
Environmental Register

May 2010 - Number 671

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

G. Tanner Girard, Acting Chairman

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Letter from the Chairman

During May, the Board was active in several open rulemaking dockets. Progress in those dockets is summarized below. As always, information about these proceedings is available through the Clerk's Office Online (COOL) at our Web site at www.ipcb.state.il.us.

R10-21 Regulatory Proposal for 10-Year Federally Enforceable State Operating Permits (FESOP) Amendments to 35 Ill. Adm. Code Part 201.162. On May 6, 2010, the Board accepted for hearing this proposal filed by the Illinois Environmental Protection Agency (IEPA) on April 21, 2010. The IEPA's proposal seeks to extend the possible duration of Federally Enforceable State Operating Permits (FESOP) for state air pollution control permits from 5 years to 10 years.

R10-20 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. The second hearing in this docket took place on May 19, 2010 in Chicago. On March 8, 2010, the IEPA filed this proposal under provisions including the "fast-track" rulemaking authority of Section 28.5 of the Act. 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.

R10-9 Financial Assurance Instruments--Renewal and Terms: Amendments to 35 Ill. Adm. Code 807.Subpart F, 810.104 and 811.Subpart G. On May 11, 2010, the Board held the first hearing in this docket in Springfield. In a proposal filed on July 27, 2009, the IEPA sought to update specific segments of the Illinois non-hazardous waste landfill regulations relating to financial assurance.

R10-8 Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group II Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219. On May 6, 2010, the Board adopted its second-notice opinion and order. On July 9, 2009, the IEPA proposed air pollution regulations to reduce emissions of volatile organic material (VOM) from Group II Consumer & Commercial Products, which include industrial cleaning solvents, flat wood paneling coatings, flexible packaging printing materials, lithographic printing materials, and letterpress printing materials.

R08-9(B) 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. Subdocket B in R08-9 addresses whether disinfection is necessary to meet proposed recreational use designations for the waterways. On May 28, 2010, the Board received prefiled testimony from several participants for hearings scheduled on June 29 and 30, 2010 in Chicago.

Public participation is welcomed in all of our rulemaking dockets. For information, consult 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, flowing style.

Dr. G. Tanner Girard

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Rulemaking Update

Board Adopts Second Notice Opinion and Order in In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group II Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219,R10-08(May 6, 2010).

On May 6, 2010, the Illinois Pollution Control Board adopted a second-notice opinion and order proposing air pollution regulations. The General Assembly's Joint Committee on Administrative Rules will review this rulemaking for compliance with the Illinois Administrative Procedure Act at its June 15, 2010 meeting.

The Illinois Environmental Protection Agency (IEPA) initiated this proceeding on July 9, 2009, and the Board has docketed it as In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group II Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219,R10-08.

The proposed air regulations would reduce emissions of volatile organic material (VOM) for Group II Consumer & Commercial Products in ozone nonattainment areas classified as moderate and above in order to meet Illinois' obligations under the federal Clean Air Act. Chicago and St. Louis/Metro East areas in Illinois have been designated as moderate nonattainment areas for the 8-hour ozone standard. VOM is characterized by the IEPA as "a primary precursor to the formation of ground-level ozone."

After two hearings, the Board concluded that the IEPA proposal constitutes RACT for VOM for the category of Group II consumer and commercial products. Group II products include industrial cleaning solvents, flat wood paneling coatings, flexible packaging printing materials, lithographic printing materials and letter press printing materials.

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

The Board Accepts for Hearing IEPA Proposal In the Matter of: 10-Year Federally Enforceable State Operating Permits (FESOP): Amendments to 35 Ill. Adm. Code 201.162, R10-21 (May 6, 2010)

The Pollution Control Board, on May 6, 2010, accepted for hearing a proposal to amend the Board's air rules. On April 20, 2010, the Illinois Environmental Protection Agency (IEPA) filed with the Board the rulemaking proposal docketed as In the Matter of: 10-Year Federally Enforceable State Operating Permits (FESOP): Amendments to 35 Ill. Adm. Code 201.162,R10-21. The IEPA states that this proposal would extend from five-years to 10-years the maximum term that the IEPA could issue a Federally Enforceable State Operating Permit (FESOP). The sole provision of the air rules to be amended is Section 201.162.

The IEPA explains that the amendments are "expected to reduce administrative costs of the permitting process for both the affected sources and the Illinois EPA." The IEPA states that FESOP sources are located throughout the

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state, and that the proposed rules will affect approximately 800 sources that have applied for or obtained FESOPs. The IEPA explains that it has averaged 61 new FESOP applications each year since the year 2000, and 66 FESOP renewal applications each year over the last ten years. If the proposal is adopted the IEPA may choose to issue a FESOP for a term shorter than ten years for situations in which the source may have been out of compliance.

The Board is in the process of scheduling two hearings. The Board encourages persons to file public comments on these proposed amendments. The docket number for this rulemaking, R10-21, 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. 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.

Board Actions

May 6, 2010

Via Videoconference

Springfield and Chicago, Illinois

Rulemakings

- | | | |
|----------------|--|------------|
| R 10-8 | <u>In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group II Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219 –</u>
The Board adopted a second notice opinion and order in this rulemaking to amend the Board's air pollution regulations. | 5-0
Air |
| R 10-21 | <u>In the Matter of: Regulatory Proposal for 10-Year Federally Enforceable State Operating Permits (FESOP) Amendments to 35 Ill. Adm. Code Part 201.162 –</u> The Board accepted for hearing Illinois Environmental Protection Agency's April 20, 2010 proposal to amend the Board's air pollution regulations. | 5-0
Air |

Administrative Citations

- | | | |
|-----------------|---|-----|
| AC 10-18 | <u>County of Jackson v. Ed Cripps</u> – The Board found that this Jackson County respondent violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1),(p)(7) (2008)), and ordered respondent to pay a civil penalty of \$3,000. | 5-0 |
|-----------------|---|-----|

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AC 10-19	<u>County of Jackson v. Glenn Moore</u> – The Board found that this Jackson County respondent violated Sections 21(p)(1) of the Act (415 ILCS 5/21(p)(1)(2008)), and ordered respondent to pay a civil penalty of \$1,500.	5-0
AC 10-20	<u>County of Jackson v. Susan Crow</u> – The Board found that this Jackson County respondent violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1),(p)(7) (2008)), and ordered respondent to pay a civil penalty of \$3,000.	5-0
AC 10-22	<u>IEPA v. Jeff Dooley</u> – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	5-0

Adjudicatory Cases

PCB 06-171	<u>American Bottom Conservancy v. Illinois Environmental Protection Agency and United States Steel Corporation - Granite City Works</u> – On remand from the Fifth District Appellate Court, the Board found that the Illinois Environmental Protection Agency’s (IEPA) did not abuse its discretion in declining the requests to hold a public hearing prior to the issuance of the U.S. Steel permit on March 31, 2006. The Board affirmed as written the National Pollutant Discharge Elimination System permit, issued by the IEPA to U.S. Steel.	5-0 P-A, NPDES 3 rd Party
PCB 09-74	<u>People of the State of Illinois v. David J. Shultz</u> – In this air enforcement action concerning a Sangamon County facility, the Board granted relief from the hearing requirement of Section 31(c) (1) of the Environmental Protection Act (415 ILCS 5/31(c) (1) (2008)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$7,000.00, and to cease and desist from further violations.	5-0 A -E
PCB 10-14	<u>People of the State of Illinois v. Eco-Clean Environmental, Inc. now d/b/a Eco Environmental, 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 Montgomery County facility, the Board ordered publication of the required newspaper notice.	5-0 L-E
PCB 10-43	<u>People of the State of Illinois v. Robert Miller, d/b/a MIL-R-MOR FARM</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 Stephenson County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 10-63	<u>Community Landfill (Parcel B) v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was filed on behalf of this Grundy County facility.	5-0 P-A, Land, 90-Day Extension
PCB 10-64	<u>Community Landfill (Parcel A) v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was filed on behalf of this Grundy County facility.	5-0 P-A, Land, 90-Day 5-0 Extension
PCB 10-75	<u>Chicago Coke Co., Inc v. IEPA</u> – The Board adopted the stay order in this proceeding.	P-A, Air

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PCB 10-81	<u>Jakobs Brothers Farms, Inc. v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Jakobs Brothers Farms, Inc. 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 (2008)).	5-0 T-C, W
PCB 10-82	<u>John and Jennifer Fehr - Rankin v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of John and Jennifer Fehr located in Iroquois 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
PCB 10-83	<u>Village of Morton v. IEPA</u> – The Board accepted for hearing this petition for a community well setback exception involving a site located in Tazewell County. The Board also granted the parties’ request for expedited hearing.	5-0 PWS-WWS
PCB 10-84	<u>People of the State of Illinois v. Professional Swine Management, LLC, Hilltop View LLC, Wildcat Farms, LLC, High-Power Pork, LLC, Eagle Point, LLC, Lone Hollow, LLC, Timberline, LLC, Prairie State Gilts, Ltd., North Fork Pork, LLC, Little Timber, LLC, and Twin Valley Pumping, Inc.</u> – The Board accepted for hearing this water enforcement action involving several sites located in Adams, Fulton, Hancock, and Schuyler Counties.	5-0 W-E
PCB 10-85	<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 a permit appeal on behalf of this Vermilion County facility.	5-0 P-A, Land, 90-Day Extension
PCB 10-86	<u>People of the State of Illinois v. Illinois Fuel Company, LLC</u> – The Board accepted for hearing this water enforcement action involving a site located in Gallatin County.	5-0 W-E
PCB 10-87	<u>People of the State of Illinois v. Mark Pickett, d/b/a Mark’s Auto Sales</u> – The Board accepted for hearing this land enforcement action involving a site located in Winnebago County.	5-0 L-E
PCB 10-88	<u>Lee Brummer - Louisville v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Lee Brummer located in Clay 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
PCB 10-89	<u>People of the State of Illinois v. Freeport Area Economic Development Foundation, d/b/a Northwest Illinois Development Alliance and Weitz Industrial, LLC</u> – The Board accepted for hearing this water enforcement action involving a site located in Stephenson County.	5-0 W-E
PCB 10-90	<u>American Louver Company v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Cook County facility. No action was taken on petitioner’s motion for stay of specified conditions in the permit.	5-0 P-A, Air

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PCB 10-91	<u>4th Meridian Farm, Inc. - Rio v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of 4th Meridian Farm, Inc. 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
PCB 10-92	<u>BMI Farms, LLC - Versailles v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of BMI Farms, LLC located in Brown 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
PCB 10-94	<u>People of the State of Illinois v. Gary L. Penrith</u> – Upon receipt of a complaint accompanied by a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Lake County facility, the Board accepted the case and ordered publication of the required newspaper notice.	5-0 W-E
PCB 10-95	<u>Triple E Farms - Altona v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Triple E Farms 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

May 20, 2010 Chicago, Illinois

Adjudicatory Cases

PCB 04-47	<u>Saint-Gobain Containers, Inc. v. IEPA</u> – The Board granted this Logan County facility’s motion for voluntary dismissal of this permit appeal.	5-0 P-A, Air
PCB 09-33	<u>S & D. Realty, Inc. v. IEPA</u> – The Board granted this Cook County facility’s motion for voluntary dismissal of this underground storage tank appeal.	5-0 UST Appeal
PCB 10-1	<u>Weeke Oil Company v. IEPA</u> – The Board affirmed the Illinois Environmental Protection Agency’s June 4, 2009 determination denying Weeke Oil Company’s request for reimbursement for early action costs at an underground storage tank site at 422 West St. Louis Street in Nashville, Washington County.	5-0 UST Appeal
PCB 10-61	<u>People of the State of Illinois v. Freeman United Coal Mining Company, LLC, and Springfield Coal Company, LLC</u> – The Board granted respondent Springfield Coal Co., LLC’s motion to allow Dale A. Guariglia to appeal <i>pro hac vice</i> on its behalf.	5-0 W-E
PCB 10-93	<u>Elk Grove Village/Former Penske Truck Leasing Facility (Incident-Claim No. 20081536-56785) v. IEPA</u> – The Board ordered petitioner to file an amended petition to cure noted deficiencies on or before June 21, 2010, or the petition would be subject to dismissal.	5-0 UST Appeal, 90- Day Extension
PCB 10-96	<u>Grainco FS, Inc. - Mazon v. IEPA</u> – Upon receipt of the Illinois	5-0

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Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of 4th Meridian Farm, Inc. located in Grundy County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2008)).

T-C, W

PCB 10-97 Webel Feeds 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 Pike County facility.

5-0
UST
Appeal, 90-
Day
Extension

New Cases

May 6, 2010 Board Meeting

10-81 Jakobs Brothers Farms, Inc. v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Jakobs Brothers Farms, Inc. 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 (2008)).

10-82 John and Jennifer Fehr - Rankin v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of John and Jennifer Fehr located in Iroquois County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2008)).

10-83 Village of Morton v. IEPA – The Board accepted for hearing this petition for a community well setback exception involving a site located in Tazewell County. The Board also granted the parties' request for expedited hearing.

10-84 People of the State of Illinois v. Professional Swine Management, LLC, Hilltop View LLC, Wildcat Farms, LLC, High-Power Pork, LLC, Eagle Point, LLC, Lone Hollow, LLC, Timberline, LLC, Prairie State Gilts, Ltd., North Fork Pork, LLC, Little Timber, LLC, and Twin Valley Pumping, Inc. – The Board accepted for hearing this water enforcement action involving several sites located in Adams, Fulton, Hancock, and Schuyler Counties.

10-85 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 a permit appeal on behalf of this Vermilion County facility.

10-86 People of the State of Illinois v. Illinois Fuel Company, LLC – The Board accepted for hearing this water enforcement action involving a site located in Gallatin County.

10-87 People of the State of Illinois v. Mark Pickett, d/b/a Mark's Auto Sales – The Board accepted for hearing this land enforcement action involving a site located in Winnebago County.

10-88 Lee Brummer - Louisville v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Lee Brummer located in Clay County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2008)).

10-89 People of the State of Illinois v. Freeport Area Economic Development Foundation, d/b/a Northwest Illinois Development Alliance and Weitz Industrial, LLC – The Board accepted for hearing this water enforcement action involving a site located in Stephenson County.

10-90 American Louver Company v. IEPA – The Board accepted for hearing this permit appeal involving a Cook County facility. No action was taken on petitioner's motion for stay of specified conditions in the permit.

10-91 4th Meridian Farm, Inc. - Rio v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of 4th Meridian Farm, Inc. located in Knox

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County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2008)).

10-92 BMI Farms, LLC - Versailles v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of BMI Farms, LLC located in Brown County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2008)).

10-93 Elk Grove Village/Former Penske Truck Leasing Facility (Incident-Claim No. 20081536-56785) v. IEPA – No action taken.

10-94 People of the State of Illinois v. Gary L. Penrith – Upon receipt of a complaint accompanied by a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Lake County facility, the Board accepted the case and ordered publication of the required newspaper notice.

10-95 Triple E Farms - Altona v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Triple E Farms 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)).

AC10-23 IEPA v. John J. and Kathy D. Still – The Board accepted an administrative citation against these Brown County respondents.

R10-21 In the Matter of: Regulatory Proposal for 10-Year Federally Enforceable State Operating Permits (FESOP) Amendments to 35 Ill. Adm. Code Part 201.162 – The Board accepted for hearing Illinois Environmental Protection Agency’s April 20, 2010 proposal to amend the Board’s air pollution regulations.

May 20, 2010 Board Meeting

10-96 Grainco FS, Inc. - Mazon v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of 4th Meridian Farm, Inc. located in Grundy County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2008)).

10-97 Webel Feeds 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 Pike County facility.

AC10-24 IEPA v. Steve Danielson – The Board accepted an administrative citation against this Bureau County respondent.

AC10-25 IEPA v. Kenneth Verbout – The Board accepted an administrative citation against this Bureau County respondent.

AC10-26 IEPA v. Tuttle Grain, Inc. – The Board accepted an administrative citation against this Crawford County respondent.

AC10-27 County of Jackson v. KRD Trucking – The Board accepted an administrative citation against this Jackson County respondent.

Provisional Variance

IEPA 10-04 Reckitt Benckiser Inc. v. Illinois Environmental Protection Agency – The Illinois Environmental Protection Agency (IEPA) granted, subject to conditions, Reckitt Benckiser Inc.’s (Reckitt) May 24, 2010 request for a provision variance from the requirement under 35 Ill. Adm. Code 223.205(a)(5)(A) for its Air Wick® Freshmatic® Ultra air freshener sold in Illinois. This provisional variance allows this product to contain volatile organic material (by weight) in excess of the limit set in the rule. The 45-day provisional variance is granted until July 9, 2010.

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

Calendar

6/3/10 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
6/8/10 11:00 AM	AC 09-40	<u>IEPA v. Thomas and Valerie Hill (IEPA File No. 51-09-AC)</u>	Union County Courthouse First Floor Attorney Conference Room 309 W. Market Street Jonesboro
6/17/10 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
6/29/10 9:00 AM	R8-09(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 (Disinfection Necessary to Meet Use Designations?)</u> <u>(Continues until complete or through June 30, 2010)</u>	Michael A. Bilandic Building Room N-505 160 N LaSalle Chicago
7/1/10 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
7/8/10 10:00 AM	PCB 10-83	<u>Village of Morton v. IEPA</u>	Police Department Training Room 375 W. Birchwood Morton
7/15/10 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
7/15/10 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>	James R. Thompson Center Room 9-040 100 W. Randolph Street Chicago
8/5/10 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago

Class III Groundwater Final Listing Notice

Armin Krueger Class III Special Resource Groundwater Final Listing Notice

The Illinois Environmental Protection Agency (Illinois EPA) requests a final listing of Armin Krueger Speleological Area, which is a dedicated nature preserve (DNP), and the area that contributes groundwater to the DNP, as Class III: Special Resource Groundwater. The Armin Krueger Speleological Area is a cave located in southwest Monroe County, Illinois, approximately 10 miles south of Waterloo. This cave is part of the larger Krueger-Dry Run Cave System. Armin Krueger includes high to very high quality terrestrial and aquatic cave communities. Included is habitat for the federally endangered Illinois cave amphipod. Armin Krueger is a 105 acre tract located in Section 29 of Township 3 South, and Range 9 West of the Third Principal Meridian. This privately owned DNP is part of the Krueger-Dry Run Cave System. The groundwater contribution area (GCA) is 5.38 square miles of karst landscape stretching westward from the nature preserve, determined by Ozark Underground Laboratory, using dye-trace methods.

Under the authority of 35 Ill. Adm. Code 620.230, Class III: Special Resource Groundwater can be established for: groundwater that is demonstrably unique (e.g. irreplaceable sources of groundwater) and suitable for application of a water quality standard more stringent than the otherwise applicable water quality standard specified; groundwater that is vital for a particularly sensitive ecological system; or groundwater contributing to a DNP that has been listed by the Illinois EPA. The Illinois EPA is required to review a written request to list a DNP, and upon confirmation of the technical adequacy, publish the proposed listing of the DNP in the Environmental Register for a 45-day public comment period. Within 60 days after the close of the comment period, the Illinois EPA is required to publish a final listing in the Environmental Register.

The Groundwater Section of the Bureau of Water, at the Illinois EPA has completed the review required according to the criteria specified in Subsection 620.230(b)(1), and finds the petition to be technically adequate.

Bluff Spring Fen Class III Special Resource Groundwater Final Listing Notice

The Illinois EPA requests a final listing of Bluff Spring Fen, which is a DNP, and the area that contributes groundwater to the DNP, as Class III: Special Resource Groundwater. The Bluff Spring Fen is located in western Cook County, Illinois, in the City of Elgin. Bluff Spring represents an excellently preserved natural landscape with rare plant species and diverse ecological communities. Fens are the rarest wetland type in North America, and rely on naturally mineralized groundwater to support their biological communities. Bluff Spring Fen is a 94.3 acre tract jointly owned by the Metropolitan Water Reclamation District of Greater Chicago and the City of Elgin. The fen is located in portions of Sections 19 and 30, of Township 41 North, Range 9 East of the Third Principal Meridian. The regional GCA totals 3.49 square miles extending to the northeast, southeast and south of the preserve, and was estimated using an adjusted surface watershed area.

Under the authority of 35 Ill. Adm. Code 620.230, Class III: Special Resource Groundwater can be established for: groundwater that is demonstrably unique (e.g. irreplaceable sources of groundwater) and suitable for application of a water quality standard more stringent than the otherwise applicable water quality standard specified; groundwater that is vital for a particularly sensitive ecological system; or groundwater contributing to a DNP that has been listed by the Illinois EPA. The Illinois EPA is required to review a written request to list a DNP, and upon confirmation of the technical adequacy, publish the proposed listing of the DNP in the Environmental Register for a 45-day public comment period. Within 60 days after the close of the comment period, the Illinois EPA is required to publish a final listing in the Environmental Register.

The Groundwater Section of the Bureau of Water, at the Illinois EPA has completed the review required according to the criteria specified in Subsection 620.230(b)(1), and finds the petition to be technically adequate.

Illinois Beach Class III Special Resource Groundwater Final Listing Notice

The Illinois EPA requests a final listing of Illinois Beach, which is a DNP, and the area that contributes groundwater to the DNP, as Class III: Special Resource Groundwater. Illinois Beach is a wetland habitat located in eastern Lake County, Illinois, about 3 miles northeast of Waukegan. Illinois Beach is Illinois's first DNP, and is a National Natural Landmark designated by the U.S. Department of Interior. Illinois Beach provides habitat for more than three dozen species of Illinois threatened and endangered plants and over a dozen threatened and endangered animals. The beach is an 829 acre area adjacent to Lake Michigan and part of the larger Illinois Beach State Park. The DNP is situated in Sections 2, 3, 10 and 11 of Township 45 North, Range 12 East and portions of Sections 34 and 35 in Township 46 North, Range 12 East of the Third Principal Meridian. The GCA for this preserve extends 2.6 square miles to the west, estimated using an adjusted surface water area.

Under the authority of 35 Ill. Adm. Code 620.230, Class III: Special Resource Groundwater can be established for: groundwater that is demonstrably unique (e.g. irreplaceable sources of groundwater) and suitable for application of a water quality standard more stringent than the otherwise applicable water quality standard specified; groundwater that is vital for a particularly sensitive ecological system; or groundwater contributing to a DNP that has been listed by the Illinois EPA. The Illinois EPA is required to review a written request to list a DNP, and upon confirmation of the technical adequacy, publish the proposed listing of the DNP in the Environmental Register for a 45-day public comment period. Within 60 days after the close of the comment period, the Illinois EPA is required to publish a final listing in the Environmental Register.

The Groundwater Section of the Bureau of Water, at the Illinois EPA has completed the review required according to the criteria specified in Subsection 620.230(b)(1), and finds the petition to be technically adequate.

Volo Bog Class III Special Resource Groundwater Final Listing Notice

The Illinois EPA requests a final listing of Volo Bog, which is a DNP, and the area that contributes groundwater to the DNP, as Class III: Special Resource Groundwater. Volo Bog is a quaking peatland located in western Lake County, Illinois, in the unincorporated community of Ingleside, Illinois. Volo Bog is unique in Illinois because it is the only natural area in the State that represents all of the successional stages of a quaking peatland. Groundwater is key to the preservation of peat bogs in Illinois because hot dry summers would stop the accumulation of peat if the bog were not kept inundated by groundwater discharging to it. This DNP is a 186 acre tract in a portion of Section 28 of Township 45 North, Range 9 East of the Third Principal Meridian. The GCA is 1 square mile around the bog to the north and southeast situated within the larger Volo Bog State Natural Area. The final GCA was estimated using an adjusted surface watershed area.

Under the authority of 35 Ill. Adm. Code 620.230, Class III: Special Resource Groundwater can be established for: groundwater that is demonstrably unique (e.g. irreplaceable sources of groundwater) and suitable for application of a water quality standard more stringent than the otherwise applicable water quality standard specified; groundwater that is vital for a particularly sensitive ecological system; or groundwater contributing to a DNP that has been listed by the Illinois EPA. The Illinois EPA is required to review a written request to list a DNP, and upon confirmation of the technical adequacy, publish the proposed listing of the DNP in the Environmental Register for a 45-day public comment period. Within 60 days after the close of the comment period, the Illinois EPA is required to publish a final listing in the Environmental Register.

The Groundwater Section of the Bureau of Water, at the Illinois EPA has completed the review required according to the criteria specified in Subsection 620.230(b)(1), and finds the petition to be technically adequate.

Braidwood Dunes Class III Special Resource Groundwater Final Listing Notice

The Illinois EPA requests a final listing of Braidwood Dunes, which is a DNP, and the area that contributes to the DNP, as Class III: Special Resource Groundwater. Braidwood Dunes and Savanna Nature Preserve are located in southwestern Will County, Illinois, about a mile east of the City of Braidwood. This preserve retains many of its pre-settlement characteristics. It is composed of dry sand savanna, dry sand and wet prairie, sedge meadows and marsh. The preserve is owned by the Forest Preserve District of Will County and is a 330 acre region in Section 16 of Township 32 North, Range 9 East of the Third Principal Meridian. The GCA is .84 square miles that extends

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slightly south of the DNP. The GCA was estimated using site-specific regional GCA data from Conestoga Rovers & Associates, July 2007.

Under the authority of 35 Ill. Adm. Code 620.230, Class III: Special Resource Groundwater can be established for: groundwater that is demonstrably unique (e.g. irreplaceable sources of groundwater) and suitable for application of a water quality standard more stringent than the otherwise applicable water quality standard specified; groundwater that is vital for a particularly sensitive ecological system; or groundwater contributing to a DNP that has been listed by the Illinois EPA. The Illinois EPA is required to review a written request to list a DNP, and upon confirmation of the technical adequacy, publish the proposed listing of the DNP in the Environmental Register for a 45-day public comment period. Within 60 days after the close of the comment period, the Illinois EPA is required to publish a final listing in the Environmental Register.

The Groundwater Section of the Bureau of Water, at the Illinois EPA has completed the review required according to the criteria specified in Subsection 620.230(b)(1), and finds the petition to be technically adequate.

Lake-In-The-Hills Fen Class III Special Resource Groundwater Final Listing Notice

The Illinois EPA requests a final listing of Lake-In-The-Hills Fen, which is a DNP, and the area that contributes groundwater to the DNP, as Class III: Special Resource Groundwater. Lake-In-The-Hills Fen is located in southern McHenry County, Illinois, jointly owned by the Village of Lake-In-The-Hills, the Illinois Department of Natural Resources and the McHenry County Conservation District. This Fen is one of the largest and most diverse identified in Illinois. The site contains sedge meadow, graminoid fen, low shrub fen, marsh, calcareous seeps, floating mats and dry gravel prairie. In addition, it is home to nearly two dozen species of Illinois threatened and endangered plants and animals. The tract is 187.7 acres, found in portions of Section 17, 20 and 21 of Township 43 North, Range 8 East of the Third Principal Meridian. The GCA is 6.8 square miles extending northwest of the preserve, estimated by merging regional CGA data with the adjusted surface watershed area.

Under the authority of 35 Ill. Adm. Code 620.230, Class III: Special Resource Groundwater can be established for: groundwater that is demonstrably unique (e.g. irreplaceable sources of groundwater) and suitable for application of a water quality standard more stringent than the otherwise applicable water quality standard specified; groundwater that is vital for a particularly sensitive ecological system; or groundwater contributing to a DNP that has been listed by the Illinois EPA. The Illinois EPA is required to review a written request to list a DNP, and upon confirmation of the technical adequacy, publish the proposed listing of the DNP in the Environmental Register for a 45-day public comment period. Within 60 days after the close of the comment period, the Illinois EPA is required to publish a final listing in the Environmental Register.

The Groundwater Section of the Bureau of Water, at the Illinois EPA has completed the review required according to the criteria specified in Subsection 620.230(b)(1), and finds the petition to be technically adequate.

Lockport Prairie Class III Special Resource Groundwater Final Listing Notice

The Illinois EPA requests a final listing of Lockport Prairie, which is a DNP, and the area that contributes groundwater to the DNP, as Class III: Special Resource Groundwater. Lockport Prairie is located in northern Will County, Illinois, in the City of Lockport. It is owned by Metropolitan Water Reclamation District of Greater Chicago and Managed by the Forest Preserve District of Will County. A portion of the Lockport Prairie is composed of wet-mesic dolomite prairie. This prairie type is so rare; fewer than 35 acres exist in the entire State. The unique hydrogeologic setting results in extremely rare natural communities including State and Federally threatened and endangered species. The area of the preserve is a 222 acre tract in parts of Section 22, 27 and 28 of Township 36 North, Range 10 East of the Third Principal Meridian. The final GCA for Lockport Prairie is 5.3 miles stretching from the northwest, constructed by combining regional GCA with the adjusted surface watershed area.

Under the authority of 35 Ill. Adm. Code 620.230, Class III: Special Resource Groundwater can be established for: groundwater that is demonstrably unique (e.g. irreplaceable sources of groundwater) and suitable for application of a water quality standard more stringent than the otherwise applicable water quality standard specified; groundwater that is vital for a particularly sensitive ecological system; or groundwater contributing to a DNP that has been listed

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by the Illinois EPA. The Illinois EPA is required to review a written request to list a DNP, and upon confirmation of the technical adequacy, publish the proposed listing of the DNP in the Environmental Register for a 45-day public comment period. Within 60 days after the close of the comment period, the Illinois EPA is required to publish a final listing in the Environmental Register.

The Groundwater Section of the Bureau of Water, at the Illinois EPA has completed the review required according to the criteria specified in Subsection 620.230(b)(1), and finds the petition to be technically adequate.

Romeoville Prairie Class III Special Resource Groundwater Final Listing Notice

The Illinois EPA requests a final listing of Romeoville Prairie, which is a DNP, and the area that contributes groundwater to the DNP, as Class III: Special Resource Groundwater. Romeoville Prairie is located in northern Will County, Illinois in the Village of Romeoville, managed by the Forest Preserve District of Will County. Romeoville Prairie contains wet to mesic dolomite prairie as well as marsh, sedge meadow, springs, fens and flood plain forest. A dozen State and Federally threatened and endangered species can be found in this DNP. The area of this preserve is 155 acres, situated in portions of Sections 27 and 34 of Township 37 North, Range 10 East of the Third Principal Meridian. The final GCA for this prairie is 2.8 square miles extending from the northwest, estimated by combining regional CGA and the adjusted surface watershed area.

Under the authority of 35 Ill. Adm. Code 620.230, Class III: Special Resource Groundwater can be established for: groundwater that is demonstrably unique (e.g. irreplaceable sources of groundwater) and suitable for application of a water quality standard more stringent than the otherwise applicable water quality standard specified; groundwater that is vital for a particularly sensitive ecological system; or groundwater contributing to a DNP that has been listed by the Illinois EPA. The Illinois EPA is required to review a written request to list a DNP, and upon confirmation of the technical adequacy, publish the proposed listing of the DNP in the Environmental Register for a 45-day public comment period. Within 60 days after the close of the comment period, the Illinois EPA is required to publish a final listing in the Environmental Register.

The Groundwater Section of the Bureau of Water, at the Illinois EPA has completed the review required according to the criteria specified in Subsection 620.230(b)(1), and finds the petition to be technically adequate.

Elizabeth Lake Class III Special Resource Groundwater Final Listing Notice

The Illinois EPA requests a final listing of Elizabeth Lake, which is a DNP, and the area that contributes groundwater to the DNP, as Class III: Special Resource Groundwater. Elizabeth Lake is a wetland habitat located in northeast McHenry County, Illinois, about 2 miles east of Richmond. A variety of physical and chemical environments exist within this DNP. There are high quality pond, marsh graminoid bog, graminoid fen and calcareous floating mat communities represented. In addition to these wetland habitats, creek, sedge meadow and dry savanna habitats support over a dozen Illinois threatened and endangered species. The preserve is 218.7 acres, owned by the McHenry County Conservation District. It is found in Section 3 of Township 46 North, Range 8 East of the Third Principal Meridian. The GCA for the requested area is 2.8 square miles surrounding the preserve to the north and south, and extending further to the southeast. An adjusted surface watershed area and a composited GCA were combined to produce the final GCA.

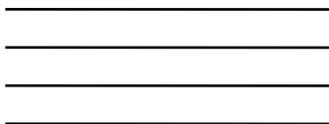
Under the authority of 35 Ill. Adm. Code 620.230, Class III: Special Resource Groundwater can be established for: groundwater that is demonstrably unique (e.g. irreplaceable sources of groundwater) and suitable for application of a water quality standard more stringent than the otherwise applicable water quality standard specified; groundwater that is vital for a particularly sensitive ecological system; or groundwater contributing to a DNP that has been listed by the Illinois EPA. The Illinois EPA is required to review a written request to list a DNP, and upon confirmation of the technical adequacy, publish the proposed listing of the DNP in the Environmental Register for a 45-day public comment period. Within 60 days after the close of the comment period, the Illinois EPA is required to publish a final listing in the Environmental Register.

The Groundwater Section of the Bureau of Water, at the Illinois EPA has completed the review required according to the criteria specified in Subsection 620.230(b)(1), and finds the petition to be technically adequate.

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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