
Environmental Register

December 2010 - Number 678

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

Board rulemaking activity during December occurred in several dockets and is summarized below. As always, information about these proceedings is available through the Clerk's Office Online (COOL) at our website at www.ipcb.state.il.us.

On December 8, 2010, the Illinois Environmental Protection Agency (IEPA) filed a rulemaking entitled Revision of Enhanced Vehicle Inspection and Maintenance (I/M) Regulations: Amendments to 35 Ill. Adm. Code Part 240 (R11-19). The proposal amends the current vehicle emission inspection and maintenance regulations by repealing various emissions test standards and updating definitions and incorporations. In an order dated December 16, 2010, the Board accepted the proposal for hearing. Hearings will take place on February 2, 2011, in Chicago and on February 23, 2010, in Edwardsville.

On December 16, 2010, the Board accepted an IEPA proposal for hearing entitled Triennial Review of Water Quality Standards for Boron, Fluoride and Manganese: Amendments to 35 Ill. Adm. Code 302.Subparts B, C, E, F and 303.312 (R11-18). The proposal amends the Board's water quality standard (WQS) rules for boron, fluoride and manganese. The proposal also includes various clean-up amendments and updates. The proposal was filed on December 2, 2010, by the IEPA.

On December 2, 2010, the Board accepted a proposal for hearing entitled Proposed Site-Specific NO_x Rule Amendment Applicable to Saint-Gobain Containers, Inc. at 34 Ill Adm. Code Section 217.152(b) (R11-17). Saint Gobain Containers filed this site specific proposal to amend recently-adopted NO_x regulations by changing the deadline to obtain a legally enforceable order qualifying for an alternative compliance date.

On December 16, 2010, the Board adopted regulations in Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions From Group II Consumer & Commercial Products: Propose Amendments to 35 Ill. Adm. Code 211, 218, and 219 (R10-8(A)). Group II Consumer & Commercial products include industrial cleaning solvents, flat wood paneling coatings, flexible packaging printing materials, lithographic printing materials, and letterpress printing materials. Subdocket A corrects a technical error in recently-adopted rules.

On December 16, 2010, the Board adopted a second-notice opinion and order in the docket entitled Ameren Ashpond Closure Rules (Hutsonville Power Station) Proposed: 35 Ill. Adm. Code 840.101 through 840.152 (R09-21). The rulemaking is based on a proposal by Ameren for site-specific rules to govern closure of an ashpond in Crawford County.

Details and current status of the rulemakings above can be found at our website (www.ipcb.state.il.us) as well as information on our contested case 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

Board Adopts Final Rules in Consolidated Identical in Substance Docket SDWA Update, USEPA Amendments (January 1, 20091 through June 30, 2010) R10-1/R10-17/R11-6

The Board, on December 2, 2010, adopted amendments to the Illinois regulations that are “identical in substance” to drinking water regulations adopted by the United States Environmental Protection Agency (USEPA). The amendments involved in this consolidated docket incorporate into the Illinois drinking regulations amendments in response to five USEPA actions during three identical-in-substance update periods of January 1, 2009 through June 30, 2009, July 1, 2009 through December 31, 2009, and January 1, 2010 through June 30, 2010. SDWA Update, USEPA Amendments (January 1, 2009 through June 30, 2010), R10-1/R10-17/R11-6 Dec. 2, 2010).

The Board stated it would file the final amendments with the Office of the Secretary of State no later than December 15, 2010, pursuant to the extension of the deadline adopted pursuant to Section 7.2(b) of the Act (415 ILCS 5/7.2(b) (2008)) by Board order of November 4, 2010.

The R10-1/R10-17/R11-6 docket includes amendments that USEPA adopted in the period January 1, 2009 through June 30, 2010. USEPA revised the federal drinking water regulations during this period as follows:

June 29, 2009 (74 Fed. Reg. 30953) USEPA adopted a minor correction to the Stage 2 Disinfection and Disinfectant By-Products Rule (Stage 2 DDBPR) and made a minor editorial change in the drinking water analytical methods. USEPA corrected an inadvertent error when it omitted requirements applicable to ground water system suppliers that serve between 500 and 9,999 persons. This error resulted in these entities monitoring for either total trihalomethanes (TTHM) or haloacetic acids (HAA5) at two locations. USEPA had intended that these suppliers monitor both TTHM and HAA5 at two locations. USEPA further added new analytical methods approved by the expedited approval process, removed references to obsolete methods, and specified a new source for the incorporated reference “Technical Notes on Drinking Water Methods.”

August 3, 2009 (74 Fed. Reg. 38348) USEPA used its authority to use a summary procedure to approve alternative testing methods for use in demonstrating compliance with the drinking water standards. USEPA determined that six new methods were equivalent to methods that it had earlier approved by rulemaking. The new methods include a gas chromatography-mass spectrometry (GC-MS) method for volatile organic compounds in finished water, one laser and two light emitting diode nephelometric methods for turbidity in drinking water, an automated colorimetric method for nitrite in drinking water, and a GC-MS method for cyanide in drinking water.

October 19, 2009 (74 Fed. Reg. 53590) USEPA adopted the ADWR as an NPDWR applicable to aircraft public water systems. The new rules apply to aircraft that are public water systems and which board water for public consumption, regulating them as transient non-community water systems. The rules include provisions for water quality monitoring and management, water-handling equipment maintenance, public notice, and reporting and recordkeeping requirements.

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November 10, 2009 (74 Fed. Reg. 57908) USEPA used its authority to employ a summary procedure to approve alternative testing methods for use in demonstrating compliance with the drinking water standards. USEPA determined that 25 new methods were equivalent to methods that it had earlier approved by rulemaking. The new drinking water methods include an on-line method for chlorine; an ion chromatography method for bromate; another ion chromatography method for bromate, dalapon, and haloacetic acids; an ultraviolet light absorbance test for total organic carbon; an updated version of the minimal medium ONPG-MUG method for *E. coli*; 14 updated versions of methods for inorganic contaminants from the American Society for Testing and Materials (ASTM); a light-emitting diode method for turbidity in water; an electrochemical sensor method for total and free chlorine; and a modified Colitag method for total coliform.

December 2, 2009 (74 Fed. Reg. 63069) USEPA made a minor correction in its November 10, 2009 summary approval of drinking water analytical methods.

June 8, 2010 (75 Fed. Reg. 32295) USEPA used its authority to employ a summary procedure to approve alternative testing methods for use in demonstrating compliance with the drinking water standards. USEPA determined that 12 new methods were equivalent to methods that it had earlier approved by rulemaking. The new drinking water methods include a new method for dalapon; methods used for demonstrating compliance with the radionuclide standards: radium-226, radium-228, uranium, radioactive cesium, radioactive iodine, gamma emitters, and tritium; methods for halogenated organic compounds to be used for demonstrating compliance with the disinfection by-products rule; and new methods for demonstrating compliance with the disinfection requirements.

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 Michael J. McCambridge at 312-814-6924 or email at mccambm@ipcb.state.il.us.

Board Adopts Final Procedural Rules in Revision of Mailing Address for Service of Documents Proposed Amendments to 35 Il. Adm. Code 101-304, R10-22

On December 2, 2010, the Board adopted as final rules amendments to the Board's procedural rules updating the mailing address for the Division for Chief of Environmental Enforcement at the Office of the Attorney General, and the Office of Legal Services at the Illinois Department of Natural Resources. The Illinois Attorney General's Office (AG), on June 2, 2010, filed the proposal which is docketed as In the Matter of: Revision of Mailing Address for Service of Documents Proposed Amendments to 35 Il. Adm. Code 101-304 (R10-22).

Under the amendments, the Office of the Attorney General must be served at:

Division Chief of Environmental Enforcement
Office of the Attorney General
100 West Randolph Street, Suite 1200
Chicago, IL 60601

And, the Illinois Department of Natural Resources must be served at:

Illinois Department of Natural Resources
One Natural Resources Way
Springfield, IL 62701-1787

The Board received no public comments in this proceeding.

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 tipsorm@ipcb.state.il.us.

Board Accepts for Hearing And Orders First Notice Publication of Proposed Site-Specific NO_x Rule Amendment Applicable to Saint-Gobain Containers, Inc. at 35 Ill. Adm. Code Section 217.152(b), R11-17

The Board, on December 2, 2010, accepted for hearing a petition for site-specific rulemaking seeking relief from nitrogen oxide NO_x air emission standard, which is docketed as In the Matter of: Proposed Site-Specific NO_x Rule Amendment Applicable to St.-Gobain Containers, Inc. at Ill. Adm. Code Section 217.152(b) (R11-17). Saint-Gobain Containers, Inc. (SGCI), on November 24, 2010 filed the petition for site specific rulemaking, along with a motion for expedited review. The Board denied SGCI's motion but directed the Clerk to publish first notice of the proposal in the *Illinois Register*, without commenting on its substantive merits. The Board also directed its hearing officer to avoid unnecessary delay in scheduling a hearing or otherwise completing the record.

SGCI owns and operates a glass manufacturing plant, including three glass melting furnaces, in Dolton, Cook County. Referring to the Board's air pollution regulations, SGCI states "Subpart G requires such glass melting furnaces located in ozone and PM_{2.5} nonattainment areas in Illinois to meet NO_x emissions limitation of 5.0 [pounds per ton] lb/ton of glass produced, by January 1, 2012." SGCI further states that the regulations include an alternative compliance date of December 31, 2014 for units "required to meet emissions limitations for NO_x, as measured using a continuous emissions monitoring system, and included within a legally enforceable order on or before December 31, 2009, whereby such emissions limitations are less than 30 percent of the emissions limitations set forth under Section 217.204."

SGCI indicates that it sought inclusion in the rule of this alternative December 31, 2014 compliance date "because of an agreement that was being negotiated between SGCI, the United States Environmental Protection Agency, the Illinois Attorney General's office, the Illinois Environmental Protection Agency and certain other states" at the time the Board was considering and promulgating Subpart G. SGCI suggests that, while the participants in the Board's rulemaking process anticipated the completion of an appropriate agreement by December 31, 2009, "the United States District Court for the Western District of Washington did not enter the Consent Decree meeting the requirements of 35 Ill. Adm. Code 217.152(b) until May 7, 2010. SGCI states that, in order for its Dolton plant to qualify for the December 31, 2014 compliance date, it proposes to amend Section 217.152(b) by changing the deadline for obtaining a legally enforceable order.

Hearing has been scheduled for Thursday, February 3, 2011, at 2:00 pm at James R. Thompson Center, Room 9-040, 100 W. Randolph Street, Chicago. Procedural details, including those for the pre-filing of testimony, are included in the hearing officer's December 10, 2010 order.

Opinions and orders of the Board and hearing officer, 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 Adopts Second Notice Proposal in In the Matter of: Ameren Ashpond Closure Rules (Hutsonville Power Station) Proposed: 35 Ill. Adm. Code 840.101 through 840.144, R09-21

The Pollution Control Board, on December 16, 2010, adopted a proposal for second-notice review by the Joint Committee on Administrative Rules (JCAR) in the site-specific rulemaking 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. There is no substantive change between the Board's second notice proposal and the first notice proposal adopted on October 7, 2010 and published at 34 Ill. Reg. 16188 on (Oct.22, 2010).

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Ameren Energy Generating Company (Ameren) filed the original site-specific rulemaking proposal on May 19, 2009. Ameren sought adoption of standards under which it could close Ash Pond D, a surface impoundment managing coal combustion waste at Ameren's Hutsonville Power Station located near Hutsonville in Crawford County. After the Illinois Environmental Protection Agency (IEPA) responded to that proposal by offering various revisions, Ameren and the IEPA, on September 22, 2009, submitted a joint rulemaking proposal. The Board held a public hearing on the joint proposal on October 29, 2009.

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 Technical Corrections to Recent Rules in 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(A).

On December 16, 2010, the Illinois Pollution Control Board adopted amendments to its air regulations addressing emission of volatile organic material (VOM). The rulemaking is docketed 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(A). This rulemaking resulted from an Illinois Environmental Protection Agency (IEPA) motion seeking to correct a technical error in recently-adopted rules based on an IEPA proposal. The Joint Committee on Administrative Rules (JCAR) on December 14, 2010, issued a Certificate of No Objection. The adopted rules become effective upon their filing with the Secretary of State.

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 Extends Completion Deadline for Identical in Substance Rules in RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2010 through June 30, 2010), R11-2

On December 16, 2010, as allowed by Section 7.2(b) of the Environmental Protection Act (415 ILCS 5/7.2(b) (2008), the Board extended the deadline for adoption in the identical-in-substance rulemaking docketed as In the Matter of: RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2010 through June 30, 2010) R11-02. The Board found that extension of the original January 8, 2011 deadline for completion is necessary, and set July 1, 2011 as the new completion date. As reasons for the extension, the Board cited delays in initiating development of a proposal for public comment in this matter. This was due to the delays in adopting the amendments in the prior RCRA Subtitle C update, RCRA Subtitle C Update, USEPA Amendments (July 1, 2008 through June 30, 2009), R09-16/R10-4 (cons.) (Oct. 7, 2010) (filed and effective on November 12, 2010), and the federal Safe Drinking Water Act update docket, SDWA Update, USEPA Amendments (January 1, 2009 through June 30, 2010), R10-1/R10-17/R11-6 (cons.) (Dec. 2, 2010) filed and effective Dec. 6, 2010).

The Board Accepts for Hearing on Triennial Review of Water Quality Standards for Boron, Fluoride and Manganese: Amendments to 35 Ill. Adm. Code 302.Subparts B, C, E, F and 303.312, R11-18

The Illinois Pollution Control Board (Board), on December 16, 2010, accepted for hearing a proposal to amend the Board's water quality standard (WQS) rules for boron, fluoride and manganese. The rulemaking proposal, docketed as In the Matter of: Triennial Review of Water Quality Standards for Boron, Fluoride and Manganese: Amendments to 35 Ill. Adm. Code 302.Subparts B, C, E, F and 303.312 (R11-18) also includes various other clean-up amendments and updates. The proposal was filed on December 2, 2010, by the Illinois Environmental Protection Agency (IEPA).

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The Board adopted the existing general use & Lake Michigan basin WQS for boron, fluoride, and manganese in 1972. The current standard for boron and manganese are 1.0 milligrams per liter (mg/l), and for fluoride is 1.4 mg/l.

Among other things, the IEPA proposes designating the existing general use WQS for boron and fluoride as “public and food processing” WQS, and proposes higher new general use WQS for these parameters. Additionally, the IEPA is proposing a new “public and food processing” WQS of 1.0 mg/l for manganese to replace the existing standard. No changes are proposed for the secondary contact and indigenous aquatic life use standards, which the Agency states it will address in Docket R08-9(B).

The IEPA states that the proposed amendments are a culmination of the “triennial review” of standards required by the Federal Water Pollution Control Act. The IEPA states that it worked with the United States Environmental Protection Agency and the Illinois Natural History Survey to develop the proposed new standards.

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 Kathleen Crowley at (312)-814-6929 or email at crowlek@ipcb.state.il.us.

The Board Accepts for Expedited Hearing and Decision IEPA Proposal for Revision of Enhanced Vehicle Emissions Inspection and Maintenance (I/M) Regulations: Amendments to 35 Ill. Adm. Code Part 240, R11-19

On December 16, 2010, the Illinois Pollution Control Board accepted for hearing a proposal to amend the vehicle emission inspection and maintenance regulations by repealing various emissions test standards and updating definitions and incorporations. On December 8, 2010, the Illinois Environmental Protection Agency (IEPA) filed the rulemaking, which is docketed as In the Matter of: Revision of Enhanced Vehicle Emissions Inspection and Maintenance (I/M) Regulations: Amendments to 35 Ill. Adm. Code Part 240, R11-19. The IEPA proposal was filed under Section 13C-20 of the Vehicle Emissions Inspection Law of 2005 (VEIL) (625 ILCS 5/13C-20 (2008)), which requires the Board is required to adopt rules with 120 days of receiving the proposal, i.e. on or before April 7, 2011. To expedite the proceedings, the Board directed the Clerk of the Board to publish the proposal in the *Illinois Register* for public comment.

The IEPA proposes to update the rules by deletion of obsolete standards, including repeal of the IM240 test emission standards, including corresponding definitions and references, and all pre-1996 test emission standard as a result of the exemption of 1995 and older vehicles from emissions testing in accordance with the VEIL of 2005. The vehicle inspection and maintenance program operates in the Chicago metropolitan area and the Metro-East St. Louis area, which are the two nonattainment areas in Illinois.

To enable the Board to comply with VEIL’s tight adoption schedule, a December 16, 2010 hearing officer order set two hearing dates as follows: February 2, 2011 at 1:00 pm at Illinois Pollution Control Board Videoconference Room, Room 11-512, James J. Thompson Center, 100 W. Randolph Street, Chicago; and February 23, 2011, at 9:00 AM at Madison County Administration Building, Room 208, 157 N. Main Street (parking at rear of building), Edwardsville.

The hearing officer order contains additional procedural details, concerning deadlines for the pre-filing of testimony.

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

Board Actions

December 2, 2010

Chicago, Illinois

Rulemakings

- | | | |
|--------------------------|---|------------------------|
| R 10-1 | <u>SDWA Update, USEPA Amendments (January 1, 2009 through June 30, 2009)</u> | 5-0
PWS |
| R10-7 | <u>SDWA Update, USEPA Amendments (July 1, 2009 through December 31, 2009)</u> | |
| R11-6
(cons.) | <u>SDWA Update, USEPA Amendments (January 1, through June 30, 2010)</u> – The Board adopted a final opinion and order in these “identical-in-substance” consolidated rulemakings which amends the Board’s drinking water regulations. | |
| R 10-22 | <u>In the Matter of: Revision of Mailing Address for Service of Documents: Proposed Amendment to 35 Ill. Adm. Code 101.304</u> – The Board adopted a final opinion and order in this rulemaking which amends the Board’s procedural rules. | 5-0
R
Procedural |
| R 11-17 | <u>In the Matter of: Proposed Site-Specific NOx Rule Amendment Applicable to Saint-Gobain Containers, Inc. at 34 Ill Adm. Code Section 217.152(b)</u> – The Board accepted for hearing petitioner’s November 24, 2010 proposal to amend the Board’s air pollution control regulations. The Board granted petitioner’s motion to waive requirement to submit 200 signatures but denied the motion for expedited consideration. | 5-0
Air |

Administrative Citations

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|-----------------|--|-----|
| AC 09-40 | <u>IEPA v. Thomas and Valerie Hill</u> – The Board entered a final opinion and order requiring respondents to pay hearing costs of the Illinois Environmental Protection Agency and the Board in the amount of \$488.55 and a civil penalty of \$3,000. This order follows the Board’s interim order of October 7, 2010, which found that this respondents had violated Sections 21(p) (1) and (7) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) and (7) (2008)). | 5-0 |
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AC 11-11 IEPA v. James and Patricia Quisenberry – The Board found that these Logan County respondent violated Sections 21(p)(1), 21(p)(3), and 55(k)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(3), 55(k)(1) (2008)), and ordered respondents to pay a civil penalty of \$4500. 5-0

Adjudicatory Cases

PCB 09-87 Dickerson Petroleum, Inc. v. IEPA 5-0

PCB 10-5 (cons.) Dickerson Petroleum, Inc. v. IEPA – The Board granted petitioner’s motion for authorization of payment of legal fees, and directed the Illinois Environmental Protection Agency to reimburse petitioner for \$52,343.00 in legal fees and \$676.29 costs for a total amount of \$53,019.29 from the Underground Storage Tank Fund as corrective action costs. UST Appeal

PCB 09-114 Peacock Oil Company v. IEPA – The Board granted this Cook County facility’s motion for voluntary dismissal of this underground storage tank appeal. 5-0
UST Appeal

PCB 10-9 People of the State of Illinois v. Waste Hauling Landfill, Inc., Jerry Camfield, A. E. Staley Manufacturing Co., Aramark Uniform Services, Inc., Bell Sports, Inc., Borden Chemical Co., Bridgestone/Firestone, Inc., Climate Control, Inc., Caterpillar, Inc., Combe Laboratories, Inc., General Electric Railcar Services Corporation, P & H Manufacturing, Inc. and Borg Warner, Inc. – The Board accepted complainant’s second amended complaint for hearing. 5-0
L-E

PCB 10-13 Jon Chualovsky v. Commonwealth Edison – The Board found that complainant’s complaint was frivolous. The Board directed complainant to file an amended complaint to cure deficiencies by January 3, 2011. 5-0
Citizens, N-E

PCB 10-32 Highland Baking Company v. IEPA – The Board granted this Cook County facility’s motion for voluntary dismissal of this permit appeal. 5-0
P-A, Air

PCB 11-1 William H. Leesman v. Cimco Recycling, Sterling and Cimco Resources, Inc. – The Board having previously found that complainant’s complaint was frivolous, dismissed this matter for his failure to file to an amended complaint to cure deficiencies. 5-0
Citizens, N-E

PCB 11-5 Mother Hubbard's Cupboard v. IEPA – The Board granted this Rock Island County facility’s motion for voluntary dismissal of this underground storage tank appeal. 5-0
UST Appeal

PCB 11-23 Hartney Trust - Stronghurst (Property ID No. 08-018-007-00) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Hartney Trust - 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 (2008)). 5-0
T-C, W

**December 16, 2010
Chicago, Illinois**

Rulemakings

R 09-21	<u>In the Matter of: Ameren Ashpond Closure Rules (Hutsonville Power Station)</u> Proposed: 35 Ill. Adm. Code 840.101 through 840.144 – The Board adopted a second notice opinion and order in this site-specific rulemaking proposal to amend the Board’s land pollution control regulations.	5-0 Land
R 10-8(A)	<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</u> – The Board adopted a final opinion and order in this rulemaking, which amends the Board’s air rules.	5-0 Air
R 11-2	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2010 through June 30, 2010)</u> – The Board extended the deadline for completion of this rulemaking from January 8, 2011 until July 1, 2011.	5-0 Land
R 11-18	<u>In the Matter of: Triennial Review of Water Quality Standards for Boron, Fluoride and Manganese: Amendments to 35 Ill. Adm. Code 302.Subparts B, C, E, F and 303.312</u> – The Board accepted for hearing petitioner’s December 2, 2010 proposal to amend the Board’s water pollution control regulations.	5-0 Water
R 11-19	<u>In the Matter of: Revision of Enhanced Vehicle Inspection and Maintenance (I/M) Regulations: Amendments to 35 Ill. Adm. Code Part 240</u> – The Board accepted for hearing petitioner’s December 16, 2010 proposal to amend the Board’s air pollution control regulations. Noting the April 7, 2011 statutory deadline for completing this rulemaking, the Board adopted an opinion and order for public comment and granted petitioner’s motion to file reduced copies.	5-0 Air

Administrative Citations

AC 10-18	<u>County of Perry v. Martin Vuichard</u> – The Board found that this Perry 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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Adjudicatory Cases

PCB 07-81	<u>People of the State of Illinois v. Durre Bros. Welding and Machine Shop, Inc.</u> – In this water enforcement action concerning a Woodford 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 \$5,000.00, and to cease and desist from further violations.	5-0 W-E
PCB 09-66	<u>Elmhurst Memorial Healthcare and Elmhurst Memorial Hospital v. Chevron U.S.A., Inc.</u> – The Board granted complainants’ motion to file an amended complaint and ordered the Clerk to amend the case heading as provided in	5-0 L-E, Citizens

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this order to reflect the parties named in this amended complaint. The Board denied respondents' motion for a determination that the amended formal complaint should not be set for hearing, found that the amended formal complaint is neither duplicative nor frivolous, and accepted complainants' amended complaint for hearing.

PCB 10-107	<u>People of the State of Illinois v. Rockford Sand and Gravel, Inc.</u> , – The Board granted respondent's motion for leave to file an amended answer and accepted the amended answer. The acceptance of the amended answer renders complainant's motion to strike affirmative defenses alleged in the original answer moot.	5-0 W-E
PCB 11-14	<u>People of the State of Illinois v. Waste Management of Illinois, Inc. and Cottonwood Hills Landfill</u> – In this land enforcement action concerning a St. Clair 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. Respondents agreed to undertake a supplemental environmental project with a settlement value of \$12,000, consisting of providing landfill disposal space to the People of the State of Illinois. The Board also ordered respondents to cease and desist from further violations.	5-0 L-E
PCB 11-24	<u>People of the State of Illinois v. U. S. Chrome Corporation of Illinois, Inc.</u> – The Board accepted for hearing this air enforcement action involving a site located in Boone County.	5-0 A-E
PCB 11-25	<u>Estate of Gerald D. Slightom v. IEPA</u> – The Board directed respondent to file an amended petition for review on or before January 17, 2011, or this action will be subject to dismissal.	5-0 UST Appeal
PCB 11-26	<u>People of the State of Illinois v. Lowell Null, d/b/a MAB Pallets</u> – The Board accepted for hearing this land enforcement action involving a site located in Boone County.	5-0 L-E
PCB 11-27	<u>People of the State of Illinois v. Sud Family Limited Partnership</u> – The Board accepted for hearing this water enforcement action involving a site located in Boone County.	5-0 W-E

New Cases

December 2, 2010 Board Meeting

11-23 Hartney Trust - Stronghurst (Property ID No. 08-018-007-00) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Hartney Trust - 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 (2008)).

December 16, 2010 Board Meeting

11-24 People of the State of Illinois v. U. S. Chrome Corporation of Illinois, Inc., – The Board accepted for hearing this air enforcement action involving a site located in Boone County.

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11-25 Estate of Gerald D. Slightom v. IEPA – The Board directed respondent to file an amended petition for review on or before January 17, 2011, or this action will be subject to dismissal.

11-26 People of the State of Illinois v. Lowell Null, d/b/a MAB Pallets – The Board accepted for hearing this land enforcement action involving a site located in Boone County.

11-27 People of the State of Illinois v. Sud Family Limited Partnership – The Board accepted for hearing this water enforcement action involving a site located in Boone County.

11-28 1st AYD Corporation v. S&S Automotive Inc. – No action taken.

AC 11-15 IEPA v. Paul Aureden – The Board accepted an administrative citation against this JoDaviess County respondent.

R11-18 In the Matter of: Triennial Review of Water Quality Standards for Boron, Fluoride and Manganese: Amendments to 35 Ill. Adm. Code 302.Subparts B, C, E, F and 303.312 – The Board accepted for hearing petitioner’s December 2, 2010 proposal to amend the Board’s water pollution control regulations.

R11-19 In the Matter of: Revision of Enhanced Vehicle Inspection and Maintenance (I/M) Regulations: Amendments to 35 Ill. Adm. Code Part 240 – The Board accepted for hearing petitioner’s December 16, 2010 proposal to amend the Board’s air pollution control regulations. Noting the April 7, 2011 statutory deadline for completing this rulemaking, the Board adopted an opinion and order for public comment and granted petitioner’s motion to file reduced copies.

Calendar

1/6/11 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
1/13/11 9:00 AM	PCB 11-10	<u>Veolia ES Zion Landfill, Inc. v. City Council of the City of Zion, Illinois</u>	County Administration Building 10 th Floor, Conference Room C 18 North County Street Waukegan
1/20/11 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
2/3/11 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
2/2/11 1:00 PM	R11-19	<u>In the Matter of: Revision of enhanced Vehicle Inspection and Maintenance (I/M) Regulations: Amendments to 35 Ill. Adm. Code Part 240</u>	Illinois Pollution Control Board Videoconference Room Room 11-512 James R. Thompson Center 100 W. Randolph Street Chicago
2/3/11 1:00 PM	R11-08	<u>In the Matter of: Regulatory Proposal for Nox Trading Program Sunset Provisions for Non-Electric Generation Units (“Non-EGU”): Amendments to 35 Ill. Adm. Code Part 217.Subpart U</u>	James R. Thompson Center Room 9-040100 West Randolph Street Chicago

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2/3/11 2:00 PM	R11-17	<u>In the Matter of: Proposed Site-Specific Nox Rule Amendment Applicable to Saint-Gobain Containers, Inc. at 35 Ill. Adm. Code Section 217.152(b)</u>	James R. Thompson Center Room 9-040100 West Randolph Street Chicago
2/17/11 11:00 am	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
2/23/11 9:00 AM	R11-19	<u>In the Matter of: Revision of enhanced Vehicle Inspection and Maintenance (I/M) Regulations: Amendments to 35 Ill. Adm. Code Part 240</u>	Madison County Administration Building, Room 208 157 N. Main Edwardsville
3/3/11 11:00 am	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
3/9/11 9:00 AM	R08-08(C)	<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> (Continues until complete or through March 10, 2011)	James R. Thompson Center Room 2-025 100 W. Randolph Chicago
3/17/11 11:00 am	Illinois Pollution Control Board Meeting		Videoconference Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago And 1021 N. Grand Avenue East Oliver Holmes Conference Room 2012 N Springfield
3/29/11 9:00 AM	R11-09	<u>In the Matter of: Tiered Approach to Corrective Action Objectives (TACO) (Indoor Inhalation): Amendments to 35 Ill. Adm. Code 742</u> (Continues until complete or through March 10, 2011)	IEPA Office Building North Entrance Sangamo Room 1000 E. Converse Springfield
4/7/11 11:00 am	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
4/21/11 11:00 am	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago

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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