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# Environmental Register

September 2015 - Number 735

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Gerald M. Keenan, Chairman

Board Members:

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# Letter from the Chairman

Greetings,

I would first like to thank Dr. Deanna Glosser for her two years of service to the Board and the people of Illinois as Chairman of the Board. We are very grateful for her leadership and are happy that she continues her service on the Board.

In September, the Board took action in several rulemakings that generated public interest and comment.

It is crucial to emphasize the importance of environmental, industry, citizen, and other groups participating actively in Board rulemakings. Some mistakenly believe that once a proposal is made to the Board by IEPA, there is little for them to do. On the contrary, there are often significant enhancements to IEPA proposals that result from your involvement in the rulemaking process. We both welcome and encourage vigorous participation by associations, companies, citizens groups, and individual citizens in the Board's rulemaking proceeding.

On September 3, the Board adopted new rules that will significantly improve the management of used tires in Illinois (R15-19, Management of Used and Waste Tires). The rules cover owners and operators of tire disposal and storage sites, as well as all tire retreading, tire stamping and die cutting facilities. The Board's action will help protect citizens from threats posed by tire fires and the breeding of disease-carrying mosquitos due to standing water in tires.

At the same time, the changes minimize the impact on used tire and tire treading businesses. The rules also increase the protection to the public from used tire businesses that get into financial difficulties. The rules require operators to change the way used tires may be stored at both indoor and outdoor tire storage facilities, ensuring that emergency response crews have easier access to tire piles in case of fire or other emergencies.

The industry provides a valuable service, keeping tires out of landfills and reusing them for other products. Our rules require that these activities be done safely. The rules implement the legislative framework established in 2014 in response to concerns about the increase in tire fires since 1998.

On September 17, the Board adopted rules that will reduce costs to Illinois community drinking water systems by at least \$2.1 million per year, of which \$1 million will accrue to the City of Chicago (R15-23, Amendments to Primary Drinking Water Standards). The Board's decision lowers the level of fluoride added to most Illinois drinking water supplies by an average of 30%. The action is in response to new guidance from the US Department of Health and Human Services indicating that lower levels of fluoridation enhance public health while still providing the desired benefits of reducing tooth decay, particularly in children.

The Board completed the entire expedited hearing process in just four months, so that community water suppliers could implement this new standard quickly, while still ensuring a full and complete public review of the technical and economic aspects of the change. In these difficult economic times, these savings can prevent or mitigate water price increases. Government can move with dispatch to benefit citizens and local governments. Information on these rulemakings, other rulemakings, and contested cases before the Board is available on [www.ipcb.state.il.us](http://www.ipcb.state.il.us).



**Sincerely,**

A handwritten signature in black ink, appearing to read "Gerald M. Keenan". The signature is written in a cursive style and is positioned above the printed name.

Gerald M. Keenan  
Chairman

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### Appellate Update

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#### **Second District Affirms Board in Appeal against Siting of Waste Transfer Station**

Timber Creek Homes, Inc. v. Illinois Pollution Control Board; Village of Round Lake Park; Village Board of Round Lake Park; and Groot Industries, Inc.

2015 IL App (2d) 140909-U (TCH)

Board docket PCB 14-99

On September 9, 2015, the Second District Appellate Court issued an unpublished order affirming the Illinois Pollution Control Board (IPCB) in a “pollution control facility” siting appeal. Timber Creek Homes, Inc. (TCH), the owner and operator of a mobile home community, petitioned IPCB to review a siting decision rendered by the Village Board of Round Lake Park (Village Board). The Village Board granted approval for the siting of a waste transfer station—in the Village of Round Lake Park (Village), Lake County—by Groot Industries, Inc. (Groot), a solid waste management company. TCH’s mobile home community is located approximately 1,000 feet from the 3.9-acre site proposed by Groot for the waste transfer station. Groot’s proposed transfer station, which includes a 27,800 square-foot building, would process 750 tons of municipal waste each day. At a transfer station, waste collection trucks dump their contents to be loaded onto larger trucks for hauling to distant landfills.

TCH participated in the public hearings before the Village Board and then petitioned IPCB to review the Village Board’s grant of Groot’s siting application. According to TCH, (1) the Village Board’s siting procedures were fundamentally unfair due to bias in favor of Groot and (2) the Village Board erred in finding that Groot had met five of the nine siting criteria set forth in the Environmental Protection Act (Act) (415 ILCS 5). IPCB affirmed the Village Board’s grant of siting approval. In turn, TCH appealed IPCB’s decision to the appellate court. The Second District first held that IPCB’s determination—that the Village Board’s siting procedures were fundamentally fair—was not clearly erroneous. Next, the court held that IPCB’s affirmation of the Village Board on each of the contested siting criteria was not against the manifest weight of the evidence. The Second District therefore affirmed IPCB’s decision.

The Act requires that a “pollution control facility,” such as a waste transfer station, receive siting approval from the local government before the facility can be issued a construction permit by the Illinois Environmental Protection Agency. Under the Act, an applicant seeking siting approval must provide evidence demonstrating that the proposed facility meets the nine listed criteria. 415 ILCS 5/39.2(a). If siting approval is granted, a third party—who participated in the local

siting authority's public hearing and who is located so as to be affected by the proposed facility—may petition IPCB to contest the approval. 415 ILCS 5/40.1(b).

A third party's right to "fundamental fairness" (415 ILCS 5/40.1(a)) during the local proceeding incorporates only the minimal standards of procedural due process, such as the right to be heard, cross-examine witnesses, and have impartial evidentiary rulings. TCH, ¶ 56. Siting authority members are presumed to make decisions fairly and objectively. The presumption is not overcome merely because a decision-maker previously took a public position or expressed strong views on a related issue. To establish bias, it must be shown that a disinterested observer might conclude that before the hearing, the local siting authority adjudged the facts and law. *Id.*, ¶ 57.

Here, the Second District Appellate Court agreed with IPCB that TCH failed to produce any evidence of collusion between the Village Board and Groot. The Village's real estate appraiser denied TCH's claim that he was hired merely to agree with Groot's real estate appraiser about whether the waste transfer station's location would minimize the effect on surrounding property values. TCH, ¶¶ 23, 24, 63. Further, the appellate court continued, the former mayor attending a Groot open house and making a statement about possibly bringing in more revenue for the Village from another Groot project did not support TCH's conspiracy theory. *Id.*, ¶¶ 47, 64. All of the Village Board members testified that their decisions were made based upon Groot's siting application and the hearing. *Id.*, ¶¶ 49, 64. Testimony of a TCH executive about hearing "rumors" of the transfer station being a "done deal" was insufficient to overcome the presumption that the Village Board members were unbiased. *Id.*, ¶¶ 48, 64.

On each contested siting criterion, IPCB determines whether the Village Board's decision was "contrary to the manifest weight of the evidence," which is the same standard of review applied by the appellate court to IPCB's decision. TCH, ¶ 65. The first of the five siting criteria at issue was whether the facility is necessary to accommodate the waste needs of its intended service area. An applicant need not show absolute necessity for the new facility, but rather an urgent need and the reasonable convenience of establishing it, *i.e.*, the facility must be reasonably required by the waste needs of the area, taking into account the area's waste production and disposal capabilities. *Id.*, ¶ 67. The experts of Groot and TCH on this criterion disagreed with each other. The Second District declined TCH's invitation to "reweigh the evidence." *Id.*, ¶ 70.

The second contested criterion was whether the facility is so designed, located, and proposed to be operated so as to protect the public health, safety, and welfare. Deciding this criterion boils down to the local siting authority assessing the credibility of the expert witnesses. TCH, ¶ 76. Neither IPCB nor the court is allowed to reassess their credibility. *Id.*, ¶ 77. Noting that it is permitted to rely upon IPCB's "expert consideration of each criterion," the Second District rejected TCH's arguments that Groot's expert lied about the waste to be received by the transfer station and where the waste would go. *Id.*, ¶¶ 72-77.

The third criterion at issue was whether the facility is located so as to minimize incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property. An applicant must do what is reasonably feasible to minimize incompatibility with the surrounding area, which means demonstrating more than minimal efforts. TCH, ¶ 79. Again, the respective experts disagreed and the Second District refused to

“decide credibility.” *Id.*, ¶¶ 80, 81. The fourth contested criterion was whether the traffic patterns—to or from the facility—are designed so as to minimize the impact on existing traffic flows. The applicant is not required to eliminate all traffic problems or provide a traffic plan showing “exact routes, types of traffic, noise, dust, or projections of volume.” *Id.*, ¶ 83. The appellate court agreed with the Board that TCH incorrectly argued that such specificity was required of Groot. *Id.*, ¶ 84.

Finally, the fifth contested criterion was whether the facility is consistent with the county’s solid waste management plan, if any. TCH could not show that the requirements of Lake County’s plan precluded transfer stations inside of Lake County or disposal at landfills outside of Lake County. TCH, ¶ 86.

## **Rulemaking Update**

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### **Board Strengthens Rules to Address Mismanagement of Used and Waste Tires, R15-19**

On September 3, 2015, the Board adopted final amendments to its rules for managing used and waste tires. The Illinois Environmental Protection Agency initiated the rulemaking by filing a proposal under Public Act 98-0656. The Board held public hearings in Springfield on March 5, 2015, and in Chicago on April 15, 2015. The rulemaking is captioned Management of Used and Waste Tires: Proposed Amendments to 35 Ill. Adm. Code 848, docket R15-19.

Since the rules were last amended in 1998, Illinois has experienced several major fires at tire storage sites. Those fires show the continuing threats posed—to public health, safety, and welfare—by mismanaging used and waste tires. The breeding of disease-spreading mosquitoes in used and waste tires is another serious problem. The rule amendments adopted by the Board are designed to protect the State’s residents from these threats, while minimizing impacts on markets and businesses that diminish the threats by recycling and reusing tires. Among other things, the amended rules establish a tire storage permit program, require tire tracking and recordkeeping, and enhance requirements for financial assurance, tire removal agreements, contingency planning, and emergency responses.

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

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

### **Board Updates Multiple Aspects of its Procedural Rules, including *Pro Hac Vice* and Service Requirements, R15-20**

On September 3, 2015, the Board adopted final amendments to its procedural rules in a rulemaking captioned Procedural Rules Amendments: Proposed Amendments to 35 Ill. Adm.

Code 101, 103, 104, 106, 108, docket R15-20. Specifically, the Board revised the process for allowing out-of-state attorneys to appear *pro hac vice* in a Board adjudicatory proceeding. This procedural rule amendment requires those attorneys to comply with Illinois Supreme Court Rule 707, which establishes a procedure by which an eligible out-of-state attorney may appear as counsel and provide legal services in a proceeding without order of the tribunal.

In addition, to implement Public Act 98-0822, the Board revised its procedural rules on the notice required for variance petitions. Further, the Board amended its rules on administrative citations to accommodate citations filed under the Public Water Supply Operations Act or the Electronic Products Recycling and Reuse Act. The rulemaking also continued to update and clarify the Board's procedural rules for all forms of service.

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

For more information, please contact Daniel Robertson at 312-814-6931 or [daniel.robertson@illinois.gov](mailto:daniel.robertson@illinois.gov).

### **Board Proposes Amending Drinking Water Rule to Reflect Latest Nationally-Recommended Fluoride Level, R15-23**

On September 17, 2015, the Board proposed second-notice amendments to its primary drinking water standards for review by the Joint Committee on Administrative Rules. The amendments would change the required drinking water concentration of fluoride that must be maintained by community water suppliers. The rulemaking is captioned Amendments to Primary Drinking Water Standards: 35 Ill. Adm. Code 611, docket R15-23.

Currently, each community water supplier must add fluoride to its water to maintain a fluoride ion concentration of 0.9 to 1.2 milligrams per liter (mg/L) in its distribution system. The Board's rule amendment would decrease the required fluoride ion concentration to 0.7 mg/L, consistent with the level recommended by the United States Department of Health and Human Services on May 1, 2015. The federal agency indicated that the lower fluoride concentration provides the best balance of preventing tooth decay and limiting dental fluorosis.

The Board held public hearings in Springfield on July 30, 2015, and in Chicago on August 19, 2015. With the rule change, savings for community water supplies—from the reduced costs of adding fluoride—are estimated to be about \$2 million statewide per year, including roughly \$1 million each year for the City of Chicago.

**Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board's website ([www.ipcb.state.il.us](http://www.ipcb.state.il.us)) and may be downloaded without charge. Hard copies may be obtained from the Clerk's Office (Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL**

**60601) upon payment of reproduction fees as prescribed by the Freedom of Information Act.**

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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September 3, 2015  
Chicago, Illinois

## Rulemakings

- R15-9**      In the Matter of: Management of Used and Waste Tires: Proposed Amendments to 35 Ill. Adm. Code 848      5-0  
(Land, Tires) – The Board adopted a final opinion and order in this rulemaking to amend the Board’s regulations governing the management of used and waste tires.
- R15-20**      In the Matter of: Procedural Rules Amendments: Proposed Amendments to 35 Ill. Adm. Code 101, 103, 104, 106, and 108  
(Procedural) – The Board adopted a final opinion and order in this rulemaking to amend the Board’s procedural rules.

## Administrative Citations

- AC 12-21**      IEPA v. Katherine Blunk      5-0  
(Land) – In response to a joint stipulation and proposed settlement agreement in this administrative citation action involving a Iroquois County facility, the Board found that respondent had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2014)) 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.

## Adjudicatory Cases

- PCB 10-20**      People of the State of Illinois v. Montalbano Builders, Inc., MBC XIV, LLC, Cortland I-88, LLC, RB Resolutions Properties, LLC, and Douglas J Johnson      5-0  
(Water – Enforcement) – Upon receipt of a stipulation and proposed settlement agreement and agreed motion to request relief from the hearing requirement, as to Cortland I-88 only, in this land enforcement action involving a DeKalb County facility, the Board ordered publication of the required newspaper notice.
- PCB 11-25**      Estate of Gerald D. Slightom v. IEPA      5-0  
(UST Appeal) – In response to the Illinois Appellate Court remand in this matter, the Board directed petitioner to submit its request for reimbursement of legal defense costs pursuant to Section 57.8(1) of the Environmental Protection Act (Act) (415

ILCS 5/57.8(1) (2014)) of the Act by September 28, 2015.

- PCB 14-127**     People of the State of Illinois v. Remediation and Management Services Corporation     5-0  
(Air – Enforcement) – In this air enforcement action concerning a Carroll 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) (2012)), accepted a stipulation and settlement agreement, and ordered respondent to pay a \$12,000 civil penalty and to cease and desist from further violations.
- PCB 15-139**     Susan M. Bruce v. Highland Hills Sanitary District     5-0  
(Water – Enforcement, Citizen’s) – The Board denied respondent’s motions for reconsideration and to dismiss. Finding complainant’s amended complaint neither frivolous nor duplicative, the Board accepted the amended complaint for hearing.
- PCB 15-173**     Chatham BP, LLC v. IEPA     5-0  
(UST Appeal) – The Board directed the Illinois Environmental Protection Agency (Agency) to reimburse petitioner \$11,485.08 in legal fees. The Board remanded petitioner’s proposed Stage 2 site investigation budget to the Agency for its review.
- PCB 16-4**     People of the State of Illinois v. City of Toulon     5-0  
(Water – Enforcement, NPDES) – In this water enforcement action concerning a Stark 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) (2012)), accepted a stipulation and settlement agreement, and ordered respondent to pay a \$3,888 civil penalty and to cease and desist from further violations.
- PCB 16-7**     People of the State of Illinois v. Fleischmann's Vinegar Company, Inc.     5-0  
(Air – Enforcement, CAAPP) – In this air enforcement action concerning a Cook County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2012)), accepted a stipulation and settlement agreement, and ordered respondent to pay a \$5,000 civil penalty and to cease and desist from further violations. In addition to the civil penalty, respondent agreed to perform a supplemental environmental project with a settlement value of \$5,000.
- PCB 16-10**     People of the State of Illinois v. KJMM Partnership     5-0

(Water – Enforcement) – In this water enforcement action concerning a St. Clair 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) (2012)), accepted a stipulation and settlement agreement, and ordered respondent to pay a \$2,500 civil penalty and to cease and desist from further violations. In addition to the civil penalty, respondent agrees to perform a supplemental environmental project with a settlement value of \$51,000.

- PCB 16-14**      Village of Homewood, Homewood, Illinois v. IEPA      5-0  
(Water – Variance, NPDES) – The Board found that the clarification sought by the Illinois Environmental Protection Agency in its August 18, 2015 motion has been provided by the Board and the motion to stay is moot. *See* 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, R08-9(D) (Aug. 20, 2015).
- PCB 16-15**      Village of Orland Park, Orland Park, Illinois v. IEPA      5-0  
(Water – Variance, NPDES) – The Board found that the clarification sought by the Illinois Environmental Protection Agency in its August 18, 2015 motion has been provided by the Board and the motion to stay is moot. *See* 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, R08-9(D) (Aug. 20, 2015).
- PCB 16-16**      Village of Midlothian, Midlothian Illinois v. IEPA      5-0  
(Water – Variance, NPDES) – The Board found that the clarification sought by the Illinois Environmental Protection Agency in its August 18, 2015 motion has been provided by the Board and the motion to stay is moot. *See* 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, R08-9(D) (Aug. 20, 2015).
- PCB 16-17**      Village of Tinley Park, Tinley Park, Illinois v. IEPA      5-0  
(Water – Variance, NPDES) – The Board found that the clarification sought by the Illinois Environmental Protection Agency in its August 18, 2015 motion has been provided by the Board and the motion to stay is moot. *See* 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, R08-9(D) (Aug. 20, 2015).

- PCB 16-19**      Midwest Generation, LLC v. IEPA      5-0  
(Water – Variance, NPDES) – The Board found that the clarification sought by the Illinois Environmental Protection Agency in its August 18, 2015 motion has been provided by the Board and the motion to stay is moot. *See* 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, R08-9(D) (Aug. 20, 2015).
- PCB 16-20**      Village of Wilmette v. IEPA      5-0  
(Water – Variance, NPDES) – The Board found that the clarification sought by the Illinois Environmental Protection Agency in its August 18, 2015 motion has been provided by the Board and the motion to stay is moot. *See* 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, R08-9(D) (Aug. 20, 2015).
- PCB 16-21**      City of Country Club Hills, Country Club Hills, Illinois v. IEPA      5-0  
(Water – Variance, NPDES) – The Board found that the clarification sought by the Illinois Environmental Protection Agency in its August 18, 2015 motion has been provided by the Board and the motion to stay is moot. *See* 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, R08-9(D) (Aug. 20, 2015).
- PCB 16-24**      Flint Hills Resources Joliet, LLC (Temperature Standards) v. IEPA      5-0  
(Water – Variance, NPDES) – The Board granted the Illinois Environmental Protection Agency’s August 20, 2015 motion to extend the time to file its recommendation until November 3, 2015.
- PCB 16-25**      City of Evanston v. IEPA      5-0  
(Water – Variance, NPDES) – The Board found that the clarification sought by the Illinois Environmental Protection Agency in its August 18, 2015 motion has been provided by the Board and the motion to stay is moot. *See* 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, R08-9(D) (Aug. 20, 2015).

- PCB 16-27**      Illinois Department of Transportation v. IEPA      5-0  
(Water – Variance, NPDES) – The Board found that the clarification sought by the Illinois Environmental Protection Agency in its August 18, 2015 motion has been provided by the Board and the motion to stay is moot. *See* 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, R08-9(D) (Aug. 20, 2015).
- PCB 16-29**      Metropolitan Water Reclamation District of Greater Chicago v. IEPA (Chloride Standards)      5-0  
(Water – Variance, NPDES) – The Board found that the clarification sought by the Illinois Environmental Protection Agency in its August 18, 2015 motion has been provided by the Board and the motion to stay is moot. *See* 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, R08-9(D) (Aug. 20, 2015).
- PCB 16-33**      City of Oak Forest, Oak Forest, IL v. IEPA      5-0  
(Water – Variance, NPDES) – The Board accepted for hearing petitioner’s petition requesting a variance from the Board’s chloride standards recently adopted 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, R08-9(D) (June 18, 2015) (“CAWS”). In addition, the Board found that petitioner’s petition does not statutorily stay those standards. The Board also found that the clarification sought by the Illinois Environmental Protection Agency in its August 18, 2015 motion has been provided by the Board and the motion to stay is moot. *See* 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, R08-9(D) (Aug. 20, 2015).
- PCB 16-39**      People of the State of Illinois v. Village of Percy      5-0  
(Public Water Supply – Enforcement) – 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 public water supply enforcement action involving a Randolph County facility, the Board ordered publication of the required newspaper notice.

- PCB 16-41**      State Oil Company v. IEPA      5-0  
(UST 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 this McHenry County facility.
- PCB 16-42**      People of the State of Illinois v. Hueber, LLC      5-0  
(Air – Enforcement) – 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 air enforcement action involving a Ogle County facility, the Board ordered publication of the required newspaper notice.
- PCB 16-43**      People of the State of Illinois v. Perfect Mulch Products, Inc.      5-0  
(Water, Air – Enforcement) – The Board accepted for hearing this water and air enforcement action concerning a Cook County facility.

**September 17, 2015**  
**Via videoconference**  
**Springfield and Chicago, Illinois**

**Rulemakings**

- R14-10**      In the Matter of: Coal Combustion Waste (CCW) Ash Ponds and Surface Impoundments at Power Generating Facilities: Proposed New 35 Ill. Adm. Code 841  
(Water) – No action taken.
- R15-21**      In the Matter of: Amendments to 35 Ill. Adm. Code Part 214, Sulfur Limitations, Part 217, Nitrogen Oxides Emissions, and Part 225, Control of Emissions from Large Combustion Sources  
(Air) – No action taken.

**R15-23**      In the Matter of: Amendments to Primary Drinking Water Standards: 35 Ill. Adm. Code 611      5-0  
(Public Water Supply) – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s public water supply regulations.

**Adjudicatory Cases**

**PCB 13-12**      People of the State of Illinois v. NACME Steel Processing, LLC      5-0  
(Air – Enforcement) – In this air enforcement action concerning a Cook County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2012)), accepted a stipulation and settlement agreement, and ordered respondent to pay a \$7,500 civil penalty and to cease and desist from further violations.

**PCB 15-200**      People of the State of Illinois v. Equity Lifestyle Properties, Inc. d/b/a Willow Lake Estates      5-0  
(Water – Enforcement) – In this water enforcement action concerning a Kane 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) (2012)), accepted a stipulation and settlement agreement, and ordered respondent to pay a \$5,000 civil penalty and to cease and desist from further violations.

**PCB 16-35**      People of the State of Illinois v. American Wood Recycling, Inc.      5-0  
(Land – Enforcement) – In this land enforcement action concerning a Cook County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2012)), accepted a stipulation and settlement agreement, and ordered respondent to pay a \$6,000 civil penalty and to cease and desist from further violations.

<b>PCB 16-36</b>	<p><u>People of the State of Illinois v. Francisco Ramirez and Kim Ramirez, individually and d/b/a Elizabeth Used Tires and Fleet Service</u>  (Land – Enforcement) – In this land enforcement action concerning a Jo Daviess 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) (2012)), accepted a stipulation and settlement agreement, and ordered respondent to pay a \$1,500 civil penalty and to cease and desist from further violations.</p>	5-0
<b>PCB 16-38</b>	<p><u>Michael Breiby - Aledo v. IEPA</u>  (Water – Tax Certification) – The Board found and certified that specified facilities of Michael Breiby located in Mercer County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2014)).</p>	5-0
<b>PCB 16-40</b>	<p><u>Gary Walker v. IEPA</u>  (Water – Tax Certification) – The Board found and certified that specified facilities of Gary Walker located in Knox County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2014)).</p>	5-0
<b>PCB 16-44</b>	<p><u>JMTR, LLC - Erie v. IEPA</u>  (Water – Tax Certification) – The Board found and certified that specified facilities of JMTR,LLC located in Whiteside County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2014)).</p>	5-0
<b>PCB 16-45</b>	<p><u>Electric Energy, Inc. (Joppa Energy Center) V. IEPA</u>  (Water – Permit Appeal, NPDES) – The Board accepted for hearing this permit appeal on behalf of this Massac County facility. The Board reserved ruling on petitioner’s motion for stay of the contested permit conditions, to allow the time for IEPA to file a response to run.</p>	5-0
<b>PCB 16-46</b>	<p><u>Distressed Properties, Inc. v. IEPA</u>  (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Cook County facility. The Board also granted petitioner’s motion to consolidate this appeal with previously consolidated permit appeals PCB 15-108 and PCB 16-32.</p>	5-0

## New Cases

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### September 3, 2015 Board Meeting

**PCB 16-39** People of the State of Illinois v. Village of Percy

(Public Water Supply – Enforcement) – 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 public water supply enforcement action involving a Randolph County facility, the Board ordered publication of the required newspaper notice.

**PCB 16-40** Gary Walker v. IEPA

(Water – Tax Certification) – No action taken.

**PCB 16-41** State Oil Company v. IEPA

(UST 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 this McHenry County facility.

**PCB 16-42** People of the State of Illinois v. Hueber, LLC

(Air – Enforcement) – 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 air enforcement action involving a Ogle County facility, the Board ordered publication of the required newspaper notice.

**PCB 16-43** People of the State of Illinois v. Perfect Mulch Products, Inc.

(Water, Air – Enforcement) – The Board accepted for hearing this water and air enforcement action concerning a Cook County facility.

### September 17, 2015 Board Meeting

**AC 16-1** County of Vermilion, Illinois v. Henry Nosler, Brandon Bott d/b/a B&B Construction

(Land) – No action taken.

**PCB 16-45** Electric Energy, Inc. (Joppa Energy Center) V. IEPA

(Water – Permit Appeal, NPDES) – The Board accepted for hearing this permit appeal on behalf of this Massac County facility. The Board reserved ruling on petitioner’s motion for stay of the contested permit conditions, to allow the time for IEPA to file a response to run.

**PCB 16-46** Distressed Properties, Inc. v. IEPA

(UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Cook County facility. The Board also granted petitioner’s motion to consolidate this appeal with previously consolidated permit appeals PCB 15-108 and PCB 16-32.

**PCB 16-47** Lean Pork Producers, LLC - Stronghurst v. IEPA (Property ID No. 08-012-008-00)

(Water – Tax Certification) – No action taken.

**PCB 16-48** Lean Pork Producers, LLC - Stronghurst v. IEPA (Property ID No. 08-003-004-00)

(Water – Tax Certification) – No action taken.

## Calendar

<b>9/2/2015 11:00 AM</b>	AC 11-22	<u>IEPA v. Kyle E. Pritchett</u>	Mt. Carmel City Hall, Council Chambers, 219 N. Market Street, Mt. Carmel, IL
<b>9/2/2015 11:30 AM</b>	AC 15-25	<u>IEPA v. Mark E. Bosecker</u>	Mt. Carmel City Hall, Council Chambers, 219 N. Market Street, Mt. Carmel, IL
<b>9/3/2015 11:00 AM</b>	<b>Illinois Pollution Control Board Meeting</b>		<b>Chicago James R. Thompson Center 100 W. Randolph Street Chicago</b>
<b>9/9/2015 10:00 AM</b>	AC 15-26	<u>IEPA v. Joseph DeRosa &amp; Gwen A. Griffiths and DeRosa Autobody</u>	Illinois Pollution Control Board, Conference Room 1244, 1021 North Grand Avenue East, North Entrance, Springfield, IL
<b>9/17/2015 11:00 AM</b>	<b>Illinois Pollution Control Board Meeting</b>		<b>Chicago James R. Thompson Center 100 W. Randolph Street Chicago</b>
<b>9/24/2015 11:00 AM</b>	R15-24	<u>In the Matter of: Water Pollution: Proposed Amendments to 35 Ill. Adm. Code Part 309</u>	James R. Thompson Center Room 9-034 100 W. Randolph Chicago
<b>10/1/2015 11:00 AM</b>	<b>Illinois Pollution Control Board Meeting</b>		<b>Videoconference Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago And 1021 N. Grand Avenue East Oliver Holmes Conference Room 2012 N Springfield</b>

<p><b>10/15/2015</b> <b>11:00 AM</b></p>	<p><b>Illinois Pollution Control Board Meeting</b></p>	<p><b>Videoconference</b> <b>Chicago/Springfield</b> <b>James R. Thompson Center</b> <b>Hearing Room 11-512</b> <b>100 W. Randolph Street</b> <b>Chicago</b> <b>And</b> <b>1021 N. Grand Avenue East</b> <b>Oliver Holmes Conference</b> <b>Room 2012 N</b> <b>Springfield</b></p>
<p><b>11/5/2015</b> <b>11:00 AM</b></p>	<p><b>Illinois Pollution Control Board Meeting</b></p>	<p><b>Videoconference</b> <b>Chicago/Springfield</b> <b>James R. Thompson Center</b> <b>Hearing Room 11-512</b> <b>100 W. Randolph Street</b> <b>Chicago</b> <b>And</b> <b>1021 N. Grand Avenue East</b> <b>Oliver Holmes Conference</b> <b>Room 2012 N</b> <b>Springfield</b></p>
<p><b>11/19/2015</b> <b>11:00 AM</b></p>	<p><b>Illinois Pollution Control Board Meeting</b></p>	<p><b>Videoconference</b> <b>Chicago/Springfield</b> <b>James R. Thompson Center</b> <b>Hearing Room 11-512</b> <b>100 W. Randolph Street</b> <b>Chicago</b> <b>And</b> <b>1021 N. Grand Avenue East</b> <b>Oliver Holmes Conference</b> <b>Room 2012 N</b> <b>Springfield</b></p>
<p><b>12/3/2015</b> <b>11:00 AM</b></p>	<p><b>Illinois Pollution Control Board Meeting</b></p>	<p><b>Videoconference</b> <b>Chicago/Springfield</b> <b>James R. Thompson Center</b> <b>Hearing Room 11-512</b> <b>100 W. Randolph Street</b> <b>Chicago</b> <b>And</b> <b>1021 N. Grand Avenue East</b> <b>Oliver Holmes Conference</b> <b>Room 2012 N</b> <b>Springfield</b></p>

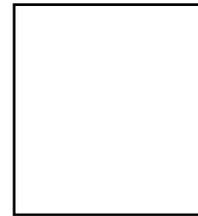
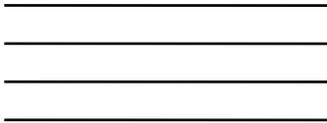
<p><b>12/17/2015</b> <b>11:00 AM</b></p>	<p><b>Illinois Pollution Control Board Meeting</b></p>	<p><b>Videoconference</b> <b>Chicago/Springfield</b> <b>James R. Thompson Center</b> <b>Hearing Room 11-512</b> <b>100 W. Randolph Street</b> <b>Chicago</b> <b>And</b> <b>1021 N. Grand Avenue East</b> <b>Oliver Holmes Conference</b> <b>Room 2012 N</b> <b>Springfield</b></p>
<p><b>1/7/2016</b> <b>11:00 AM</b></p>	<p><b>Illinois Pollution Control Board Meeting</b></p>	<p><b>Videoconference</b> <b>Chicago/Springfield</b> <b>James R. Thompson Center</b> <b>Hearing Room 11-512</b> <b>100 W. Randolph Street</b> <b>Chicago</b> <b>And</b> <b>1021 N. Grand Avenue East</b> <b>Oliver Holmes Conference</b> <b>Room 2012 N</b> <b>Springfield</b></p>
<p><b>1/21/2016</b> <b>11:00 am</b></p>	<p><b>Illinois Pollution Control Board Meeting</b></p>	<p><b>Chicago</b> <b>James R. Thompson Center</b> <b>100 W. Randolph Street</b> <b>Chicago</b></p>
<p><b>2/4/2016</b> <b>11:00 am</b></p>	<p><b>Illinois Pollution Control Board Meeting</b></p>	<p><b>Videoconference</b> <b>Chicago/Springfield</b> <b>James R. Thompson Center</b> <b>Hearing Room 11-512</b> <b>100 W. Randolph Street</b> <b>Chicago</b> <b>And</b> <b>1021 N. Grand Avenue East</b> <b>Oliver Holmes Conference</b> <b>Room 2012 N</b> <b>Springfield</b></p>
<p><b>2/18/2016</b> <b>11:00 am</b></p>	<p><b>Illinois Pollution Control Board Meeting</b></p>	<p><b>Chicago</b> <b>James R. Thompson Center</b> <b>100 W. Randolph Street</b> <b>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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