
Environmental Register

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

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Letter from the Chairman

As I prepare this letter on March 6, the General Assembly is considering several bills that have particular interest for the Illinois Pollution Control Board, parties appearing before us, and regulated entities. I've briefly summarized those bills below, and you can obtain more specific information through the General Assembly's Web site at www.ilga.gov.

House Bill 316, sponsored by Representative Tom Holbrook, amends the Environmental Protection Act. The bill states that for permits to develop or construct new pollution control facilities and permits for local siting approval of pollution control facilities, the appropriate county board or governing body of the municipality for the facility shall be the county board of the county or the governing body of the municipality in which the facility is located as of the date when the application for siting approval is filed. The bill also provides that facilities subject to provisions of the Act relating to garbage transfer stations must be in compliance with the location requirements of those provisions as of the date the application for siting approval is filed in order to obtain local siting approval for the pollution control facility. The proposed statutory changes apply only to siting applications filed on or after the effective date of this amendatory Act. In addition, House Bill 316 repeals the Illinois Pollution Prevention Act.



House Bill 1463, sponsored by Representative Sandra Pihos, also amends the Environmental Protection Act. The bill provides that the term "waste" does not include discarded materials that are collected for recycling; processed for recycling; or recovered for reuse. The current definition provides that waste includes all discarded material. In addition, the bill replaces the current single definition for recycling, reclamation, or reuse with individual definitions of the terms "reclamation", "recycling", and "reuse."

House Bill 1874, sponsored by Representative Elaine Nekritz, creates the Global Warming Response Act. The bill requires that, by July 1, 2008, the Illinois Environmental Protection Agency must determine statewide greenhouse gas emissions level in 1990 and propose to the Board a statewide greenhouse gas emission limit to be achieved by 2020 that is equivalent to that level. The bill provides that the Board must consider and either revise or adopt the proposed level by January 1, 2009. The bill also requires that the IEPA must propose and the Board must adopt rules to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions from sources or categories of sources. The bill also provides for market-based compliance mechanisms.

Senate Bill 1419, sponsored by Senator Debbie Halvorson, amends the Environmental Protection Act. The bill provides that the Section regarding control and reduction of emissions from fossil fuel-fired electric generating plants is not intended to limit or restrict the authority of the Agency to propose, or the Board to adopt, any regulations applicable or that may become applicable to these facilities that are required by federal law or that are otherwise part of the State's plan to attain the national ambient air quality standards or that are necessary to comply with the requirements of the federal Clean Air Act.

We are watching several other bills involving the Environmental Protection Act and environmental issues including: HB 302 (Rep. Carolyn Krause), HB 324 (Rep. Chapin Rose), HB 516 (Rep. Careen Gordon), HB 819 (Rep. Kevin Joyce), HB 1408 (Rep. Kurt Granberg), HB 3671 (Rep. Jim Meyer), HB 3672 (Rep. Jim Watson), and SB 663 (Sen. Terry Link).

Sincerely,

A handwritten signature in black ink that reads "G. Tanner Girard". The signature is written in a cursive, flowing style.

G. Tanner Girard, Ph.D.
Acting Chairman

Inside This Issue:

FEDERAL UPDATE	P. 1
RULE UPDATE	P. 2
BOARD ACTIONS	P. 4
NEW CASES	P. 9
PROVISIONAL VARIANCES	P. 10
BOARD CALENDAR	P. 10
RESTRICTED STATUS/CRITICAL REVIEW	P. 12

Federal Update

United States Environmental Protection Agency Adopts Standards to Control Hazardous Air Pollutants From Mobile Sources Under the Clean Air Act

On February 26, 2007 (72 Fed. Reg. 8427) the United States Environmental Protection Agency (USEPA) adopted final rules to address hazardous air pollutants from mobile sources. The rules set controls on gasoline, passenger vehicles, and portable fuel containers (primarily gas cans) and are intended to significantly reduce emissions of benzene and other hazardous air pollutants (known as “mobile source air toxics”). The rules are effective April 27, 2007, with the first compliance date set for 2009.

Benzene is a known human carcinogen, and according to USEPA, mobile sources are responsible for the majority of benzene emissions. The other mobile source air toxics are known or suspected to cause cancer or other serious health effects. The adopted rules limit the benzene content of gasoline to an annual refinery average of 0.62% by volume, beginning in 2011. In addition USEPA established a maximum average standard for refineries of 1.3% by volume for gasoline beginning on July 1, 2012. This acts as an upper limit on gasoline benzene content when credits are used to meet the 0.62 volume % standard.

USEPA also limited exhaust emissions of hydrocarbons from passenger vehicles when the vehicles are operated at cold temperatures. This standard will be phased in from 2010 to 2015. Evaporative emission standards were also adopted for passenger vehicles; these standards are equivalent to those currently in effect in California.

Finally, USEPA adopted a hydrocarbon emissions standard for portable fuel containers beginning in 2009, which will reduce evaporation and spillage of gasoline from these containers. These controls are intended to significantly reduce emissions of benzene and other mobile source air toxics such as 1,3-butadiene, formaldehyde, acetaldehyde, acrolein, and naphthalene. USEPA believes there will be additional substantial benefits to public health and welfare as a result of the significant reductions in emissions of particulate matter from passenger vehicles.

For further information contact Mr. Chris Lieske, U.S. EPA, Office of Transportation and Air Quality, Assessment and Standards Division (ASD), Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number: (734) 214-4584; fax number: (734) 214-4816; e-mail address: lieske.christopher@epa.gov, or Assessment and Standards Division Hotline; telephone number: (734) 214-4636; e-mail address: asinfo@epa.gov.

If any amendments to the Illinois air rules become necessary, the Board would expect the Illinois Environmental Protection Agency to propose amendments using the Clean Air Act “fast-track” procedures at Section 28.5 of the Environmental Protection Act (415 ILCS 5/28.5 (2004)).

Rule Update

Board Dismisses 5 Identical in Substance Rulemaking Dockets As Unnecessary:

Definition of VOM, USEPA Regulations (July 1, 2006 through December 31, 2006), R07-10;

UIC Update, USEPA Regulations (July 1, 2006 through December 31, 2006), R07-12

RCRA Subtitle D Update, USEPA Regulations (July 1, 2006 through December 31, 2006), R07-13;

UST Update, USEPA Regulations (July 1, 2006 through December 31, 2006), R07-15; RCRA Subtitle C Update, USEPA Regulations (July 1, 2006 through December 31, 2006),

R05-13; and

Wastewater Pretreatment, USEPA Regulations (July 1, 2006 through December 31, 2006), R05-17

Every six months the Board reserves a series of dockets for adoption of Board rules to accommodate any rules adopted by the United States Environmental Protection Agency (USEPA) to implement various programs. On February 1, 2007, the Board dismissed as unnecessary five dockets reserved to consider rules adopted by USEPA during the period July 1, 2006 through December 31, 2006. In each of the five program areas described below, USEPA adopted no rules during the update period.

Definition of VOM (R07-1). Sections 7.2 and 9.1(e) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(e) (2006)) requires the Board to adopt regulations that are “identical in substance” to regulations of the United States Environmental Protection Agency (USEPA). 415 ILCS 5/7.2 (2006). Specifically, Section 9.1(e) of the Act (415 ILCS 5/9.1(e) (2006)) relates to the definition of “volatile organic material” (VOM) and those compounds that USEPA has found to be exempted from regulation under state implementation plans for ozone due to negligible photochemical reactivity. USEPA has codified these exemptions as part of its definitions at 40 C.F.R. 51.100(s).

UIC Program (R07-12). Section 13(c) of the Environmental Protection Act (415 ILCS 5/13(c) (2002)) requires the Board to adopt regulations that are “identical in substance” to regulations of the United States Environmental Protection Agency (USEPA). 415 ILCS 5/7.2 (2002). Specifically, Section 13(c) relates to underground injection control (UIC) regulations that USEPA adopted to implement provisions of the Safe Drinking Water Act (42 U.S.C. § 300h *et seq.* (2000)). USEPA has codified its UIC regulations at 40 C.F.R. 144 through 148.

RCRA Subtitle D (R07-13). Section 22.40(a) of the Environmental Protection Act (415 ILCS 5/22.40(a) (2002)) requires the Board to adopt regulations that are “identical in substance” to regulations of the USEPA. 415 ILCS 5/7.2 (2002). Specifically, Section 22.40(a) relates to municipal solid waste landfill (MSWLF) regulations that USEPA adopted to implement Subtitle D of the Resource Conservation and Recovery Act of 1976 (42 U.S.C §§ 6941-6949 (1998); RCRA Subtitle D). USEPA has codified the federal MSWLF rules as 40 C.F.R. 258.

UST Update (R07-15). Section 22.4(d) of the Environmental Protection Act (415 ILCS 5/22.4(d) (2002)) requires the Board to adopt regulations which are “identical in substance,” as defined at Section 7.2 of the Act (415 ILCS 5/7.2 (2002)), to underground storage tank (UST) regulations promulgated by the USEPA pursuant to Section 9003 of the federal Resource Conservation and Recovery Act of 1976 (RCRA) as amended, 42 U.S.C. § 6993 (2000), to implement Subtitle I of RCRA (42 U.S.C. §§ 6991 *et seq.* (2000)), with certain limitations. USEPA has codified its UST regulations at 40 C.F.R. 281 through 283.

Wastewater Pretreatment (R07-16). Sections 7.2 and 13.3 of the Environmental Protection Act (Act) (415 ILCS 5/7.2 and 13.3 (2006)), require the Board to adopt regulations that are “identical in substance” to regulations of the United States Environmental Protection Agency (USEPA). 415 ILCS 5/7.2 (2006). Specifically, Section 13.3 relates to wastewater pretreatment regulations that the USEPA adopted to implement Sections 307(b), (c), and (d) and 402(b)(8) and (b)(9) of the federal Water Pollution Control Act (FWPCA) (33 U.S.C. §§ 1317(b), (c), and (d) and 1342(b)(8) and (b)(9) (2003)). USEPA has codified the federal wastewater pretreatment rules as 40 C.F.R. 400 through 499.

Copies of the Board’s separate dismissal orders may be obtained by calling Dorothy Gunn at 312-814-3620, or by downloading copies from the Board’s Web site at www.ipcb.state.il.us.

For additional information contact Mike McCambridge at 312/814-6924; e-mail address: mccambm@ipcb.state.il.us.

Board Adopts Final Order in Proposed Amendments to Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742)(R06-10)

On February 15, 2007, the Board adopted final amendments in Proposed Amendments to Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742)(R06-10). The Board made no substantive changes to this rulemaking since it was adopted for first notice publication (September 29, 2006 (30 Ill. Reg. 15366)). The amendments were filed with the

Environmental Register – February 2007

Secretary of State's Index department with a February 23, 2007 effective date. The adopted amendments were published at 31 Ill. Reg. 4063 (March 9, 2007).

The adopted amendments update many provisions of the Tiered Approach to Corrective Action Objectives (TACO) remediation rules, which are critical to addressing the risks posed by contaminated properties in Illinois. Among the amendments adopted by the Board is the addition of background soil levels as remediation objectives for polynuclear aromatic hydrocarbons (PAHs), reflecting that significant levels of PAHs are ubiquitous throughout much of Illinois. In addition, the Board adopted revisions to protect construction workers at properties cleaned up to residential levels. This change was needed because numerous chemicals listed in TACO were found to have "industrial/commercial construction worker inhalation" remediation objectives that are more stringent than the "residential inhalation" objectives. Of course, construction work may occur on residential properties, including emergency work or repairs, and many industrial or commercial sites are cleaned up to TACO residential levels.

In Section 742.105(h), the Board clarified that landfills cannot use TACO in lieu of the procedures and requirements applicable to landfills under 35 Ill. Adm. Code 807, 811-814.

The adopted amendments also clarify the use of Highway Authority Agreements (HAAs). These agreements are typically between the highway authority and the property owner. The Board adopted changes to enhance flexibility in using ordinances as institutional controls to restrict groundwater usage.

Lastly, the Board added new institutional control forms to be used by participants in regulatory programs subject to the TACO remediation objectives. These forms are based on model documents that the Illinois Environmental Protection Agency had posted on its Web site for easy public use.

Copies of the Board's opinion and order in R06-10 may be obtained by calling Dorothy Gunn at 312-814-3620, or by downloading copies from the Board's Web site at www.ipcb.state.il.us.

For additional information contact Richard McGill at 312-814-6983; e-mail address mcgillr@ipcb.state.il.us.

Board Adopts Final Order in Revisions to Water Quality Standards for Total Dissolved Solids in the Lower Des Plaines River for ExxonMobil Oil Corporation: Proposed 35 Ill. Adm. Code 303.445 (R06-24)

On February 15, 2007, the Board adopted a final opinion and order in Revisions to Water Quality Standards for Total Dissolved Solids in the Lower Des Plaines River for ExxonMobil Oil Corporation: Proposed 35 Ill. Adm. Code 303.445, R06-24. The site-specific rulemaking addresses discharges of Total Dissolved Solids (TDS) from the ExxonMobil Joliet Refinery in Will County during the months of November through April in each year. The Board made no substantive changes to this rulemaking since it was adopted for first notice publication (March 17, 2006 (30 Ill. Reg. 4581)). The adopted amendments were filed with the Secretary of State's Index department and are scheduled to be published in the *Illinois Register* on March 16, 2007.

The adopted amendments apply to a specific stretch of the Des Plaines River from the ExxonMobil refinery wastewater treatment plant discharge point located at I-55 and Arsenal Road to the Interstate 55 bridge. The new rule sets 1,686 milligrams per liter (mg/L) as the TDS level for both Secondary Contact and Indigenous Aquatic life Use Waters General Use Waters. This 1,686 mg/L standard applies instead of the general use standard of 1,000 mg/L found in 35 Ill. Adm. Code 302.208 and the secondary contact use standard of 1,500 mg/L found in 302.407.

Copies of the Board's opinion and order in R06-24 may be obtained by calling Dorothy Gunn at 312-814-3620, or by downloading copies from the Board's Web site at www.ipcb.state.il.us.

For additional information contact John Knittle at 217-278-3111; e-mail address knittlej@ipcb.state.il.us

Board Actions

February 1, 2007

Via Videoconference

Springfield and Chicago, Illinois

Rulemakings

R07-10	<u>In the Matter of: Definition of VOM Update, USEPA Amendments (July 1, 2006 through December 31, 2006)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its exemptions from the definition of underground storage tank during the update period of July 1, 2006 through December 31, 2006.	4-0 R, Air
R07-12	<u>In the Matter of: UIC Update, USEPA Amendments (July 1, 2006 through December 31, 2006)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground injection control regulations during the update period of July 1, 2006 through December 31, 2006.	4-0 R, Land
R07-13	<u>In the Matter of: RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (July 1, 2006 through December 31, 2006)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its municipal solid waste landfill regulations during the update period of July 1, 2006 through December 31, 2006.	4-0 R, Land
R07-15	<u>In the Matter of: UST Update, USEPA Amendments (July 1, 2006 through December 31, 2006)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its exemptions from the definition of underground storage tank during the update period of July 1, 2006 through December 31, 2006.	4-0 R, Land
R07-16	<u>In the Matter of Wastewater Pretreatment Update, USEPA Amendments (July 1, 2006 through December 31, 2006)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its wastewater pretreatment regulations during the update period of July 1, 2006 through December 31, 2006.	4-0 R, Water

Administrative Citations

AC 04-51	<u>IEPA v. Michael Moreton</u> – The Board entered an interim opinion and order finding respondent violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2004)) and assessing a penalty of \$3,000. The Board ordered the Clerk of the Board and the Environmental Protection Agency to file, on or before February 22, 2007, a statement of hearing costs, supported by affidavit, with service on respondent. Respondent may respond to the cost statement within 14 days of service.	4-0
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Environmental Register – February 2007

AC 07-28 IEPA v. Charles Norman Bartlett – The Board accepted for hearing this petition for review of an administrative citation against this Calhoun County respondent. 4-0

Motions and Other Matters

PCB 05-29 Mather Investment Properties, L.L.C. v. Illinois State Trapshooters Association, Inc. – The Board granted the parties' joint motion to dismiss, denied all other pending motions as moot, and closed the docket. 4-0
L-E

PCB 06-88 Biggs Brothers Service Center v. IEPA – The Board granted this St. Clair County facility's motion for voluntary dismissal of this underground storage tank appeal. 4-0
UST Appeal

PCB 07-3 People of the State of Illinois v. East Lynn Community Water System, Inc. – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Vermilion County facility, the Board ordered publication of the required newspaper notice. 4-0
W-E

PCB 07-30 The Premcor Refining Group Inc. v. IEPA – The Board granted petitioner's agreed motion to supplement the administrative record. 4-0
P-A, Air

PCB 07-70 People of the State of Illinois v. Timmermann Farms, Ltd. – The Board accepted for hearing this water enforcement action involving a site located in Clinton County. 4-0
W-E

February 15, 2007
Chicago, Illinois

Rulemakings

R06-10 In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742) – The Board adopted a final opinion and order in this rulemaking which amends the Board's land pollution control regulations. 4-0
R, Land

R06-24 In the Matter of: Revisions to Water Quality Standards for Total Dissolved Solids in the Lower Des Plaines River for ExxonMobil Oil Corporation: Proposed 35 Ill. Adm. Code 303.445 – The Board adopted a final opinion and order in this site-specific rulemaking which amends the Board's water pollution control regulations. 4-0
R, Water

Adjusted Standards

AS 07-1 In the Matter of: Petition of BP Products North America Inc. for an Adjusted Standard to 35 Ill. Adm. Code 720.122 – The Board denied this petition for an adjusted standard seeking a Resource Conservation and Recovery Act hazardous waste delisting for leachate generated from a landfill, located at the former Amoco Wood River refinery, in Wood River, Madison County. The Board 4-0
Johnson concurred
Land

Environmental Register – February 2007

found that petitioner had not provided justification required by Section 28.1 of the Environmental Protection Act (415 ILCS 5/28.1 (2004)).

- AS 07-3** In the Matter of: Petition of Midwest Generation, L.L.C., Waukegan Generating Station for an Adjusted Standard from 35 Ill. Adm. Code 225.230 – The Board accepted for hearing this petition for an adjusted standard seeking relief from the rules limiting emission of mercury from coal-fired electrical generating units adopted by the Board on December 21, 2006, in Proposed New 35 Ill. Adm. Code 225 Control of Emissions from Large Combustion Sources (Mercury), R06-25. 4-0
Air
- AS 07-4** In the Matter of: Petition of Midwest Generation, L.L.C., Will County Generating Station for an Adjusted Standard from 35 Ill. Adm. Code 225.230 – The Board accepted for hearing this petition for an adjusted standard seeking relief from the rules limiting emission of mercury from coal-fired electrical generating units adopted by the Board on December 21, 2006, in Proposed New 35 Ill. Adm. Code 225 Control of Emissions from Large Combustion Sources (Mercury), R06-25. 4-0
Air

Administrative Citations

- AC 05-8** IEPA v. Ted Harrison and Gerald S. Gill – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Woodford County facility, the Board found that respondent Ted Harrison had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2004)) and ordered Harrison to pay a civil penalty of \$1,500. The Board also granted the parties' joint motion to dismiss respondent's petition for review, the alleged violation of 415 ILCS 5/21(p) (7) (2004), and complainant's motion to dismiss Gerald S. Gill from this action. 4-0
- AC 07-4** IEPA v. Frank Wilhelm – The Board granted respondent's motion to withdraw his motion to dismiss, after granting complainant's motion to withdraw this administrative citation. The Docket is closed. 4-0
- AC 07-30** IEPA v. Bobby G. Myers and Donald D. Myers – The Board accepted respondents' petition for review in this administrative citation involving a Union County facility, and set the matter for hearing. 4-0

Decisions

- PCB 06-132** People of the State of Illinois v. Lake Pointe Estates L.L.C. – In this water enforcement action concerning a Sangamon 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) (2004)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$7,500, and to cease and desist from further violations. 4-0
W-E

Environmental Register – February 2007

PCB 06-188 People of the State of Illinois v. Karam Topor and Surjit Toor, individuals d/b/a Toor Car and Truck Plaza and Singh Inc. of Illinois d/b/a Toor Car and Truck Plaza – In this water enforcement action concerning a Lake 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) (2004)), accepted a stipulation and settlement agreement, and ordered the respondents to pay a total civil penalty of \$6,300, and to cease and desist from further violations. 4-0
W-E

PCB 07-24 Webb & Sons, Inc. v. IEPA – In an interim opinion and order, the Board affirmed respondent’s rejection of petitioner’s proposed budget for personnel for four specified job titles, but reversed the Illinois Environmental Protection Agency’s (Agency’s) rejection of petitioner’s proposed budget for the 16 remaining job titles in the proposed personnel budget. The Board also granted petitioner’s motion to incorporate specified documents by reference into the record of this proceeding, but reserved ruling on its request for the reimbursement of fees. Petitioner must file on or before March 8, 2007, a statement of its legal fees and costs that may be eligible for reimbursement and its argument why the Board could exercise its discretion to direct the Agency to reimburse those costs. The Agency must respond on or before March 29, 2007. 4-0
UST Appeal

Motions and Other Matters

PCB 03-198 Ted Harrison Oil Co., Inc. v. IEPA – The Board granted this Cass County facility’s motion for voluntary dismissal of this underground storage tank appeal. 4-0
UST Appeal

PCB 04-185 Midwest Generation EME, L.L.C. v. IEPA – The Board denied petitioner’s motion to extend the stay of this trade secret appeal. 4-0
T-S
Appeal

PCB 04-215 Commonwealth Edison Company v. IEPA – The Board denied petitioner’s motion to extend the stay of this trade secret appeal. 4-0
T-S
Appeal

PCB 04-216 Midwest Generation EME, L.L.C. v. IEPA – The Board denied petitioner’s motion to extend the stay of this trade secret appeal. The Board also denied petitioner’s motion for partial reconsideration and granted leave to file a motion for a limited remand. 4-0
T-S
Appeal

PCB 05-49 Morton F. Dorothy v. Flex-N-Gate Corporation – In response to respondent’s renewed motion, the Board granted summary judgment in respondent’s favor and closed this docket. 4-0
A&L-E

PCB 05-157 Grand Pier Center L.L.C. and American International Specialty Lines Insurance Co. as subrogee of Grand Pier Center L.L.C. v. River East L.L.C, Chicago Dock and Canal Trust, Chicago Dock and Canal Company, and Tronox L.L.C.; Tronox L.L.C. v. Grand Pier Center L.L.C. and American International Specialty Lines Insurance Co. – The Board granted complainants’ motion for default 4-0
Citizens
L-E

Environmental Register – February 2007

judgment against River East L.L.C. and Chicago Dock and Canal Trust. The Board reserved ruling on any penalties or cost recovery to be levied against River East and Chicago Trust until the remaining allegations of the complaint and cross-complaint have been resolved and the Board enters a final order.

PCB 06-79	<u>People of the State of Illinois v. City of Gillespie</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Macoupin County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E
PCB 06-184	<u>Peoria Disposal Company v. Peoria County Board</u> – The Board denied petitioner’s motion for summary judgment, and motion for reconsideration of the December 21, 2006 Board order granting leave to supplement the record on appeal and file second amended index.	4-0 P-C-F-S-R
PCB 07-31	<u>Celozzi-Ettelson Chevrolet, Inc. v. IEPA</u> – 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 DuPage County facility.	4-0 UST Appeal
PCB 07-36	<u>Noveon, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this request for a 90-day extension of the appeal period.	4-0 P-A, Air
PCB 07-71	<u>Lone Star Industries, Inc. v. IEPA</u> – The Board accepted for hearing this permit appeal on behalf of this LaSalle County facility. The Board reserved ruling on petitioner’s motion to stay the effectiveness of the contested construction permit conditions.	4-0 P-A, Air
PCB 07-72	<u>LRV Farms-Prophetstown (Property Identification Numbers 2117100001 & 2117100002) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of LRV Farms, located in Whiteside County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	4-0 T-C Land
PCB 07-73	<u>People of the State of Illinois v. Randy Edmund d/b/a Edmund Farms</u> – 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 Henry County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E
PCB 07-74	<u>Pinnacle Foods Group Inc. (Property Identification Number 01-12-34-200-002) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Pinnacle Foods Group Inc., located in Fayette County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004))	4-0 T-C Water

Environmental Register – February 2007

PCB 07-75	<u>Marathon Petroleum Company, L.L.C. Robinson Refinery (Parcel 54-34-1-21) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Marathon Petroleum Company, L.L.C., located in Crawford County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004))	4-0 T-C Water
PCB 07-76	<u>2F, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Saline County facility.	4-0 UST Appeal

New Cases

February 1, 2007 Board Meeting

07-070 People of the State of Illinois v. Timmermann Farms, Ltd. – The Board accepted for hearing this water enforcement action involving a site located in Clinton County.

07-071 Lone Star Industries, Inc. v. IEPA – No action taken.

February 15, 2007 Board Meeting

07-072 LRV Farms-Prophetstown (Property Identification Numbers 2117100001 & 2117100002) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of LRV Farms, located in Whiteside County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).

07-073 People of the State of Illinois v. Randy Edmund d/b/a Edmund Farms – 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 Henry County facility, the Board ordered publication of the required newspaper notice.

07-074 Pinnacle Foods Group Inc. (Property Identification Number 01-12-34-200-002) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Pinnacle Foods Group Inc., located in Fayette County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).

07-075 Marathon Petroleum Company, L.L.C. Robinson Refinery (Parcel 54-34-1-21) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Marathon Petroleum Company, L.L.C., located in Crawford County, are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).

07-076 2F, Inc. v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Saline County facility.

AC 07-034 County of Jackson v. Alvin Valdez and Ruben Valdez – The Board accepted an administrative citation against these Jackson County respondents.

AC 07-035 County of Jackson v. Gary Easton - The Board accepted an administrative citation against this Jackson County respondent.

AC 07-036 IEPA v. Lawrence Abraham Bartolomucci – The Board accepted an administrative citation against this Jackson County respondent.

AC 07-037 IEPA v. Lawrence Abraham Bartolomucci – The Board accepted an administrative citation against this Jackson County respondent.

AC 07-038 IEPA v. Lawrence Abraham Bartolomucci – The Board accepted an administrative citation against this Jackson County respondent.

Environmental Register – February 2007

AC 07-039 County of Jackson v. Gary Easton - The Board accepted an administrative citation against this Jackson County respondent.

AC 07-040 IEPA v. Glen I. Suttles and Elizabeth J. Suttles – The Board accepted an administrative citation against these Morgan County respondents.

AC 07-041 IEPA v. Glen I. Suttles and Elizabeth J. Suttles – The Board accepted an administrative citation against these Morgan County respondents.

AC 07-042 IEPA v. Waste Management of Illinois, Inc. and CT Corporation System – The Board accepted an administrative citation against these Peoria County respondents.

Provisional Variances

IEPA 07-13 AMPAC Flexibles v. IEPA – On February 20 2007, the Illinois Environmental Protection Agency granted AMPAC Flexibles a provisional variance, subject to conditions, from the applicable requirements from conditions 7.1.6(b) and 7.2.6 in CAAPP Permit #95090019, as well as from 35 Ill. Adm. Code 218.204, 218.207, 218.401, and 218.404. AMPAC Flexibles requested the provisional variance to continue operating its flexographic press and two laminators until a replacement regenerative thermal oxidizer (RTO) is installed and operational at its facility located in Cary, McHenry County. Relief was granted beginning February 15, 2007, until such time as a new RTO is installed, or through March 31, 2007, whichever occurs first.

Public Act 93-0152 (Senate Bill 222) amended Sections 35-37 of the Illinois Environmental Act (415 ILCS 5/5(b) (2002)) so that provisional variances are issued by the Illinois Environmental Protection Agency (IEPA). If the IEPA grants a provisional variance, then the IEPA must file a copy of its written decision with the Board. The Board must maintain copies of the provisional variances for public inspection. Copies of provisional variances can be obtained by contacting the Clerk's Office at (312) 814-3620, or by visiting the Board's Website at www.ipcb.state.il.us. If the IEPA denies a provisional variance request, then the applicant may initiate a proceeding with the Board for a full variance.

Calendar

3/1/07 9:30 AM	R07-08	In the Matter of: Proposed Amendments to Solid Waste Landfill Rules, 35 Ill. Adm. Code 810 and 811	Pollution Control Board Conference Room 1021 N. Grand Avenue East (North Entrance, IEPA Building) Springfield
3/1/07 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East North Entrance Springfield
3/07/07 10:30 AM	R07-9	In the Matter of: Triennial Review of Sulfate and Total Dissolved Solids Water Quality Standards: Proposed Amendments to 35 Ill. Adm. Code 302.102(b)(6), 302.102(b)(8), 302.102(b)(10), 302.208(g), 309.103(c)(3), 405.109(b)(2)(A), 409.109(b)(2)(B), 406.100(d); Repealer of 35 Ill. Adm. Code 406.203 and Part 407; and Proposed News 35 Ill. Adm. Code 302.208(h)	IEPA Office Building Training Room 1214 West 1021 N. Grande Avenue East (North Entrance) Springfield

Environmental Register – February 2007

3/14/07 9:00 AM	AC 06-49	IEPA v. Michael Gruen and Jon Eric Gruen, d/b/a Jon's Tree Service (IEPA File No. 96-06-AC)	Carlinville City Hall Council Chambers 550 N. Broad Street Carlinville
3/15/07 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		James R. Thompson Center Room 9-040 100 W. Randolph Street Chicago
4/5/07 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		Videoconference Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago And 1021 N. Grand Avenue East Oliver Holmes Conference Room 2012 N Springfield
4/19/07 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		James R. Thompson Center Room 9-040 100 W. Randolph Street Chicago
04/23/07 10:00 AM	R07-9	In the Matter of: Triennial Review of Sulfate and Total Dissolved Solids Water Quality Standards: Proposed Amendments to 35 Ill. Adm. Code 302.102(b)(6), 302.102(b)(8), 302.102(b)(10), 302.208(g), 309.103(c)(3), 405.109(b)(2)(A), 409.109(b)(2)(B), 406.100(d); Repealer of 35 Ill. Adm. Code 406.203 and Part 407; and Proposed News 35 Ill. Adm. Code 302.208(h)	James R. Thompson Center Room 9-031 100 W. Randolph Chicago
5/3/07 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East North Entrance Springfield
5/16/07 9:00 AM	AC 06-16	IEPA v. Rex D. Evans and Roy W. Evans, Jr. (Road Dist. No. 10/Evans)(IEPA File No. 442-05-AC)(Consolidated: AC 06-16 and AC 06-17	Municipal Building 2 nd Floor Commission Room 200 W. Douglas Jacksonville
5/16/07 9:00 AM	AC 06-17	IEPA v. Rex D. Evans and Roy W. Evans, Jr. (Road Dist. No. 11/Evans)(IEPA File No. 443-05-AC)(Consolidated: AC 06-16 and AC 06-17	Municipal Building 2 nd Floor Commission Room 200 W. Douglas Jacksonville
5/17/07 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		James R. Thompson Center Room 9-040 100 W. Randolph Street Chicago

Environmental Register – February 2007

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

DIVISION OF WATER POLLUTION CONTROL

RESTRICTED STATUS LIST

In order to comply with 35 Illinois Administrative Code Section 306.401, Illinois Pollution Control Board Regulations, the Illinois EPA has prepared the following list of facilities which are on Restricted Status. Restricted Status is defined as the Agency determination that a sewer or lift station has reached hydraulic capacity or that a sewage treatment plant has reached design capacity, such that additional sewer connection permits may no longer be issued without causing a violation of the Act or Regulations. Please note that the list is continually being revised to reflect the current situation. Therefore, if you have any questions on the capability of a treatment facility or transport system, please contact this Agency for a final determination. This listing reflects the status as of January 17, 2007.

Facility names followed by an asterisk (*) indicates that construction is underway to ultimately alleviate problems, which resulted in imposition of Restricted Status. Facilities followed by a double asterisk (**) are additions to the list.

<u>FACILITY NAME</u>	<u>RESPONSIBLE AUTHORITY</u>	<u>COUNTY</u>	<u>REMAINING CAPACITY</u>
Bourbonnais (Belle Aire Subd.)	Village of Bourbonnais	Kankakee	0
Camelot Utilities Wastewater Collection System	Camelot Utilities	Will	0
Camp Point (a portion mh 60-68)	Village of Camp Point	Adams	0
Clearview S.D.	Clearview S.D.	McLean	0
Davis Junction	Village of Davis Junction	Ogle	0
East Alton	City of East Alton	Madison	0
Farmington	City of Farmington	Fulton	0
Harvard WWTP	City of Harvard	McHenry	0
Hurst & Blairville Collection SYSTEM	City of Hurst	Williamson	0
Port Byron STP	Village of Port Byron	Rock Island	0
Richmond WWTP	Village of Richmond	McHenry	0
Rosewood Heights S.D.- Ninth Street LS	Rosewood Heights S.D.	Madison	0
Saint Elmo	City of Saint Elmo	Fayette	0
South Palos Twp. SD	South Palos Twp.	South Palos Twp.	0
Sundale Utilities – Washington Estates STP	Sundale Utilities Corporation	Tazewell	0
Taylorville-Shawnee Ave. PUMP STATION	City of Taylorville	Christian	0
Utilities Unlimited	Utilities Unlimited	Will	0
Washington (Rolling Meadows)	City of Washington	Tazewell	0

Deletions from previous quarterly report: Lockport Heights STP, Bonnie Brae Forest Manor STP

Additions from previous quarterly report: None

Environmental Register – February 2007

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

DIVISION OF WATER POLLUTION CONTROL

CRITICAL REVIEW LIST

In order to comply with 35 Illinois Administrative Code Section 306.401, Illinois Pollution Control Board Regulations, the Illinois Environmental Protection Agency has prepared the following list of facilities which are on Critical Review. Critical Review as defined as the Agency determination that a sewer or lift station is approaching hydraulic capacity or that a sewage treatment plant is approaching design capacity such that additional sewer connection permit applications will require close scrutiny to determine whether issuance would result in a violation of the Act or Regulations. Please note that these lists are continually being revised to reflect the current situation. Therefore, if you have any questions on the capability of a treatment facility or transport system, please contact the Agency for a final determination. This listing reflects the status as of December 29, 2006.

Facility names followed by a double asterisk (***) are additions to the list.

<u>FACILITY NAME</u>	<u>RESPONSIBLE AUTHORITY</u>	<u>COUNTY</u>	<u>REMAINING CAPACITY</u>	<u>PE ADDED SINCE LAST LIST</u>
Algonquin	Village of Algonquin	Kane	629	0
Aqua Illinois, Inc. University Park	Aqua Illinois, Inc.	Will	1,428	0
Antioch STP	Village of Antioch	Lake	421	0
Beardstown SD	City of Beardstown	Cass	1,731	
Benton-Southeast STP	City of Benton	Franklin	60	0
Bethalto (L.S. #1)	Village of Bethalto	Madison	87	0
Carrier Mills	Village of Carrier Mills	Saline	836	0
Carrollton	City of Carrollton	Greene	140	0
Citizens Utilities Co. of Ill.- River Grange	Citizens Utilities Co. of Ill.	Will	10	0
Charleston	City of Charleston	Coles	5,210	49
Downers Grove S.D.	Downers Grove S.D.	DuPage	1,709	345
East Dundee STP	Village of E. Dundee	Kane	525	25
Elkville	Village of Elkville	Jackson	6	0
Ferson Creek Utilities Co.	Utilities, Inc.	Will	70	0
LCPWD-Diamond- Sylvan STP	County of Lake Public Works Department	Lake	0	0
Lockport	City of Lockport	Will County	0	29
Moline (North Slope)	City of Moline	Rock Island	1,151	0
Morris STP	City of Morris	Grundy	0	0
New Lenox STP 1***	Village of New Lenox	Will	0	89
Paris STP	City of Paris	Edgar	0	
Rock Island (Main)	City of Rock Island	Rock Island	3,054	0
Streator	City of Streator	LaSalle/ Livingston	700	0
Wauconda – Remaining Collection System & Lakeview Villa LS	Village of Wauconda	Lake	***	
Wauconda WWTP	Village of Wauconda	Lake		125

Deletions from previous quarterly report: None

Additions from previous quarterly report: None

***Contact IEPA – Permit Section

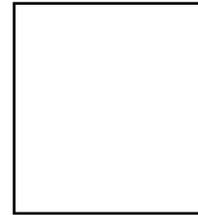
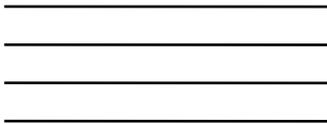
Environmental Register – February 2007

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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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