
Environmental Register

June 2009 - Number 660

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

G. Tanner Girard, Acting Chairman

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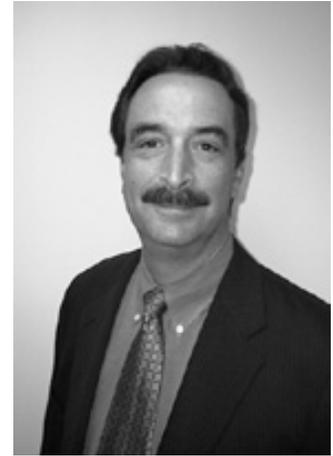
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Letter from the Chairman

The Board continued to make progress 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 18, 2009, the Board approved a final order adopting regulations entitled In the Matter of: Amendments to 35 Ill. Adm. Code 225: Control of Emissions from Large Combustion Source (Mercury Monitoring) (R09-10). The amendments recreate monitoring provisions of the federal Clean Air Mercury Rule (CAMR) that were recently vacated by a federal court. The Board also included provisions offered by Ameren to amend the Multi-Pollutant Standard at Section 225.233. The Board held two hearings on the proposal: one on December 17, 2008, in Springfield, and the second on February 10, 2009, in Chicago. In an order dated November 5, 2008, the Board granted IEPA's motion for expedited review of the proposal. The Joint Committee on Administrative Rules (JCAR) considered the Board's second-notice proposal and issued its "Certificate of No Objection to Proposed Rulemaking" at its meeting on May 19, 2009.



On June 18, 2009, the Board adopted a second notice opinion and order in the rulemaking docketed as In the Matter of: City of Galva Site-Specific Water Quality Standard for Boron Discharges to Edwards River and Mud Creek: 35 Ill. Adm. Code 303.447 and 303.448 (R09-11). On June 18, 2009, the Board adopted a second-notice opinion and order. JCAR accepted the Board's proposal, which is now on the agenda for JCAR's July 14, 2009 meeting. The amendments establish a 3.0 milligram per liter (mg/L) alternative boron water quality standard that will apply to certain segments of an unnamed tributary to the South Branch of the Edwards River, the South Branch of the Edwards River, and Mud Creek Run. These waters receive discharges from two Sewage Treatment Plant (STPs) operated by Galva. The site-specific standard is necessary to allow the STPs to discharge effluent with a boron concentration of more than 1.0 mg/L.

In addition to the above mentioned rules, the Board also proceeded with other rulemakings in June. The Board held the first hearing in the rulemaking entitled In the Matter of: Nitrogen Oxide (NO_x) Trading Program Sunset Provisions for Electric Generating Units (EGU's): New 35 Ill. Adm. Code 217.751 (R09-20). The Board published adopted rules in Standards and Limitations for Organic Material Emissions for Area Sources Proposed New 35 Ill. Adm. Code Part 223 (R08-17) and In the Matter of: Proposed Site Specific Rule for City of Springfield, Illinois, Office of Public Utilities, City Water, Light and Power, and Springfield Metro Sanitary District From 35 Ill. Adm. Code Section 302.208(g) (R09-8). The Board accepted for hearing a new rule entitled In the Matter of: Ameren Ash Pond Closure Rules (Hutsonville Power Station): Proposed 35 Ill. Adm. Code Part 840.101 through 840.144 (R09-21) and scheduled a hearing to take place on September 29 and 30, 2009, in Robinson, Crawford County.

The Board welcomes public participation in our rulemaking process. For information on how to participate, please visit our website at www.ipcb.state.il.us.

Sincerely,

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

Dr. G. Tanner Girard

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Rulemaking Update

Board Adopts Final Rules *In the Matter of: Amendments to 35 Ill. Adm. Code 225: Control of Emissions From Large Combustion Sources (Mercury Monitoring)* (R09-10)

On June 18, 2009, the Illinois Pollution Control Board adopted final rules in this rulemaking docketed as *In the Matter of: Amendments to 35 Ill. Adm. Code 225: Control of Emissions From Large Combustion Sources (Mercury Monitoring)* (R09-10). The Joint Committee on Administrative Rules (JCAR) considered the Board's second-notice proposal and issued its "Certificate of No Objection to Proposed Rulemaking" at its meeting on May 19, 2009. The adopted rules contain a number of technical and typographical changes requested by JCAR.

The Illinois Environmental Protection Agency's (IEPA) initial proposal filed on October 3, 2008 proposed recreating certain monitoring provisions of the federal Clean Air Mercury Rule (CAMR) by adopting those provisions in Illinois' mercury rule. CAMR provided that states must require electric generating units "to comply with the monitoring, recordkeeping, and reporting provisions of Part 75 of the *Code of Federal Regulations* with regard to monitoring emissions of mercury to the atmosphere." The Illinois mercury rule, as adopted in R06-25, specifically required compliance with 40 C.F.R. Part 75. However, the United States Court of Appeals for the District of Columbia recently vacated CAMR, removing the monitoring provisions of that rule, and creating the need to amend Part 225 to recreate certain monitoring provisions of the federal rule.

As a result of the Board's adoption of these amendments, the substance of Part 225 is largely unchanged as those regulations continue to address the control of mercury emissions from coal-fired electric generating units beginning in July 2009. The final rules take into account the three errata sheets filed by IEPA during the comment period. In addition, the Board's adopted rules also include provisions offered by Ameren to amend the Multi-Pollutant Standard or MPS at Section 225.233 of Part 225. The Board found Ameren's proposed language to be economically reasonable and technically feasible, noting that it projects an environmental benefit by reducing total emissions and that it is not opposed by IEPA, either procedurally or substantively.

The Board held two hearings on the proposal: one on December 17, 2008, in Springfield; and the second on February 10, 2009, in Chicago. In an order dated November 5, 2008, the Board granted IEPA's motion for expedited review of the proposal.

Opinions and orders of the Board, hearing officer orders, hearing transcripts, and other documents in rulemaking records are posted on the Board's Web site. Copies may be obtained by calling the Clerk's office at 312-814-3620 and payment of any charges, or by downloading them without charge from the Board's Website 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 In the Matter of: Galva Site Specific Water Quality Standard for Boron Discharges to Edwards River and Mud Creek: 35 Ill. Adm. Code 303.447 and 303.448 (R09-11)

On June 18, 2009, the Board adopted a second opinion and order in the rulemaking docketed as In the Matter of: Galva Site Specific Water Quality Standard for Boron Discharges to Edwards River and Mud Creek: 35 Ill Adm. Code 303.447 and 303.448 (R09-11). The Board's second notice proposal contains only nonsubstantive changes from the first notice proposal. The Board has submitted the proposed rules to the Joint Committee on Administrative Rules, which has scheduled the proposed rules for review at its July 14, 2009 meeting. The City of Galva (Galva) filed the proposal with the Board on October 17, 2008, and the Board held a hearing on March 31, 2009. The rulemaking would establish a 3.0 milligram per liter (mg/L) alternative boron water quality standard to the generally applicable 1.0 mg/L boron water quality standard in 35 Ill. Adm. Code 302.208(g). The alternative standard for boron would apply to certain segments of an unnamed tributary to the South Branch of the Edwards River, the South Branch of the Edwards River, and the Mud Creek Run. These waters receive discharges from the two Sewage Treatment Plants operated by Galva.

The Board found the rule as proposed by Galva to be technically feasible and economically reasonable, and is protective of human health and the environment.

Opinions and orders of the Board, hearing officer orders, hearing transcripts, and other documents in rulemaking records are posted on the Board's Web site. Copies may be obtained by calling the Clerk's office at 312-814-3620 and payment of any charges, or by downloading them without charge from the Board's Website at www.ipcb.state.il.us.

For additional information contact Marie Tipsord at 312-814-4925; e-mail address tipsorm@ipcb.state.il.us.

Board Accepts Proposal for Hearing In the Matter of: Ameren Ash Pond Closure Rules (Hutsonville Power Station): Proposed 35 Ill. Adm. Code Part 840.101 Through 840.144 (R09-21)

On June 18, 2009, the Board accepted for hearing the proposal docketed as In the Matter of: Ameren Ash Pond Closure Rules (Hutsonville Power Station): Proposed 35 Ill. Adm. Code Part 840.101 Through 840.144 (R09-21). Ameren Energy Generating Company (Ameren) filed the site-specific rulemaking on May 19, 2009, along with a motion requesting that the Board expedite review of the proposal. While accepting the proposal for hearing, the Board denied Ameren's request for expedited review.

Ameren proposes a new subchapter in the Board's waste disposal regulations to address the closure of surface impoundments. Specifically, Ameren seeks the adoption of regulations through which it can close Ash Pond D at its Hutsonville Power Station (Station) near Hutsonville, Crawford County. Pond D was constructed from indigenous earthen materials and operated as the Station's primary ash management unit from 1968 until the construction of a synthetically lined Pond A during the 1980s. In 2000, Ameren constructed two additional lined ponds. Ameren then removed Pond D from service and allowed it to dewater. Ameren estimates that, during 30 years of active operation, Pond D accumulated approximately 750,000 cubic yards of ash, with a approximately 280,000 cubic yards below the water table.

Before submitting its proposal for a site-specific rule, Ameren filed a petition for an adjusted standard from the Board's landfill regulations requesting similar relief for closure of Pond D. After receiving briefs from both Ameren and the IEPA, the Board, on March 5, 2009, dismissed Ameren's petition for an adjusted standard and concluded "that a site-specific rule is the appropriate regulatory relief mechanism under which to close Ameren's Pond D." Petition of Ameren Energy Generating Company for Adjusted Standard from 35 Ill. Adm. Code Parts 811, 814, and 815 (Hutsonville Power Station) AS 09-1 (Mar. 5, 2009).

Hearing on the proposed rule will be held on September 29, 2009 at 8:30 a.m. in the Crawford County Courthouse Annex, County Board Room, Second Floor, 100 Douglas Street, Robinson, IL. Requirements for the pre-filing of questions and answers, as well as other procedural details, are established in a June 30, 2009 hearing officer order.

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Opinions and orders of the Board, hearing officer orders, hearing transcripts, and other documents in rulemaking records are posted on the Board's Web site. Copies may be obtained by calling the Clerk's office at 312-814-3620 and payment of any charges, or by downloading them without charge from the Board's Website 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 Actions

June 4, 2009

Chicago, Illinois

Adjusted Standard

AS 09-4	<u>In the Matter of: Petition of Royal Fiberglass Pools, Inc. for an Adjusted Standard from 35 IAC 215.301</u> – The Board accepted for hearing petitioner's April 3, 2009 petition for an adjusted standard. The Board granted petitioner's motion to allow Dale A. Guariglia and Brandon W. Neuschafer to appear <i>pro hac vice</i> , but denied the motion for expedited consideration.	5-0 Air
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Administrative Citations

AC 06-39	<u>City of Chicago Department of Environment v. Speedy Gonzalez Landscaping, Inc.</u>	5-0
AC 06-40	<u>City of Chicago Department of Environment v. Jose R. Gonzalez</u>	
AC 06-41	<u>City of Chicago Department of Environment v. 1601-1759 East 130th Street, LLC</u>	
AC 07-25 (cons.)	<u>City of Chicago Department of Environment v. 1601-1759 East 130th Street, LLC</u> – The Board entered a final opinion and order requiring respondents to pay hearing costs of the City of Chicago Department of Environment and the Board. In AC 06-40, the Board assessed Mr. Gonzalez the statutory civil penalty of \$6,000 for the four violations, as well as hearing costs totaling \$1,347.60, for a total amount due of \$7,347.60. In AC 06-41, the Board assessed 130th LLC the statutory civil penalty of \$6,000 for the four violations, as well as hearing costs totaling \$1,189.40, for a total amount due of \$7,189.40. This order follows the Board's interim order of March 19, 2009, which found that these respondents had violated Sections 21(p)(1), (p)(2), (p)(3), and (p)(7)(i) of the Act in AC 06-40 and in AC 06-41 (415 ILCS 5/21(p)(1), (p)(2), (p)(3), (p)(7)(i) (2006)).	

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AC 06-50	<u>IEPA v. Mark Gates</u> – The Board entered a final opinion and order requiring Mark Gates to pay hearing costs of the Illinois Environmental Protection Agency and the Board in the amount of \$317.91 and a civil penalty of \$3,000. This order follows the Board's interim order of April 2, 2009, which found that this respondent had violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2006)).	5-0
AC 09-8	<u>County of Jackson v. Dan Kimmel</u> – The Board entered an interim opinion and order finding respondent violated Sections 21(p)(1) (a second adjudicated violation) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2006)) and assessed a penalty of \$4,500. The Board ordered the Clerk of the Board and the County of Jackson to file within 30 days a statement of hearing costs, supported by affidavit, with service on respondent. Respondent may respond to the cost statement within 21 days of service.	5-0
AC 09-40	<u>IEPA v. Thomas and Valerie Hill</u> – The Board accepted Thomas Hill's petition for review, but directed respondents to file an amended petition to cure deficiencies on or before July 6, 2009.	5-0

Adjudicatory Cases

PCB 07-53	<u>People of the State of Illinois v. Moline Place Development, L.L.C. and Crosstowne Place Development, L.L.C.</u> – In this water enforcement action concerning a Rock Island County facility, the Board granted complainant's motion for summary judgment on Counts III and IV of the complaint, finding respondent CrossTowne Place Development, LLC. (CrossTowne) has violated Sections 12(a) and 12(f) of the Environmental Protection Act (Act) (415 ILCS 5/12(a) and 12(f) (2006)) and Sections 309.102(a) of the Board's water pollution regulations (35 Ill. Adm. Code 309.102(a)). The Board ordered the respondent to pay a total civil penalty of \$15,000.00, to cease and desist from further violations, and remediate flooding of neighboring property.	5-0 W-E
PCB 09-3	<u>People of the State of Illinois v. Praedium Development Corporation and Plaza Excavating, Inc.</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 Lake County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 09-45	<u>Jerrald R. West II v. Nakomis Quarry Company</u> – The Board granted respondent's motion to dismiss complainant's complaint as frivolous.	5-0 A-E
PCB 09-87	<u>Dickerson Petroleum, Inc. v. IEPA</u> – The Board accepted petitioner's amended petition for hearing in this underground storage tank appeal involving a St. Clair County facility.	5-0 UST Appeal
PCB 09-110	<u>People of the State of Illinois v. E. F. Heil, LLC</u> ,– The Board accepted for hearing this land enforcement action involving a site located in Kankakee County.	5-0 L-E
PCB 09-111	<u>L. Keller Oil Properties, Inc., Tilton Super K v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Vermillion County facility.	5-0 UST Appeal
PCB 09-	<u>North Fork Pork, LLC - West Point v. IEPA</u> – Upon receipt of the Illinois	5-0

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112	Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of North Fork Pork, LLC located in Hancock County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).	T-C, W
PCB 09-113	<u>First National Bank of Barry 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 Cass County facility.	5-0 UST Appeal 90-Day Extension
PCB 09-114	<u>Peacock Oil Company v. IEPA</u> – The Board directed petitioner to file an amended petition to cure noted deficiencies on or before July 6, 2009, or this action will be subject to dismissal.	5-0 UST Appeal

June 18, 2009

Via Video Conference

Springfield and Chicago, Illinois

Rulemakings

R09-10	<u>In the Matter of: Amendments to 35 Ill. Adm. Code 225: Control of Emissions From Large Combustion Sources (Mercury Monitoring)</u> – The Board adopted a final opinion and order in this rulemaking amending the Board’s air pollution control regulations.	5-0 Air
R09-11	<u>In the Matter of: Proposed Site Specific Rule Applicable to the City of Galva Sewage Treatment Plants Discharge to Edwards River and Mud Run Creek, 35 Ill. Adm. Code 302.208(g)</u> – The Board adopted a final opinion and order in this rulemaking amending the Board’s water pollution control regulations.	4-0 Member Lin abstained Water
R09-21	<u>In the Matter of: Ameren Ash Pond Closure Rules (Hutsonville Power Station) Proposed: 35 Ill. Adm. Code Part 840.101 and 840.144</u> – The Board accepted for hearing petitioner’s May 19, 2009 proposal to amend the Board’s land pollution control regulations. The Board granted petitioner’s motion to waive requirement to submit 200 signatures but denied the motion for expedited consideration.	Land 5-0

Adjusted Standards

AS 09-2	<u>In the Matter of: Petition of Maximum Investments, LLC for an Adjusted Standard from 35 Ill Administrative Code 740.210(a)3 for the Stoney Creek Landfill, Palos Hills, Il. v. IEPA</u> – The Board dismissed this request for an adjusted standard petition, finding that the Board lacks the authority to grant an adjusted standard as requested by petitioner.	4-1 Member Johnson dissented Land
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Administrative Citations

AC 09-9	<u>County of Jackson v. Alvin Valdez and Ruben J. Valdez</u> – The Board entered a final opinion and order requiring respondents to pay hearing costs of the County of Jackson and the Board in the amount of \$161.08 and a civil penalty of \$3,000. This order follows the Board's interim order of April 16, 2009, which found that this respondent had violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2006)).	5-0
AC 09-40	<u>IEPA v. Thomas and Valerie Hill</u> – The Board accepted Valerie Hill's petition for review, but directed respondents to file an amended petition to cure deficiencies on or before July 6, 2009	5-0
AC 09-41	<u>IEPA v. Mark A. Lewis</u> – The Board accepted respondent's petition for review, but directed respondent to file an amended petition to cure deficiencies on or before July 6, 2009.	5-0
AC 09-43	<u>IEPA v. The Blickhan Family Corporation, Inc. & Blick's Construction Co. Inc</u> – The Board accepted for hearing respondents' petition for review of this administrative citation involving an Adams County facility.	5-0
AC 09-44	<u>IEPA v. Gordon Investment Group, LLC</u> – The Board accepted for hearing respondents' petition for review of this administrative citation involving a McDonough County facility.	5-0
AC 09-46	<u>IEPA v. C. John Blickhan</u> – The Board accepted for hearing respondent's petition for review of this administrative citation involving an Adams County facility. The Board granted respondent's motion to consolidate AC 09-46 with AC 07-24 and AC 08-19.	5-0

Adjudicatory Cases

PCB 03-191	<u>People of The State of Illinois v. Community Landfill Company, Inc. and City of Morris</u> – The Board had previously found in its February 16, 2006 interim opinion and order that Community Landfill Corporation (CLC) and the City of Morris (City) violated Section 21(d)(2) of the Act (415 ILCS 5/21(d)(2) (2004)), and Sections 811.700(f) and 811.712(b) of the Board's regulations. 35 Ill. Adm. Code 811.700(f), 811.712(b). In its final opinion and order, the Board ordered respondents, within 60 days, to file \$17,427,366.00 in financial assurance, and to update cost estimates. The Board also ordered CLC to pay a civil penalty of \$1,059,534.70 and the City to pay a civil penalty in the amount of \$399,308.98, and to cease and desist from further violations.	5-0 L-E Blankenship concurring
PCB 07-44	<u>Indian Creek Development Company, an Illinois partnership, individually as beneficiary under trust 3291 of the Chicago Title and Trust Company dated December 15, 1981 and the Chicago Title and Trust Company, as trustee under trust 3291, dated December 15, 1981 v. The Burlington Northern Santa Fe Railway Company, a Delaware company</u> – The Board granted complainant's motion to strike the affirmative defenses and granted in part and denied in part respondent's request for leave to amend the answer.	5-0 Citizens L, W-E
PCB 09-92	<u>Dynegy Midwest Generation (Tilton Energy Center) v. IEPA</u> – The Board granted petitioner's motion for a partial stay of the construction permit.	5-0 P-A, Air

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PCB 09-102	<u>Peter Arendovich v. the Illinois State Toll Highway Authority</u> – The Board granted respondent’s motion for extension of time to file a motion to dismiss the complaint.	5-0 N-E
PCB 09-115	<u>Clark Kelly – Biggsville v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Clark Kelly – Biggsville located in Henderson County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).	5-0 T-C, W
PCB 09-116	<u>Voss Farm - Carlyle v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Voss Farm - Carlyle located in Clinton County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).	5-0 T-C, W
PCB 09-117	<u>Baker Farms - Maquon v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Baker Farms - Maquon located in Knox County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).	5-0 T-C, W
PCB 09-118	<u>JS Finishing, LLC - Alexis v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of JS Finishing, LLC - Alexis located in Mercer County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).	5-0 T-C, W
PCB 09-119	<u>Frank Hopkins, Jr. - Gibson v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Frank Hopkins, Jr. - Gilson located in Knox County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).	5-0 T-C, W
PCB 09-120	<u>Mage Farms, LLC - v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Mage Farms, LLC located in Henderson County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).	5-0 T-C, W
PCB 09-121	<u>Holesinger Farms, Inc - Fulton v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Holesinger Farms, Inc – Fulton 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 (2006)).	5-0 T-C, W
PCB 09-122	<u>Osco/Henry Service 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 Henry County facility.	5-0 UST Appeal 90-Day Extension
PCB 09-123	<u>2001 Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	5-0 UST Appeal

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PCB 09-124	<u>Milliman Pork v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Milliman Pork located in Jasper County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).	5-0 T-C, W
PCB 09-125	<u>Sanitary District of Decatur v. IEPA</u> – The Board accepted this request for variance involving a Macon County facility, and is awaiting the Illinois Environmental Protection Agency’s recommendation.	5-0 W-V
PCB 09-126	<u>Alan Durkee Swine Farm - Stronghurst v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Alan Durkee Swine Farm – Stronghurst located in Henderson County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).	5-0 T-C, W
PCB 09-127	<u>SF Ventures, LLC - Gladstone v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of SF Ventures, LLC – Gladstone located in Henderson County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).	5-0 T-C, W
PCB 09-128	<u>Doug Holesinger - Union Grove (Property ID No. 07-01-300-008) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Doug Holesinger - Union Grove 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 (2006)).	5-0 T-C, W

New Cases

June 4, 2009 Board Meeting

09-110 People of the State of Illinois v. E. F. Heil, LLC– The Board accepted for hearing this land enforcement action involving a site located in Kankakee County.

09-111 L. Keller Oil Properties, Inc., Tilton Super K v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Vermillion County facility.

09-112 North Fork Pork, LLC - West Point v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of North Fork Pork, LLC located in Hancock County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).

09-113 First National Bank of Barry 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 Cass County facility.

09-114 Peacock Oil Company v. IEPA – The Board directed petitioner to file an amended petition to cure noted deficiencies on or before July 6, 2009, or this action will be subject to dismissal.

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AC 09-47 IEPA v. D & B. Refuse Service, Inc. and Steve Loveall – The Board accepted an administrative citation against these Moultrie County respondents.

AC 09- IEPA v. Montel & Aneita Metzger – The Board accepted an administrative citation against these Woodford County respondents.

AC 09-49 IEPA v. Ameren Energy Generating Company, Ameren Corporation and Jerry Simpson – The Board accepted an administrative citation against these Fulton County respondents.

AC 09-50 IEPA v. Floyd Burns – The Board accepted an administrative citation against this Franklin County respondent.

June 18, 2009 Board Meeting

09-115 Clark Kelly – Biggsville v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Clark Kelly – Biggsville located in Henderson County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).

09-116 Voss Farm - Carlyle v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Voss Farm - Carlyle located in Clinton County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).

09-117 Baker Farms - Maquon v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Baker Farms - Maquon located in Knox County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).

09-118 JS Finishing, LLC - Alexis v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of JS Finishing, LLC - Alexis located in Mercer County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).

09-119 Frank Hopkins, Jr. - Gibson v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Frank Hopkins, Jr. - Gilson located in Knox County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).

09-120 Mage Farms, LLC - v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Mage Farms, LLC located in Henderson County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).

09-121 Holesinger Farms, Inc - Fulton v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Holesinger Farms, Inc - Fulton 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 (2006)).

09-122 Osco/Henry Service 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 Henry County facility.

09-123 – 2001 Oil Company v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.

09-124 Milliman Pork v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Milliman Pork located in Jasper County are pollution

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control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).

09-125 Sanitary District of Decatur v. IEPA – The Board accepted this request for variance involving a Macon County facility, and is awaiting the Illinois Environmental Protection Agency’s recommendation.

09-126 Alan Durkee Swine Farm - Stronghurst v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Alan Durkee Swine Farm - Stronghurst located in Henderson County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).

09-127 SF Ventures, LLC - Gladstone v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of SF Ventures, LLC - Gladstone located in Henderson County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2006)).

09-128 Doug Holesinger - Union Grove (Property ID No. 07-01-300-008) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Doug Holesinger - Union Grove 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 (2006)).

AC 09-51 IEPA v. Springfield Iron & Metal Co., Inc. and Russell & Evelyn Weller – The Board accepted an administrative citation against these Sangamon County respondents.

AC 09-52 County of LaSalle v. Ernest W. Foster – The Board accepted an administrative citation against this LaSalle County respondent.

AC 09-53 IEPA v. Marty D. Leigh and Peggy J. Leigh – The Board accepted an administrative citation against these Clay County respondents.

AC 09-54 IEPA v. Floyd Burns – The Board accepted an administrative citation against these Peoria County respondents.

Calendar

7/16/09 9:30 AM	PCB 05-14	<u>People of the State of Illinois v. Michael Collins, d/b/a C & R Construction</u>	St. Clair County Building Room 402 10 Public Square Belleville
7/23/09 11:00 AM	Illinois Pollution Control Board Meeting		Videoconference 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
7/23/09 1:00 PM	R09-20	<u>In the Matter of: Nitrogen Oxide (NOx) Trading Program Sunset Provisions for Electric Generating Units (EGU’s): News 35 Ill. Adm. Code 217.751</u>	IEPA Office Building Room 1244N, First Floor 1021 North Grand Avenue East Springfield

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7/28/09 9:00 AM	R08-09	<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> (Continues until complete or through July 29, 2009)	Michael Bilandic Building Room N-502 160 N. LaSalle Chicago
8/6/09 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
8/13/09 9:00 AM	R08-09	<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>	Michael Bilandic Building Room N-505 160 N. LaSalle Chicago
8/14/09 9:00 AM	R08-09	<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>	James R. Thompson Center Room 9-031 100 W. Randolph Chicago
8/20/09 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
8/26/09 10:00 AM	PCB 07-45	<u>People of the State of Illinois v. General Waste Services, Inc., and Illinois corporation</u>	St. Clair County Building Room 402 10 Public Square Belleville
9/3/09 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
9/17/09 11:00 am	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
9/29/09 8:30 AM	R09-21	<u>In the Matter of: Ameren Ash Pond Closure Rules (Hutsonville Power Station) Proposed: 35 Ill. Adm. Code 840.101 through 840.144</u> (Continues until complete or through September 30, 2009)	Crawford County Courthouse Annex County Board Room, Second Floor 100 Douglas Street Robinson

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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