

ILLINOIS POLLUTION CONTROL BOARD
August 8, 2013

WARSAW ITCO,)	
)	
Petitioner,)	
)	
v.)	PCB 11-76
)	(UST Appeal)
ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Respondent.)	

ROBERT M. RIFFLE, ELIAS, MEGINNES, RIFFLE & SEGHETTI, P.C., APPEARED ON BEHALF OF THE PETITIONER; and

MELANIE JARVIS, ASSISTANT COUNSEL, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, APPEARED ON BEHALF OF THE RESPONDENT.

OPINION AND ORDER OF THE BOARD (by C.K. Zalewski):

On April 25, 2011, Warsaw ITCO (Warsaw) filed a petition (Pet.) for review of the Illinois Environmental Protection Agency's (Agency) final decision on the modification of the budget for an Amended Corrective Action Plan (CAP) for a leaking underground storage tank (UST) site in Minier, Tazewell County. In its March 18, 2011 letter, the Agency denied reimbursement for \$42,590 in costs. Warsaw maintains that the costs are associated with the amended CAP and seeks reimbursement.

The Agency filed a motion for summary judgment on April 9, 2012 and the administrative record (Rec.) on April 11, 2012.¹ The Board denied the Agency's motion for summary judgment on September 6, 2012, because of, in part, insufficiencies in the record. The Board held a public hearing on February 26, 2013 in Springfield. Warsaw and the Agency have filed post-hearing briefs elaborating on arguments made at the hearing.

Under the Environmental Protection Act (Act) (415 ILCS 5 (2010)), the Agency is the permitting authority, responsible for administering Illinois' regulatory programs to protect the environment. If the Agency denies a permit or grants one with conditions, the permit applicant may appeal the Agency's decision to the Board. *See* 415 ILCS 5/4, 5, 40(a)(1), 57.7(c)(4)(D) (2010); 35 Ill. Adm. Code 105.Subpart D. Warsaw appeals on the grounds that the \$42,590 was

¹ The administrative record filed by the Agency, the Agency's motion for summary judgment, and the Agency's filings in response to Warsaw's petition were all without page numbers when filed with the Board. For the purpose of referencing these documents and the record, the Board has paginated the record and the Agency's filings. An electronic copy of these documents will be posted on the Board's website with this opinion and order.

associated with an Agency-approved CAP and is “reasonable, customary, and necessary for the proper completion of the project and site closure.” Pet. at 2.

In this opinion, the Board first outlines the procedural history of this case. Next the Board summarizes the CAP submittal and Agency determination that led to Warsaw’s petition for review. The Board sets up the legal discussion with the facts as provided by the February 26, 2013 hearing and the then summarizes the parties’ post-hearing briefs. Finally, for the reasons set out below, the Board finds the Agency budget modification was appropriate, and affirms the Agency’s determination on the \$42,590 in rejected costs.

PROCEDURAL HISTORY

In its Petition for Review and Hearing/Appeal, filed April 25, 2011, Warsaw indicated that on November 8, 2010, its engineer, Midwest Environmental Consulting & Remediation Services Inc. (Midwest), submitted a CAP and budget seeking approval of \$60,241.81 in costs “which is the amount that was reasonable and necessary to complete the work on the project.” Pet. at 2. Warsaw stated that it disagreed with the Agency’s determination and argued that, “the proposed budget amounts are reasonable, customary, and necessary for the proper completion of the project and site closure.” *Id.* Warsaw’s petition requested a hearing “which will provide . . . the opportunity to establish the propriety of the costs” and requested that the Agency’s final decision be reversed or modified to accept the budget as proposed. *Id.*

On April 9, 2012, the Agency filed a motion for summary judgment (MSJ). In its motion, the Agency argued “[s]ince 2005, Petitioner was put on notice that the [Agency] would not agree to the corrective action it proposed for the site. The [Agency] twice rejected the [CAP] and Budget for such work. The Petitioner never appealed these decisions.” MSJ at 15. The People argued that the costs in the budget are not consistent with the approved plan. *Id.*

On September 6, 2012, the Board issued an order in response to the Agency’s motion, finding that “[d]ue to insufficiencies in the record, the Board cannot determine there is no genuine issue of material fact between the parties, and cannot determine that the Agency is entitled to summary judgment as a matter of law.” Warsaw ITCO v. Illinois Environmental Protection Agency, PCB 11-76, slip op. at 4 (Sept. 6, 2012).

The hearing in this matter was held at the Board’s office in Springfield on February 26, 2013. Mr. Allan Green, of Midwest, testified on behalf of Warsaw, and Mr. Thomas Henninger testified on behalf of the Agency.

FACTS

Warsaw’s Amended CAP

On June 18, 2010, the Agency received a high priority CAP (June 2010 CAP) from Warsaw. The June 2010 CAP was one of a series of CAPs submitted by Warsaw to the Agency that began sometime before 2003. The CAP immediately preceding the June 2010 CAP was

dated August 23, 2005 (2005 CAP). The 2005 CAP included the following “Proposed Methods of Remediation”:

1. Soil: Treatment system enhancement with horizontal recovery wells and enhanced bio-remediation study.
2. Groundwater: Treatment system enhancement with horizontal recovery wells. Rec. at 11.

The budget for the 2005 CAP included \$39,750 for “four directional bores approximately 100 to 120 feet,” along with the materials and a water permit to implement the directional bores. Rec. at 67. On December 14, 2005, the Agency rejected the 2005 CAP, stating, “[i]t is difficult to ascertain if the recovery well system proposed in the [CAP] is appropriate for remediation of groundwater at this time. Soil exceedances still exist and are the source of contamination in groundwater. You must eliminate the source of contamination before remediation of groundwater can be implemented.” Rec. at 77.

The June 2010 CAP included proposed methods of remediation similar to the 2005 CAP. The June 2010 CAP listed:

1. Soil: Enhanced Bio-remediation; soil washing; and
2. Groundwater: Groundwater treatment system. Rec. at 93.

In the technical information accompanying the June 2010 CAP, Warsaw provided specifics of modifications to the existing groundwater collection trench and installing horizontal recovery wells. Rec. at 99-102. The budget accompanying the June 2010 CAP included \$72,227 for labor and equipment, material, and a water permit associated with “shooting four directional bores [horizontal recovery wells] approximately 100 to 120 feet.” Rec. at 137. The Agency’s technical review notes composed in review of the June 2010 CAP, consistent with the December 14, 2005 rejection, state “[Warsaw] need[s] to remove source of contamination.” Rec. at 144. The same review notes describe the June 2010 CAP as a “repeat of the CAP denied 12/14/05.” Rec. at 145.

By letter dated October 18, 2010, the Agency rejected Warsaw’s June 2010 CAP for the following reasons:

1. Appendix G was not provided in the Plan which was to include equations, variables, and site specific CUOs [clean up objectives].
2. Soil sampling locations T-1 through T-10 were not provided on the site base map.
3. The Corrective Action Plan must comply with the requirements of Title XVI of the Act, as amended by Public Act 92-0554 on June 24, 2002 and Public Act 96-0908 on June 8, 2010. Rec. at 147.

The budget submitted with the plan was also rejected because, “[w]ithout an approvable plan, the proposed budget cannot be fully reviewed.” Rec. at 149.

On November 19, 2010, the Agency received another CAP and budget amendment (November 2010 CAP) from Warsaw. In contrast to earlier CAPs, the November 2010 CAP included institutional controls and engineered barriers to “address all residual contamination by limiting human exposure to contaminants.” Rec. at 167. Specifically, the November 2010 CAP proposed:

1. Village of Minier Groundwater Use Restriction Ordinance
2. Highway Authority Agreement with Illinois Dept. of Transportation
3. Environmental Land Use Control with the property owner to the east of the site
4. Industrial/Commercial Land Use Restriction
5. A Construction Worker Precautionary statement in the No Further Remediation letter. Rec. at 169.

In addition, a building and some pavement at the Warsaw site were proposed as engineered barriers. *Id.* Using these proposed controls, Warsaw stated that “all exposure routes can be eliminated on-site.” Rec. at 168. The budget with the November 2010 CAP included \$7,800 for air and water permits along with approximately \$52,441 for personnel costs, equipment costs, analysis costs, and handling charges. Rec. at 242-250. The technical review notes in response to the November 2010 CAP indicated that the “[p]lan will be approved for [Tiered Approach Corrective Action Objectives (TACO)] and institutional controls. The Budget will be [m]odified to reflect current CAP proposals.” Rec. at 254.

Agency CAP Approval and Budget Modification

By letter dated March 18, 2011, the Agency approved Warsaw’s November 2010 CAP. Rec. at 255. The March 18, 2011 letter, however, modified the budget associated with the November 2010 CAP. Rec. at 255-256. Specifically, the Agency approved costs for investigation, analysis, personnel, equipment, and field purchases and other costs for a total of \$16,391.16. *Id.*

The March 18, 2011 letter, however, deducted costs set out as follows:

\$34,790.00 deduction in Personnel Costs for costs for corrective action implementation, CAP preparation, design, and research, and permitting costs associated with enhanced bioremediation and a groundwater treatment system.

\$7,800.00 deduction in Field Purchases and Other Costs for Bureau of Water and Bureau of Air permitting and repair of equipment.

These costs are not consistent with materials, activities, and services associated with an [Agency]-approved technical plan. One of the overall goals of the financial review is to assure that costs associated with materials, activities, and services are consistent with the associated technical plan. Such costs are ineligible for payment from the Fund pursuant to Section 57.7(c)(3) of the Act and 35 Ill. Adm. Code 734.510(b).

The Plan at-hand, which is approved, does not propose corrective action activities involving enhanced bioremediation and/or groundwater treatment system. A Moisture Content sample and a Soil Bulk Density sample has been approved, costs are added to Analytical Costs to complete Section 734.410 (Remediation Objectives). Rec. at 256.

Hearing Testimony

Testimony during the February 26, 2013 hearing focused mainly on interpretation of the December 14, 2005 Agency rejection that eventually led to the June 2010 CAP submitted by Warsaw. Mr. Green testified that he is the president of Midwest, who facilitated Warsaw's various CAPs in an attempt to close the UST incident. Hearing Transcript (Tr.) at 10. Mr. Green stated that before 2005, Midwest made a request on behalf of Warsaw to install groundwater treatment to keep contamination from leaving the site. *Id.* at 11. Initially the plan and budget were approved by the Agency. However, the original groundwater treatment system did not function as intended. As stated by Mr. Green, "[s]ince installation of the groundwater treatment system, no groundwater has passed through the treatment system." *Id.* at 28. In 2005, Warsaw submitted a request to "modify the ground water system to improve the collection on the site . . . at which point that was denied." *Id.* at 11.

In response to a question from Mr. Riffle, counsel for Warsaw, about costs for which Warsaw was seeking reimbursement in its petition, Mr. Green stated that reimbursement for the operation of the original groundwater system was sought. *Id.* at 14. Upon cross examination, Agency counsel pointed out that neither the 2005 correspondence nor the June 2010 CAP is under appeal. Mr. Green acknowledged that five years elapsed between the Agency's 2005 rejection of Warsaw's CAP and the June 2010 CAP submittal. *Id.* at 26-27. Mr. Green went on to state that no groundwater has passed through the groundwater treatment system at the site and that "due to hydrostatic pressure and the water bearing zone, ground water does not reach the elevation necessary to collect in the trench." *Id.* at 28. Referring to the original groundwater treatment system, Mr. Green stated that although Midwest presented enhancements to the Agency in August 2005 and in the June 2010 CAP, the Agency "has yet to approve of any of the [enhancement] plans." *Id.* at 29.

Mr. Henninger, a unit manager in the Agency's leaking UST section, testified that he supervised the Agency's review of Warsaw's 2010 CAP submittals. Mr. Henninger described the March 18, 2011 letter as part approval and part denial. Tr. at 44. With regard to the reduced portion of the budget, Mr. Henninger testified that "[t]he reason [the Agency] denied the remediation system . . . is the same as in 2005 when [the Agency] denied it because [the Agency] didn't think it was effective, and there was still . . . a source of contamination on the property." *Id.* During cross-examination of Mr. Henninger, Mr. Riffle focused on the language of the Agency's 2005 rejection letter as ambiguous with regard to pre-2005 ground water treatment system at the Warsaw site. *Id.* at 45-52.

ARGUMENTS

Warsaw's Brief

In its post-hearing brief (Pet. Brief) filed on April 8, 2013, Warsaw emphasized that the costs at issue in the appeal are associated with the original groundwater treatment system that began operating in October 2003. Pet. Brief at 1-2. That original system involved a pump and treat system with trenches along the property edges carrying the water to an air stripper system. Tr. at 12. Warsaw distinguished the original system from the enhancements to that system that “its consultant never implemented . . . and did not seek recovery of costs for.” *Id.* at 1. The post-hearing brief reiterates that Warsaw was “never instructed to discontinue the originally implemented groundwater remediation system.” *Id.*

Warsaw pointed the Board to Mr. Henninger’s testimony that the Agency approved a groundwater treatment plan for the site in 2002, and that treatment system was “up and running as of December 14 of 2005.” The Agency’s letter of that date states:

It is difficult to ascertain if the recovery well system proposed in the Plan is appropriate for remediation of groundwater at this time. Soil exceedances still exist and are the source of contamination in groundwater. You must eliminate the source of contamination before remediation of groundwater can be implemented. Pet. Brief at 5.

Warsaw further highlighted Mr. Henninger’s testimony that Warsaw should have understood the language, above, as an instruction to discontinue the groundwater treatment system. *Id.* at 6. Finally, Warsaw stated that it “expended \$5,900 for an Air Permit to the [Agency] to operate the [original] system” and “the costs and fees associated with permitting, installation, and ongoing operations of the originally approved groundwater treatment system were all reasonable and necessary, and should have been paid.” *Id.* at 8.

Agency Brief

The Agency’s post-hearing brief (IEPA Brief) also concentrated on the December 14, 2005 Agency letter rejecting Warsaw’s CAP. The Agency argued, however, that

procedurally . . . Petitioner failed to appeal that December 14, 2005 decision letter and therefore, based upon Board precedent should not be able to appeal this issue at a later date. When the Petitioner continued to operate the ineffective system, it did so, knowing what the [Agency’s] position was on costs attributable to that failed technology, and did so, more importantly, at its own risk knowing that it was not the [Agency’s] position that it would be reimbursed for the associated costs.” IEPA Brief at 2.

Citing the Board’s Regulations, the Agency states that “the overall goal of the financial review must be to assure that costs associated with materials, activities, and services must be reasonable and must be consistent with the associated technical plan.” IEPA Brief at 10, *citing*

35 Ill. Adm. Code 734.510. The Agency found, as stated in its brief, the costs in the budget submitted on November 8, 2010 were not consistent with Warsaw's approved plan submitted on the same date. *Id.*

Warsaw's Reply

Finally, in Warsaw's reply to the Agency's brief (Pet. Reply), it reiterated that "[t]he funds that Petitioner seeks in this appeal relate to the operation of the original groundwater treatment system, not to the disapproved enhancements to the system, which were never implemented." Pet. Reply at 1. Warsaw repeated the argument that the Agency never instructed it to discontinue the groundwater treatment portion of the CAP approved in 2002 and that it should be reimbursed for air permitting fees that the Agency indicated would be reimbursed. *Id.* at 2.

LEGAL BACKGROUND

The burden of proof in an appeal of the Agency's rejection of a correction action budget is on the petitioner. 415 ILCS 5/57.7(c)(4); 415 ICLS 5/40(a)(1); 35 Ill. Adm. Code 105.112(a). The applicable standard of review is whether the application, as submitted to the Agency, would violate the Act and Board regulations. Ted Harrison Oil Co. v. IEPA, PCB 99-127, slip op. at 5 (July 24, 2003), *citing* Browning Ferris Industries of Illinois v. PCB, 179 Ill. App. 3d 598, 534 N.E.2d 616 (2nd Dist. 1989). In reviewing a CAP and the associated budget, the Agency must determine that the costs associated with the plan are reasonable, will be incurred in the performance of site investigation or corrective action, and will not be used for site investigation or corrective action activities in excess of those required to meet the minimum requirements of Title XVI of the Act. 415 ILCS 5/57.7(c) (2010).

The Board's review is generally limited to the record before the Agency at the time of its determination. Freedom Oil Co. v. IEPA, PCB 10-46, slip op. at 14 (Nov. 1, 2012). The Board will not consider new information that was not before the Agency prior to its final determination regarding the issues on appeal. Kathe's Auto Service Center v. IEPA, PCB 95-43, slip op. at 14 (May 18, 1995). Further, the Agency's denial letter frames the issues on appeal. Pulitzer Community Newspapers, Inc. v. IEPA, PCB 90-142 (Dec. 20, 1990).

DISCUSSION

The Board acknowledges that the history of Warsaw's CAP submittals to the Agency is an important contextual piece of Warsaw's current petition. The Board, however, finds that while the parties have at some length addressed the December 14, 2005 Agency letter, the time for Warsaw to appeal the December 14, 2005 Agency determination has passed. *See generally* Illinois Ayers Oil Co., v. IEPA, PCB 05-48, slip op. at 7 (March 17, 2005) ("The Act sets the time and procedures for appeals and extensions. The Board cannot deviate from those deadlines and procedures . . ."). Instead, as stated above, the Agency's March 18, 2011 decision frames the issues in this matter. *See* Prime Location Properties, LLC v. IEPA, PCB 09-67, slip op. at 27 (Aug. 20, 2009).

Therefore, the sole issue before the Board is whether the Agency properly modified Warsaw's budget submitted with the November 2010 CAP. The Agency's March 18, 2011 approval letter sets out the reasons for modification of the budget. Rec. at 255-258. Warsaw's petition is based on the budget modification portion of the Agency's approval letter, and therefore, the Board focuses on the Agency's reasons for the modification in its determination.

In its March 18, 2011 letter, the Agency's budget reductions consisted of:

\$34,790.00 deduction in Personnel Costs for costs for corrective action implementation, CAP preparation, design, and research, and permitting costs associated with enhanced bioremediation and a groundwater treatment system.

\$7,800.00 deduction in Field Purchases and Other Costs for Bureau of Water and Bureau of Air permitting and repair of equipment. Rec. at 256.

The Agency provided rationale that mirrors the relevant statutory language, stating that the rejected costs "are not consistent with materials, activities, and services associated with an Agency-approved technical plan." *Id.*, citing 35 Ill. Adm. Code 734.510(b) ("The overall goal of the financial review must be to assure that costs associated with materials, activities, and services must be reasonable, must be consistent with the associated technical plan . . .").

In the November 2010 CAP, Warsaw proposed institutional controls and engineered barriers to address the contamination and limit human exposure. Rec. at 167. Those institutional controls and engineered barriers were approved by the Agency in the March 18, 2011 letter. This pathway exclusion approach to the contamination at the Warsaw site is a departure from the techniques described in previous, rejected CAPs submitted to the Agency by Warsaw. As stated above, the previous CAPs relied upon the original groundwater treatment system and a proposed "[t]reatment system enhancement with horizontal recovery wells & enhanced bio-remediation study" as stated in the August 2005 CAP, and "[e]nhanced [b]io-remediation; soil washing . . . [g]roundwater treatment system" as stated in the June 2010 CAP. Rec. at 11, 93. Therefore, the Board must determine whether the Agency's modifications to Warsaw's proposed budget are consistent with the associated institutional controls and engineered barriers that the Agency approved.

The budget sheets submitted by Warsaw with the November 2010 CAP include a Proposed Budget Summary and Budget Total that includes the following amounts: investigation costs (\$0.00); analysis costs (\$362.79); personnel costs (\$50,488.00); equipment costs (\$291.80); field purchases and other costs (\$7,800.00); and handling charges (\$1,299.22). Rec. at 242. Personnel costs and field purchases and other costs are the only two general categories challenged in Warsaw's petition.

Regarding personnel costs, the only elaboration Warsaw provided is found on the standard personnel budget form required by the Agency with a CAP budget proposal. Rec. at 245. That form lists the names of ten people associated with the Warsaw November 2010 CAP followed by a brief description of each person's role. *Id.* This is the same information reviewed by the Agency when the Agency made its determination to modify Warsaw's budget. In the

technical review notes prepared by the Agency upon receipt and review of the November 2010 CAP, the Agency stated “the budget will be modified to reflect the *current* CAP proposals.” Rec. at 254 (emphasis added).

The Board compared the November 2010 CAP budget with budgets previously submitted by Warsaw for evidence that the Agency erred in its budget modification. The November 2010 CAP budget, however, does not contain enough detail to discern whether the personnel costs enumerated in the November 2010 CAP budget were associated with the original groundwater treatment system at the Warsaw site, the enhancements to the system rejected by the Agency in its December 2005 and October 2010 letters, or solely with the November 2010 CAP plan. The Board was unable to find any indication whether or not the personnel costs appeared in earlier budgets, the date such tasks were performed, or whether the personnel costs were denied or approved by the Agency as a part of previous CAP proposed budgets or reimbursement applications.

For example, personnel costs for “Water Permitting; IEPA Water Correspondence” do not clearly correspond to a specific CAP in the record. If the Board were to assume that the costs were connected to the existing groundwater treatment system, there is no indication in the record whether or not such costs appeared in earlier budgets, budget denials or budget approvals. The November 2010 CAP budget does not contain enough detail to clearly align the requested costs with the eligible corrective action costs of Sections 734.625 and 734.845 of the Board’s UST regulations.

Further, while Warsaw’s Exhibit 3 from the February 26, 2013 hearing lists the CAPs and budgets submitted by Warsaw, the record does not include CAPs or budgets submitted to the Agency prior to November 20, 2003. The only earlier document is the Agency’s May 2002 letter. Therefore, there is no indication in the record as to whether personnel costs associated with water permitting for the existing groundwater treatment system were previously sought or are only first sought in the November 8, 2010 budget.

Therefore, in its review of Warsaw’s budget and the brief personnel descriptions within that budget, the Board finds that Warsaw has failed to meet its burden of providing evidence in the record to support a finding different from the Agency’s March 18, 2011 decision. For this reason, the Board affirms the Agency’s determination that the personnel costs are not consistent with materials, activities, and services associated with the Agency-approved, November 2010 CAP.

Likewise, the Board found only minimal information in the record regarding the \$7,800 Agency deduction in field purchases and other costs for Bureau of Water and Bureau of Air permitting and repair of equipment. Other than a similarity in amounts sought for water permits, for example, on page I-2 of the 2005 CAP budget, the June 2010 CAP and the same page of the November 2010 CAP budget, the Board cannot find information in the record explicitly connecting the \$7,800 to the November 2010 CAP. Rec. at 67, 248.

Instead, the Board finds that an identical amount sought for water permit fees associated with both the rejected 2005 CAP and the approved November 2010 CAP militates in favor of the

Agency's determination. This is especially true given the lack of any explanation accompanying the identical requests for reimbursement. The Board finds further support for this finding in Mr. Green's testimony at the February 26, 2013 hearing. When asked about the period of time when the costs sought in this appeal were incurred by Warsaw, Mr. Green testified, "it's basically the operation of the original groundwater system." Tr. at 14. In the post-hearing brief, Warsaw states again, Warsaw "began to operate a groundwater remediation system at the subject property in October, 2003. The funds which Petitioner seeks in this appeal relate to the operation of the original groundwater treatment system." Pet. Brief at 2. Without information to the contrary in the record, the Board finds it unlikely that two CAPs (one pre-dating 2003 that is not in the record and the November 2010 CAP) with such different approaches to addressing groundwater contamination would require the same amount in water permit fees.

The Board, therefore, affirms the Agency's determination that the field purchases and other costs in Warsaw's proposed budget are not consistent with materials, activities, and services associated with the Agency-approved, November 2010 CAP.

CONCLUSION

For the reasons set out above, the Board denies Warsaw's petition for review and affirms the Agency's March 18, 2011 determination deducting \$42,590 from Warsaw's proposed budget. This opinion constitutes the Board's findings of fact and conclusions of law.

IT IS SO ORDERED.

Section 41(a) of the Environmental Protection Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2010); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, John Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 8, 2013, by a vote of 4-0.



John T. Therriault, Clerk
Illinois Pollution Control Board