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# Environmental Register

November 2014 - Number 725

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

Dr. Deanna Glosser, Chairman

Board Members:

Jennifer A. Burke, Jerome D. O'Leary, and Carrie Zalewski

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## Letter from the Chairman

In November, the Board took action in rulemakings that have generated public interest and decided a case involving the FutureGen project.

On November 6, 2014, the Board proceeded to second notice with Procedural Rule to Implement Electronic Filing and Allow for Public Remarks at Board Meetings, R 14-21. The Board initiated this rulemaking to accomplish two primary objectives. First, the rules will codify procedural standards for remarks by members of the public at the Board's open meetings in accordance with the Open Meetings Act. Second, these rules will permit, with certain limited exceptions, electronic filing in all Board proceedings through the Board's Clerk's Office On-Line or "COOL," as well as service by e-mail of most types of filings. The proposal also amends other sections of the procedural rules not directly relating to public remarks. Specifically the proposed rule includes amendments: 1) to the requirements for the filing of rulemaking proposals that include rulemaking documents both subject to copyright protection and proposed for incorporation by reference; 2) temporary waivers of the ban on specified electronic products landfills; and 3) pollution control facility certification for property tax purposes.



On November 6, 2014, the Board granted a motion by the Illinois Environmental Protection Agency (Agency) to extend deadlines in Concentrated Animal Feeding Operations (CAFOs): Proposed Amendments to 35 Ill. Adm. Code 501, 502, and 504, R12-23(A). The Board opened this subdocket (A) to consider submission of specified information to the Agency by certain CAFOs. On October 2, 2014, the Board set deadlines for the Agency to file comments and for any response by other participants. By granting the Agency's motion, the Board extended the Agency's comment deadline to December 3, 2014, and the response deadline to February 3, 2014.

Also on November 6, 2014, the Board granted summary judgment in favor of Ameren Energy Medina Valley Cogen, LLC (Ameren Energy) and FutureGen Industrial Alliance, Inc. (FutureGen) in Sierra Club v. Ameren Energy Medina Valley Cogen, LLC (Ameren Energy) and FutureGen Industrial Alliance, Inc. (FutureGen), PCB 14-134. On June 16, 2014, the Sierra Club filed a one-count complaint against respondents alleging a violation of Section 9.1(d) of the Illinois Environmental Protection Act (Act) (415 ILCS 5/9.1(d) (2012)). The Board found that there were no issues of fact and that respondents were entitled to judgment as a matter of law. Specifically, the Board found that the Agency issued a permit to respondents for the FutureGen Project, and therefore respondents did not violate Section 9.1(d) of the Act (415 ILCS 5/9.1(d) (2012)).

As always, information about these proceedings is available through the Clerk's Office Online (COOL) at our Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

Sincerely,

A handwritten signature in black ink that reads "Deanna Glosser". The signature is written in a cursive style and is contained within a rectangular box.

Deanna Glosser, Ph.D.  
Chairman

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## Appellate Update

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### Illinois Supreme Court Denies PLA on APA Request for Attorney Fees

On November 26, 2014, the Illinois Supreme Court denied Chicago Coke's petition for leave to appeal (PLA) in Chicago Coke Co. v. Illinois Environmental Protection Agency, Natural Resources Defense Council, Sierra Club, & Illinois Pollution Control Board, No. 118306 (Ill. S. Ct.). The PLA denial leaves intact the First District Appellate Court's unpublished summary order (2014 IL App (1st) 132704-U) affirming the Board's denial of Chicago Coke's request for attorney fees under the Administrative Procedure Act (APA) (5 ILCS 100 (2012)).

The appeal before the Board was captioned Chicago Coke Co. v. Illinois Environmental Protection Agency & Intervenor Natural Resources Defense Council & Sierra Club, PCB 10-75. The Board found that IEPA's policy on emission reduction credits (ERCs) was an invalid "rule" because the policy was never properly promulgated. Chicago Coke then asked the Board to require IEPA to pay the company's litigation expenses under Section 10-55(c) of the APA (5 ILCS 100/10-55(c) (2012)). That provision requires a "court" to award reasonable litigation expenses, including reasonable attorney fees, to the party bringing the action who has an administrative rule invalidated "by a court." The Board denied Chicago Coke's request because the Board is not a "court." The First District agreed with the Board. In turn, the State's high court denied Chicago Coke's PLA.

## Rulemaking Update

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### Board Solicits Comment on Additional CAFO Rule Amendments, R12-23(A)

In response to the Joint Committee on Administrative Rules (JCAR), the Board opened this subdocket (A) on August 7, 2014, when adopting amendments to the Board's agriculture-related pollution regulations on concentrated animal feeding operations (CAFOs). The subdocket will address whether certain unpermitted CAFOs should be required to submit specified information to the Illinois Environmental Protection Agency (IEPA). Concentrated Animal Feeding Operations (CAFOs): Proposed Amendments to 35 Ill. Adm. Code Parts 501, 502, and 504, R12-23(A).

By order of November 6, 2014, the Board granted IEPA's motion to extend IEPA's deadline for filing responses to the Board's questions concerning information submittals by unpermitted CAFOs. IEPA timely filed its written comments on December 3, 2014. The Board also gave participants until February 3, 2014, to respond to IEPA's comments or to address issues raised by JCAR. Public comments should identify this docket number, R12-23(A), and must be filed with the Clerk of the Board.

Public comments may be filed at the following address:

Pollution Control Board  
James R. Thompson Center  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601

Alternatively, public comments may be filed electronically through the Clerk's Office On-Line (COOL) at [www.ipcb.state.il.us](http://www.ipcb.state.il.us). Any questions about electronic filing through COOL should be directed to the Clerk's Office at (312) 814-3629.

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board's website and may be downloaded without charge. Hard copies may be obtained from the Clerk's Office upon payment of reproduction fees as prescribed by of the Freedom of Information Act.

For more information, please contact Tim Fox at 312-814-6085 or [tim.fox@illinois.gov](mailto:tim.fox@illinois.gov).

## **Board Proposes Second-Notice Procedural Rule Amendments on Public Remarks, Electronic Filing, and E-Mail Service, R14-21**

On November 6, 2014, the Board adopted a second-notice opinion and order to amend all parts of its procedural rules and submit the amendments to JCAR for review. Procedural Rule Amendments to Implement Electronic Filing and Allow for Public Remarks at Board Meetings: Proposed Amendments to 35 Ill. Adm. Code 101-130, R14-21. The Board initiated this rulemaking to accomplish two primary objectives. First, in accordance with the Open Meetings Act, the rules will establish procedures for members of the public who wish to make remarks at the Board's open meetings. Second, the rules will codify detailed procedures for electronic filing through "COOL" and for serving filings by e-mail.

In addition, the amendments address, among other things, rulemaking proposals that seek to incorporate by reference copyright-protected documents, as well as cases involving "pollution control facility" certifications for property tax purposes.

The Board's first-notice proposal was published in the *Illinois Register* on June 20, 2014, and the Board received public comments from IEPA and Schiff Hardin LLP. The second-notice proposal made limited changes to the proposed rules as they relate to (1) rulemaking filing requirements for copyrighted documents that are being proposed for incorporation by reference and (2) the timing and documentation of e-mail service. On December 16, 2014, JCAR issued a certification of no objection to the proposed rules.

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board's website 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 Mark Powell at 312-814-6887 or [mark.powell@illinois.gov](mailto:mark.powell@illinois.gov).

## **Board Proposes "Identical-In-Substance" Rules for SDWA Update, R15-6**

On November 6, 2014, the Board proposed—for public comment—amendments to the Illinois drinking water regulations that are "identical in substance" to amendments made by the United States Environmental Protection Agency (USEPA) during the first half of calendar year 2014 under the Safe Drinking Water Act (SDWA). SDWA Update, USEPA Amendments (January 1, 2014 through June 30, 2014), R15-6. These amendments would incorporate three USEPA actions into the Illinois rules. The update includes USEPA's February 26, 2014 corrections to the Revised Total Coliforms Rule and USEPA's June 19, 2014 summary approvals of 21 new alternative equivalent analytical methods for monitoring physical, chemical, and microbiological parameters of drinking water. On June 27, 2014, USEPA corrected its June 19, 2014 action.

Proposing the amendments on November 6, 2014, will allow the Board to timely adopt them before the statutory deadline of February 26, 2015. The Board will receive public comments on this proposal for a period of 45 days following publication in the *Illinois Register*. After that time, the Board will immediately consider adopting the

amendments, making any necessary changes made evident through public comments. Public comments should identify this docket number, R15-6, and must be filed with the Clerk of the Board.

Public comments may be filed at the following address:

Pollution Control Board  
James R. Thompson Center  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601

Alternatively, public comments may be filed electronically through COOL at [www.ipcb.state.il.us](http://www.ipcb.state.il.us). Any questions about electronic filing through COOL should be directed to the Clerk's Office at 312-814-3629.

For more information, please contact Michael McCambridge at 312-814-6983 or [michael.mccambridge@illinois.gov](mailto:michael.mccambridge@illinois.gov).

## **Board Proposes “Right-to-Know” Amendments for First Notice, R14-23**

On November 20, 2014, the Board adopted a first-notice opinion and order in Standards and Requirements for Potable Water Well Surveys and Community Relations Activities Performed in Conjunction with Agency Notice of Threats from Contamination: Proposed Amendments to 35 Ill. Adm. Code 1600, R14-23. IEPA initiated this rulemaking on June 17, 2014. IEPA explained that recent legislative and rulemaking actions had created a gap between environmental media of concern that require notice, exposure routes identified in the Board's Tiered Approach to Corrective Action Objectives (TACO) rules, and the Right-to-Know rules at Part 1600 (35 Ill. Adm. Code 1600).

IEPA proposed requiring public notice if (1) measured offsite soil gas contamination from the site where the release occurred poses an exposure threat above the appropriate TACO Tier 1 remediation objectives; or (2) measured offsite groundwater contamination from volatile chemicals poses a threat of indoor inhalation exposure above the appropriate TACO Tier 1 remediation objectives.

The Board held two public hearing before submitting proposed amendments to the Secretary of State for first-notice publication. The proposed amendments appeared in the *Illinois Register* on December 5, 2014. See 38 Ill. Reg. 22411 (Dec. 5, 2014). Public comments are due by January 20, 2015. Public comments should identify this docket number, R14-23, and must be filed with the Clerk of the Board.

Public comments may be filed at the following address:

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James R. Thompson Center  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601

Alternatively, public comments may be filed electronically through COOL at [www.ipcb.state.il.us](http://www.ipcb.state.il.us). Any questions about electronic filing through COOL should be directed to the Clerk's Office at (312) 814-3629.

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For more information, please contact Tim Fox at 312-814-6085 or [tim.fox@illinois.gov](mailto:tim.fox@illinois.gov).

## **Board Proposes “Identical-In-Substance” Amendments for NAAQS Update, R15-4**

On November 20, 2014, the Board proposed—for public comment—amendments to the Illinois ambient air quality standards that are “identical in substance” to National Ambient Air Quality Standards (NAAQS) amendments made by USEPA during the first half of calendar year 2014. National Ambient Air Quality Standards, USEPA Regulations (January 1, 2014 through June 30, 2014 and November 4, 2014), R15-4. On June 18, 2014, USEPA designated four new federal equivalent methods (FEMs): one new FEM for nitrogen oxides (NO<sub>x</sub>); two new FEMs for ozone (O<sub>3</sub>); and one new FEM for lead (Pb) in ambient air.

The Board also proposed adding an action from outside the timeframe of the docket, November 4, 2014: USEPA designated one new federal reference method (FRM) for fine particulates (PM<sub>2.5</sub>) and another for coarse particulates (PM<sub>10-2.5</sub>); and USEPA designated one new FEM for O<sub>3</sub> and one new FEM for carbon monoxide (CO) in ambient air.

The Board has scheduled a public hearing for January 8, 2015, beginning at 1:30 p.m. The hearing will be held by videoconference between the Board’s offices in Chicago and Springfield.

In addition, the Board invites interested persons to file public comment on the proposed amendment. The Board will receive public comments for at least 45 days after these proposed amendments appear in the *Illinois Register*. Public comments should identify this docket number, R15-4, and must be filed with the Clerk of the Board.

Public comments may be filed at the following address:

Pollution Control Board  
James R. Thompson Center  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601

Alternatively, public comments may be filed electronically through COOL at [www.ipcb.state.il.us](http://www.ipcb.state.il.us). Any questions about electronic filing through COOL should be directed to the Clerk’s Office at 312-814-3629.

For more information, please contact Michael McCambridge at 312-814-6983 or [michael.mccambridge@illinois.gov](mailto:michael.mccambridge@illinois.gov).

## **Board Proposes “Identical-In-Substance” Amendment for VOM Update, R15-5**

In this “identical-in-substance” rulemaking, the Board on November 20, 2014, proposed—for public comment—an amendment to the Illinois definition of “volatile organic material” (VOM). The amendment reflects USEPA’s most recent exemption of a chemical compound from regulation as an ozone precursor. The update includes all USEPA actions taken during the first half of calendar year 2014. Definition of VOM Update, USEPA Regulations (January 1, 2014 through June 30, 2014), R15-5. On March 27, 2014, USEPA exempted one new compound from the definition of VOM: 2-amino-2-methyl-1-propanol.

The Board has scheduled a public hearing for January 8, 2015, beginning at 1:45 p.m. The hearing will be held by videoconference between the Board’s offices in Chicago and Springfield.

In addition, the Board invites interested persons to file public comment on the proposed amendment. The Board will receive public comments for at least 45 days after the proposed amendment appears in the *Illinois Register*. Public comments should identify this docket number, R15-5, and must be filed with the Clerk of the Board.

Public comments may be filed at the following address:

Pollution Control Board  
James R. Thompson Center  
100 W. Randolph Street, Suite 11-500  
Chicago, IL 60601

Alternatively, public comments may be filed electronically through COOL at [www.ipcb.state.il.us](http://www.ipcb.state.il.us). Any questions about electronic filing through COOL should be directed to the Clerk's Office at 312-814-3629.

For more information, please contact Michael McCambridge at 312-814-6983 or [michael.mccambridge@illinois.gov](mailto:michael.mccambridge@illinois.gov).

## Board Adopts “Identical-In-Substance” Amendments for RCRA Update, R15-8

In this “identical-in-substance” rulemaking, the Board on November 20, 2014, adopted updates to “incorporations by reference” in the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle D Municipal Solid Waste Landfill (MSWLF) regulations. RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (January 1, 2014 through June 30, 2014), R15-8. The Part 810 amendments update incorporations of federal regulations by reference to the latest version of the *Code of Federal Regulations*. The amendments also add—to Part 810—incorporations by reference and add—to Appendix A to Part 814—the incorporation-by-reference language to the listing of federal provisions with which existing facilities are required to comply. The Board formerly omitted the incorporations by reference when adopting the Appendix A requirements in RCRA Subtitle D Amendments (Amendments to 35 Ill. Adm. Code 810, 811, and 814), R93-10 (Sep. 15, 1993).

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board's website 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 Michael McCambridge at 312-814-6983 or [michael.mccambridge@illinois.gov](mailto:michael.mccambridge@illinois.gov).

## Board Actions

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**November 6, 2014**  
**Chicago, Illinois**

### Rulemakings

**R12-23(A)**

In the Matter of: Concentrated Animal Feeding Operations (CAFOs): Proposed Amendments to 35 Ill. Adm. Code Parts 501, 502, and 504 (Water) – The Board granted the Illinois Environmental Protection Agency's (Agency) request to extend to December 3, 2014 the deadline to submit written comments in response to the Board's questions. The Board directed any participant wishing to respond to the Agency's comments to submit their comments on or before February 3, 2015.

4-0

<b>R14-21</b>	<u>In the Matter of: Procedural Rule to Implement Electronic Filing and Allow for Public Remarks at Board Meetings</u> – The Board adopted a second notice opinion and order in this rulemaking proposal to amend the Board’s procedural rules.	4-0
<b>R15-6</b>	<u>SDWA Update, USEPA Amendments (January 1, 2014 through June 30, 2014) (Water)</u> – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s drinking water regulations.	4-0

**Administrative Citations**

<b>AC 12-51</b>	<u>IEPA v. Northern Illinois Service Company</u> – No action taken.	
<b>AC 15-6</b>	<u>County of Macon v. Kevin E. Woodruff</u> – The Board accepted respondent’s amended petition for review involving a Macon County facility.	4-0
<b>AC 15-10</b>	<u>IEPA v. Angela Trost</u> – The Board found that this Livingston County respondent violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1)(2012)), and ordered respondent to pay a civil penalty of \$1,500.	4-0

**Adjudicatory Cases**

<b>PCB 03-138</b>	<u>National City Environmental, LLC, and National City Recycling, LLC (Log No. 1999-134) v. IEPA</u>	4-0
<b>PCB 03-139</b>	<u>National City Environmental, LLC, and National City Recycling, LLC (Log No. 1999-146) v. IEPA</u>	
<b>PCB 03-140</b> (Cons.)	<u>National City Environmental, LLC, and National City Recycling, LLC (Log No. 1999-134) v. IEPA</u> (Land-Permit Appeal) – The Board granted petitioner’s motion for voluntary dismissal of these consolidated permit appeals.	
<b>PCB 06-115</b>	<u>People of the State of Illinois v. National City Environmental, LLC, and National City Recycling, LLC</u> (Land-Enforcement) – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a St. Clair County facility, the Board ordered publication of the required newspaper notice.	4-0
<b>PCB 13-27</b>	<u>Sierra Club v. Midwest Generation, LLC</u> (Air-Enforcement, Citizen’s) – No action taken.	
<b>PCB 14-110</b>	<u>KCBX Terminals Company v. IEPA</u> (Air - Permit Appeal) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	4-0
<b>PCB 14-129</b>	<u>Southern Illinois Power, Cooperative v. IEPA</u> (Land-Thermal Demonstration) – No action taken.	

<b>PCB 14-134</b>	<p><u>Sierra Club v. Ameren Energy Medina Valley Cogen, LLC and Futuregen Industrial Alliance, Inc.</u>  (Air-Enforcement, Citizens) – The Board denied petitioner’s request for oral argument and motions for continuance and to strike. The Board granted respondents’ motion for summary judgment and dismissed this action. The Board granted respondents’ motion for leave to file a reply and found respondents’ motion for expedited review moot.</p>	4-0
<b>PCB 15-6</b>	<p><u>Aurora Blacktop, Inc. v. IEPA</u>  (UST-Permit Appeal, 90 day Extension) – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Kane County facility.</p>	4-0
<b>PCB 15-8</b>	<p><u>Ron Parmele v. IEPA</u>  (UST-Permit Appeal, 90 day Extension) – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Tazewell County facility.</p>	4-0
<b>PCB 15-62</b>	<p><u>People of the State of Illinois v. CNH Industrial America, LLC</u>  (Air-Enforcement) – In this air enforcement action concerning a Woodford 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 total civil penalty of \$11,000.00, and to cease and desist from further violations.</p>	4-0
<b>PCB 15-63</b>	<p><u>William Spencer v. Clinton Landfill, Inc. and Illinois Environmental Protection Agency</u>  (Land-Enforcement, Citizen’s) – The Board granted respondents’ motions to dismiss.</p>	4-0
<b>PCB 15-70</b>	<p><u>People of the State of Illinois v. Macy's Retail Holdings, Inc.</u>  (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 total civil penalty of \$5,000.00, and to cease and desist from further violations.</p>	4-0
<b>PCB 15-73</b>	<p><u>People of the State of Illinois v. Sigma-Aldrich Manufacturing, LLC</u>  (Land -Enforcement) – In this land enforcement action concerning a Madison 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 total civil penalty of \$12,500.00, and to cease and desist from further violations.</p>	4-0
<b>PCB 15-77</b>	<p><u>Tri-Star Petroleum, LLC v. IEPA</u>  (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Perry County facility.</p>	4-0

<b>PCB 15-78</b>	<u>People of the State of Illinois v. Sun Ag, Inc.</u> (Water -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 water enforcement action involving a Tazewell County facility, the Board ordered publication of the required newspaper notice.	4-0
<b>PCB 15-79</b>	<u>Brandon Blasa v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Jersey County facility.	4-0 .
<b>PCB 15-80</b>	<u>People of the State of Illinois v. SSW Development, L.L.C. and John Kaup</u> (Water-Enforcement) – The Board accepted for hearing this water enforcement action concerning a facility located in Will County.	4-0
<b>PCB 15-82</b>	<u>GBL Properties, Inc. (1801 Old Missouri Avenue) v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.	4-0 .
<b>PCB 15-83</b>	<u>Goben Oil Company v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Clark County facility.	4-0 .
<b>PCB 15-84</b>	<u>Allen McAfee v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Macoupin County facility.	4-0 .
<b>PCB 15-85</b>	<u>NRG Wholesale Generation LP (Aurora Station) v. IEPA</u> (Air-Permit Appeal, CAAPP) – The Board accepted for hearing this permit appeal on behalf of this DuPage County facility. The Board reserved ruling on petitioner’s motion for stay of the challenged modification of the permit, to allow the time for IEPA to file a response to run.	4-0
<b>PCB 15-86</b>	<u>NRG Rockford LLC and NRG Rockford II LLC v. IEPA</u> (Air-Permit Appeal, CAAPP) – The Board accepted for hearing this permit appeal on behalf of this Winnebago County facility. The Board reserved ruling on petitioner’s motion for stay of the challenged modification of the permit, to allow the time for IEPA to file a response to run.	4-0
<b>PCB 15-87</b>	<u>NRG Wholesale Generation LP (Shelby County Station) v. IEPA</u> (Air-Permit Appeal, CAAPP) – The Board accepted for hearing this permit appeal on behalf of this Shelby County facility. The Board reserved ruling on petitioner’s motion for stay of the challenged modification of the permit, to allow the time for IEPA to file a response to run.	4-0
<b>PCB 15-88</b>	<u>Ameren Missouri and Raccoon Creek Energy Center v. IEPA</u> (Air-Permit Appeal, CAAPP) – The Board accepted for hearing this permit appeal on behalf of this Clay County facility. The Board reserved ruling on petitioner’s motion for stay of the challenged modification of the permit, to allow the time for IEPA to file a response to run.	4-0

**November 20, 2014**  
**Chicago, Illinois**

**Rulemakings**

- R14-23**      In the Matter of: Standards and Requirements for Potable Water Well Surveys and Community Relations Activities Performed in Conjunction With Agency Notices of Threats From Contamination: Proposed Amendments to 35 Ill. Adm. Code 1600      4-0  
(Land) – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s Right to Know regulations.
- R15-4**      National Ambient Air Quality Standards Update, USEPA Amendments (January 1, 2014 through June 30, 2014)      4-0  
(Air) – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s air pollution control regulations.
- R15-5**      Definition of VOM Update, USEPA Amendments (January 1, 2014 through June 30, 2014)      4-0  
(Air) – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s air pollution control regulations.
- R15-8**      RCRA Subtitle D Update, USEPA Amendments (January 1, 2014 through June 30, 2014)      4-0  
(Land) – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking to amend the Board’s municipal solid waste landfill regulations.

**Adjusted Standards**

- AS 15-1**      In the Matter of: Petition of the City Of Collinsville for an Adjusted Standard from 35 Ill. Adm. Code 620.410 for Certain Constituents      4-0  
(Water) – The Board dismissed this request for an adjusted standard for failure to provide proof of timely publication.

**Administrative Citations**

- AC 12-51**      IEPA v. Northern Illinois Service Company – The Board entered an interim opinion and order finding respondent violated Sections 21(p)(1), 21(p)(7), and 55(k)(1) of the Act (415 ILCS 5/21(p)(1), (p)(7), 55(k)(1) (2012)) and assessing a penalty of \$7,500. The Board ordered the Clerk of the Board and the Illinois Environmental Protection Agency to file by December 22, 2014, a statement of hearing costs, supported by affidavit, with service on respondents. Respondent may respond to the cost statements within 21 days of service of those statements.      4-0

<b>AC 15-12</b>	<u>IEPA v. Ralph and Lois Williams</u> – The Board found that these Knox County respondents violated Sections 21(p)(1), 21(p)(5), and 55(k)(1) of the Act (415 ILCS 5/21(p)(1), (p)(5), 55(k)(1) (2012)), and ordered respondents to pay a civil penalty of \$7,500.	4-0
<b>AC 15-13</b>	<u>IEPA v. John D. Belless</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation and closed the docket.	4-0

## **Adjudicatory Cases**

<b>PCB 13-12</b>	<u>People of the State of Illinois v. NACME Steel Processing, LLC</u> (Air-Enforcement) – No action taken.	
<b>PCB 13-27</b>	<u>Sierra Club v. Midwest Generation, LLC</u> (Air-Enforcement, Citizen’s) – No action taken.	
<b>PCB 14-2</b>	<u>People of the State of Illinois v. Demolition Excavating Group, Inc., Rhonda Fisher, and Edward Fisher</u> (Land-Enforcement) – The Board directed complainant to file, before the Board would rule on the People’s motion to deem facts admitted, proof that the complaint was served on all respondents.	4-0
<b>PCB 14-129</b>	<u>Southern Illinois Power, Cooperative v. IEPA</u> (Land-Thermal Demonstration) – The Board denied petitioner’s request for alternate thermal effluent limitations.	4-0
<b>PCB 14-131</b>	<u>Piasa Motor Fuels, Inc. v. IEPA</u> (UST-Permit Appeal) – No action taken.	
<b>PCB 15-44</b>	<u>J.D. Streett &amp; Company, Inc.v. IEPA</u> (UST-Permit Appeal, 90 day Extension) – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Williamson County facility.	4-0
<b>PCB 15-60</b> <b>PCB 15-76</b>	<u>Clinton Landfill, Inc. v. IEPA</u> <u>Clinton Landfill, Inc. v. IEPA</u> (Land-Permit Appeal) – The Board granted petitioner’s motion to consolidate these permit appeals.	4-0
<b>PCB 15-66</b>	<u>Death Farms Finishers v. IEPA (Property ID No. 14-06-200-007)</u> (Water-Tax Certification) – The Board denied the petition of Death Farms Finishers (petitioner) located in Ogle County to the extent it claimed that specified portions of buildings above the manure pits at petitioner’s swine processing facility are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0
<b>PCB 15-67</b>	<u>Death Farms Nursery v. IEPA (Property ID No. 07-28-300-002)</u> (Water-Tax Certification) – The Board denied the petition of Death Farms Finishers (petitioner) located in Ogle County to the extent it claimed that specified portions of buildings above the manure pits at petitioner’s swine nursery facilities are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0

<b>PCB 15-68</b>	<u>John and Ross Sword v. IEPA</u> (Water-Tax Certification) – The Board denied the petition of John and Ross Sword relating to an Ogle County swine finishing facility to the extent it claimed that specified portions of buildings above the manure pits are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0
<b>PCB 15-81</b>	<u>Curt Strode v. IEPA</u> (Water-Tax Certification) – The Board found and certified that specified facilities of Curt Strode located in Fulton County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)). The Board made no determination regarding the portions of the buildings above the certified manure pits.	4-0
<b>PCB 15-85</b>	<u>NRG Wholesale Generation LP (Aurora Station) v. IEPA</u> (Air-Permit Appeal, CAAPP) – The Board granted petitioner’s motion to stay the effectiveness of certain contested conditions within the Clean Air Act Permit Program permit.	4-0
<b>PCB 15-86</b>	<u>NRG Rockford LLC and NRG Rockford II LLC v. IEPA</u> (Air-Permit Appeal, CAAPP) – The Board granted petitioner’s motion to stay the effectiveness of certain contested conditions within the Clean Air Act Permit Program permit.	4-0
<b>PCB 15-87</b>	<u>NRG Wholesale Generation LP (Shelby County Station) v. IEPA</u> (Air-Permit Appeal, CAAPP) – The Board granted petitioner’s motion to stay the effectiveness of certain contested conditions within the Clean Air Act Permit Program permit.	4-0
<b>PCB 15-88</b>	<u>Ameren Missouri and Raccoon Creek Energy Center v. IEPA</u> (Air-Permit Appeal, CAAPP) – The Board granted petitioner’s motion to stay the effectiveness of certain contested conditions within the Clean Air Act Permit Program permit.	4-0
<b>PCB 15-89</b>	<u>Ameren Missouri and Goose Creek Energy Center v. IEPA</u> (Air-Permit Appeal, CAAPP) – The Board accepted for hearing this permit appeal on behalf of this Piatt County facility. The Board reserved ruling on petitioner’s motion for stay of the challenged modification of the permit, to allow the time for IEPA to file a response to run.	4-0
<b>PCB 15-91</b>	<u>Phillips 66 Company v. IEPA</u> (UST-Permit Appeal) – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.	4-0
<b>PCB 15-92</b>	<u>Maria Bates v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Marion County facility.	4-0
<b>PCB 15-94</b>	<u>Stock's Underhood Specialists, Inc. v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.	4-0
<b>PCB 15-95</b>	<u>Rumaneh &amp; Oweisi, Inc. v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Cook County facility.	4-0

# New Cases

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## November 6, 2014 Board Meeting

**AC 15-13** IEPA v. John D. Belless – The Board accepted an administrative citation against this Mason County respondent.

**AC 15-14** IEPA v. Russell and Deborah Janssen – The Board accepted an administrative citation against these Ogle County respondents.

**AC 15-15** IEPA v. Henry J. Herbert d/b/a Joe's Auto Salvage & Towing – The Board accepted an administrative citation against this Franklin County respondent.

**AC 15-16** IEPA v. Roger Kimmel – The Board accepted an administrative citation against this Saline County respondent.

**AC 15-17** IEPA v. Bernard and Carolyn Carr and Jeffery Yerky – The Board accepted an administrative citation against these Fulton County respondents.

**AC 15-18** IEPA v. Charles Wessel and CL Wessel Heavy Equipment, Inc. – the Board accepted an administrative citation against these Tazewell County respondents.

**AC 15-19** IEPA v. Susan Voris and Mark Pratt – The Board accepted an administrative citation against these Randolph County respondents.

**AC 15-20** County of Jackson v. Christopher Will – The Board accepted an administrative citation against this Jackson County respondent.

**PCB 15-77** Tri-Star Petroleum, LLC v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Perry County facility.

**PCB 15-78** People of the State of Illinois v. Sun Ag, Inc. (Water -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 water enforcement action involving a Tazewell County facility, the Board ordered publication of the required newspaper notice.

**PCB 15-79** Brandon Blasa v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Jersey County facility.

**PCB 15-80** People of the State of Illinois v. SSW Development, L.L.C. and John Kaup (Water-Enforcement) – The Board accepted for hearing this water enforcement action concerning a facility located in Will County.

**PCB 15-81** Curt Strode v. IEPA (Water-Tax Certification) – No action taken.

**PCB 15-82** GBL Properties, Inc. (1801 Old Missouri Avenue) v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.

**PCB 15-83** Goben Oil Company v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Clark County facility.

**PCB 15-84** Allen McAfee v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Macoupin County facility.

**PCB 15-85** NRG Wholesale Generation LP (Aurora Station) v. IEPA (Air-Permit Appeal, CAAPP) – The Board accepted for hearing this permit appeal on behalf of this DuPage County facility. The Board reserved ruling on petitioner’s motion for stay of the challenged modification of the permit, to allow the time for IEPA to file a response to run.

**PCB 15-86** NRG Rockford LLC and NRG Rockford II LLC v. IEPA (Air-Permit Appeal, CAAPP) – The Board accepted for hearing this permit appeal on behalf of this Winnebago County facility. The Board reserved ruling on petitioner’s motion for stay of the challenged modification of the permit, to allow the time for IEPA to file a response to run.

**PCB 15-87** NRG Wholesale Generation LP (Shelby County Station) v. IEPA (Air-Permit Appeal, CAAPP) – The Board accepted for hearing this permit appeal on behalf of this Shelby County facility. The Board reserved ruling on petitioner’s motion for stay of the challenged modification of the permit, to allow the time for IEPA to file a response to run.

**PCB 15-88** Ameren Missouri and Raccoon Creek Energy Center v. IEPA (Air-Permit Appeal, CAAPP) – The Board accepted for hearing this permit appeal on behalf of this Clay County facility. The Board reserved ruling on petitioner’s motion for stay of the challenged modification of the permit, to allow the time for IEPA to file a response to run.

## **November 20, 2014**

**PCB 15-89** Ameren Missouri and Goose Creek Energy Center v. IEPA (Air-Permit Appeal, CAAPP) – The Board accepted for hearing this permit appeal on behalf of this Piatt County facility. The Board reserved ruling on petitioner’s motion for stay of the challenged modification of the permit, to allow the time for IEPA to file a response to run.

**PCB 15-90** Amer Samawi v. IEPA (UST-Permit Appeal) – No action taken.

**PCB 15-91** Phillips 66 Company v. IEPA (UST-Permit Appeal) – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.

**PCB 15-92** Maria Bates v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Marion County facility.

**PCB 15-93** James R. Fiser v. James "Henry" Meador (Noise-Enforcement, Citizen’s) – No action taken.

**PCB 15-94** Stock's Underhood Specialists, Inc. v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.

**PCB 15-95** Rumaneh & Oweisi, Inc. v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Cook County facility.

# Calendar

<p><b>12/4/2014</b> 11:00 AM</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>12/15/2014</b> 1:00 PM</p>	<p>PCB 15-84</p>	<p><u>Allen McAfee v. IEPA</u></p>	<p>Illinois Pollution Control Board Conference Hearing Room 1021 North Grand Avenue East, North Entrance Springfield</p>
<p><b>12/18/2014</b> 11:00 AM</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>1/8/2015</b> 11:00 AM</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>Pollution Control Board</b> <b>Hearing Room</b> <b>1021 N. Grand Avenue East</b> <b>Room 2012 N</b> <b>Springfield</b></p>
<p><b>1/8/2015</b> 1:30 PM</p>	<p>R15-4</p>	<p><u>National Ambient Air Quality</u> <u>Standards Update, USEPA</u> <u>Amendments (January 1, 2014 through</u> <u>June 30, 2014)</u></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>Pollution Control Board</b> <b>Hearing Room</b> <b>1021 N. Grand Avenue East</b> <b>Room 2012 N</b> <b>Springfield</b></p>

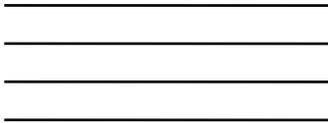
<p><b>1/8/2015</b> <b>1:30 PM</b></p>	<p>R15-5</p>	<p><u>Definition of VOM Update, USEPA Amendments (January 1, 2014 through June 30, 2014)</u></p>	<p><b>Videoconference</b> <b>Chicago/Springfield</b> <b>James R. Thompson Center</b> <b>Hearing Room 11-512</b> <b>100 W. Randolph Street</b> <b>Chicago</b> <b>And</b> <b>Pollution Control Board</b> <b>Hearing Room</b> <b>1021 N. Grand Avenue East</b> <b>Room 2012 N</b> <b>Springfield</b></p>
<p><b>1/22/2015</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>2/5/2015</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>Pollution Control Board</b> <b>Hearing Room</b> <b>1021 N. Grand Avenue East</b> <b>Room 2012 N</b> <b>Springfield</b></p>
<p><b>2/19/2015</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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