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# Environmental Register

March 2014 - Number 717

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

Deanna Glosser, Chairman

Board Members:

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# Letter from the Chairman

In March, the Board took action in rulemakings that generated public interest and comment. Below, these recent rulemakings are summarized. 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](http://www.ipcb.state.il.us).

On March 6, 2014, the Board declined to open a new subdocket in 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 (R08-9D). The Illinois Environmental Protection Agency (IEPA) filed a request that a new subdocket be opened to address water quality standards for chloride. ExxonMobil Oil Corporation filed a comment in support of IEPA's request. However, Citgo Petroleum Corporation and PDV Midwest LLC filed a response to IEPA's filing, opposing a delay of a Board decision on water quality standards for chlorides. The Board directed the hearing officer to establish a comment period to allow participants to provide final pre-first notice comments on IEPA's proposed water quality standards. By hearing officer order those comments are due to be filed by April 30, 2014, responses must be filed by May 14, 2014.

On March 20, 2014, the Board proposed for second notice the rulemaking entitled, Amendments to Primary Drinking Water Standards: 35 Ill. Adm. Code 611.490, R14-9. The proposal allows a laboratory certified by a sister state to perform chemical and physical analyses of source water and drinking water for the purposes of demonstrating compliance with National Primary Drinking Water Regulations. Currently, laboratories used must be certified and approved either by the United States Environmental Protection Agency (USEPA) or IEPA.

Also on March 20, 2014, the Board granted a stay in Emergency Rulemaking Regarding Regulation of Coke/Coal Bulk Terminals: New 35 Ill. Adm. Code 213 (R14-20). On January 23, 2014, the Board denied IEPA's motion and declined to adopt an emergency rule; however, the Board agreed to proceed with the proposal as a general rulemaking. The Board directed the hearing officer to enter an order asking IEPA to amend its proposal to include additional information. In response to the hearing officer order, IEPA filed a motion asking that this proceeding be stayed. The Board received no objections to the stay; however, the Board limited the stay for a period of time ending on June 23, 2014. At that time IEPA must provide a status report to the Board and may request an additional stay, which the Board will consider.

On March 20, 2014, the Board proposed for public comment rules in two identical in substance dockets. Those dockets propose rules to implement USEPA amendments for the period of July 1, 2013 through December 31, 2013. The dockets are Definition of VOM Update, USEPA Amendments (July 1, 2013 through December 31, 2013) (R14-16) and National Ambient Air Quality Standards, USEPA Amendments (July 1, 2013 through December 31, 2013) (R14-17). The amendments in R14-16 update the definition of "volatile organic material" (VOM) in the Board's air pollution regulations (35 Ill. Adm. Code 211.7150). The amendments in R14-17 update the ambient air quality standards in the Board's air pollution regulations (35 Ill. Adm. Code 243) to include revisions to the National Ambient Air Quality Standards.

Please visit the Board website at [www.ipcb.state.il.us](http://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 cursive script that reads "Deanna Glosser". The ink is dark and the signature is fluid and legible.

Deanna Glosser, Ph.D.  
Chairman

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### Appellate Update

#### **Second District Appellate Court Affirms Pollution Control Board's Decision to Affirm Winnebago County Board's Grant of Siting Approval for Solid Waste Landfill Expansion**

Martin Maggio v. Illinois Pollution Control Board, County of Winnebago, Winnebago County Board, and Winnebago Landfill Company, 2014 IL App (2d) 130260

In a March 31, 2014 opinion, the Second District Appellate Court, without oral argument, affirmed the decision of the Illinois Pollution Control Board (IPCB) to affirm the Winnebago County Board's grant of landfill siting approval. The County Board had granted the siting application of Winnebago Landfill Company (WLC) to expand the company's solid waste landfill. The petitioner before the appellate court, Martin Maggio, filed a third-party appeal under the Environmental Protection Act (Act) (415 ILCS 5/40.1(b) (2012)) with IPCB to contest the local siting approval. Mr. Maggio argued unsuccessfully to IPCB (PCB 13-10 (Mar. 7, 2013)) and then to the Second District (2014 IL App (2d) 130260) that WLC's pre-application notices were not timely served upon all surrounding landowners and that the County Board therefore lacked jurisdiction to consider WLC's siting application. Within fixed timeframes, Mr. Maggio can petition the Second District for rehearing or the Illinois Supreme Court for leave to appeal.

In reviewing IPCB's decision, the Second District Appellate Court examined service requirements under Section 39.2(b) of the Act, which provides that "[n]o later than 14 days before the date on which the county board or governing body of the municipality receives a request for site approval, the applicant shall cause written notice of such request to be served either in person or by registered mail, return receipt requested, . . . on the owners of all property within 250 feet in each direction of the lot line of the subject property . . ." 415 ILCS 5/39.2(b) (2012). The Second District observed that Section 39.2(b)'s notice requirements are jurisdictional prerequisites, meaning the applicant must comply with them to vest the County Board with authority to hear the landfill siting application. The court further noted that for purposes of Section 39.2(b), *certified* mail, return receipt requested, is considered the same as *registered* mail, return receipt requested. Maggio, 2014 IL App (2d) 130260, ¶ 15. On January 17, 2012, WLC filed its siting application with the County Board. Twenty-one days earlier, on December 27, 2011, WLC mailed 102 pre-application notices to all surrounding property owners by certified mail, return receipt requested. Some notices went unclaimed and were returned to WLC; other notices were not delivered until after January 3, 2012, the fourteenth day before the siting application was filed. *Id.* at ¶¶ 4, 7.

According to Maggio, Section 39.2(b) requires proof that surrounding landowners *received* their pre-application notices at least 14 days prior to the filing of the siting application. IPCB countered by citing People ex rel. Devine v. \$30,700 United States Currency, 199 Ill. 2d 142 (2002), in which the Illinois Supreme Court examined the service requirements of two differently-worded "return receipt" statutes. The high court found that one statute ("with a returned receipt from the addressee") requires the *return* of the receipt, but the other statute ("return receipt requested") only requires a *request* for the return of the receipt. Maggio, 2014 IL App (2d) 130260, ¶¶ 23-24, citing \$30,700 United States Currency, 199 Ill. 2d at 151-53. IPCB further argued that in 2005, the Third District Appellate Court relied upon \$30,700 United States Currency in holding that Section 39.2(b) merely requires that notice be *sent* by registered mail, return receipt requested: "Jurisdiction is not premised on the recipient's actions, once the letter is received, but on the form of the sending of the letter; jurisdiction will exist as long as the letter is sent by the prescribed method." Maggio, 2014 IL App (2d) 130260, ¶ 26, quoting Waste Management of Illinois, Inc. v. Pollution Control Board, 356 Ill. App. 3d 229, 234 (3rd Dist. 2005).

The Second District Appellate Court agreed with IPCB. \$30,700 United States Currency did not "directly overrule" the Second District's holding in Ogle County Board ex rel. the County of Ogle v. Pollution Control Board, 272 Ill.

App. 3d 184 (2nd Dist.1995) that Section 39.2(b) requires “actual receipt” of a pre-application notice. Maggio, 2014 IL App (2d) 130260, ¶¶ 16, 27. However, continued the Second District, the Illinois Supreme Court’s statutory analysis in \$30,700 United States Currency dictates that Section 39.2(b) cannot be read to require that the sender obtain returned receipts for service to be effective. “Here, section 39.2(b) mandates only that a return receipt be ‘requested’ . . . ; section 39.2(b) does not require proof that the recipient actually received the notice.” *Id.* at ¶ 27.

The Second District then turned to the timing of WLC’s mailing and the differing interpretations advanced by WLC and IPCB on appeal. The Second District observed that if WLC is correct that Section 39.2(b) simply requires notices to be *mailed* at least 14 days before the siting application is filed, WLC “clearly complied with the statute by mailing the notices 21 days before it filed its application.” Maggio, 2014 IL App (2d) 130260, ¶ 39. However, if IPCB is correct that Section 39.2(b) requires notices to be mailed *far enough in advance to reasonably expect receipt* at least 14 days before the siting application is filed, “IPCB’s determination that WLC complied with this standard is not against the manifest weight of the evidence.” *Id.* at ¶ 40. Because the Second District decided that WLC complied with Section 39.2(b) under either WLC’s or IPCB’s interpretation, the appellate court declined to “definitively resolve which interpretation is correct.” *Id.* at ¶ 41.

## **Rulemaking Update**

### **Board Seeks Comments on Proposed Water Quality Standards for the Chicago Area Waterway System and Lower Des Plaines River, R08-9 (Subdocket D)**

The Board is seeking final pre-first notice comments on the water quality standards proposed by the Illinois Environmental Protection Agency (IEPA) to meet the Board’s aquatic life uses for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River (LDPR). On March 6, 2014, the Board issued an order declining IEPA’s request to open a subdocket solely to address the water quality standard for chloride in the CAWS. IEPA indicated that it was prepared to proceed in Subdocket D except for the chloride standard. IEPA stated that it needs more time to work on the chloride standard with several rulemaking participants and the United States Environmental Protection Agency.

In declining IEPA’s request, the Board stated that it believes there is sufficient information in this record to proceed with water quality standards, including a water quality standard for chloride. The Board directed the hearing officer to establish a comment period for participants to provide final pre-first notice comments on IEPA’s proposed water quality standards.

The rulemaking is docketed as In the Matter of: 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(D).

For more information, please contact Marie Tipsord at 312-814-4925 or [marie.tipsord@illinois.gov](mailto:marie.tipsord@illinois.gov).

### **Board Adopts Second-Notice Proposal to Amend Laboratory Certification Required for Analyzing Drinking Water, R14-9**

On March 6, 2014, the Board adopted a second-notice opinion and order to amend the Illinois Primary Drinking Water Standards relating to certification of laboratories analyzing drinking water samples. Specifically, the proposed amendments would allow a drinking water supplier to use a laboratory certified by a sister state for a parameter if no United States Environmental Protection Agency (USEPA)-certified or Illinois-certified laboratory exists for that parameter. Currently, laboratories used must be certified and approved either by USEPA or IEPA. On September 19, 2013, IEPA filed this rulemaking, docketed as In the Matter of: Amendments to Primary Drinking Water Standards: 35 Ill. Adm. Code 611.490, R14-9.

After conducting two public hearings, providing for a 45-day public comment period, and considering the record in this proceeding, the Board proposed amendments to Part 611 for second-notice review by the Joint Committee on Administrative Rules (JCAR). After conclusion of the second-notice period for JCAR review, or after JCAR issues a certificate of no objection, the Board will promptly proceed to adopt the amendments as final rules and file them with the Office of the Secretary of State.

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board’s Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us) and may be downloaded from the Web without charge. Hard copies may be obtained from the Clerk’s Office upon payment of reproduction fees as prescribed by Section 6 of the Freedom of

Information Act (5 ILCS 140/6 (2012)) at the following address: Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601.

For more information, please contact Michael J. McCambridge at 312-814-6924 or [michael.mccambridge@illinois.gov](mailto:michael.mccambridge@illinois.gov).

### **Board Proposes Adding Chemical Compound to Exemption from Definition of VOM, R14-16**

On March 20, 2014, the Board adopted for public comment a proposal that would add one compound to the list of those exempted from the definition of volatile organic material (VOM). The amendments proposed in this “identical-in-substance” rulemaking respond to one USEPA action that resulted in a single USEPA amendment to the federal definition of “volatile organic compound” (VOC) codified at 40 C.F.R. 51.100(s) (2013). The Board must amend the Illinois definition of VOM in response to the USEPA action of October 22, 2013. The Board’s rulemaking is docketed as In the Matter of: Definition of VOM Update, USEPA Regulations (July 1, 2013 through December 31, 2013), R14-16.

The Board invited public comment on the proposed amendments. All comments relating to this rulemaking, whether filed physically or electronically, should clearly refer to docket number R14-16. The Board will receive public comments until at least 45 days after a notice of these proposed amendments appears in the *Illinois Register*. Anyone may file a public comment with the Board at: Office of the Clerk, Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, Illinois 60601. An interested person may file electronically using the Clerk’s Office On-Line (COOL) system, linked on the Board’s Web page, at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

The Board has scheduled a public hearing to occur in this rulemaking for the purpose of allowing interested members of the public to comment on the proposed amendments and the anticipated State Implementation Plan (SIP) revision that will result from their adoption. The Board will conduct that hearing by videoconference between the Board’s offices in Chicago and Springfield. Hearing information follows:

1:45 p.m., May 7, 2014  
James R. Thompson Center  
Illinois Pollution Control Board Hearing Room  
100 West Randolph Street, Room 11-512  
Chicago  
and  
Sangamo Building  
Illinois Pollution Control Board Hearing Room  
1021 North Grand Avenue  
Springfield

For more information, please contact Michael J. McCambridge at 312-814-6924 or [michael.mccambridge@illinois.gov](mailto:michael.mccambridge@illinois.gov).

### **Board Proposes Updating NAAQS Rules to Reflect USEPA Action, R14-17**

The Board, on March 20, 2014, adopted a proposal for public comment that updates the ambient air quality standards in the Board’s air pollution regulations to include revisions to the National Ambient Air Quality Standards (NAAQS) adopted by USEPA during the period July 1, 2013 through December 31, 2013.

The proposal for public comment would amend one segment of the Illinois ambient air quality standards to reflect revisions and USEPA actions that affect the federal NAAQS codified in 40 C.F.R. 50. Specifically, USEPA issued an updated version of its *List of Designated Reference and Equivalent Methods*. The Board intends the Illinois ambient air quality standards adopted in this proceeding to be identical-in-substance to their federal counterparts, as “identical-in-substance” is defined by Section 7.2(a) of the Environmental Protection Act (415 ILCS 5/7.2(a) (2012)). The Board must modify the version of the *List of Designated Reference and Equivalent Methods* that is incorporated by reference in the Board’s rules. This rulemaking is docketed as In the Matter of: National Ambient Air Quality Standards, USEPA Regulations (July 1, 2013 through December 31, 2013), R14-17.

The Board invited public comment on the proposed amendments. All comments relating to this rulemaking, whether filed physically or electronically, should clearly refer to docket number R14-17. The Board will receive public comments until at least 45 days after a notice of these proposed amendments appears in the *Illinois Register*. Anyone may file a public comment with the Board at: Office of the Clerk, Pollution Control Board, James R. Thompson

Center, 100 W. Randolph Street, Suite 11-500, Chicago, Illinois 60601. An interested person may file electronically using COOL, linked on the Board's Web page, at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

The Board has scheduled a public hearing to occur in this rulemaking for the purpose of allowing interested members of the public to comment on the proposed amendments and the anticipated SIP revision that will result from their adoption. The Board will conduct that hearing by videoconference between the Board's offices in Chicago and Springfield. Hearing information follows:

1:30 p.m., May 7, 2014  
James R. Thompson Center  
Illinois Pollution Control Board Hearing Room  
100 West Randolph Street, Room 11-512  
Chicago  
and  
Sangamo Building  
Illinois Pollution Control Board Hearing Room  
1021 North Grand Avenue  
Springfield

For more information, please contact Michael J. McCambridge at 312-814-6924 or [michael.mccambridge@illinois.gov](mailto:michael.mccambridge@illinois.gov).

#### **Board Adopts Second-Notice Proposal of Lead Emission Standards and Limitations for Nonferrous Metal Production Facilities in Certain Nonattainment Areas, R14-19**

The Board, on March 20, 2014, adopted second-notice rules in this "fast-track" rulemaking, docketed as In the Matter of: Standards and Limitations for Certain Sources of Lead; Proposed 35 Ill. Adm. Code 226, R14-19. IEPA proposed the rulemaking to satisfy its obligation under the federal Clean Air Act (CAA) to develop a SIP addressing CAA requirements for lead emissions sources in nonattainment areas with respect to the lead National Ambient Air Quality Standards (NAAQS). The rulemaking will add a new Part 226 to the Board's air regulations. The areas in which nonferrous metal production facilities would become subject to the new rules are designated as nonattainment for the 2008 lead NAAQS: the Granite City, Madison County designated area; and the Chicago, Cook County designated area. The proposed rules are now subject to second-notice review by JCAR.

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us) and may be downloaded from the Web without charge. Hard copies may be obtained from the Clerk's Office upon payment of reproduction fees as prescribed by Section 6 of the Freedom of Information Act (5 ILCS 140/6 (2012)) at the following address: Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601.

For more information, please contact Chad Kruse at 312-814-3665 or [chad.kruse@illinois.gov](mailto:chad.kruse@illinois.gov).

#### **Board Grants Stay of Rulemaking Process for Coke/Coal Bulk Terminals, R14-20**

On March 20, 2014, the Board granted IEPA's request to stay the general rulemaking proceeding docketed as In the Matter of: Emergency Rulemaking Regarding Regulation of Coke/Coal Bulk Terminals: New 35 Ill. Adm. Code 213, R14-20. IEPA, on January 16, 2014, had filed an emergency rulemaking that would have imposed additional Statewide requirements on the handling of coke and coal, including petroleum coke or "petcoke," at bulk terminals and other specified facilities. With its proposed emergency rules, IEPA sought to require numerous immediate measures, including road paving; dust suppression systems; setbacks; containment of stormwater; and disposal of any coke or coal that has been on-site for more than one year.

The Board, on January 23, 2014, declined to adopt an emergency rule. However, the Board agreed to proceed with the proposal as a general rulemaking. On February 20, 2014, IEPA filed a motion asking that the general rulemaking proceeding be stayed. The Board received no responses to IEPA's motion.

The Board's March 20, 2014 order stayed the proceeding until June 23, 2014, at which time IEPA must file a status report with the Board and may request an additional stay.

For more information, please contact Marie Tipsord at 312-814-4925 or [marie.tipsord@illinois.gov](mailto:marie.tipsord@illinois.gov).

# Board Actions

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**March 6, 2014**

**Via videoconference**

**Springfield and Chicago, Illinois**

## Rulemakings

- R08-9(D)** 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 (Water) – The Board declined the Illinois Environmental Protection Agency’s (IEPA) request to open a new subdocket in this proceeding to address the water quality standards for chlorides in the Chicago Area Waterway System and the Lower Des Plaines River. The Board directed the hearing officer to establish a comment period to allow participants to provide final pre-first notice comments on the IEPA’s proposed water quality standards. 4-0
- R14-9** In the Matter of: Proposed Amendments to Primary Drinking Water Standards: 35 Ill. Adm. Code 611.490 (Water) – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s primary drinking water regulations. 4-0

## Adjudicatory Cases

- PCB 14-103** Metropolitan Water Reclamation District of Greater Chicago (Calumet Plant, NPDES Permit No. IL0028061) v. Illinois Environmental Protection Agency (Water-Permit Appeal, NPDES) – The Board accepted for hearing this National Pollutant Discharge Elimination Program permit appeal involving a Cook County facility. 4-0
- PCB 14-104** Metropolitan Water Reclamation District of Greater Chicago (O'Brien Plant, NPDES Permit No. IL0028088) v. Illinois Environmental Protection Agency (Water-Permit Appeal, NPDES) – The Board accepted for hearing this National Pollutant Discharge Elimination Program permit appeal involving a Cook County facility. 4-0
- PCB 14-106** Prairie Rivers Network, Natural Resources Defense Council, Sierra Club, Environmental Law & Policy Center, Friends of Chicago River, and Gulf Restoration Network v. Illinois Environmental Protection Agency and Metropolitan Water Reclamation District of Greater Chicago (O'Brien Plant, Permit No. 28088) (Water-Permit Appeal, NPDES, 3<sup>rd</sup> Party) – The Board granted the IEPA’s agreed motion to consolidate PCB 14-106, PCB 14-107, and PCB 14-108. 4-0
- PCB 14-107** Prairie Rivers Network, Natural Resources Defense Council, Sierra Club, Environmental Law & Policy Center, Friends of Chicago River, and Gulf Restoration Network v. Illinois Environmental Protection Agency and Metropolitan Water Reclamation District of Greater Chicago (Calumet Plant, Permit No. 28061) (Water-Permit Appeals, NPDES, 3<sup>rd</sup> Party) – The Board granted IEPA’s agreed motion to consolidate PCB 14-106, PCB 14-107, and PCB 14-108. 4-0

<b>PCB 14-108</b>	<u>Prairie Rivers Network, Natural Resources Defense Council, Sierra Club, Environmental Law &amp; Policy Center, Friends of Chicago River, and Gulf Restoration Network v. Illinois Environmental Protection Agency and Metropolitan Water Reclamation District of Greater Chicago (Stickney Plant, Permit No. 28053)</u> (Water-Permit Appeal, NPDES, 3 <sup>rd</sup> Party) – The Board granted the IEPA’s agreed motion to consolidate PCB 14-106, PCB 14-107, and PCB 14-108.	4-0
<b>PCB 14-109</b>	<u>Greenfield &amp; Greenfield Gold Dust, LLC v. IEPA</u> (UST-Permit Appeal, 90-Day Extension) – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Coles County facility.	4-0
<b>PCB 14-110</b>	<u>KCBX Terminals Company v. IEPA</u> (Air, Permit Appeal) – The Board accepted for hearing this permit appeal involving a Cook County facility. The Board reserved ruling on the motion to supplement the petition.	4-0
<b>PCB 14-111</b>	<u>Sanitary District of Decatur v. IEPA</u> (Water-Variance) – The Board accepted for hearing this request for variance involving a Macon County facility, without ruling on the sufficiency of the petition. The Board granted petitioner’s motion to incorporate the entire PCB 09-125 record and a waiver of the requirement to submit four copies of the material to be incorporated.	4-0

**March 20, 2014  
Chicago, Illinois**

**Rulemakings**

<b>R14-16</b>	<u>Definition of VOM Update, USEPA Amendments (July 1, 2013 through December 31, 2013)</u> (Air) – The Board adopted a proposal for public comment in this rulemaking to amend the Board’s air pollution control regulations. A hearing will be held by videoconference simultaneously in Chicago and Springfield on April 30, 2014.	4-0
<b>R14-17</b>	<u>National Ambient Air Quality Standards, USEPA Amendments (July 1, 2013 through December 31, 2013)</u> (Air) – The Board adopted a proposal for public comment in this rulemaking to amend the Board’s air pollution control regulations. A hearing will be held by videoconference simultaneously in Chicago and Springfield on April 30, 2014.	4-0
<b>R14-19</b>	<u>In the Matter of: Standards and Limitations for Certain Sources of Lead: Proposed 35 Ill. Adm. Code 226</u> (Air) – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s air pollution control regulations.	4-0
<b>R14-20</b>	<u>In the Matter of: Emergency Rulemaking Regarding Regulation of Coke/Coal Bulk Terminals; 35 Ill. Adm. Code Part 213</u> (Air) – The Board granted the Illinois Environmental Protection Agency’s motion to stay proceedings until June 23, 2014.	4-0

**Administrative Citations**

<b>AC 09-41</b>	<u>IEPA v. Mark A. Lewis</u> – The Board entered an interim opinion and order finding respondent violated Sections 21(p) (1) of the Illinois Environmental Protection Act (415 ILCS 5/21(p) (1), (2012)) and assessing a penalty of	4-0
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\$3,000. The Board ordered the Clerk of the Board and the Illinois Environmental Protection Agency to file by April 3, 2014, a statement of hearing costs, supported by affidavit, with service on respondents. Respondent may respond to the cost statement within 21 days after service.

- AC 13-34**      IEPA v. Colonial Brick Co. Inc. and Rodney N. Brown d/b/a Brown Trucking & Ready Mix – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Knox County facility, the Board found that respondents had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2012)) and ordered respondents 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 dismissed the alleged violations Section 21(p)(7) and Section 55(k)(1) of the Act (415 ILCS 5/21(p)(7) and 55(k)(1) (2012)).      4-0
- AC 14-7**      IEPA v. John Croslow d/b/a Croslow's Auto Repair – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Lawrence County facility, the Board found that respondent had violated Section 55(k)(2) of the Environmental Protection Act (415 ILCS 5/55(k)(2) (2012)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss respondent’s petition for review. To effectuate the parties’ intent that respondents pay a total civil penalty of \$1,500, the Board dismissed the alleged violations Section 55(k)(3) of the Act (415 ILCS 55(k)(3) (2012)).      4-0
- AC 14-20**      IEPA v. Frank Root – The Board accepted respondent’s second amended petition for review involving a Macoupin County facility.      4-0
- AC 14-31**      Illinois EPA v. Ponderosa Land Trust and Dennis R. Crites, Jr. – The Board found that these Williamson County respondents violated Sections 21(p)(1) and 55(k)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 55(k)(1) (2012)), and ordered respondents to pay a civil penalty of \$3,000.      4-0
- AC 14-32**      Illinois EPA v. Maria L. Tilley – The Board found that this Perry County respondent violated Sections 21(p)(1) and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(7) (2012)), and ordered respondent to pay a civil penalty of \$3,000.      4-0
- AC 14-33**      Illinois EPA v. County of Whiteside and Waste Management of Illinois, Inc. – The Board found that these Whiteside County respondents violated Section 21(o)(5) of the Environmental Protection Act (415 ILCS 5/21(o)(5) (2012)), and ordered respondents to pay a civil penalty of \$500.      4-0
- AC 14-35**      County of Jackson v. Kimberly Hunziker – The Board found that this Jackson County respondent violated Sections 21(p)(1) and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(7) (2012)), and ordered respondent to pay a civil penalty of \$3,000.      4-0

## **Adjudicatory Cases**

- PCB 06-70**      Ameren Energy Generating Company, Hutsonville Power Station v. IEPA (Air-Permit Appeal, CAAP) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.      4-0

<b>PCB 13-35</b>	<u>People of the State of Illinois v. The Board of Trustees of the University of Illinois (East Campus)</u>	4-0
<b>PCB 13-36</b> (cons.)	<u>People of the State of Illinois v. The Board of Trustees of the University of Illinois (West Campus)</u> (Air-Enforcement) – Upon receipt of a stipulation and proposed settlement agreement and agreed motion to request relief from the hearing requirement in this air enforcement consolidated action involving two Cook County facilities, the Board ordered publication of the required newspaper notice.	
<b>PCB 13-66</b>	<u>People of the State of Illinois v. Union Pacific Railroad Company, a Delaware Corporation, and Walsh Construction Company</u> (Water-Enforcement) – Upon receipt of a stipulation and proposed settlement agreement and agreed motion to request relief from the hearing requirement in this water enforcement consolidated action involving a Cook County facility, the Board ordered publication of the required newspaper notice.	4-0
<b>PCB 14-39</b>	<u>People of the State of Illinois v. Bradley Property, LLC, Bradley Auto Spa, LLC, and A-K Underground, Inc.</u> (Water-Enforcement) – Upon receipt of a stipulation and proposed settlement agreement between the People and A-K Underground, Inc. only and their agreed motion to request relief from the hearing requirement in this water enforcement consolidated action involving a Kankakee County facility, the Board ordered publication of the required newspaper notice.	4-0
<b>PCB 14-41</b>	<u>Amerenenergy Resources Generating Company v. IEPA</u> (Land-Permit Appeal) – The Board denied petitioner’s motion to strike a portion of the administrative record.	4-0
<b>PCB 14-81</b>	<u>BNSF Railway Company v. Indian Creek Development Company and JB Industries, Inc.</u> (Land-Enforcement, Citizens) – The Board denied respondents’ motion to dismiss and accepted the complaint for hearing.	4-0
<b>PCB 14-99</b>	<u>Timber Creek Homes, Inc. v. Village of Round Lake Park, Round Lake Park Village Board and Groot Industries, Inc.</u> (Land-Siting Appeal, 3 <sup>rd</sup> Party) – The Board denied respondents’ motions to dismiss.	4-0
<b>PCB 14-102</b>	<u>Metropolitan Water Reclamation District of Greater Chicago (Stickney Plant, NPDES Permit No. IL0028053) v. Illinois Environmental Protection Agency</u> (Water-Permit Appeal, NPDES) – Having previously granted a request for a 30-day extension, the Board dismissed this matter because no permit appeal was filed on behalf of this Cook County facility.	4-0
<b>PCB 14-110</b>	<u>KCBX Terminals Company v. IEPA</u> (Air, Permit Appeal) – The Board granted petitioner’s unopposed motion to supplement and admitted Mr. Terry Steinert’s signed affidavit into the record.	4-0
<b>PCB 14-111</b>	<u>Sanitary District of Decatur v. IEPA</u> (Water-Variance) – The Board granted petitioner’s motion to supplement and admitted the December 29, 2010 interim report into the record.	4-0
<b>PCB 14-114</b>	<u>People of the State of Illinois v. Hendrickson Bumper &amp; Trim</u> (Air-Enforcement) – The Board accepted for hearing this air enforcement action concerning a facility located in Will County.	4-0
<b>PCB 14-115</b>	<u>People of the State of Illinois v. Heritage-Crystal Clean, L.L.C</u> (Land-Enforcement) – Upon receipt of a complaint accompanied by a proposed	4-0

stipulation and settlement agreement, and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Marion County facility, the Board ordered publication of the required newspaper notice.

## **New Cases**

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### **March 6, 2014 Board Meeting**

**AC 14-36** IEPA v. Leland W. Brock & Jessie M. Brock d/b/a Brock's Enterprise – The Board accepted an administrative citation against these Perry County respondents.

**AC 14-37** IEPA v. Gerald Cain and Reynolds Service Co., Inc. – The Board accepted an administrative citation against these Union County respondents.

**AC 14-38** IEPA v. Lone Oak Enterprises, Inc. and Lomax & Sons Construction – The Board accepted an administrative citation against these Jefferson County respondents.

**AS 14-2** In the Matter of: Petition of Kramer Tree Specialists, Inc. for an Adjusted Standard from Provisions of 35 Ill. Adm. Code 830 – No action taken.

**PCB 14-109** Greenfield & Greenfield Gold Dust, LLC v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Coles County facility.

**PCB 14-110** KCBX Terminals Company v. IEPA – The Board accepted for hearing this permit appeal involving a Cook County facility. The Board reserved ruling on the motion to supplement the petition.

**PCB 14-111** Sanitary District of Decatur v. IEPA – The Board accepted for hearing this request for variance involving a Macon County facility, without ruling on the sufficiency of the petition. The Board granted petitioner's motion to incorporate the entire PCB 09-125 record and a waiver of the requirement to submit four copies of the material to be incorporated.

**PCB 14-112** Mr. Gary L. Polchow v. Aaron Warren and Sean McAllister – No action taken.

**PCB 14-113** City of Nashville, IL v. Sisco Corporation, d/b/a Sisco Box Corporation – No action taken.

### **March 20, 2014**

**AC 14-39** County of Jackson v. Jackie Bentancourt – The Board accepted an administrative citation against this Jackson County respondents.

**AC 14-40** IEPA v. Timothy Lewis and William Lewis – The Board accepted an administrative citation against these Union County respondents.

**AC 14-41** IEPA v. Ghent B. Holman, Jr. (IEPA File No. 53-14-AC) – The Board accepted an administrative citation against this Jefferson County respondent.

**AC 14-42** IEPA v. Ghent B. Holman, Jr. (IEPA File No. 54-14-AC) – The Board accepted an administrative citation against this Jefferson County respondent.

**PCB 14-114** People of the State of Illinois v. Hendrickson Bumper & Trim – The Board accepted for hearing this air enforcement action concerning a facility located in Will County.

**PCB 14-115** People of the State of Illinois v. Heritage-Crystal Clean, L.L.C – 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 Marion County facility, the Board ordered publication of the required newspaper notice.

## Calendar

<b>4/3/2014 11:00 AM</b>	<b>Illinois Pollution Control Board Meeting</b>		<b>James R. Thompson Center 100 W. Randolph Street Chicago</b>
4/10/2014 9:30 AM	PCB 11-25	<u>Estate of Gerald D. Slightom v. IEPA</u>	Pollution Control Board Hearing Room 1021 N. Grand Avenue East (North Entrance) Springfield
<b>4/17/2014 11:00 AM</b>	<b>Illinois Pollution Control Board Meeting</b>		<b>James R. Thompson Center 100 W. Randolph Street Chicago</b>
4/22/2014 10:00 AM	PCB 12-124	<u>Broadus Oil Company v. IEPA</u>	Pollution Control Board Hearing Room 1021 N. Grand Avenue East (North Entrance) Springfield
4/22/2014 10:00 AM	PCB 12-134	<u>Brimfield Auto &amp; Truck v. IEPA</u>	Pollution Control Board Hearing Room 1021 N. Grand Avenue East (North Entrance) Springfield
4/29/2014 9:00 AM	PCB 14-110	<u>KCBX Terminals Company v. IEPA</u>  (Continues until complete or through April 30, 2014)	James R. Thompson Center Room 11-512 100 W. Randolph Chicago
<b>5/1/2014 11:00 AM</b>	<b>Illinois Pollution Control Board Meeting</b>		<b>James R. Thompson Center 100 W. Randolph Street Chicago</b>
5/7/2014 1:30 PM	R14-17	<u>National Ambient Air Quality Standards, USEPA Amendments (July 1, 2013 through December 31, 2013)</u>	Videoconference Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago And Pollution Control Board Hearing Room 1021 N. Grand Avenue East Springfield
5/7/2014 1:45 PM	R14-16	<u>Definition of VOM Update, USEPA Amendments (July 1, 2013 through December 31, 2013)</u>	Videoconference Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago And Pollution Control Board Hearing Room 1021 N. Grand Avenue East Springfield

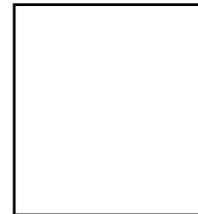
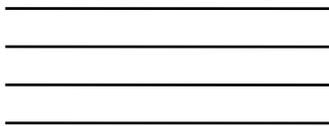
<p>5/14/2014 10:00 AM</p>	<p>R14-10</p>	<p><u>In the Matter of: Coal Combustion Waste (CCW) Ash Ponds and Surface Impoundments at Power Generating Facilities: Proposed New 35 Ill. Adm. Code 841</u></p> <p>(Continues until complete or through May 15, 2014)</p>	<p>James R. Thompson Center Room 9-040 100 W. Randolph Street Chicago</p>
<p><b>5/15/2014 11:00 AM</b></p>	<p><b>Illinois Pollution Control Board Meeting</b></p>		<p><b>James R. Thompson Center 100 W. Randolph Street Chicago</b></p>



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

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

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