



ENVIRONMENTAL REGISTER

June 28, 2019 – Number 751

A PUBLICATION OF THE ILLINOIS POLLUTION CONTROL BOARD

pcb.illinois.gov

BOARD MEMBERS

- ❖ Katie Papadimitriu, Chairman
- ❖ Brenda K. Carter
- ❖ Cynthia M. Santos
- ❖ Anastasia Palivos
- ❖ Barbara Flynn Currie

The **Illinois Pollution Control Board** is an independent five-member board that adopts environmental control regulations and decides enforcement actions and other environmental cases for the State of Illinois.

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CHAIRMAN'S UPDATE

The Board continued taking significant rulemaking actions during the second quarter of calendar year 2019. One rulemaking proceeded to final adoption; three proceeded to second notice; and two proceeded to first notice. Below, I highlight these six rulemaking developments and provide links to the corresponding dockets on the Board's website (pcb.illinois.gov), after which I welcome two new Board Members.

On April 25, 2019, to keep its hazardous waste rules "identical in substance" to those of the United States Environmental Protection Agency, the Board amended its rules by adding a conditional exclusion for airbags that are the subject of a product recall. The amendment will facilitate the recall of defective Takata vehicle airbags by relieving vehicle service and salvage facilities of the requirement to comply with hazardous waste generator standards for removing recalled airbags from vehicles. The Board adopted the amendment in RCRA Subtitle C Update, USEPA Amendments (January 1, 2018 through June 30, 2018), [docket R19-11](#).

On May 30, 2019, for second-notice review by the Joint Committee on Administrative Rules (JCAR), the Board proposed amendments to its public water supplies rules. The amendments include a new Part 604 to clarify and consolidate Illinois Environmental Protection Agency (IEPA) rules for designing, operating, and maintaining community water supplies. This rulemaking is captioned Public Water Supplies: Proposed New 35 Ill. Adm. Code 604 and Amendments to 35 Ill. Adm. Code Parts 601, 602, 607, and 611, [docket R18-17](#).

Also for second-notice review by JCAR, the Board, on June 20, 2019, proposed revised amendments to the Multi-Pollutant Standard (MPS) based on IEPA's testimony and comments since the Board's second first-notice publication. The rulemaking, which is captioned Amendments to 35 Ill. Adm. Code 225.233, Multi-Pollutant Standard (MPS), [docket R18-20, R18-20PC](#), concerns the MPS air pollution control rules, which apply to eight downstate coal-fired power plants owned by subsidiaries of Vistra Energy Corp. The revised amendments proposed for second notice include lower annual mass-based caps on sulfur dioxide and nitrogen oxides emissions.

The third of the Board's three second-notice proposals came in Amendments to 35 Ill. Adm. Code Subtitle M: Biological Waste, [docket R18-29](#). Specifically, to streamline, update, and clarify its potentially infectious medical waste (PIMW) rules, the Board, on June 20, 2019, proposed non-substantive amendments for second-notice review by JCAR. The PIMW rules address the treatment, packaging, labeling, storage, transportation, and disposal of PIMW, and apply to PIMW generators, transporters, and receiving facilities.

On April 11, 2019, the Board adopted the first of its two first-notice proposals for public comment. On that date, the Board proposed amendments to its procedural rules for first-notice publication in the *Illinois Register*. The proposed amendments will, among other things, require that persons offering exhibits at adjudicatory or time-limited water quality standard hearings e-file those exhibits after hearing. This rulemaking is captioned Proposed Amendments to General



Procedural Rules (35 Ill. Adm. Code 101), [docket R19-19](#). And, on May 30, 2019, for first-notice publication in the *Illinois Register*, the Board proposed non-substantive amendments to streamline, update, and clarify its right-to-know rules. The right-to-know rules address soil, soil gas, and groundwater contamination threatening potable water supply wells, as well as response actions for those threats. This rulemaking is captioned Amendments to 35 Ill. Adm. Code Subtitle O: Right-to-Know, [docket R18-30](#).

More detailed descriptions of all these proceedings appear in the Rulemaking Update of this issue of the *Environmental Register*.

Finally, I welcome two new Board Members appointed by Governor JB Pritzker in April 2019: Anastasia Palivos; and Barbara Flynn Currie.

Board Member Palivos served as a Commissioner of the Illinois Commerce Commission from January 2018 to February 2019. While at the Commission, she worked on energy issues, including electric vehicle deployment and wind power. Member Palivos received her Juris Doctor and Bachelor of Arts degrees from DePaul University.

Board Member Currie recently retired from the Illinois House of Representatives after forty years. She served as House Majority Leader, the first woman to hold the post. Among her many legislative achievements, she sponsored Illinois' first Freedom of Information Act. Member Currie received her Master of Arts and Bachelor of Arts degrees from the University of Chicago.

Sincerely,



Katie Papadimitriou
Chairman



RULEMAKING UPDATE

Board Proposes First-Notice Amendments to its General Procedural Rules

On April 11, 2019, the Board proposed amendments to Part 101 of its procedural rules (35 Ill. Adm. Code 101) for first-notice publication in the *Illinois Register*. Part 101 contains the Board's general rules of procedure, which apply to all types of Board proceedings. The proposed amendments cover four subjects. First, persons offering exhibits at adjudicatory or time-limited water quality standard (TLWQS) hearings must e-file those exhibits after hearing. Second, under recent amendments to the Illinois Administrative Procedure Act (5 ILCS 100 (2016)), the Board will e-mail serve its final adjudicatory orders on parties consenting to e-mail service, except for final enforcement orders. Third, the Board specifies Part 101's applicability to TLWQS proceedings, which do not fall within either of the traditional types of Board proceedings—rulemakings and adjudicatory cases. Fourth, the Board clarifies, updates, and streamlines Part 101 consistent with the Board's regulatory review initiative.

The Board accepted public comment on the proposed amendments through June 17, 2019, the 45th day after they were published in the *Illinois Register*. Currently, the Board does not plan to hold a hearing. This rulemaking is captioned Proposed Amendments to General Procedural Rules (35 Ill. Adm. Code 101), docket R19-19. Here are links to (1) the Board's [opinion and order](#), which describes the proposed amendments and the reasons for them, and (2) the Board's [addendum](#), which contains the proposed rule text. For more information, please contact Marie Tipsord (312-814-4925, Marie.Tipsord@Illinois.Gov) or Richard McGill (312-814-6983, Richard.McGill@Illinois.Gov).

Board Adopts “Identical-in-Substance” Amendments for Hazardous Waste Airbags

On April 25, 2019, the Board adopted amendments to its hazardous waste rules. The amendments, which took effect on May 2, 2019, are “identical in substance” to rule amendments adopted by the United States Environmental Protection Agency (USEPA) during the second half of 2018. During that time, USEPA revised its hazardous waste rules once: On November 30, 2018, USEPA adopted an immediate final rule (IFR) that conditionally excludes airbag waste from regulation as hazardous waste. The IFR's purpose was to facilitate the on-going recall of defective Takata vehicle airbags. The Board expedited adoption of the airbag exclusion, which relieves vehicle service and salvage facilities from the burden of complying with hazardous waste generator standards for removing recalled airbags from vehicles. Under the exclusion, a facility collecting the removed airbags is the hazardous waste generator. In addition to the airbag exclusion, the Board made numerous non-substantive corrections and format revisions to the rules.

This Board rulemaking is captioned RCRA Subtitle C Update, USEPA Amendments (January 1, 2018 through June 30, 2018), docket R19-11. Here is a link to the Board's [opinion and order](#), which includes the adopted rule text. For more information, please contact Michael McCambridge at 312-814-6924 or Michael.McCambridge@Illinois.Gov.



Board Proposes Second-Notice Amendments to Public Water Supplies Rules

On May 30, 2019, the Board adopted a second-notice proposal to amend its public water supplies rules. The Board addressed each of the first-notice comments and submitted the proposal to review by the Joint Committee on Administrative Rules (JCAR).

The Illinois Environmental Protection Agency (IEPA) originally proposed that the Board amend its public water supplies rules by adopting a new Part 604 entitled “Design, Operation and Maintenance Criteria.” IEPA had long ago adopted rules for designing, operating, and maintaining community water supplies in Part 653 of its own rules and last updated them in 1985. IEPA asserted that the proposal would clarify the rules by consolidating them into a single comprehensive Part of Board rules. The Board also proposed amending Parts 601, 602, and 611 and repealing Part 607 to make conforming changes. The Board expects JCAR to consider the proposal at its meeting on July 16, 2019.

This rulemaking is captioned Public Water Supplies: Proposed New 35 Ill. Adm. Code 604 and Amendments to 35 Ill. Adm. Code Parts 601, 602, 607, and 611, docket R18-17. Here is a link to the Board’s [opinion and order](#), which includes the proposed amendments. For more information, please contact Tim Fox (312-814-6085, Tim.Fox@Illinois.Gov).

Board Proposes First-Notice Amendments to Right-to-Know Rules

On May 30, 2019, the Board proposed non-substantive amendments to its right-to-know rules (35 Ill. Adm. Code 1600) for first-notice publication in the *Illinois Register*. The Board’s existing right-to-know rules generally address soil, soil gas, and groundwater contamination threatening potable water supply wells and the response action required in handling these threats. The rules include definitions; standards for performing potable water supply well surveys; and standards for performing community relations activities. With its first-notice proposal, the Board intends only to streamline, update, and clarify these rules. The proposal includes amendments proposed by the Illinois Environmental Protection Agency.

The Board held two hearings before proceeding to first notice. No additional hearings are scheduled at this time. The Board will accept public comment on the proposed amendments through July 29, 2019, the 45th day after they were published in the *Illinois Register*. This rulemaking is captioned Amendments to 35 Ill. Adm. Code Subtitle O: Right-to-Know, docket R18-30. Here are the links to the Board’s [opinion and order](#) and the Board’s [addendum](#) containing the proposed amendments. For more information, please contact Natalie Winqvist (312-814-6931, Natalie.Winqvist@Illinois.Gov).

Board Proposes Second-Notice Amendments to MPS Rule for Downstate Coal-Fired Power Plant Emissions

For second-notice review by the Joint Committee on Administrative Rules, the Board, on June 20, 2019, proposed revised amendments to the Multi-Pollutant Standard (MPS) based on the



testimony and comments received since second first-notice publication. The MPS is a set of air pollution control rules in 35 Ill. Adm. Code 225 (“Control of Emissions from Large Combustion Sources”). At second first notice, the Board adopted a proposal that combined the two existing MPS groups into one group and replaced the existing rate-based emission standards for sulfur dioxide (SO₂) and nitrogen oxides (NO_x) with annual mass-based limits. The Board’s second first notice, however, differed from the original proposal filed by the Illinois Environmental Protection Agency (IEPA): reducing the annual mass caps for both SO₂ and NO_x; and further reducing those caps when units are permanently shut down (“retired”) or temporarily shut down (“mothballed”). The second first-notice rule lowered the proposed annual mass-based caps for SO₂ from 55,000 tons per year (tpy) to 44,920 tpy and for NO_x from 25,000 tpy to 22,469 tpy. For NO_x emissions during the ozone season, the Board kept IEPA’s proposed mass-based cap of 11,500 tons. Additionally, as with transfers of power plants under IEPA’s original proposal, the Board’s second first-notice rule reduced the annual SO₂ and NO_x mass caps when units are retired or mothballed.

At second notice, the Board incorporated the amendments suggested by IEPA in its most recent testimony and comments. Specifically, IEPA proposed lower annual mass-based caps for SO₂ (34,500 tpy) and NO_x (19,000 tpy), while retaining the 11,500-ton NO_x cap for the ozone season. The Board’s second-notice rule also: requires reduction of at least 2,000 megawatts of electric generation by coal-fired electrical generating units in the MPS by December 31, 2019; adjusts the allocation amounts for transfers, permanent shutdown, and temporary shutdown; and clarifies the rule text. The Board also found that the second-notice rule is protective of human health and the environment, economically reasonable, and technically feasible.

The rulemaking is captioned [Amendments to 35 Ill. Adm. Code 225.233, Multi-Pollutant Standard \(MPS\)](#), docket R18-20. Here are links to the Board’s June 20, 2019 [opinion and order](#) and [rule text](#). For more information, please contact Marie Tipsord at 312-814-4925 or Marie.Tipsord@Illinois.Gov.

Board Proposes Second-Notice Amendments to Potentially Infectious Medical Waste Rules

On June 20, 2019, the Board proposed non-substantive amendments to its potentially infectious medical waste (PIMW) rules (35 Ill. Adm. Code 1420, 1421, 1422) for second-notice review by the Joint Committee on Administrative Rules. The PIMW regulations address the treatment, packaging, labeling, storage, transportation, and disposal of PIMW, and apply to PIMW generators, transporters, and receiving facilities. The proposed amendments streamline, update, and clarify the PIMW regulations. This rulemaking is captioned [Amendments to 35 Ill. Adm. Code Subtitle M: Biological Waste](#), docket R18-29. Here are links to the Board’s [opinion and order](#) and the Board’s [addendum](#) containing the proposed amendments. For more information, please contact Martín Klein (312-814-3665, Martin.E.Klein@Illinois.Gov).



APPELLATE UPDATE

Illinois Supreme Court Affirms Appellate Court’s Judgment Affirming Board’s Groundwater Monitoring Decision in CCDD Rulemaking

The County of Will v. The Pollution Control Board, [2019 IL 122798](#)
Board docket R12-9(B)

On June 20, 2019, the Illinois Supreme Court, in a 5-1 decision, affirmed the Third District Appellate Court’s judgment ([2017 IL App \(3d\) 150637-U](#)) affirming the Board’s rulemaking decision to not require groundwater monitoring at clean construction or demolition debris (CCDD) fill operations or uncontaminated soil (US) fill operations. From that rulemaking decision, two appeals were taken, one by Will County and its Land Use Department (Will County) and the other by the Attorney General’s Office for the People of the State of Illinois (State). The Supreme Court began by observing that, in 2010, the Illinois General Assembly amended the Environmental Protection Act, requiring the Board to adopt rules for using CCDD and US as fill. Under the amendment, the rules had to include standards and procedures “necessary to protect groundwater”; the legislature also gave an “inexhaustive list of 12 ways to do so that the Board may consider,” one of which was groundwater monitoring. County of Will, ¶ 1. The Board’s final rules imposed, for incoming fill, stronger “front-end” testing and certification requirements than the Illinois Environmental Protection Agency (IEPA) proposed, but the Board did not adopt IEPA’s proposed requirement for “back-end” groundwater monitoring at fill operations. *Id.*, ¶¶ 1, 11, 20, 26, 32.

The only issue on appeal was whether the Board was “arbitrary and capricious” in deciding that groundwater monitoring regulations were unnecessary to protect groundwater from CCDD and US fill operations. County of Will, ¶¶ 2, 73. The Supreme Court noted that, “[b]ecause the Board is composed of technically qualified individuals, their expertise is essential in crafting regulations,” adding that the person challenging the Board’s decision “bears a heavy burden to establish that it was clearly arbitrary and capricious.” *Id.*, ¶ 43 (citations omitted). For determining whether an agency action is arbitrary and capricious, the Court turned to three familiar judicial “guidelines”: “Agency action is arbitrary and capricious if the agency: (1) relies on factors which the legislature did not intend for the agency to consider; (2) entirely fails to consider an important aspect of the problem; or (3) offers an explanation for its decision which runs counter to the evidence before the agency, or which is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Id.*, ¶ 44 (citation omitted).

First, the Supreme Court held that the State and Will County failed to establish that the Board’s decision was arbitrary and capricious for relying on an improper factor when it considered whether CCDD and US are “waste.” County of Will, ¶¶ 48, 49. After noting that it was the State that repeatedly raised the “waste” issue during the rulemaking, the Court found the issue relevant to deciding which regulations are necessary to protect groundwater—not generally from



all pollution—but from *CCDD and US*, the statutory definitions of which specify that those materials are not waste. *Id.*, ¶¶ 49, 51-53.

Second, the Supreme Court held that the State and Will County failed to establish that the Board’s decision was arbitrary and capricious for not considering either the costs of groundwater monitoring or the hazards of older and noncompliant fill. *County of Will*, ¶¶ 59, 66. The Court found that the Board “devoted considerable attention to the costs of groundwater monitoring and balanced those costs against other considerations—namely, the potential closure of some CCDD and US fill sites, which could have a negative economic impact on not only the fill industry but also the public.” *Id.*, ¶ 62. The Court also found that the legislature sought to protect groundwater from *CCDD and US* at fill sites, *i.e.*, “the legislature was concerned with materials that met the statutory definitions, not with older and noncompliant materials that may not have.” *Id.*, ¶ 66. The Board therefore “properly focused on evidence from CCDD and US fill sites.” *Id.*, ¶ 67.

Third, the Supreme Court held that the State and Will County failed to establish that the Board’s decision was arbitrary and capricious for offering an explanation that was counter to the evidence or implausible. *County of Will*, ¶ 72. The Court recounted the evidence from the rulemaking record, which the Board found provided no indications of groundwater contamination from permitted sites. *Id.* Contrary to the State’s “specious” claim that the Board dismissed the General Assembly’s directive, “[a]t no point in this process did the Board dismiss the need for groundwater protection rules.” *Id.*, ¶ 73. Instead, [a]t every point in the process, the Board returned to the language of the [Environmental Protection] Act.” *Id.* The Court found that “[t]he Board exercised its rulemaking authority in three lengthy and well-supported orders” in which the Board determined that groundwater monitoring was unnecessary to protect groundwater because “front-end” certification and screening “would keep contaminants out of CCDD and US fill sites and, thus, satisfy the legislature’s directions.” *Id.*

In affirming the appellate court’s affirmation of the Board’s decision, the Supreme Court noted that the legislature “may direct the Board to adopt a groundwater monitoring program” and “any person, including the State and Will County, may present a written proposal regarding groundwater monitoring to the Board.” *County of Will*, ¶¶ 74, 76.

Any petition for rehearing must be filed with the Supreme Court by July 11, 2019.

Illinois Supreme Court Denies IEPA’s Petition for Leave to Appeal Appellate Court’s Judgment Affirming Board’s Decision that New Local Siting Approval Not Required for Landfill Expansion Permit

The Illinois Environmental Protection Agency v. The Illinois Pollution Control Board and Brickyard Disposal & Recycling, Inc., [2018 IL App \(4th\) 170144](#)
Board docket PCB 16-66

As previously reported, the Fourth District Appellate Court issued a precedential opinion on October 29, 2018, affirming the Board’s decision in a landfill permit appeal. Brickyard Disposal & Recycling, Inc. (Brickyard) filed a permit application with the Illinois Environmental



Protection Agency (IEPA), seeking to allow a “wedge” area of its Vermilion County landfill to be filled with municipal solid waste instead of inert material. IEPA denied the application as incomplete, determining that Brickyard failed to obtain local governmental siting approval for the proposed expansion. Brickyard appealed to the Board, which granted the company’s motion for summary judgment and ordered IEPA to consider the merits of Brickyard’s permit application. The Board found that new local siting approval was not required because the wedge area expansion would not extend beyond the landfill boundaries that already received the local government’s siting approval. The Board rejected IEPA’s position that the IEPA-permitted—rather than the locally-sited—boundaries controlled what constitutes a “new pollution control facility” requiring local siting approval. In affirming the Board on appeal, the Fourth District saw “no indication from examination of the [Environmental Protection] Act that the General Assembly intended to invoke the long and expensive process of local siting review each time [IEPA] restricted waste boundaries and the landfill operators sought to remove or expand those waste boundaries within an existing pollution control facility. *** There is no statutory language indicating local siting approval is necessary for the inner workings of an operating pollution control facility.” IEPA, ¶ 41.

On May 22, 2019, the Illinois Supreme Court (No. 124241) denied IEPA’s petition for leave to appeal the Fourth District’s judgment affirming the Board.

Illinois Supreme Court Denies Petitions for Leave to Appeal Appellate Court’s Judgment Affirming Board’s Decision on Siting Waste Transfer Station

Will County v. Village of Rockdale, [2018 IL App \(3d\) 160463](#)
Board dockets PCB 16-54, PCB 16-56 (Consol.)

As previously reported, the Third District Appellate Court issued a precedential opinion on July 5, 2018, affirming the Board’s decision in a “pollution control facility” siting appeal. On November 27, 2018, in denying a petition for rehearing, the appellate court modified its opinion affirming the Board and one justice dissented. The Village of Rockdale (Village) granted siting approval to Environmental Recycling and Disposal Services (ERDS) for a waste transfer station. To contest the Village’s siting approval, Will County and Waste Management of Illinois, Inc. (Waste Management) filed third-party appeals with the Board. After the Board affirmed the Village’s decision, Will County and Waste Management appealed the Board’s decision to the Third District Appellate Court. The Third District affirmed the Board’s decision in all respects. Specifically, the appellate court affirmed the Board’s determinations that

- The Village had jurisdiction because ERDS’ notice of the siting application was sufficient.
- ERDS amended its siting application only once, as permitted, not twice.
- The Village’s imposition of conditions on the siting approval was proper.
- The Village’s decisions on the contested siting criteria were not against the manifest weight of the evidence.
- ERDS provided sufficient details about the proposed facility.



On March 20, 2019, the Illinois Supreme Court (No. 124324) denied Will County's petition for leave to appeal (PLA) the Third District's judgment affirming the Board. The Illinois Supreme Court also denied both Waste Management's PLA on May 22, 2019 (No. 124334) and Waste Management's motion for supervisory order on May 23, 2019 (No. 124779).



BOARD ACTIONS

April 11, 2019 Meeting

By videoconference: IPCB Offices in Chicago and Springfield

RULEMAKINGS

[R19-19](#) Proposed Amendments to General Procedural Rules (35 Ill. Adm. Code 101) – The Board adopted a first-notice opinion and order in this rulemaking to amend the Board’s procedural rules.

ADMINISTRATIVE CITATIONS

[AC 19-18](#) IEPA v. James and Betty Spiller, Saul Cruz d/b/a The Magic of Repair (Land) – The Board found that respondents had violated Section 55(k)(1) of the Environmental Protection Act (415 ILCS 5/55(k)(1) (2016)). Because there was one violation of Section 55(k), the Board ordered respondents to pay a civil penalty of \$1,500.

ADJUDICATORY CASES

[PCB 06-67](#) AmerenEnergy Resources Generating Company, Edwards Power Station v. IEPA (Air – Permit Appeal) – The Board granted the joint motion to lift the stay of the uncontested permit conditions while continuing to stay the contested conditions. The Board also granted the parties’ request to remand the permit to IEPA.

[PCB 16-14, et al. \(Consol.\)](#) Village of Homewood, Homewood, Illinois v. IEPA (Time-Limited WQS) – Finding the requested party substitution unnecessary, the Board denied the motion for substitution of petitioner. The Board directed the Clerk to amend the caption of this proceeding as it appears in the order by indicating INEOS Joliet as the petitioner, in place of Flint Hills.

[PCB 16-24](#) INEOS Joliet, LLC v. IEPA (Time-Limited WQS) – The Board took no action on this matter.

[PCB 17-77](#) IL Pit Stop, LLC v. IEPA (UST Appeal) – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal.

[PCB 17-87](#) Knapp Oil Company v. IEPA (UST Appeal) – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal.

[PCB 19-1](#) Lawrence Reed v. Martin Pasillas (Noise – Enforcement, Citizens) – The Board, on its own motion, dismissed this citizen’s enforcement action for failure to diligently pursue litigation.



- PCB 19-70** Susanne M. Kirkham and Steven C. Kirkham v. Village of Poplar Grove (Water – Enforcement, Citizens) – Having previously found the alleged violations frivolous, the Board dismissed the case and closed the docket for failure to file an amended complaint.
- PCB 19-85** People of the State of Illinois v. Williamson Energy, LLC (Water – Enforcement) – Upon receiving a complaint, a stipulation and proposed settlement, and an agreed motion for relief from the hearing requirement in this enforcement action involving a facility in Williamson County, the Board ordered publication of the required newspaper notice.
- PCB 19-86** People of the State of Illinois v. Emerald Cleaners, Inc. d/b/a CD One Price Cleaners (Air – Enforcement) – In this 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) (2016)), accepted a stipulation and proposed settlement, and ordered respondent to pay a total civil penalty of \$5,000 and to cease and desist from future violations.
- PCB 19-94** Gary & Sandra Blanchard v. IEPA (Water – Tax Certification) – The Board found and certified that specified facilities of Gary & Sandra Blanchard located in Rock Island County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- PCB 19-95** Scott Huelsing v. IEPA (Water – Tax Certification) – The Board found and certified that specified facilities of Scott Huelsing located in Effingham County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- PCB 19-96** Citizens Against Ruining the Environment v. Illinois Environmental Protection Agency and Jackson Generation, LLC (Permit Appeal – Third Party, NPDES) – The Board accepted petitioner’s petition for review involving a facility located in Will County.
- PCB 19-97** People of the State of Illinois v. Byrd’s Cleaners and Laundry, Inc. (Air – Enforcement) – Upon receiving a complaint, a stipulation and proposed settlement, and an agreed motion for relief from the hearing requirement in this enforcement action involving a facility in Coles County, the Board ordered publication of the required newspaper notice.



April 25, 2019 Meeting

By videoconference: IPCB Offices in Chicago and Springfield

RULEMAKINGS

R19-11 RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2018 through December 31, 2018) – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking amending the Board’s hazardous waste rules.

ADJUDICATORY CASES

PCB 19-91 People of the State of Illinois v. Village of Leonore (Public Water Supply – Enforcement) – In this enforcement action concerning a LaSalle 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) (2016)), accepted a stipulation and proposed settlement, and ordered respondent to pay a total civil penalty of \$500 and to cease and desist from future violations.

PCB 19-92 People of the State of Illinois v. Soto’s Pallet Company (Water – Enforcement) – Upon receiving a complaint, a stipulation and proposed settlement, and an agreed motion for relief from the hearing requirement in this enforcement action involving a facility in McHenry County, the Board ordered publication of the required newspaper notice.

PCB 19-98 Jeff & Sheila Koester v. IEPA (Water – Tax Certification) – The Board took no action on this matter.

PCB 19-99 Case Creek Swine, LLC v. IEPA (Water – Tax Certification) – The Board found and certified that specified facilities of Case Creek Swine located in Rock Island County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).



May 30, 2019 Meeting

By videoconference: IPCB Offices in Chicago and Springfield

RULEMAKINGS

[R14-10](#) Coal Combustion Waste (CCW) Ash Ponds and Surface Impoundments at Power Generating Facilities: Proposed New 35 Ill. Adm. Code 841 – The Board declined to dismiss this docket and directed IEPA to comment by September 3, 2019, on the status of Senate Bill 9 and, in light of that status, whether the Board should close this docket. The Board also welcomed other participants’ comments by the same deadline.

[R18-17](#) Public Water Supplies: Proposed New 35 Ill. Adm. Code 604 and Amendments to 35 Ill. Adm. Code Parts 601, 602, 607, and 611– The Board adopted a second-notice opinion and order in this rulemaking to amend the Board’s public water supplies regulations.

[R18-30](#) Amendments to 35 Ill. Adm. Code Subtitle O – The Board adopted a first-notice opinion and order in this rulemaking to amend the Board’s right-to-know regulations.

ADJUSTED STANDARDS

[AS 19-2](#) Petition of Emerald Polymer Additives, LLC for an Adjusted Standard from 35 Ill. Adm. Code 304.122(b) – The Board accepted for hearing this adjusted standard petition concerning a facility in Marshall County, and granted petitioner’s motion to incorporate the records of AS 02-5 and AS 13-2.

ADJUDICATORY CASES

[PCB 07-30](#) The Premcor Refining Group, Inc. v. IEPA (Air – Permit Appeal, CAAPP) –
[PCB 10-55](#) The Board granted petitioner’s motion for voluntary dismissal of these
[Consol.](#) consolidated permit appeals.

[PCB 19-85](#) People of the State of Illinois v. Williamson Energy, LLC (Water – Enforcement) – In this enforcement action concerning a Williamson 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) (2016)), accepted a stipulation and proposed settlement, and ordered respondent to pay a total civil penalty of \$80,000 and to cease and desist from future violations.

[PCB 19-90](#) People of the State of Illinois v. One Earth Energy, LLC (Water – Enforcement) – Upon receiving a stipulation, a proposed settlement, and an agreed motion for relief from the hearing requirement in this enforcement action involving a facility located in Ford County, the Board ordered publication of the required newspaper notice. The Board also denied as moot respondent’s motion for extension of time to file an answer to the complaint.



- PCB 19-96** Citizens Against Ruining the Environment v. Illinois Environmental Protection Agency and Jackson Generation, LLC (Permit Appeal – Third Party, NPDES) – The Board granted the parties’ motion for voluntary dismissal of this permit appeal.
- PCB 19-97** People of the State of Illinois v. Byrd’s Cleaners and Laundry, Inc. (Air – Enforcement) – In this enforcement action concerning a Coles 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) (2016)), accepted a stipulation and proposed settlement, and ordered respondent to pay a total civil penalty of \$5,000 and to cease and desist from future violations.
- PCB 19-98** Jeff & Sheila Koester v. IEPA (Water – Tax Certification) – Petitioners have 35 days to contest IEPA’s amended recommendation.
- PCB 19-100** Tyler Brummer v. IEPA (Water – Tax Certification) – The Board found and certified that specified facilities of Tyler Brummer located in Effingham County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- PCB 19-101** Sis-Bro Inc. v. IEPA (Water – Tax Certification) – The Board found and certified that specified facilities of Sis-Bro, Inc. located in Randolph County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- PCB 19-102** Brian & Karen Will v. IEPA (Water – Tax Certification) – The Board found and certified that specified facilities of Brian & Karen Will located in Cumberland County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- PCB 19-103** Parks Finishing E1, LLC v. IEPA (Water – Tax Certification) – The Board found and certified that specified facilities of Parks Finishing E1, LLC located in Vermilion County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- PCB 19-104** George Chandler, LLC v. IEPA (Water – Tax Certification) – The Board found and certified that specified facilities of George Chandler, LLC located in Henderson County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- PCB 19-105** Clark McWhorter v. IEPA (Water – Tax Certification) – The Board found and certified that specified facilities of Clark McWhorter located in Effingham County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).



- PCB 19-106** Leonard Boelens v. IEPA (Water – Tax Certification) – The Board found and certified that specified facilities of Leonard Boelens located in Henry County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- PCB 19-107** Parks Finishing E3, LLC v. IEPA (Water – Tax Certification) – The Board found and certified that specified facilities of Parks Finishing E3, LLC located in Vermilion County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- PCB 19-108** Kerr Farms v. IEPA (Water – Tax Certification) – The Board found and certified that specified facilities of Kerr Farms located in Hancock County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).
- PCB 19-109** Gautschy's Corner v. IEPA (UST Appeal) – The Board accepted for hearing this underground storage tank appeal involving a site in LaSalle County.
- PCB 19-110** PSM Shell, Inc. v. IEPA (UST Appeal) – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this McLean County facility.



June 20, 2019 Meeting

By videoconference: IPCB Offices in Chicago and Springfield

RULEMAKINGS

[R18-20](#) Amendments to 35 Ill. Adm. Code 225.233, Multi-Pollutant Standards (MPS) – The Board adopted a second-notice opinion and order in this rulemaking to amend the Board’s air pollution regulations.

[R18-29](#) Amendments to 35 Ill. Adm. Code Subtitle M – The Board adopted a second-notice opinion and order in this rulemaking to amend the Board’s potentially infectious medical waste (PIMW) rules.

ADJUDICATORY CASES

[PCB 11-90](#) Congress Development Company v. IEPA (Land – Permit Appeal) – The Board granted petitioner’s motion for voluntary dismissal of these consolidated permit appeals.

[PCB 12-12](#)

[PCB 12-55](#)

[PCB 12-56](#)

[Consol.](#)

[PCB 13-15](#) Sierra Club, Environmental Law and Policy Center, Prairie Rivers Network, and Citizens Against Ruining the Environment v. Midwest Generation, LLC (Water – Enforcement, Citizens) – In this enforcement action concerning four electric generation stations (Joliet 29; Powerton; Will County; and Waukegan), the Board found that respondent violated Sections 12(a), 12(d), and 21(a) of the Environmental Protection Act and Sections 620.115, 620.301(a), and 620.405 of the Board’s regulations. The Board also directed the hearing officer to hold additional hearings to determine the appropriate relief.

[PCB 19-59](#) Diana Leindl and Kevin Leindl v. Hartsburg Grain Co. (Noise – Enforcement, Citizens) – The Board struck as frivolous two allegations of, and accepted for hearing, the second amended complaint. The Board also directed respondent to answer the complaint by August 19, 2019.

[PCB 19-92](#) People of the State of Illinois v. Soto's Pallet Company (Water – Enforcement) – In this enforcement action concerning a McHenry 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) (2016)), accepted a stipulation and proposed settlement, and ordered respondent to pay a total civil penalty of \$5,000 and to cease and desist from future violations.

[PCB 19-109](#) Gautschy's Corner v. IEPA (UST Appeal) – The Board granted petitioner’s motion to consolidate PCB 19-109 with the already-consolidated PCB 18-56 and PCB 18-60.



PCB 19-111 Ray Flood v. IEPA (Water – Tax Certification) – The Board found and certified that specified facilities of Ray Flood located in Cumberland County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).

PCB 19-112 People of the State of Illinois v. Marino Development LLC and A-W-Bennett Enterprises, Inc. (Land – Enforcement) – The Board accepted for hearing this enforcement action involving a site in Winnebago County.

PCB 19-113 People of the State of Illinois v. Builders Sand & Cement Company, Inc. (Air – Enforcement) – Upon receiving a stipulation, a proposed settlement, and an agreed motion for relief from the hearing requirement in this enforcement action involving a facility located in Rock Island County, the Board ordered publication of the required newspaper notice.

PCB 19-114 Eri-Lyn Farms, Inc. v. IEPA (Water – Tax Certification) – The Board found and certified that specified facilities of Eri-Lyn Farms, Inc. located in Whiteside County are pollution control facilities for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2016)).



CALENDAR

Thursday, July 11, 2019 10:00 AM

Board Meeting

IPCB Office
1021 N Grand Ave E - Room 1244 N (First Floor)
Springfield, Illinois

- and -

IPCB Office
James R. Thompson Center
100 W Randolph - Room 11-512
Chicago, Illinois

Thursday, July 25, 2019 10:00 AM

Board Meeting

IPCB Office
1021 N Grand Ave E - Room 1244 N (First Floor)
Springfield, Illinois

- and -

IPCB Office
James R. Thompson Center
100 W Randolph - Room 11-512
Chicago, Illinois

Thursday, July 25, 2019 12:00 PM

BROWN BAG LUNCH SEMINAR

Jen Walling, Executive Director
Illinois Environmental Council
Illinois Environmental Legislative Spring Session Recap

Thursday, August 8, 2019 11:00 AM

Board Meeting

IPCB Office
1021 N Grand Ave E - Room 1244 N (First Floor)
Springfield, Illinois

- and -

IPCB Office
James R. Thompson Center
100 W Randolph - Room 11-512
Chicago, Illinois



Thursday, August 22, 2019 11:00 AM

Board Meeting

IPCB Office
1021 N Grand Ave E - Room 1244 N (First Floor)
Springfield, Illinois

- and -

IPCB Office
James R. Thompson Center
100 W Randolph - Room 11-512
Chicago, Illinois

Thursday, September 5, 2019 11:00 AM

Board Meeting

IPCB Office
1021 N Grand Ave E - Room 1244 N (First Floor)
Springfield, Illinois

- and -

IPCB Office
James R. Thompson Center
100 W Randolph - Room 11-512
Chicago, Illinois

Thursday, September 19, 2019 11:00 AM

Board Meeting

IPCB Office
1021 N Grand Ave E - Room 1244 N (First Floor)
Springfield, Illinois

- and -

IPCB Office
James R. Thompson Center
100 W Randolph - Room 11-512
Chicago, Illinois

*** The events listed above are subject to change, and more events may be added. Here is a link to the [Board's current calendar](#).**



ANNUAL LISTING OF DEDICATED NATURE PRESERVES



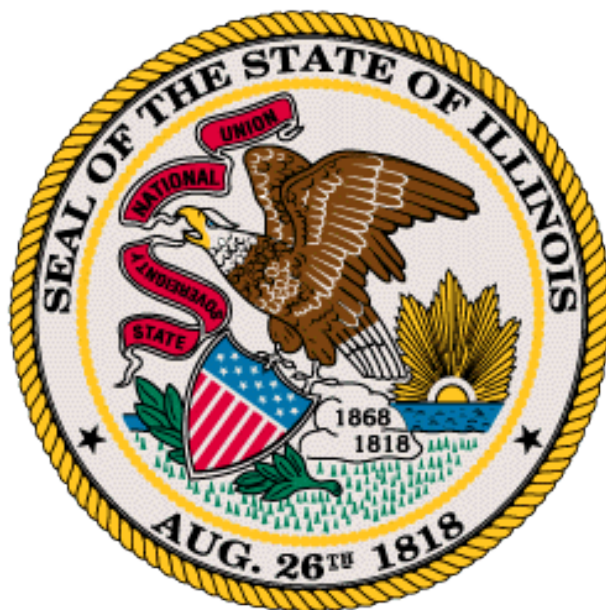
ILLINOIS EPA's ANNUAL LISTING OF DEDICATED NATURE PRESERVES

<u>Dedicated Nature Preserves</u>	<u>County</u>	<u>Proposed</u>	<u>Final</u>
Parker Fen	McHenry County	September 1998	January 1999
Fogelpole Cave	Monroe County	May 2003	August 2003
Boone Creek Fen	McHenry County	November 2004	March 2005
Amberin Ash Ridge	McHenry County	November 2004	March 2005
Lee Miglin Savanna	McHenry County	November 2004	March 2005
Spring Hollow Fen	McHenry County	November 2004	March 2005
Pautler Cave	Monroe County	May 2005	August 2005
Stemler Cave	St. Clair County	May 2005	August 2005
Armin Krueger Speleological	Monroe County	December 2009	May 2010
Elizabeth Lake	McHenry County	December 2009	May 2010
Lake in the Hills Fen	McHenry County	December 2009	May 2010
Volo Bog	Lake County	December 2009	May 2010
Illinois Beach	Lake County	December 2009	May 2010
Bluff Spring Fen	Cook County	December 2009	May 2010
Romeoville Prairie	Will County	December 2009	May 2010
Lockport Prairie	Will County	December 2009	May 2010
Braidwood Dunes and Savanna	Will County	December 2009	May 2010
George B. Fell	Ogle County	April 2012	July 2012
Spring Grove Fen	McHenry County	April 2012	July 2012
Gladstone Fen	McHenry County	April 2012	July 2012
Cotton Creek Marsh	McHenry County	April 2012	July 2012
Trout Park	Kane County	April 2012	July 2012
Goose Lake Prairie	Grundy County	April 2012	July 2012
Sand Ridge	Cook County	March 2013	June 2013
Searls Park Prairie	Winnebago County	March 2013	June 2013
Yonder Prairie	McHenry County	March 2013	June 2013



Moews Dore Seep	Putnam County	August 2017	February 2018
Long Run Seep	Will & Cook Counties	August 2017	February 2018
Apple River Canyon	Jo Daviess and Stephenson Counties	August 2017	February 2018
Barber Fen	McHenry County	October 2018	April 2019
Cranberry Slough	Cook County	October 2018	April 2019
McMahon Woods and Fen	Cook County	October 2018	April 2019
Bennett's Terraqueous Gardens and Fon du Lac Seep	Tazewell County	October 2018	April 2019





**A PUBLICATION OF
THE ILLINOIS POLLUTION CONTROL BOARD**

JUNE 2019

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