CCDD) Fill Operations: Proposed Amendments to 35 Ill. Adm. Code 1100</u> (Continues until finished or through March 14, 2012)	James R. Thompson Center Room 9-040 100 W. Randolph Chicago
3/15/2012 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
3/21/12 10:00 AM	AC 11-28	<u>IEPA v Thad and Linda Shafer (IEPA File No. 125-11-AC)</u>	Cumberland County Courthouse Jury Room 1 Courthouse Square Toledo

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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