
Environmental Register

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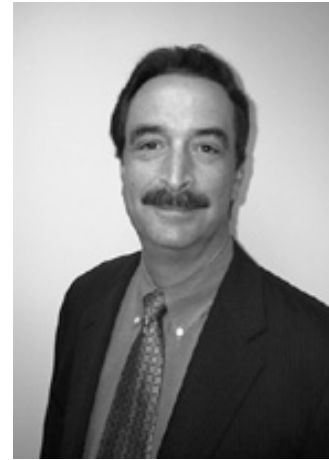
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Letter from the Chairman

The Board was active during June in several rulemaking dockets on various topics. The rulemaking proposals and activities are summarized below. As always, information about these proceedings and the Board's other cases is available through Clerk's Office Online (COOL) on our Web site at www.ipcb.state.il.us.

On June 19, 2008, the Board sent to second notice the rulemaking docketed as 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 New 35 Ill. Adm. Code 302.208(h) (R07-9). The Illinois Environmental Protection Agency (IEPA) filed the rulemaking proposal on October 23, 2006. The proposed rules intend to update existing general use water quality standards for sulfate and total dissolved solids (TDS) by amending or repealing certain sections and parts of the Board's water and mine-related pollution rules. On May 1, 2008, the Board had adopted a proposed second notice and requested comments on the proposed second-notice changes. The Board received one comment in response to the proposed second notice language and changed the second notice rule language on mixing to reflect the comment.



On June 16, 2008, the Board held an additional day of hearing in the rulemaking Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and Lower Des Plaines River Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303, and 304, R08-9. The Board had previously held ten days of hearings on the proposal. Forty-four members of the public testified on June 16, 2008.

On June 18, 2008, the Board held the first hearing on an IEPA proposal to amend the Board's groundwater quality rules. This rulemaking is docketed as Proposed Amendments to Groundwater Quality Standards, 35 Ill. Adm. Code 620, R08-18. The IEPA states that the proposed rulemaking is intended to keep the regulations current as the science and technical data behind the groundwater standards evolves. The Board originally adopted the Part 620 Groundwater Quality Rules in November 1991. The second hearing on the proposal is scheduled on July 16, 2008, in Springfield.

On June 5, 2008, the Board accepted for hearing a proposal to amend Parts 211 and 217 of the Board's air pollution regulations. The proposal, filed by the IEPA on May 9, 2008, is docketed as In the Matter of: Amendments to 35 Ill. Adm. Code 217, Nitrogen Oxides Emissions, and 35 Ill. Adm. Code 211, R08-19. The Board has scheduled two hearings on this proposal. The first hearing begins Tuesday, October 14, 2008 in Springfield, and the second begins Tuesday, December 9, 2008 in Chicago. Generally, the IEPA proposes amendments to control nitrogen oxides (NO_x) emissions from various source categories, including emissions units within these categories such as industrial boilers, process heaters, glass melting furnaces, cement kilns, lime kilns, furnaces used in steelmaking and aluminum melting, and fossil fuel-fired stationary boilers. The IEPA states that it intends its proposal to satisfy Illinois' obligation to submit a State Implementation Plan addressing requirements under the federal Clean Air Act for major stationary sources of NO_x in areas designated as nonattainment with respect to National Ambient Air Quality Standards (NAAQS).

Sincerely,

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

Dr. G. Tanner Girard

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Rule Update

Board Adopts Identical-In-Substance Rulemaking RCRA Subtitle C Update, USEPA Amendments (January 1, 2006 through June 30, 2006) R07-5; RCRA Subtitle C Update, USEPA Amendments (July 1, 2006 through December 31, 2006) R07-14 (consolidated) (June 5, 2008)

On June 5, 2008, the Board adopted amendments in the consolidated docket RCRA Subtitle C Update, USEPA Amendments (January 1, 2006 through June 30, 2006) R07-5; RCRA Subtitle C Update, USEPA Amendments (July 1, 2006 through December 31, 2006) R07-14. The consolidated docket concerns Illinois regulations that are “identical in substance” to hazardous waste regulations adopted by the United States Environmental Protection Agency (USEPA). The USEPA rules implement Subtitle C of the federal Resource Conservation and Recovery Act of 1976 (RCRA Subtitle C) (42 U.S.C. §§ 6921 et seq. (2003)).

The amendments update the Illinois hazardous waste regulations to incorporate revisions to the federal regulations. The USEPA adopted the federal hazardous waste amendments that prompted this action during two consecutive time periods; January 1, 2006 through June 30, 2006 and July 1, 2006 through December 31, 2006. Also included in this proceeding are amendments to complete Board action based on USEPA amendments of March 5, 2005 and to correct that of September 8, 2005. These amendments also make a series of substantive and non-substantive corrections and stylistic revisions to segments of the text that are not otherwise affected by the covered federal amendments.

The Board adopted identical-in-substance amendments to 35 Ill. Adm. Code 703, 720 through 728, and 739 largely unchanged from those proposed on March 20, 2008.

Docket R07-5: January 1, 2006 through June 30, 2006 Amendments

USEPA amended the federal hazardous waste regulations once during the period January 1, 2006 through June 30, 2006, as is summarized below:

71 Fed. Reg. 16862 (April 4, 2006)

USEPA amended various provisions of the hazardous waste regulations to reduce the paperwork burden imposed by the rules. Some of the reduced requirements apply only to members of USEPA’s Environmental Performance Track Program. The affected rules include hazardous waste management facility standards and aspects of the permitting requirements and land disposal restrictions.

Docket R07-14: July 1, 2006 through December 31, 2006 Amendments

71 Fed. Reg. 40254 (July 14, 2006)

USEPA adopted a number of corrections to various hazardous waste and used oil management regulations.

71 Fed. Reg. 42928 (July 28, 2006)

USEPA amended the definition of hazardous waste to exclude cathode ray tubes (CRTs) that are managed within specified conditions. USEPA intends to encourage the reuse and recycling of used CRTs and glass from CRTs.

Completion of Board Adoption of March 5, 2005 Federal Amendments

Additional action completes Board adoption of the March 5, 2005 (70 Fed. Reg. 10776) USEPA amendments to the manifest system. See, UIC Corrections, USEPA Amendments (January 1, 2005 through June 30, 2005), R06-5, RCRA Subtitle D Update, USEPA Amendments (January 1, 2005 through June 30, 2005), R06-6, RCRA Subtitle C

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Update (January 1, 2005 through June 30, 2005), R06-7 (Jan. 5, 2006) (consolidated). Because USEPA had codified a newer version of various provisions that would not go into effect until September 5, 2006, the Board found it necessary to depart from the structure of the corresponding federal regulations and defer removal of lapsing text until after the September 5, 2006 effective date of the federal amendments.

Correction of Amendments Based on the September 8, 2005 Federal Standardized Permit Rule

On September 8, 2005 (70 Fed. Reg. 53420), USEPA adopted new Standardized Permit Rule for hazardous waste treatment and storage facilities in a new 40 C.F.R. 267. The Board adopted the corresponding provisions in the Illinois rules in a new 35 Ill. Adm. Code 727 in the consolidated update docket, UIC Update, USEPA Amendments (January 1, 2005 through June 30, 2005), R06-16, RCRA Subtitle D Update, USEPA Amendments (January 1, 2005 through June 30, 2005), R06-17, RCRA Subtitle C Update (January 1, 2005 through June 30, 2005 and March 23, 2006), R06-18 (Nov. 16, 2006) (consolidated).

On April 5, 2007, the Illinois Environmental Protection Agency (IEPA) submitted a letter to Board staff relating corrections that the IEPA perceived as necessary in Part 727. The letter raised seven areas of concern over the Illinois version of the Standardized Permit Rule. The Board again addressed those concerns, adopting some responsive amendments.

To timely complete this rulemaking by the statutory due date, the Board will file the amendments with the Office of the Secretary of State no later than July 14, 2008, but no less than 30 days from the June 5, 2008 order. That filing will cause the amendments to become effective, and will result in their publication in the *Illinois Register*. The purpose of the delayed filing is specifically to allow USEPA and opportunity to review and comment on the amendments before they become effective.

Copies of the Board's opinion and order in R07-5/14 may be obtained by calling the Clerk's office at 312-814-3620, or by downloading copies from the Board's Web site at www.ipcb.state.il.us.

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

Board Accepts for Hearing IEPA Proposal to Control Nitrogen Oxide Emissions From Various Source Categories in Amendments to 35 Ill. Adm. Code 217, Nitrogen Oxides Emissions, and 35 Ill. Adm. Code 211 (R08-19)

On June 5, 2008, the Illinois Pollution Control Board accepted for hearing a proposal to amend Parts 211 and 217 of the Board's air pollution regulations. The proposal, which was filed by the Illinois Environmental Protection Agency (IEPA) on May 9, 2008, is docketed as Amendments to 35 Ill. Adm. Code 217, Nitrogen Oxides Emissions, and 35 Ill. Adm. Code 211 (R08-19).

Generally, the IEPA proposes amendments to control nitrogen oxides (NO_x) emissions from various source categories, including emissions units within categories including industrial boilers, process heaters, glass melting furnaces, cement kilns, lime kilns, furnaces used in steelmaking and aluminum melting, and fossil fuel-fired stationary boilers.

The IEPA states that it intends its proposal to satisfy Illinois' obligation to submit a State Implementation Plan to address the requirements under the federal Clean Air Act for major stationary sources of NO_x in areas designated as nonattainment with respect to National Ambient Air Quality Standards (NAAQS). The IEPA states that NO_x is a primary precursor to the formation of ozone and is also a precursor to the formation of particulate matter that is 2.5 micrometers or smaller in size (PM_{2.5}).

After conducting one or more hearings on this proposal, the Board will consider whether to proceed to first notice. Hearings have been scheduled for October 14, 2008 in Springfield and from December 9, 2008 in Chicago. Additional details and requirements are contained in the hearing officer's June 12, 2008 order.

Copies of the Board's opinion and order, as well as hearing officer orders, may be obtained by calling the Clerk's office at 312-814-3620, or by downloading copies from the Board's Web site at www.ipcb.state.il.us.

For more information contact Tim Fox at (312)-814-6085 or email at foxt@ipcb.state.il.us.

Board Adopts Second Notice Proposal to Update Water Quality Standards for Sulfate and Total Dissolved Solids in 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 New 35 Ill. Adm. Code 302.208(h), R07-9 (June 19, 2008)

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The Illinois Pollution Control Board, on June 19, 2008 adopted a second notice opinion and order in the rulemaking docketed as 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 New 35 Ill. Adm. Code 302.208(h), R07-9 (June 19, 2008). The rules to be submitted to the Joint Committee on Administrative Rules (JCAR) differ markedly from those proposed at first notice.

The rulemaking was initiated by the October 23, 2006 Illinois Environmental Protection Agency's October 23, 2006 proposal. The proposed rules are intended to update existing general use water quality standards for sulfate and total dissolved solids (TDS) by amending or repealing certain sections and parts of 35 Ill. Adm. Code Parts 302, 309, 405, 406, and 407 of the Board's water and mine-related pollution rules.

On May 1, 2008, the Board took the unusual step of adopting a proposed second notice order for the purpose of receiving comments on the proposed changes before the Board made its formal second notice JCAR filing. The Board received one comment from Prairie Rivers Network, Sierra Club and the Environmental Law and Policy Center, and amended the proposed mixing zone rule in response to the comment.

The Board proposed to amend the language regarding proposed water quality standards for sulfate where chloride levels exceed 500 mg/L and hardness levels are 500 mg/L or lower in consideration of IEPA's public comments, to allow for site specific rulemaking to ensure that chloride levels continue to be regulated according to the federal Clean Water Act. The Board proposed to amend the language regarding mixing zones in streams where the dilution ratio is less than 3:1 to reflect that IEPA may use more than 50% of stream flow for mixing as long as an adequate zone of passage is provided.

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

For more information contact Marie Tipsord at 312-814-4925 or email at tipsorm@ipcb.state.il.us.

Board Adopts Second Notice Site Specific Proposal In Abbott Laboratories Proposed Site-Specific Amendment to Applicability Selection of Organic Material Emission Standards and Limitations for the Chicago Area: Subpart T: Pharmaceutical Manufacturing (35 Ill. Adm. Code 218.480(b)), R08-8, (June 19, 2008)

The Board, on June 19, 2008, adopted a second notice opinion and order in Abbott Laboratories Proposed Site-Specific Amendment to Applicability Selection of Organic Material Emission Standards and Limitations for the Chicago Area: Subpart T: Pharmaceutical Manufacturing (35 Ill. Adm. Code 218.480(b)) (R08-8).

At second notice, the Board made only minor changes, suggested by the proponent in the first-notice proposal as published at 31 Ill. Reg. 14581 (Oct. 26, 2007). The Board held a hearing on the proposal in Libertyville, Lake County on March 8, 2008. The sole participants were Abbott and the Illinois Environmental Protection Agency (IEPA). IEPA filed a post-hearing comment in support of the requested relief.

Abbott's September 4, 2007 proposal seeks site-specific amendments for its pharmaceutical manufacturing facility located in Libertyville Township, Lake County. The affected Section, 35 Ill. Adm. Code 218.480(b), contains certain exemptions that are only applicable to Abbott's air suspension coater/dryer, fluid bed dryers, tunnel dryers, and Accelacotas. Abbott is proposing to amend these site-specific exemptions by "capping" and lowering the overall emissions of volatile organic material (VOM) allowable under the exemptions from its tunnel dryers (Nos. 1-4), and fluid bed dryers (Nos. 1-3).

Under the "cap" in the new 35 Ill. Adm. Code 218.480(b)(4), the combined total annual emissions from the seven covered dryers could not exceed 18,688 kg/year (20.6 tons/year). After reviewing the record, the Board determined that rule adoption would result in "definite, if unquantifiable, economic savings to Abbott by allowing it to use its business judgment in determining the most efficient use of its process equipment", while also resulting in net reductions of VOM emissions from Abbott's facility.

Copies of the Board's opinion and order in R08-8 may be obtained by calling the Clerk's office at 312-814-3620, or by downloading copies from the Board's Web site at www.ipcb.state.il.us.

For more information, contact Kathleen M. Crowley at 312/814-6929 or email at crowlek@ipcb.state.il.us.

Appellate Update

In A Supervisory Order in County of Kankakee, Illinois. et al. v. Hon. William E. Holdridge et al., No. 106525 (June 5, 2008), Illinois Supreme Court Directs Third District Appellate Court to Vacate April 24, 2008 Order in Siting Appeal Known as "Town & Country II": County of Kankakee, Illinois, Edward D. Smith, Kankakee County State's Attorney, Byron Sandburg and Waste Management of Illinois, Inc v. Illinois Pollution Control Board, City of Kankakee, Illinois, Kankakee Regional Landfill, LLC and Town & Country Utilities, Inc., Nos. 3-04-02713-04-02853-04-0289 (cons.) (3rd Dist. Apr. 24, 2008) (affirming Board's order affirming grant of siting approval in PCB 04-33, 34, 35 (Mar. 18, 2004))

The Illinois Supreme Court granted the County of Kankakee's motion for "supervisory order" on June 5, 2008 in County of Kankakee, Illinois. et al. v. Hon. William E. Holdridge et al., No. 106525 (June 5, 2008). The County had filed the motion in response to the Third District Appellate Court's April 24, 2008 Rule 23 order affirming the Board's decision in the case known as "Town & Country II" *i.e.* County of Kankakee, Illinois, Edward D. Smith, Kankakee County State's Attorney, Byron Sandburg and Waste Management of Illinois, Inc v. Illinois Pollution Control Board, City of Kankakee, Illinois, Kankakee Regional Landfill, LLC and Town & Country Utilities, Inc., Nos. 3-04-02713-04-02853-04-0289 (cons.) (3rd Dist. Apr. 24, 2008) (affirming Board's order affirming grant of siting approval in PCB 04-33, 34, 35 (Mar. 18, 2004)). The Third District's April 24, 2008 order under Supreme Court Rule 23 (155 Ill. Ed. R.23) upholds the siting approval granted by the Kankakee City Council in response to Town & Country's second siting application in 2003. The court issued the order on rehearing requested by the parties following issuance of the court's original November 17, 2006 order reversing the Board. County of Kankakee, Illinois, Edward D. Smith, Kankakee County State's Attorney, Byron Sandburg and Waste Management of Illinois, Inc v. Illinois Pollution Control Board, City of Kankakee, Illinois, Kankakee Regional Landfill, LLC and Town & Country Utilities, Inc., Nos. 3-04-02713-04-02853-04-0289 (cons.) (3rd Dist. Nov. 17, 2006).

The prior history of the Town & Country II has been reported in these pages in detail. *See, e.g., Environmental Register* No. 646 at pp. 6-9 (April 2008) and No. 633 at pp. 2-9 (Mar. 2007). Suffice it to say that the Third District's April 24, 2008 Rule 23 order affirmed the Board's decision on a single ground, *i.e.* that: Town and Country's 2002 and 2003 siting applications were not "substantially the same," so the latter application was not barred by Section 39.2(m) of the Environmental Protection Act (Act), 415 ILCS 5/39.2(m). The Third District did not address other appeal grounds that were raised by the appellants (*e.g.*, compliance with siting criteria and fundamental fairness).

Supreme Court Rule 383 (155 Ill. Ed. R.383) allows the parties to a case to file a "motion requesting the exercise of the Supreme Court's supervisory authority," in which the respondent is the "person whose act is the subject of the proceeding" (here, Judge Holdridge as named author of the Third District's April 24, 2008 order). In its June 5, 2008 one-page order, the Illinois Supreme Court, directed the Third District to "vacate its judgment of April 24, 2008" with the following instructions:

"The appellate court is directed to reconsider the case, and if it finds that the second siting application was disapproved within the meaning of 415 ILCS 5/39.2(m), to determine whether the second application was substantially the same as the first application under the statute, acknowledging that the Pollution Control Board expressly did not reach this issue. If the appellate court then finds that the second siting application was properly filed, the appellate court is directed to address the remaining issues raised by the parties to the appeal. County of Kankakee, Illinois. et al. v. Hon. William E. Holdridge et al., No. 106525 (June 5, 2008), slip op. at 1-2.

The parties are currently awaiting further action by the Third District Appellate Court.

Third District Dismisses Mercury Rule Appeal on Parties' Joint Motion in Midwest Generation, LLC v. Illinois Environmental Protection Agency and Illinois Pollution Control Board, No. 3-07-0061 (Third Dist. June 24, 2008) (petition for review of Board rules adopted in Proposed New 35 Ill. Adm. Code 225 Control of Emissions From Large Combustion Sources (Mercury), R06-25 (December 21, 2006))

The Third District Appellate Court granted a joint motion for voluntary dismissal of a Board rule in a June 24, 2008 order. Midwest Generation, LLC v. Illinois Environmental Protection Agency and Illinois Pollution Control Board, No. 3-07-0061 (Third Dist. June 24, 2008). The appeal involved the Board's December 21, 2006 adoption of rules to control mercury emissions in Proposed New 35 Ill. Adm. Code 225 Control of Emissions From Large Combustion Sources (Mercury), R06-25 (December 21, 2006). The R06-25 rulemaking was contentious from its inception. *See, e.g., Environmental Register* No. 630, pp. 4-5 (December 2006) and previous issues cited therein.

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One more petition for review of the rules remains pending. Kincaid Generation, LLC v. Illinois Environmental Protection Agency and Illinois Pollution Control Board, No. 4-07-0075 (Fourth Dist. filed January 24, 2007).

Board Actions

June 5, 2008

Via Videoconference

Springfield and Chicago, Illinois

Rulemakings

R07-5, R07-14	<u>In the Matter of: RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2006 through June 30, 2006)</u> <u>In the Matter of: RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2006 through December 31, 2006)</u> – The Board adopted a final opinion and order in this consolidated “identical-in-substance” rulemaking amending the Board’s hazardous waste regulations.	4-0 Land
R08-19	<u>In the Matter of: Amendments to 35 Ill. Adm. Code 217, Nitrogen Oxides Emissions, and 35 Ill. Adm. Code 211</u> – The Board accepted for hearing the Illinois Environmental Protection Agency’s May 9, 2008 proposal to amend the Board’s air pollution control regulations to control nitrogen oxides emissions. The Board also granted the motion to file a limited number of copies.	4-0 Air

Adjusted Standards

AS 07-3	<u>In the Matter of: Petition of Midwest Generation, LLC, Waukegan Generating Station for an Adjusted Standard from 35 Ill. Adm. Code 225.230</u> – The Board granted motion to withdraw petition.	4-0 Air
AS 07-4	<u>In the Matter of: Petition of Midwest Generation, LLC, Will County Generating Station for an Adjusted Standard from 35 Ill. Adm. Code 225.230</u> – The Board granted motion to withdraw petition.	4-0 Air
AS 08-10	<u>In the Matter of: RCRA Delisting Adjusted Standard Petition for Peoria Disposal Company v. IEPA</u> – The Board found that petitioner has satisfied the jurisdictional requirement of providing newspaper notice of its petition for an adjusted standard and accepted this matter for hearing. The Board granted petitioner’s motion to expedite review and to file a reduced number of copies of specified documents. The Board reserved ruling on petitioner’s application for non-disclosure.	4-0 Land

Administrative Citations

AC 08-22	<u>IEPA v. Pike County Landfill, Inc., Larry Beard and Steven Blake</u> – The Board found that these respondents violated Section 21(o)(5) of the Act (415 ILCS 5/21(o)(5) (2006)), assessing a penalty of \$500 in this administrative citation involving a Pike County facility.	4-0
AC 08-23	<u>IEPA v. William Dixon</u> – The Board found that this respondent violated Sections 21(p)(1), (p)(2), (p)(3), and (p)(7) of the Act (415 ILCS 5/21(p)(1)(p)(3), (p)(7) (2006)), assessing a penalty of \$6,000 in this administrative citation involving an	4-0

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	Union County facility.	
AC 08-24	<u>IEPA v. Gire Properties, Inc. and Gire Construction, Inc.</u> – The Board found that these respondents violated Sections 21(p)(1), (p)(4), and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(4), (p)(7) (2006)), assessing a penalty of \$4,500 in this administrative citation involving an Douglas County facility.	4-0
AC 08-26	<u>IEPA v. Edward W. Fisher, Rhonda L. Fisher and DEM/EX Group, Inc.</u> – The Board found that these respondents violated Sections 21(p)(1) and (p) (7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2006)), assessing a penalty of \$3,000 in this administrative citation involving an Mason County facility.	4-0
AC 08-28	<u>IEPA v. Joseph Cosentino and Rob Pinski</u> – The Board accepted for hearing respondent Pinski’s petition for review of this administrative citation involving a Perry County facility. The Board also granted complainant’s motion to dismiss Cosentino from this matter.	4-0
AC 08-29	<u>IEPA v. Keister's, Inc.</u> – The Board accepted for hearing respondent’s petition for review of this administrative citation involving a Warren County facility.	4-0
AC 08-30	<u>IEPA v. Thomas, Wayne, and Valerie Hill</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	4-0

Adjudicatory Cases

PCB 07-32	<u>People of the State of Illinois v. Lake Arlann Drainage District, Cochran & Wilken, Inc. and Southwind Construction Corp.</u> – Upon receipt of two proposed stipulation and settlement agreements and agreed motions to request relief from the hearing requirement on behalf of Lake Arlann Drainage District and Cochran & Wilken, Inc. in this water enforcement action involving a Tazewell County facility, the Board ordered publication of the required newspaper notice.	4-0 W-E
PCB 07-134	<u>People of the State of Illinois by Lisa Madigan, Attorney General of the State of Illinois v. Village of Rockton</u> – In this water enforcement action concerning a Winnebago 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) (2006)), and accepted a stipulation and settlement agreement, ordering the respondent to pay a total civil penalty of \$7,514.00, and to cease and desist from further violations.	4-0 W-E
PCB 07-146	<u>Fox Moraine, LLC v. United City of Yorkville, City Council</u> – The Board denied respondent’s motion to dismiss.	4-0 PCFSR, Land
PCB 08-49	<u>Joyce Farms Recycling, Inc. v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Kankakee County facility.	4-0 P-A, Air
PCB 08-90	<u>Pilkington North America v. IEPA</u> – The Board accepted for hearing and granted Kurt A. Kissling’s motion to appear <i>pro hac vice</i> in this permit appeal involving a LaSalle County facility.	4-0 P-A, Air
PCB 08-91	<u>People of the State of Illinois v. Surface Manufacturing Company</u> – The Board accepted for hearing this water enforcement action involving a site located in Boone County.	4-0 W-E

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PCB 08-92	<u>People of the State of Illinois v. Advantage National Bancorp, Inc. and Vacala Construction, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in DuPage County.	4-0 W-E
PCB 08-94	<u>People of the State of Illinois v. CFC International, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.	4-0 A-E

June 15, 2008

Via Videoconference

Springfield and Chicago, Illinois

Rulemakings

R07-9	<u>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 New 35 Ill. Adm. Code 302.208(h)</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s water and mine-related regulations.	4-0 Water
R08-8	<u>In the Matter of: Abbott Laboratories Proposed Site-specific Amendment to Applicability Selection of Organic Material Emission Standards and Limitations for the Chicago Area: Subpart T: Pharmaceutical Manufacturing (35 Ill. Adm. Code 218.480(b))</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s air pollution control regulations.	3-0 Air Moore abstained

Administrative Citations

AC 05-61	<u>IEPA v. Timothy Pearce</u> – The Board granted complainant’s motion for summary judgment and found that this respondent violated Section 21(p)(7) of the Act (415 ILCS 5/21(p)(7) (2006)), assessing a penalty of \$1,500 in this administrative citation involving a Clay County facility.	4-0
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Adjudicatory Cases

PCB 00-104	<u>People of the State of Illinois v. Murphy Farms, L.L.C.</u> – Upon receipt of a proposed stipulation and settlement agreements and agreed motions to request relief from the hearing requirement in this water enforcement action involving a Knox County facility, the Board ordered publication of the required newspaper notice.	4-0 A, W-E
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PCB 06-174	<u>People of the State of Illinois v. Bob D. Stagner and Linda S. Stagner, d/b/a LB's Camping & Mobile Home Park</u> – In this water enforcement action concerning a Franklin 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) (2006)), and accepted a stipulation and settlement agreement, ordering the respondents to pay a total civil penalty of \$500.00, and to cease and desist from further violations.	4-0 W-E
PCB 07-85	<u>T-Town Drive Thru, Inc. v. IEPA</u> – The Board denied petitioner's motion to reconsider the Board's April 3, 2008 opinion and order.	4-0 UST Appeal
PCB 07-94	<u>City of Joliet v. IEPA</u> – The Board granted this Will County facility's motion for voluntary dismissal of this permit appeal.	4-0 P-A, Water
PCB 08-42	<u>Tom Edwards v. IEPA and Peoria Disposal Company</u> – The Board affirmed the November 27, 2007 Resource Conservation and Recovery Act Part B permit renewal issued by the Illinois Environmental Protection Agency to Peoria Disposal Company.	4-0 P-A, Land Third Party
PCB 08-88	<u>People of the State of Illinois v. Village of Skokie</u> – In this public water supply 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) (2006)), and accepted a stipulation and settlement agreement, ordering the respondent to pay a total civil penalty of \$25,000, and to cease and desist from further violations.	4-0 PWS-E
PCB 08-97	<u>Veach Oil Company v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Alexander County facility.	4-0 UST Appeal, 90 Day Ext.
PCB 08-98	<u>People of the State of Illinois v. Farmers & Traders Bancshares, Inc., and Pedriana Gustafson, Inc</u> – The Board accepted for hearing this water enforcement action involving a site located in DeKalb County.	4-0 W-E

New Cases

June 5, 2008 Board Meeting

08-90 Pilkington North America v. IEPA – The Board accepted for hearing and granted Kurt A. Kissling's motion to appear *pro hac vice* in this permit appeal involving a LaSalle County facility.

08-91 People of the State of Illinois v. Surface Manufacturing Company – The Board accepted for hearing this water enforcement action involving a site located in Boone County.

08-92 People of the State of Illinois v. Advantage National Bancorp, Inc. and Vacala Construction, Inc. – The Board accepted for hearing this water enforcement action involving a site located in DuPage County.

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08-93 People of Williamson County ex rel State’s Attorney Charles Garnati and the Williamson County Board v. Kibler Development Corporation, Marion Ridge Landfill, Inc., and Illinois Environmental Protection Agency – No action taken.

08-94 People of the State of Illinois v. CFC International, Inc. – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.

June 19, 2008 Board Meeting

08-95 United City of Yorkville v. IEPA and Hamman Farms – No action taken.

08-96 United City of Yorkville v. Hamman Farms – No action taken.

08-97 Veach Oil Company v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Alexander County facility.

08-98 People of the State of Illinois v. Farmers & Traders Bancshares, Inc., and Pedriana Gustafson, Inc. – The Board accepted for hearing this water enforcement action involving a site located in DeKalb County.

AC 08-31 IEPA v. Upper Rock Island County Landfill and Dave Geier – The Board accepted an administrative citation against these Rock Island County respondents.

AC 08-32 IEPA v. Joseph Flick – The Board accepted an administrative citation against this Union County respondent.

AC 08-33 County of Vermillion, Illinois v. Rex Greene – The Board accepted an administrative citation against this Vermillion County respondent.

Calendar

<p>7/10/08 11:00 AM</p>	<p>Illinois Pollution Control Board Meeting</p>		<p>VIDOECONFERENCE James R. Thompson Center 100 W. Randolph Street Chicago And Illinois Pollution Control Board Hearing Room (1244 N, First Floor) 1021 N. Grand Avenue East (North Entrance) Springfield</p>
<p>7/16/08 10:00 AM</p>	<p>R08-18</p>	<p><u>In the Matter of: Proposed Amendments to Groundwater Quality Standards, 35 Ill. Adm. Code 620</u></p>	<p>Illinois Environmental Protection Agency TQM Room 1021 North Grand Avenue East, North Entrance Springfield</p>
<p>7/21/08 3:00 PM</p>	<p>Illinois Pollution Control Board Meeting</p>		<p>James R. Thompson Center 100 W. Randolph Street Chicago</p>

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<p>8/7/08 11:00 AM</p>	<p>Illinois Pollution Control Board Meeting</p>		<p>VIDECONFERENCE James R. Thompson Center 100 W. Randolph Street Chicago And Illinois Pollution Control Board Hearing Room (1244 N, First Floor) 1021 N. Grand Avenue East (North Entrance) Springfield</p>
<p>8/13/08 10:00 AM</p>	<p>AC 08-20</p>	<p>County of Jackson v. James Moake</p>	<p>Jackson County Health Department Rear Building Conference Room 415 Health Department Road Murphysboro</p>
<p>8/13/08 10:30 AM</p>	<p>AC 08-21</p>	<p>County of Jackson v. Jack Reeves & Jacqueline Watkins (Site Code 0778125019</p>	<p>Jackson County Health Department Rear Building Conference Room 415 Health Department Road Murphysboro</p>
<p>8/18/08 3:00 PM</p>	<p>AS 08-10</p>	<p>In the Matter of: RCRA Delisting Adjusted Standard Petition of Peoria Disposal Company</p>	<p>Peoria Public Library Basement Auditorium 107 NE Monroe Peoria</p>
<p>8/20/08 9:00 AM</p>	<p>AS 08-08</p>	<p>In the Matter of: Petition of Citgo Petroleum Corporation and PDV Midwest Refining, L.L.C. for Adjusted Standard from Ammonia Nitrogen Discharge Levels at 35 Ill. Adm. Code 304.122</p>	<p>Village of Boling Brook Board Room 375 W. Briarcliff Road Bolingbrook</p>
<p>8/21/08 11:00 AM</p>	<p>Illinois Pollution Control Board Meeting</p>		<p>Illinois Pollution Control Board Hearing Room (1244 N, First Floor) 1021 N. Grand Avenue East (North Entrance) Springfield</p>
<p>9/3/08 11:00 AM</p>	<p>AC 07-30</p>	<p>IEPA v. Bobby G. Myers and Donald D. Myers (IEPA No. 375-06- AC)</p>	<p>Union County Courthouse "Old 911 Room" 309 W. Market Street Jonesboro</p>
<p>9/4/08 11:00 AM</p>	<p>Illinois Pollution Control Board Meeting</p>		<p>James R. Thompson Center 100 W. Randolph Street Chicago</p>

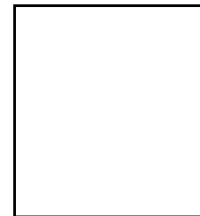
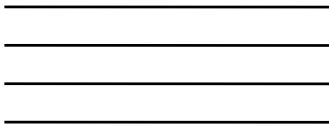
Environmental Register – June 2008

<p>9/8/08 9:00 AM</p>	<p>R08-09</p>	<p><u>In the Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304</u></p> <p>(Continues until complete or through September 10, 2008)</p>	<p>James R. Thompson Center Room 9-040 100 West Randolph Chicago</p>
<p>9/18/08 11:00 AM</p>	<p>Illinois Pollution Control Board Meeting</p>		<p>VIDOECONFERENCE</p> <p>James R. Thompson Center 100 W. Randolph Street Chicago And Illinois Pollution Control Board Hearing Room (1244 N, First Floor) 1021 N. Grand Avenue East (North Entrance) Springfield</p>
<p>10/2/08 11:00 AM</p>	<p>Illinois Pollution Control Board Meeting</p>		<p>James R. Thompson Center 100 W. Randolph Street Chicago</p>
<p>10/14/08 10:00 AM</p>	<p>R08-19</p>	<p><u>In the Matter of: Nitrogen Oxides Emissions From Various Source Categories, Amendments to 35 Ill. Adm. Code Parts 211 and 217</u></p> <p>(Continues until complete or through October 17, 2008)</p>	<p>Illinois Environmental Protection Agency Training Room 1414 West 1021 North Grand Avenue East, North Entrance Springfield</p>
<p>10/16/08 11:00 AM</p>	<p>Illinois Pollution Control Board Meeting</p>		<p>Illinois Pollution Control Board Hearing Room (1244 N, First Floor) 1021 N. Grand Avenue East (North Entrance) Springfield</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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