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# Environmental Register

March 2010 - Number 669

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

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G. Tanner Girard, Acting Chairman

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# Letter from the Chairman

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During March, the Board moved forward in a number of its open rulemaking dockets. Below, I've summarized recent activity. As always, information about these proceedings is available through the Clerk's Office Online (COOL) on our Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us).

On March 8, 2010, the Illinois Environmental Protection Agency (IEPA) filed a proposal under provisions of the "fast-track" rulemaking authority found in Section 28.5 of the Act. The proposal was docketed as Reasonably Available Control Technology (RACT) for Volatile Organic Material Emission From Group IV Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219, R10-20. The IEPA's proposal responds to control techniques guidelines (CTGs) issued by the United States Environmental Protection Agency (USEPA) for the following Group IV Consumer and Commercial Product Categories: miscellaneous metal and plastic parts coatings; auto and light-duty truck coatings; miscellaneous industrial adhesives; and fiberglass boat manufacturing materials.



On March 18, 2010, the Board accepted the IEPA's proposal for hearing in R10-20 without commenting on its substantive merits and directed the Clerk to file the proposal for first-notice publication in the Illinois Register. On that same day, the hearing officer scheduled three hearings; the first begins Wednesday, April 28, 2010, in Springfield, the second begins Wednesday, May 19, 2010, in Chicago, and the third begins Wednesday, June 2, 2010, in Chicago. The second hearing will be held if, within seven days after the first hearing, any person requests a second hearing. The third hearing will be cancelled if the Agency indicates to the Board that the Agency will not introduce any additional materials.

On March 18, 2010, the Board adopted a first-notice opinion and order in a rulemaking docketed as Procedural Rules for Authorizations Under P.A. 95-115 (Regulation of Phosphorus in Detergents Act): New 35 Ill. Adm. Code 106.Subpart H, R10-19. The Board is proposing rules applicable to Board authorizations made under the Regulation of Phosphorus in Detergents Act, which prohibits the manufacture, distribution, sale, and use of "any cleaning agent" containing more than 0.5% phosphorus by weight, expressed as elemental phosphorus, after July 1, 2010.

On March 18, 2010, the Board adopted Reasonably Available Control Technology (RACT) for Volatile Organic Material Emission from Group III Consumer and Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 218 and 219, R10-10: The IEPA filed this proposal on October 23, 2009 responding to CTGs issued by the USEPA for the certain Group III Consumer and Commercial Product Categories including: paper, film, and foil coatings, metal furniture coatings, and large appliance coatings.

On March 18, 2010, the Board adopted an order in 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, R08-9. The Board ruled on several motions and divided the docket into four subdockets. The subdockets are: subdocket A (recreational use designations), subdocket B (disinfection), subdocket C (aquatic life uses), and subdocket D (water quality standards and criteria). The order directed that an additional hearing on the disinfection issue should be held in June as scheduled by the hearing officer. The Board also directed all participants to file final comments on recreational uses by April 15, 2010.

Please visit the Board's website ([www.ipcb.state.il.us](http://www.ipcb.state.il.us)) for additional information on these rulemakings and to view the other open cases on the Board's docket.

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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## Rulemaking Update

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### **Board Grants Motions to Hold Additional Hearings and to Sever Docket in 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 Illinois Pollution Control Board, on March 18, 2010, granted several motions in the rulemaking docketed as In the Matter of: 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 (March 18, 2010). Perhaps most importantly, the Board granted a motion filed by Environmental Law and Policy Center, Friends of the Chicago River, Sierra Club Illinois Chapter, Natural Resources Defense Council and Openlands to sever the R 08-9 docket to allow for more expeditious handling of some issues that may be closer to decision than others. Subdocket A will deal with the issues related to recreational use designations; the Board stated that it will immediately proceed to decision in subdocket A. Subdocket B will address issues relating to disinfection and whether disinfection may or may not be necessary to meet recreational use designations. Subdocket C will address the proposed aquatic life uses. Subdocket D will address water quality standards and criteria which are necessary to meet the aquatic life use designations.

Also, the Board granted two motions for additional hearings. The Board agreed to hold a hearing later this year on the effect of the presence of Asian Carp in the affected waterways requested by Citgo Petroleum Corporation and PDV Midwest LLC. The Board also agreed to hold hearings concerning aquatic life use designations as requested by the Metropolitan Water Reclamation District of Greater Chicago.

On October 26, 2007, the Illinois Environmental Protection Agency (IEPA) filed this proposal to amend the Board's rules for Secondary Contact and Indigenous Aquatic Life Uses to update the designated uses and criteria necessary to protect existing uses. In Part 303, the IEPA proposes three distinct recreational uses and three distinct aquatic life uses applicable to the Chicago Area Waterway System and the Lower Des Plaines River. The proposal adds new Section 304.224 establishing a standard for effluent bacteria for discharges impacted by the fecal coliform standard in this proposal. IEPA also proposed corresponding changes to Part 301 definitions and to Part 302.

The Board has already held 37 days of hearings, received 381 exhibits and 285 public comments on the proposal.

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board's Web site and may be downloaded from the Web without charge. Hard copies may be obtained for \$.75 per page from the Clerk's office, Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601.

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

### **Board Extends Completion Deadline for Consolidated Identical in Substance Docket RCRA Subtitle C (Hazardous Waste) Update, UEPA Amendments (July 1, 2008 through June 30, 2009), (R09-16/R10-4)**

On March 18, 2010, the Illinois Pollution Control Board extended the deadline to September 13, 2010 for the filing of final rules in In the Matter of: RCRA Subtitle C (Hazardous Waste) Update, UEPA Amendments (July 1, 2008 through June 30, 2009), R09-16/R10-4 (cons.)(March 18, 2010). The Board was unable to complete a proposal for

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public comment by the timelines outlined in its order of October 15, 2010 consolidating the dockets and setting an April 15, 2010 completion deadline.

In its March 18, 2010 order, the Board determined that delaying the completion deadline until September 13, 2010 is necessary, estimating that it would issue a proposal for public comment based on the federal amendments involved in this proceeding on April 15, 2010. The Board stated that the issues involved in the federal amendments are unusually complex, especially those involved in the October 30, 2008 amendments to the federal Definition of Solid Waste Rule. The Board also directed staff to cause publication of a Notice of public Information on Proposed Rules in the *Illinois Register*.

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board's Web site and may be downloaded from the Web without charge. Hard copies may be obtained for \$.75 per page from the Clerk's office, Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601.

For more information contact Michael McCambridge at (312)-814-6924 or email at [mcambm@ipcb.state.il.us](mailto:mcambm@ipcb.state.il.us).

### **Board Timely Adopts Final Rules in Fast-Track Rulemaking to Set Reasonably Available Control Technology (RACT) for Volatile Organic Material Emission From Group III Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 218 and 219, (R10-10)**

On March 18, 2010, the Illinois Pollution Control Board timely adopted final rules in the "fast-track" rulemaking docketed as In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emission From Group III Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 218 and 219, R10-10 (Mar. 18, 2010).

The adopted rules set limits for emission of volatile organic material (VOM) consistent with control techniques guidelines (CTG) issued by the United States Environmental Protection Agency (USEPA) for the following Group III consumer and commercial product categories: paper, film, and foil coatings; metal furniture coatings; and large appliance coatings. The Board rules are effective upon filing with the Secretary of State.

This rulemaking was filed on October 23, 2009 by the Illinois Environmental Protection Agency pursuant to the "fast-track" rulemaking provisions of Section 28.5 of the Environmental Protection Act, 415 ILCS 5/28.5. Consistent with Section 28.5's action deadlines, on November 5, 2009, the Board adopted its first-notice opinion and order without commenting on the substantive merits of the proposal. The Board held two hearings in this matter. On February 4, 2010, the Board adopted its second-notice opinion and order. The Joint Committee on Administrative Rules considered the Board's second-notice proposal and issued its Certificate of No Objection at its meeting on March 9, 2010.

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board's Web site and may be downloaded from the Web without charge. Hard copies may be obtained for \$.75 per page from the Clerk's office, Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601.

### **Board Proposes Procedural Rules for Authorizations Under P.A. 95-115 (Regulation of Phosphorus in Detergents Act): New 35 Ill. Adm. Code 106.Subpart H, (R10-19)**

The Illinois Pollution Control Board, on March 18, 2010, proposed for first-notice rules for authorizations regarding use of phosphorus in cleaning agents in the rulemaking docketed as In the Matter of: Procedural Rules for Authorizations Under P.A. 95-115 (Regulation of Phosphorus in Detergents Act): New 35 Ill. Adm. Code 106.Subpart H (R10-19).

These proposed procedural rules apply to Board authorizations made under the Regulation of Phosphorus in Detergents Act, P.A. 95-115, signed and effective August 18, 2007 and codified as 415 ILCS 92/1 *et seq.* (2008). P.A. 95-115 prohibits the manufacture, distribution, sale, and use of "any cleaning agent" what contains more than 0.5% phosphorus by weight, expressed as elemental phosphorus after July 1, 2010. Under this act, the "Board may authorize the use of additional cleaning agents that contain phosphorus of an amount exceeding 0.5% by weight upon finding that there is no adequate substitute for that cleaning agent or that compliance with this Section would otherwise be unreasonable or create a significant hardship on the user."

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The Board proposed codifying the procedures for cleaning agent authorizations as a new Subpart H to existing Part 106, entitled “Proceedings Pursuant to Specific Rules or Statutory Provisions.” The new 35 Ill. Adm. Code 106.Subpart H follows the general format of the other subparts within Part 106. Unlike other types of determinations in Part 106, the Board does not propose that a hearing be held on every petition filed; however a hearing will be held upon timely request. The burden of proof is on the petitioner.

The new rules would become effective upon filing of the adopted rules.

The Board presently does not intend to hold a hearing on these proposed rules unless requested to do so.

Publication of these proposed amendments in the *Illinois Register* will begin a 45-day public comment period, during which anyone may file a public comment with the Board. The Board encourages persons to file public comments on these proposed amendments. The docket number for this rulemaking, R10-19, should be indicated on the public comment.

Public comments must be filed with the Clerk of the Board. Public comments may be filed at the following address: Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601.

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

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board’s Web site and may be downloaded from the Web without charge. Hard copies may be obtained for \$.75 per page from the Clerk’s office

For more information contact Kathleen Crowley at (312)-814-6929 or email at [crowlek@ipcb.state.il.us](mailto:crowlek@ipcb.state.il.us).

### **Board Timely Adopts First Notice Rules in Fast-Track Rulemaking to Set Reasonably Available Control Technology (RACT) for Volatile Organic Material Emission From Group IV Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219, (R10-20)**

On March 18, 2010, the Illinois Pollution Control Board accepted for hearing, and adopted for first notice, the “fast-track” rulemaking proposal docketed as In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emission From Group IV Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219 (R10-20). This rulemaking was filed on March 8, 2010 by the Illinois Environmental Protection (IEPA) pursuant to the “fast-track” rulemaking provisions at Section 28.5 of the Environmental Protection Act (Act), 415 ILCS 5/28.5.

IEPA proposed VOM emission controls consistent with control techniques guidelines (CTGs) issued by the United States Environmental Protection Agency for the following Group IV consumer and commercial product categories: miscellaneous metal and plastic parts coatings; auto and light-duty truck coatings; miscellaneous industrial adhesives; and fiberglass boat manufacturing materials.

Under Section 28.5, the Board is required to proceed toward adoption of the regulation by following strict action deadlines. The first of those deadlines is that the Board must “within 14 days of receipt of the proposal” file for first notice publication and schedule all required hearings. Therefore, the Board accepted the proposal without commenting on the merits and directed the Clerk to file the proposal for first-notice publication in the *Illinois Register*. In addition, the Board directed the hearing officer to schedule all hearings in this proceeding as required by Section 28.5.

In an order dated March 18, 2010, the hearing officer scheduled three hearings. The first begins Wednesday, April 28, 2010, in Springfield, the second begins Wednesday, May 19, 2010, in Chicago, and the third begins Wednesday, June 2, 2010, in Chicago. The second hearing will be held if, within seven days after the first hearing, any person requests a second hearing. The third hearing will be cancelled if the IEPA indicates to the Board that the IEPA will not introduce any additional materials. Hearings shall be continued day-to-day as necessary to complete the subject matter of the hearing.

Public comments must be filed with the Clerk of the Board. Public comments may be filed at the following address: Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601.

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

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board's Web site and may be downloaded from the Web without charge. Hard copies may be obtained for \$.75 per page from the Clerk's office.

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

## Board Actions

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**March 4, 2010**  
**Chicago, Illinois**

### Adjusted Standard

<b>AS 09-3</b>	<u>In the Matter of: Petition of Westwood Lands, Inc. for an Adjusted Standard from Portions of 35 Ill. Adm. Code 807.104 and 35 Ill. Adm. Code 810-103 or in the Alternative, a Finding of Inapplicability</u> – The Board granted petitioner's motion for extension of time and extended the deadline to file a motion for reconsideration to April 2, 2010.	5-0 Land
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### Administrative Citations

<b>AC 10-10</b>	<u>IEPA v. Jess Spradlin, d/b/a Spradlin Motor Homes and Drenward Woods and Kris Warren, d/b/a W&amp;W Auto Service</u> – The Board accepted for hearing Jess Spradlin's amended petition for review of this administrative citation involving a Sangamon County facility. The Board found that Drenward Woods and Kris Warren, d/b/a W&W Auto Service defaulted by failing to timely file a petition for review. The Board withheld issuing a final order regarding Drenward Woods and Kris Warren, d/b/a W&W Auto Service until the Board makes its final decision regarding Jess Spradlin.	5-0
<b>AC 10-11</b>	<u>Macon County Solid Waste Management Dept. v. Veolia ES Valley View Landfill</u> – The Board found that respondent violated Sections 21(o)(2),(3),(5), and (12) of the Environmental Protection Act (415 ILCS 5/21(o)(2), (3), (5), and (12) (2008)), assessing a penalty of \$2,000 in this administrative citation involving a Macon County facility.	5-0
<b>AC 10-13</b>	<u>County of Vermilion, Illinois v. Charles Long</u> – The Board accepted for hearing respondent's petition for review of this administrative citation involving a Vermilion County facility.	5-0

**Adjudicatory Cases**

<b>PCB 06-141</b>	<u>Flagg Creek Water Reclamation District v. Village of Hinsdale, Metropolitan Water Reclamation District of Greater Chicago, Illinois Department of Transportation, and DuPage County (Division of Transportation)</u> – The Board granted complainant’s motion to dismiss the Metropolitan Water Reclamation District of Greater Chicago as a respondent in this enforcement action concerning a DuPage County site.	4-0 Zalewski abstained W-E, Citizens
<b>PCB 07-59</b> <b>PCB 07-61</b>	<u>Gateway FS, Inc. v. IEPA (Incident No. 980020 and 980391) (11/30/06 IEPA rejection of 9/11/06 Amended Site Classification Work Plan Budget) (Consolidated: PCB 07-59 and 07-61)</u> – The Board granted petitioner’s motion for voluntary dismissal of these consolidated underground storage tank appeals.	5-0 UST Appeal
<b>PCB 08-13</b>	<u>Chad Gifford v. American Metal Fibers, Inc.</u> – In this citizens noise 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) (2008)), and accepted a stipulation and settlement agreement, and granted the joint motion for voluntary dismissal.	5-0 Citizens, N-E
<b>PCB 08-86</b>	<u>City of Quincy v. IEPA</u> – The Board granted petitioner’s motion for summary judgment and remanded this matter to Illinois Environmental Protection Agency to reissue the National Pollutant Discharge Elimination System permit in accordance with this opinion.	5-0 P-A, Water
<b>PCB 09-75</b>	<u>People of the State of Illinois v. Andalusia Ventures, L.L.C.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Rock Island County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E, NPDES
<b>PCB 09-105</b>	<u>People of the State of Illinois v. R. A. Cullinan &amp; Sons, Inc.</u> , – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Tazewell County facility, the Board ordered publication of the required newspaper notice.	5-0 L-E
<b>PCB 09-129</b>	<u>People of the State of Illinois v. Reliable Sand &amp; Gravel Co., Inc.</u> , – In this land enforcement action concerning a McHenry 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) (2008)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$15,000.00, and to cease and desist from further violations.	5-0 L -E
<b>PCB 10-31</b>	<u>Veolia ES Valley View Landfill, Inc. v. County Board of Macon County, Illinois</u> – The Board granted petitioner’s motion to file a reduced number of copies of the county record.	5-0 P-C-F-S-R

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<b>PCB 10-62</b>	<u>Ron Hintzche - Malta v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Ron Hintzche located in DeKalb County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2008)).	5-0 T-C, W
<b>PCB 10-63</b>	<u>Community Landfill (Parcel B) v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Grundy County facility.	5-0 P-A, Land, 90- Day Extension
<b>PCB 10-64</b>	<u>Community Landfill (Parcel A) v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Grundy County facility.	5-0 P-A, Land, 90- Day Extension
<b>PCB 10-65</b>	<u>Donald Koch, d/b/a Llad Enterprises 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 Lake County facility.	5-0 UST Appeal, 90-Day Extension
<b>PCB 10-66</b>	<u>GHB 630, LLC v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	5-0 UST Appeal
<b>PCB 10-67</b>	<u>Brian Robinson Swine Farm - Galesburg v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Brian Robinson 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 (2008)).	5-0 T-C, W

### March 18, 2010 Via Videoconference Springfield and Chicago, Illinois

#### Rulemakings

<b>R 08-9</b>	<u>In The Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304</u> – The Board granted the motion filed by Citgo Petroleum Corporation and PDV Midwest LLC for an additional hearing on Asian Carp, but delays that hearing until later this year. The Board also granted the motion filed by the Environmental Law and Policy Center, Friends of the Chicago River, Sierra Club Illinois Chapter, Natural Resources Defense Council and Openlands to sever the docket. Subdocket A, will deal with the issues related to recreational use designations and subdocket B will address issues relating to disinfection and whether or not disinfection may or may not be necessary to meet those use designations. Subdocket C, will be created to address the issues involving proposed aquatic life uses. Subdocket D, will be created to address the issues dealing with water quality standards and criteria which are necessary to meet the aquatic life use designations. In addition, the Board granted the motion filed by the Metropolitan Water Reclamation District of Greater Chicago to hold hearings on aquatic life uses and the District’s Habitat Reports.	5-0 Water
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<b>R 09-16</b> <b>R 10-4</b> (cons.)	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2008 through December 31, 2008)</u> <u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2009 through June 30, 2009)</u> – The Board extended the deadline for completion of amendments in this “identical-in-substance” rulemaking from April 15, 2010 to September 13, 2010.	5-0 Land
<b>R 10-10</b>	<u>In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions From Group III Consumer &amp; Commercial Products: Proposed Amendments to 35 Il. Adm. Code 218 and 219</u> – The Board timely adopted a final opinion and order in this fast-track rulemaking which amended the Board’s air pollution control regulations.	5-0 Air
<b>R 10-19</b>	<u>Procedural Rules for Determination Under P. A. 95-115 (Phosphorous in Detergents Act), 35 IAC 106, Subpart H</u> – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s procedural rules.	5-0 Proc.
<b>R 10-20</b>	<u>In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group IV Consumer &amp; Commercial Products: Proposed Amendments to 35 Il. Adm. Code 211, 218, and 219</u> – The Board timely adopted a first notice opinion and order in this fast-track rulemaking to amend the Board’s air pollution control regulations.	5-0 Air

**Administrative Citations**

<b>AC 07-63</b>	<u>IEPA v. Clinton D. &amp; Ruth H. Jordan</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	5-0
<b>AC 10-9</b>	<u>IEPA v. Tony A. Luttrell</u> – The Board granted the Illinois Environmental Protection Agency’s motion to reconsider, vacated the Board’s January 21, 2010 order, and issued a new order. The Board found that this Clay County respondent violated Sections 21(p) (1) and (p) (7) of the Act (415 ILCS 5/21(p) (1), (p) (7) (2008)). Because this is a second or subsequent adjudicated violation of Section 21(p) (1) and (p) (7) ( <i>see IEPA v. Tony A. Luttrell</i> , AC 02-48 (May 2, 2002) and <i>IEPA v. Tony A. Luttrell</i> , AC 03-1 (September 5, 2002)), respondent is subject to a total civil penalty of \$6,000.	5-0
<b>AC 10-16</b>	<u>County of Ogle v. Richard Haan, Jr</u> – The Board found that this Ogle County respondent violated Sections 21(p) (1), (p) (3) and (p) (7) of the Act (415 ILCS 5/21(p) (1), (p) (3) and (p) (7) (2008)). Because this is a second or subsequent adjudicated violation of Section 21(p) (1) and (p) (3) ( <i>see County of Ogle v. Richard Haan, Jr.</i> , AC 92-29 (May 21, 1992) and <i>County of Ogle v. Richard Haan, Jr.</i> , AC 92-38 (June 23, 1992)), respondent is subject to a total civil penalty of \$7,500.	5-0

## Adjudicatory Cases

<b>PCB 09-38</b>	<u>Ameren Energy Generating Company v. IEPA</u> – The Board granted petitioner’s request to modify site specific thermal standards for heated effluent discharge; in May and October from the Coffeen Power Station into Coffeen Lake, subject to conditions.	4-0 Zalewski abstained W-TD
<b>PCB 09-66</b>	<u>Elmhurst Memorial Healthcare and Elmhurst Memorial Hospital v. Chevron U.S.A., Inc.</u> – The Board denied complainants’ motion to strike affirmative defenses II and III and granted complainants’ motion to strike affirmative defenses IV, V, VI, VII, VIII, and IX.	5-0 Citizens, L-E
<b>PCB 10-22</b>	<u>People of the State of Illinois v. Western Sand &amp; Gravel Company, LLC</u> – In this land enforcement action concerning a LaSalle 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) (2008)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$3,120.00, and to cease and desist from further violations.	5-0 L-E
<b>PCB 10-38</b>	<u>Paradigm Properties, Inc. (Incident-Claim No.: 20090-183-56957) 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 Coles County facility.	5-0 UST Appeal, 90-Day Extension
<b>PCB 10-39</b>	<u>Paradigm Properties, Inc. (Incident-Claim No.: 20090183-57514) 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 Coles County facility.	5-0 UST Appeal, 90-Day Extension
<b>PCB 10-68</b>	<u>Janmaria Properties, Ltd. 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 Cook County facility.	5-0 UST Appeal, 90-Day Extension
<b>PCB 10-69</b>	<u>Catherine Thomas d/b/a Thomas 12th Street Disposal 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 Vermilion County facility.	5-0 P-A, Land, 90- Day Extension
<b>PCB 10-70</b>	<u>Wheeling/GWA Auto Shop 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 Cook County facility.	5-0 UST Appeal, 90-Day Extension

## New Cases

### March 4, 2010 Board Meeting

**10-62** Ron Hintzche - Malta v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Ron Hintzche located in DeKalb County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2008)).

**10-63** Community Landfill (Parcel B) v. IEPA – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Grundy County facility.

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**10-64 Community Landfill (Parcel A) v. IEPA** – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Grundy County facility.

**10-65 Donald Koch, d/b/a Llad Enterprises 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 Lake County facility.

**10-66 GHB 630, LLC v. IEPA** – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.

**10-67 Brian Robinson Swine Farm - Galesburg v. IEPA** – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Brian Robinson 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 (2008)).

**AC 10-17 Perry County Solid Waste Management Dept. v. Perry Ridge Landfill** – The Board accepted an administrative citation against this Perry County respondent.

**March 18, 2010 Board Meeting**

**10-68 Janmaria Properties, Ltd. 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 Cook County facility.

**10-69 Catherine Thomas d/b/a Thomas 12th Street Disposal 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 Vermilion County facility.

**10-70 Wheeling/GWA Auto Shop 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 Cook County facility.

**R10-20 In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group IV Consumer & Commercial Products: Proposed Amendments to 35 Il. Adm. Code 211, 218, and 219** – The Board timely adopted a first notice opinion and order in this fast-track rulemaking to amend the Board’s air pollution control regulations.

**Calendar**

4/1/10 11:00 am	<b>Illinois Pollution Control Board Meeting</b>		<b>James R. Thompson Center 100 W. Randolph Street Chicago</b>
4/15/10 11:00 am	<b>Illinois Pollution Control Board Meeting</b>		<b>VIDEOCONFERENCE James R. Thompson Center 100 W. Randolph Street Chicago And Pollution Control Board Hearing Room 1021 N. Grand Avenue East (North Entrance) Springfield</b>
4/22/10 9:00 am	PCB 10-33	<u>Cancer Treatment Centers of America, Inc. v. IEPA</u>	Village Hall 2 <sup>nd</sup> Floor Board Room 118 West Cook Libertyville

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4/28/10 9:00 am	R10-20	<u>In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group IV Consumer &amp; Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219</u>  (Continues until complete or through April 30, 2010)	Illinois Pollution Control Board Conference Room First Floor 1021 N. Grand Avenue East (North Entrance) Springfield
5/5/10 10:00 am	AC 09-55	<u>IEPA v. Jason D. &amp; Angela R. Marrs d/b/a Marrs Hauling Landscaping &amp; More</u> (IEPA File No. 130-09-AC)	Urbana City Building Council Chambers 400 S. Vine St. Urbana
<b>5/6/10 11:00 am</b>	<b>Illinois Pollution Control Board Meeting</b>		<b>James R. Thompson Center 100 W. Randolph Street Chicago</b>
5/11/10 10:00 am	PCB 07-45	<u>People of the State of Illinois v. General Waste Services, Inc., an Illinois Corporation</u>	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, North Entrance Springfield
5/11/10 1:00 pm	R10-09	<u>In the Matter of: Financial Assurance Instruments—Renewal and Terms: Amendments to 35 Ill. Adm. Code 807.Subpart F, 810. 104 and 811. Subpart G</u>	Illinois Environmental Protection Agency Douglas Conference Room 2 <sup>nd</sup> Floor 1021 N. Grand Avenue East North Entrance Springfield
5/12/10 9:00 am	PCB 09-10	<u>Joseph &amp; Victoria Morrissey v. Geoff Pahios, Alpine Automotive</u>  (Continues until complete or through May 13, 2010)	Village Hall 2 <sup>nd</sup> Floor Board Room 118 West Cook Libertyville
5/19/10 10:00 am	R10-20	<u>In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group IV Consumer &amp; Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219</u>  (Continues until complete or through May 21, 2010)	Pollution Control Board Conference Room 11-512 James R. Thompson Center 100 W. Randolph Street Chicago
<b>5/20/10 11:00 am</b>	<b>Illinois Pollution Control Board Meeting</b>		<b>James R. Thompson Center 100 W. Randolph Street Chicago</b>
5/20/10 11:00 am	PCB 10-31	<u>Veolia ES Valley View Landfill, Inc. v. County Board of Macon County, Illinois</u>	Macon County Office Building County Board Room Room 514 141 S. Main Street Decatur

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<p>6/2/10 10:00 am</p>	<p>R10-20</p>	<p><u>In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group IV Consumer &amp; Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219</u></p> <p><u>(Continues until complete or through June 4, 2010)</u></p>	<p>Pollution Control Board Conference Room 11-512 James R. Thompson Center 100 W. Randolph Street Chicago</p>
<p><b>6/3/10 11:00 am</b></p>	<p><b>Illinois Pollution Control Board Meeting</b></p>		<p><b>James R. Thompson Center 100 W. Randolph Street Chicago</b></p>
<p><b>6/17/10 11:00 am</b></p>	<p><b>Illinois Pollution Control Board Meeting</b></p>		<p><b>James R. Thompson Center 100 W. Randolph Street Chicago</b></p>
<p>6/29/10 9:00 am</p>	<p>R8-09(B)</p>	<p><u>In the Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill Adm. Code 301, 302, 303, and 304 (Disinfection Necessary to Meet Use Designations?)</u></p> <p><u>(Continues until complete or through June 30, 2010)</u></p>	<p>Michael A. Bilandic Building Room N-505 160 N LaSalle Chicago</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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