
Environmental Register

March 2011 - Number 681

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

G. Tanner Girard, Acting Chairman

Board Members:

Thomas E. Johnson, Andrea S. Moore, Gary Blankenship, and Carrie Zalewski

Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601
(312) 814-3620
(312) 814-6032 TDD

Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
(217) 524-8500

Web Site: <http://www.ipcb.state.il.us>

Letter from the Chairman

The Board continued to make progress in several rulemaking dockets during meetings in March. In addition, the Board ruled on a highly contested landfill siting appeal for a landfill expansion proposed by Waste Management in DeKalb County. 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 March 3, 2011, the Board adopted amendments to the Board's administrative rules to clarify procedures for filing and decision deadlines in the event of an emergency shut-down of Board offices, or facilities housing Board activities. The rules also update copying fees to insure consistency with the Freedom of Information Act. That rulemaking is docketed as In the Matter of: Amendments to the Board's Administrative Rules 2 Ill. Adm. Code 2175 (R11-21).

On March 17, 2011, the Board accepted an Illinois Environmental Protection Agency (IEPA) proposal docketed as In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions From Group II and Group IV Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219 (R11-23). The proposal amends recently-promulgated regulations controlling emission of volatile organic material (VOM). The Board adopted the proposal for first-notice publication without comment on the merits of the proposal.

The Board accepted an Illinois Environmental Protection Agency proposal on March 17, 2011, to amend the Board's UST regulations docketed as Amendments Under P.A. 96-908 to Regulations of Underground Storage Tanks (UST) and Petroleum Leaking UST: 35 Ill. Adm. Code 731, 732, and 734 (R11-22). The first hearing begins May 10, 2011, in Springfield, and the second hearing begins June 16, 2011, in Chicago.

On March 17, 2011, the Board adopted amendments to the vehicle emission inspection program by repealing various emissions test standards and updating definitions and incorporations. The rulemaking was docketed as, Revision of Enhanced Vehicle Inspection and Maintenance (I/M) Regulations: Amendments to 35 Ill. Adm. Code Part 240 (R11-19).

The Board adopted a second-notice opinion and order on March 17, 2011, for a site-specific rule proposed by Saint-Gobain in Proposed Site-Specific NOx Rule Amendment Applicable to Saint-Gobain Containers, Inc. at 35 Ill Adm. Code Section 217.152(b)(R11-17). The rule would apply to Saint-Gobain's glass-manufacturing facility located in Dolton, Cook County.

Finally, on March 17, 2011, in Stop The Mega-Dump v. County Board of DeKalb County, Illinois and Waste Management, of Illinois Inc. (PCB 10-103), the Board adopted an opinion and order affirming a May 10, 2010 decision of the DeKalb County Board allowing vertical and horizontal expansion of a landfill in DeKalb County owned by Waste Management. A group known as Stop the Mega-Dump sought review of the County's decision to allow Waste Management to expand the landfill. In a separate petition, Waste Management challenged one condition imposed by the County in PCB 10-104, Waste Management of Illinois, Inc. v. DeKalb County Board, and that petition is still pending. You can read details of this case, and the rulemakings described above, on the Board's website at www.ipcb.state.il.us.



Sincerely,

A handwritten signature in cursive script that reads "G. Tanner Girard".

Dr. G. Tanner Girard

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Rulemaking Update

Board Amends Administrative Rules at 2 Ill. Adm. Code 2175 to Add Emergency Filing Procedures and Update Copying Fees, R11-21

The Board, on March 3, 2011, adopted amendments to the administrative rules at 2 Ill. Adm. Code 2175 to provide for responses to emergency shut-downs of Board offices, or facilities housing Board activities. The rules also update copying fees to insure consistency with the Freedom of Information Act (5 ILCS 140/6 (2008)). The rulemaking is docketed as In the Matter of: Amendments to the Board’s Administrative Rules 2 Ill. Adm. Code 2175, R11-21, (Mar. 3, 2011).

Under the emergency procedures for filings, all non-statutory filing deadlines will be automatically extended until the next business day while statutory filing deadlines must be met by following the rules at 35 Ill. Adm. Code 101.Subpart C. Under the emergency procedures for hearings, hearings scheduled for the day of the emergency closure, will be held on the next business day and may be continued on the record to a date certain. The Board, when possible, will place notices on the Board’s website of any emergency closures and the date of any continued hearings.

The Board also amended fees charged for copies provided to the public to reflect a fee structure consistent with the Freedom of Information Act (FOIA), 5 ILCS 140/6 (2008). When reasonably practicable, the Board may provide materials electronically in the form of a compact disk, or other appropriate portable electronic storage device.

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 from the Clerk’s office upon payment of reproduction fees as prescribed by Section 6 of the Freedom of Information Act [5 ILCS 140/6]. Requests for hard copies may be made to the following address: 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 tipdorm@ipcb.state.il.us.

Board Dismisses Docket for Electronic Filing Rules, R04-08

On March 3, 2011, the Board dismissed an outdated 2003 rulemaking proposal to amend its procedural rules to establish detailed requirements for person who wish to file documents electronically with the Clerk’s Office On-Line or “COOL.” In the Matter of: Amendments to the Board’s Procedural Rules: 35 Ill. Adm. Code 101-130, R04-08 (Mar. 3, 2011). The Board will further address electronic filing requirements in a new rulemaking docket when its resources allow. In the meantime, those considering making electronic filings with the Board should continue to contact the Clerk’s Office for information and assistance.

Board Adopts Second-Notice Amendments In the Matter of: Proposed Site-Specific NO_x Rule Amendment Applicable to Saint Gobain Containers, Inc. at 35 Ill. Adm. Code 217.152(b), R 11-17

On March 17, 2011, the Board adopted proposed for second-notice review by the Joint Committee on Administrative Rules (JCAR) a site-specific amendment to Part 217 of its air pollution regulations, which address nitrogen oxides (NO_x) emissions. In the Matter of: Proposed Site-Specific NO_x Rule Amendment Applicable to Saint-Gobain Containers, Inc. at 35 Ill. Adm. Code 217.152(b), R11-17 (Mar. 17, 2011). On December 2, 2010, the Board submitted the proposal to first-notice publication in the *Illinois Register* without commenting on its substantive merits. *See* 34 Ill. Reg. 19830-39 (Dec. 27, 2010). The Board found that the record supports proceeding to second-notice without substantive amendment of the original proposal.

Saint-Gobain Containers, Inc. (SGCI), on November 24, 2010 filed the petition for site specific rulemaking for its emissions of nitrogen oxides (NO_x) and particulate matter measuring 2.5 microns (PM_{2.5}). SGCI proposed to extend the date by which a facility must obtain a legally enforceable order incorporating specified emission limitations and monitoring requirements in order to qualify for an alternative compliance deadline.

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 [of 35 Ill. Adm. Code Part 217] requires such glass melting furnaces located in ozone and [fine particulate matter known as] 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."

SCGI 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. Consequently, SCCI proposed to amend the rule to include its compliance order.

A hearing was convened on February 3, 2011, however because of severe winter weather the hearing was continued on the record to Thursday, February 17, 2011, and completed on that date.

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 from the Clerk's office upon payment of reproduction fees as prescribed by Section 6 of the Freedom of Information Act [5 ILCS 140/6].

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

The Board Timely Adopts Amendments to the Enhanced Vehicle Emissions Inspection and Maintenance Regulations, R11-19

On March 17, 2011, the Illinois Pollution Control Board adopted amendments to the vehicle emission inspection and maintenance (I/M) regulations by repealing various emissions test standards and updating definitions and incorporations. 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 (Mar. 17, 2011). On December 8, 2010, the Illinois Environmental Protection Agency (IEPA) filed the rulemaking, to meet requirements of Section 20 of the Vehicle Emissions Inspection Law of 2005 (VEIL of 2005). 625 ILCS 5/13C-20 (2008). VEIL of 2005 established procedures for expedited rulemaking, and required Board final action by April 7, 2011.

The IEPA proposed to amend the inspection program by repealing various emissions test standards, exempting vehicles from model year 1996 and earlier, and updating definitions and incorporations. The vehicle inspection and maintenance program operates in the Chicago metropolitan area and the Metro-East St. Louis area, which are the

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two nonattainment areas in Illinois. The proposed IEPA amendments mirror rule changes adopted by the United States Environmental Protection Agency.

The Board conducted two public hearings on the proposal; one in Chicago and one in Edwardsville. The proposal was published in the *Illinois Register* for public comment. See 35 Ill. Reg. 129-68 (Jan. 3, 2011).

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 from the Clerk's office upon payment of reproduction fees as prescribed by Section 6 of the Freedom of Information Act [5 ILCS 140/6].

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

The Board Accepts Proposal to Amend Underground Storage Tank Regulations As Required by P.A.96-908, R 11-22

On March 17, 2011, the Board accepted for hearing a proposal to amend the Board's underground storage tank (UST) regulations. In the Matter of: Underground Storage Tanks (35 Ill. Adm. Code 731) and Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 732 and 734), R11-22 (Mar. 17, 2011). On February 18, 2011, the Illinois Environmental Protection Agency (IEPA) filed the proposal, pursuant to Public Act 96-908 (P.A. 96-908), which was signed into law and became effective on June 8, 2010.

The IEPA states that P.A. 96-908 amended and added provisions to Title XVI of the Environmental Protection Act (ACT), which addresses USTs. The IEPA states that it seeks to update Part 731 "to clarify the application of Part 734 to owners and operators subject to Title XVI . . ." The IEPA proposes repealing Part 732 "because it no longer has any application after the enactment of P.A. 96-908." The IEPA also seeks to amend Part 734 to reflect statutory amendments adopted in P.A. 96-908.

The Board directed the hearing officer to schedule and proceed to hearing. After conducting hearings on this proposal, the Board will determine whether to proceed to first notice.

In a March 17, 2011 order, the hearing officer set the following hearing dates:

May 10, 2011, at 1:00 pm at Illinois Pollution Control Board Conference Room, First Floor, 1021 N. Grand Avenue East (North Entrance), Springfield, IL, and

June 16, 2011 at 1:00 pm at Illinois Pollution Control Board Videoconference Room, 11-512, 100 W. Randolph St., Chicago, IL.

Hearings may be continued day-to-day if necessary to complete scheduled business. The hearing officer order also contained various procedural details, including deadlines for the pre-filing of testimony.

Public comments must be filed with the Clerk of the Board. The docket number for this rulemaking, R11-22, should be indicated on the public comment. 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 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 from the Clerk's office upon payment of reproduction fees as prescribed by Section 6 of the Freedom of Information Act [5 ILCS 140/6].

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

Board Accepts for Hearing and Authorizes First-Notice Publication of Proposed Fast-Track Amendments to the Volatile Organic Material Emissions Control Regulations, R11-23

On March 17, 2011, the Illinois Pollution Control Board accepted for hearing and adopted for first notice publication the rulemaking proposal docketed as In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions From Group II and Group IV Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219, R11-23 (Mar. 17, 2011). The Illinois Environmental Protection (IEPA) filed this rulemaking on March 7, 2011 pursuant to the “fast-track” rulemaking provisions at Section 28.5 of the Environmental Protection Act (Act), 415 ILCS. 5/28.5 (2008).

The IEPA proposes amending recently-promulgated regulations controlling the emission of volatile organic material (VOM) from the following Group II and Group IV Consumer and Commercial Product Categories: industrial cleaning solvents, flat wood paneling coatings, flexible packaging printing materials, lithographic printing materials, letter press printing materials, miscellaneous metal and plastic parts coatings, automobile and light-duty truck coatings, miscellaneous industrial adhesives, and fiberglass boat manufacturing materials. The IEPA proposes amendments to these regulations in response to comments by the United States Environmental Protection Agency.

Under Section 28.5, the Board is required to proceed toward adoption of the regulation by following strict 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 a March 17, 2011 order, the hearing officer set the following hearing dates, consistent with Section 28.5 time constraints:

FIRST HEARING: April 27, 2011 at 9:00 am, Room 9-034, 100 W. Randolph St., Chicago, IL;

SECOND HEARING May 18, 2011 at 9:00 am in Room 9-039 (in Room 9-040 on May 19), 100 W. Randolph St., Chicago, IL; and

THIRD HEARING (if necessary): June 1, 2011 at 9:00 am, Room 9-039, 100 W. Randolph St., Chicago, IL

Hearings may be continued day-to-day if necessary to complete scheduled business. The hearing officer order also contained various procedural details, including 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 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 from the Clerk’s office upon payment of reproduction fees as prescribed by Section 6 of the Freedom of Information Act [5 ILCS 140/6].

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

Board Actions

March 3, 2011
Chicago, Illinois

Rulemakings

- | | | |
|----------------|---|--------------|
| R 04-8 | <u>In the Matter of: Amendments to the Board's Procedural Rules to Accommodate Electronic Filing: 35 Ill. Adm. Code 101-130</u>
– The Board dismissed this rulemaking proposal and closed the docket. | 5-0
Other |
| R 11-21 | <u>In the Matter of: Amendments to the Board's Administrative Rules to 2 Ill. Adm. Code 2175</u> – The Board adopted a final opinion and order in this rulemaking, which amends the Board's administrative rules. | 5-0
Admin |

Administrative Citations

- | | | |
|-----------------|--|-----|
| AC 09-55 | <u>IEPA v. Jason D. & Angela R. Marrs d/b/a Marrs Hauling Landscaping & More</u> – The Board entered an interim opinion and order finding respondents violated Sections 21(p) (1) and (p) (7) of the Illinois Environmental Protection Act (415 ILCS 5/21(p) (1), (p) (7) (2008)) and assessing a penalty of \$3,000. The Board ordered the Clerk of the Board and the Illinois Environmental Protection Agency to file by April 4, 2011, a statement of hearing costs, supported by affidavit, with service on respondent. Respondents may respond to the cost statement within 21 days of service. | 5-0 |
| AC 10-23 | <u>IEPA v. John J. and Kathy D. Still</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Brown County facility, the Board found that respondents had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2008)) and ordered respondents to pay a civil penalty of \$1,500. The Board also granted the parties' joint motion to dismiss respondents' petition for review. To effectuate the parties' intent that respondent pay a total civil penalty of \$1,500, the Board on its own motion, dismissed the alleged violations of Section 21(p)(7) of the Act. | 5-0 |
| AC 11-19 | <u>IEPA v. Timothy Crouch</u> – The Board found that this Livingston County respondent violated Section 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 |

Adjudicatory Cases

- | | | |
|------------------|---|------------|
| PCB 03-21 | <u>Clean The Uniform Company - Highland v. Aramark Uniform & Career Apparel, Inc.</u> – The Board granted complainant's motions for voluntary dismissal of this citizen, closing the docket. | 5-0
W-E |
| PCB 09-35 | <u>People of the State of Illinois v. Alan Durkee, d/b/a Alan Durkee Swine Farm</u>
– The Board directed that complainant file an appropriate filing to reconcile the inconsistency between the complaint and the stipulation. | 5-0
W-E |
| PCB 10-89 | <u>People of the State of Illinois v. Weitz Industrial, LLC</u> – In this water | 5-0 |

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	enforcement action concerning a Stephenson 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 \$13,900.00, and to cease and desist from further violations.	W-E
PCB 10-102	<u>People of the State of Illinois v. City of Charleston</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 Coles County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 11-3	<u>People of the State of Illinois v. Alden Management Services, Inc., and Alden Long Grove Rehabilitation and Health Care Center, Inc.</u> , – In this water 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)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$40,000.00, and to cease and desist from further violations.	5-0 W-E
PCB 11-45	<u>People of the State of Illinois v. Columbus Foods Company, Inc.</u> , – The Board accepted for hearing this land enforcement action involving a site located in Cook County.	5-0 L-E
PCB 11-46	<u>Prime Pork Holdings, LLC - Kingston v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Prime Pork Holdings, LLC - Kingston 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
PCB 11-47	<u>Smith Agri Service - Barry v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Smith Agri Service - Barry located in Pike 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 11-48	<u>Jakob Bros. Farms, Inc. - Sterling v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Jakob Bros. Farms, Inc. - Sterling 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 11-49	<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 - Altona 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 11-50	<u>People of the State of Illinois v. The City of Morris and Community Landfill Company Inc.</u> , – The Board accepted for hearing this land enforcement action involving a site located in Grundy County.	5-0 L-E

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PCB 11-51	<u>Evergreen FS, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Livingston County facility.	5-0 UST Appeal
PCB 11-52	<u>People of the State of Illinois v. Windsor Lake Partnerships, James Durkee and Sandy Sokolick</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 Winnebago County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 11-53	<u>People of the State of Illinois v. Village of Spring Grove</u> – The Board accepted for hearing this water enforcement action involving a site located in McHenry County.	5-0 W-E
PCB 11-54	<u>People of the State of Illinois v. Stewart Spreading, Inc.</u> , – The Board accepted for hearing this air and water enforcement action involving a site located in Kendall County.	5-0 A,W-E
PCB 11-55	<u>People of the State of Illinois v. American Excavating & Septic Services, Inc. and CBS Leasing, L.L.C.</u> – The Board accepted for hearing this water enforcement action involving a site located in Jo Daviess County.	5-0 W-E

March 17, 2011

Via Video Conference

Springfield and Chicago, Illinois

Rulemakings

R 11-17	<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> – The Board adopted a second notice opinion and order in this site-specific rulemaking proposal to amend the Board’s air pollution control regulations.	5-0 Air
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 adopted a final opinion and order in this rulemaking, which amends the Board’s air rules.	5-0 Air
R 11-22	<u>In the Matter of: Underground Storage Tanks (35 Ill. Adm. Code 731) and Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 732 and 734)</u> – The Board accepted for hearing the Illinois Environmental Protection Agency’s February 18, 2011 proposal to amend the Board’s land pollution control regulations.	5-0 Land

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R 11-23 In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group II and Group IV Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm Code 211, 218, and 219 – The Board accepted for hearing the Illinois Environmental Protection Agency’s March 7, 2011 proposal to amend the Board’s air pollution control regulations. The Board adopted a first notice opinion and order and granted petitioner’s motion for waiver of copy requirement. 5-0
Air

Adjusted Standard

AS 11-1 In the Matter of: Petition of Greif Packaging, LLC for an Adjusted Standard from 35 Ill. Adm. Code Part 218, Subpart TT – The Board accepted for hearing petitioner’s petition for an adjusted standard petition for its fiber drum manufacturing facility located in Naperville, Du Page County and directed the Illinois Environmental Protection Agency to file its recommendation. 5-0
Air

Administrative Citations

AC 11-18 IEPA v. John and Debra Watson – The Board directed respondents to file an amended petition for review on or before April 18, 2011 to cure deficiencies. 5-0

Adjudicatory Cases

PCB 08-7 People of the State of Illinois, v. Union Pacific Railroad Company, a Delaware Corporation – 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 Cook County facility, the Board ordered publication of the required newspaper notice. 5-0
W-E

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 – Upon receipt of individual proposed settlement agreements and an agreed motions to request relief from the hearing requirement in this land and cost recovery enforcement action involving a Macon County facility as to the following only; Aramark Uniform & Career Apparel, LLC, Bell Sports, Inc., Caterpillar, Inc., General Electronic Railcar Services Corporation and P & H Manufacturing, Inc.; the Board ordered publication of the required newspaper notice. 5-0
L-E

PCB 10-103 Stop The Mega-Dump v. County Board of DeKalb County, Illinois and Waste Management, of Illinois Inc. – The Board affirmed the May 10, 2010 decision of the County Board of DeKalb County granting approval, subject to conditions, of Waste Management’s application for site location suitability for the expansion of the DeKalb County Landfill. 5-0
P-C-F-S-R

PCB 10-108 People of the State of Illinois v. William Charles Real Estate Investment, L.L.C., – The Board denied the complainant’s motion to strike the affirmative defense. 5-0
W-E

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PCB 11-28	<u>1st AYD Corporation v. S&S Automotive Inc.</u> – The Board granted complainant’s motions for voluntary dismissal of this citizen enforcement action, closing the docket.	5-0 A-E, Citizens
PCB 11-56	<u>Green Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Bond County facility.	5-0 UST Appeal
PCB 11-57	<u>SCF Development, LLC</u> – The Board accepted for hearing this permit appeal involving a St. Clair County facility.	5-0 P-A, Air
PCB 11-58	<u>People of the State of Illinois v. Zachary Isaac d/b/a Nu Shine Car Wash and Samuel Johnson</u> – The Board accepted for hearing this water enforcement action involving a site located in McHenry County.	5-0 W-E
PCB 11-59	<u>Freedom Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a DeWitt County facility.	5-0 UST Appeal

New Cases

March 3, 2011 Board Meeting

11-45 People of the State of Illinois v. Columbus Foods Company, Inc., – The Board accepted for hearing this land enforcement action involving a site located in Cook County.

11-46 Prime Pork Holdings, LLC - Kingston v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Prime Pork Holdings, LLC - Kingston 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)).

11-47 Smith Agri Service - Barry v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Smith Agri Service - Barry located in Pike County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2008)).

11- Jakob Bros. Farms, Inc. - Sterling v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Jakob Bros. Farms, Inc. - Sterling 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)).

11-49 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 - Altona 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)).

11-50 People of the State of Illinois v. The City of Morris and Community Landfill Company Inc. – The Board accepted for hearing this land enforcement action involving a site located in Grundy County.

11-51 Evergreen FS, Inc. v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Livingston County facility.

11-52 People of the State of Illinois v. Windsor Lake Partnerships, James Durkee and Sandy Sokolick – 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 Winnebago County facility, the Board ordered publication of the required newspaper notice.

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11-53 People of the State of Illinois v. Village of Spring Grove – The Board accepted for hearing this water enforcement action involving a site located in McHenry County.

11-54 People of the State of Illinois v. Stewart Spreading, Inc., – The Board accepted for hearing this air and water enforcement action involving a site located in Kendall County.

11-55 People of the State of Illinois v. American Excavating & Septic Services, Inc. and CBS Leasing, L.L.C. – The Board accepted for hearing this water enforcement action involving a site located in Jo Daviess County.

R11-22 In the Matter of: Underground Storage Tanks (35 Ill. Adm. Code 731) and Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 732 and 734) – No action taken.

March 17, 2011 Board Meeting

11-56 Green Oil Company v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Bond County facility.

11-57 SCF Development, LLC – The Board accepted for hearing this permit appeal involving a St. Clair County facility.

11-58 People of the State of Illinois v. Zachary Isaac d/b/a Nu Shine Car Wash and Samuel Johnson – The Board accepted for hearing this water enforcement action involving a site located in McHenry County.

11-59 Freedom Oil Company v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a DeWitt County facility.

AC 11-20 IEPA v. Richard Page – The Board accepted an administrative citation against this Platt County respondent.

AC 11-21 IEPA v. Christopher and Cora Kessinger – The Board accepted an administrative citation against these Greene County respondents.

R 11-23 In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group II and Group IV Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm Code 211, 218, and 219 – The Board accepted for hearing the Illinois Environmental Protection Agency’s March 7, 2011 proposal to amend the Board’s air pollution control regulations. The Board adopted a first notice opinion and order and granted petitioner’s motion for waiver of copy requirement.

Calendar

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
4/27/11 9:00 AM	R11-23	<p><u>In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions From Group II and Group IV Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219</u></p> <p>(Continues until complete or through April 28, 2011)</p> <p>James R. Thompson Center Room 9-34 100 W. Randolph Street Chicago</p>

Environmental Register – March 2011

<p>5/5/11 11:00 AM</p>	<p>Illinois Pollution Control Board Meeting</p>		<p>James R. Thompson Center 100 W. Randolph Street Chicago</p>
<p>5/10/11 1:00 PM</p>	<p>R11-22</p>	<p><u>In the Matter of: Amendments Under P.A. 96-908 to Regulations of Underground Storage Tanks (UST) and Petroleum Leaking UST: 35 Ill. Adm. Code 731, 732, and 734</u> (Continues until complete or through May 11, 2011)</p>	<p>Illinois Pollution Control Board Conference Room First Floor 1021 N. Grand Avenue East (North Entrance Springfield</p>
<p>5/16/11 9:00 AM</p>	<p>R08-09(C)</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</u> (Continues until complete or through May 18, 2011)</p>	<p>James R. Thompson Center Room 2-025 100 W. Randolph Street Chicago</p>
<p>5/18/11 9:00 AM</p>	<p>R11-23</p>	<p><u>In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions From Group II and Group IV Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219</u></p>	<p>James R. Thompson Center Room 9-039 100 W. Randolph Street Chicago</p>
<p>5/19/11 9:00 AM</p>	<p>R11-23</p>	<p><u>In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions From Group II and Group IV Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219</u></p>	<p>James R. Thompson Center Room 9-040 100 W. Randolph Street Chicago</p>
<p>5/19/11 11:00 AM</p>	<p>Illinois Pollution Control Board Meeting</p>		<p>James R. Thompson Center 100 W. Randolph Street Chicago</p>
<p>5/24/11 9:00 AM</p>	<p>R11-09</p>	<p><u>In the Matter of: Tiered Approach to Corrective Action Objectives (TACO) (Indoor Inhalation): Amendments to 35 Ill. Adm. Code 742</u></p>	<p>James R. Thompson Center Room 2-025 100 W. Randolph Chicago</p>
<p>5/25/11 9:00 AM</p>	<p>R11-09</p>	<p><u>In the Matter of: Tiered Approach to Corrective Action Objectives (TACO) (Indoor Inhalation): Amendments to 35 Ill. Adm. Code 742</u></p>	<p>James R. Thompson Center Room 9-040 100 W. Randolph Chicago</p>

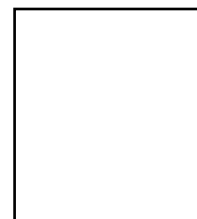
Environmental Register – March 2011

<p>6/1/11 9:00 AM</p>	<p>R11-23</p>	<p><u>In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions From Group II and Group IV Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219</u></p> <p>(Continues until complete or through June 2, 2011)</p>	<p>James R. Thompson Center Room 9-039 100 W. Randolph Street Chicago</p>
<p>6/2/11 11:00 AM</p>	<p>Illinois Pollution Control Board Meeting</p>		<p>James R. Thompson Center 100 W. Randolph Street Chicago</p>
<p>6/16/11 1:00 PM</p>	<p><u>R11-22</u></p>	<p><u>In the Matter of: Amendments Under P.A. 96-908 to Regulations of Underground Storage Tanks (UST) and Petroleum Leaking UST: 35 Ill. Adm. Code 731, 732, and 734</u></p> <p>(Continues until complete or through June 17, 2011)</p>	<p>Illinois Pollution Control Board Videoconference Room 11-512 100 W. Randolph Street Chicago</p>
<p>6/16/11 11:00 AM</p>	<p>Illinois Pollution Control Board Meeting</p>		<p>James R. Thompson Center 100 W. Randolph Street 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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Illinois Pollution Control Board
Environmental Register Coordinator
1021 N. Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274