
Environmental Register

June 2011 - Number 684

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

As you can see below, the Board was busy in June. You can review the proceedings through the Clerk's Office Online (COOL) at our Web site (www.ipcb.state.il.us).

On June 2, 2011, the Board in R08-9(A), Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River (LDPR): Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304, adopted a proposed second-notice opinion and order and set a deadline of June 10, 2011, to file comments on the proposal. On June 16, 2011, the Board adopted a second-notice opinion and order in R08-9(A) proposing four recreation use designations for the CAWS and LDPR: Primary Contact Recreation, Incidental Contact Recreation, Non-contact Recreation, and Non-Recreation.



Primary Contact Recreation will be used to designate those segments capable of attaining the Clean Water Act goal of "swimmable" in the foreseeable future. Six segments of the CAWS were designated for Primary Contact Recreation use: 1) Lower North Shore Channel from North Side Water Reclamation Plant to confluence with North Branch Chicago River; 2) North Branch Chicago River from its confluence with North Shore Channel to its confluence with South Branch Chicago River and Chicago River; 3) Chicago River; 4) South Branch Chicago River; 5) Little Calumet River from its confluence with Calumet River and Grand Calumet River to its confluence with Calumet-Sag Channel; and 6) Calumet-Sag Channel.

Segments of the CAWS and LDPR proposed for Incidental Contact Recreation are: 1) Upper North Shore Channel from Wilmette Pumping Station to North Side Water Reclamation Plant; 2) South Fork of the South Branch Chicago River; 3) Chicago Sanitary and Ship Canal from its confluence with South Branch Chicago River to its confluence with Calumet-Sag Channel; 4) Calumet River from Torrence Avenue to its confluence with Grand Calumet River and Little Calumet River; 5) Lake Calumet and Lake Calumet Connecting Channel; 6) Grand Calumet River; and 7) Lower Des Plaines River from the Brandon Road Lock and Dam to the Interstate 55 bridge.

The final three segments of the CAWS and LDPR that at first notice were designated for Non-contact Recreation or Non-recreation remain the same for second notice. The Non-contact Recreation use designation is proposed for Calumet River from Lake Michigan to Torrence Avenue. The Non-recreation use designation is proposed for: 1) Chicago Sanitary and Ship Canal from its confluence with the Calumet-Sag Channel to its confluence with Des Plaines River; and 2) Lower Des Plaines River from its confluence with Chicago Sanitary and Ship Canal to the Brandon Road Lock and Dam.

There was action in several other rulemaking dockets on June 16, 2011. The Board adopted a final opinion and order in the subdocket R10-9, that amended financial assurance requirements for non-hazardous landfills and adopted a first notice opinion and order in R10-9(A) to address concerns raised at second notice about the amendments to the financial assurance rules in the main docket R10-9. The Board adopted a second-notice opinion and order in the "fast-track" rulemaking R11-23 to amend Reasonably Available Control Technology rules for Volatile Organic Material Emissions from Group II and Group IV Consumer & Commercial Products and the Board opened a subdocket (A) in R11-23(A) to consider a proposed amendment that had not been submitted to first-notice publication. Finally, the Board held hearing in Chicago on June 16, 2011 in R11-22 to amend rules governing Underground Storage Tanks and Petroleum Leaking UST's.

Please visit our website (www.ipcb.state.il.us) for more information on the rulemakings described above, as well as information on our docket of contested cases.

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 for Second Notice Rules to Establish the Recreational Use Designations for the Chicago Area Waterway System, R08-9(A)

The Board, on June 16, 2011, adopted a second notice opinion and order for review by the Joint Committee on Administrative Rules (JCAR) in a rulemaking to establish recreational use designations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River (LDPR). In the Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System and Lower Des Plaines River Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303, and 304, R08-09(A) (June 16, 2011). The Board's proposal is based on a 2007 proposal by the Illinois Environmental Protection Agency.

At its June 2, 2011 meeting, the Board had issued a proposed second notice order for public comment to be received no later than June 10, 2011. (Once the Board transmits a second notice proposal to JCAR, the Administrative Procedure Act (5 ILCS 100/5 et seq.) provides that the only changes the Board can make in those proposed rules are those requested by JCAR). After considering the public comments received on the proposed second notice, on June 16, 2011 the Board then adopted a second notice opinion and order for transmission to JCAR.

The Board is proposing four categories of recreational use designation for the CAWS and the LDPR: Primary Contact Recreation, Incidental Contact Recreation, Non-contact Recreation, and Non Recreation.

Segments of the CAWS proposed for Primary Contact Recreation are: 1) Lower North Shore Channel from North Side Water Reclamation Plant to confluence with North Branch Chicago River; 2) North Branch Chicago River from its confluence with North Shore Channel to its confluence with South Branch Chicago River and Chicago River; 3) Chicago River; 4) South Branch Chicago River; 5) Little Calumet River from its confluence with Calumet River and Grand Calumet River to its confluence with Calumet-Sag Channel; and 6) Calumet-Sag Channel.

Segments of the CAWS and LDPR proposed for Incidental Contact Recreation are: 1) Upper North Shore Channel from Wilmette Pumping Station to North Side Water Reclamation Plant; 2) South Fork of the South Branch Chicago River; 3) Chicago Sanitary and Ship Canal from its confluence with South Branch Chicago River to its confluence with Calumet-Sag Channel; 4) Calumet River from Torrence Avenue to its confluence with Grand Calumet River and Little Calumet River; 5) Lake Calumet and Lake Calumet Connecting Channel; 6) Grand Calumet River; and 7) Lower Des Plaines River from the Brandon Road Lock and Dam to the Interstate 55 bridge.

The final three segments of the CAWS and LDPR that at first notice were designated for Non-contact Recreation or Non-recreation remain the same for second notice. The Non-contact Recreation use designation is proposed for Calumet River from Lake Michigan to Torrence Avenue. The Non-recreation use designation is proposed for: 1) Chicago Sanitary and Ship Canal from its confluence with the Calumet-Sag Channel to its confluence with Des Plaines River; and 2) Lower Des Plaines River from its confluence with Chicago Sanitary and Ship Canal to the Brandon Road Lock and Dam.

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 Marie Tipsord at (312)-814-4925 or email at tipsorm@ipcb.state.il.us.

Board Proposes for Public Comment Amendments to Update Illinois' Hazardous Waste Regulations, R11-2/R11-16 (cons.)

On June 2, 2011, the Board proposed for public comment amendments to Illinois' hazardous waste regulations to include amendments adopted by the United States Environmental Protection Agency (USEPA) during the calendar year 2010. The consolidated rulemaking is docketed as In the Matter of RCRA Subtitle C Update USEPA Amendments (January 1, 2010 through December 31, 2010) (R11-2/ R11-16(cons.)). The Board also again extended the deadline for completion of rulemaking activities, until October 17, 2011.

The proposed amendments would change two identical definitions of “substantial business relationship” in the treatment, storage, and disposal (T/S/D) facility financial assurance requirements.

The Board will cause the proposed amendments to be published in the *Illinois Register* and will hold the docket open to receive public comments for 45 days after the date of publication.

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 Rules Updating Financial Assurance Requirements in Illinois' Nonhazardous Solid Waste Landfill Regulations, R10-9, and Opens R10-9(A) and Proposes Additional Changes for First Notice

The Board, on June 16, 2011, adopted final amendments to the financial assurance requirements in its waste disposal regulations in Parts 807, 810 and 811. The Illinois Environmental Protection Agency (IEPA) filed the rulemaking proposal on July 27, 2009 that is docketed as In the Matter of: Financial Assurance Instruments – Renewal and Terms: Amendments to 35 Ill. Adm. Code 807.Subpart F and Appendix A, 810.104, 811.Subparts C, G and Appendix A, R10-09. The Joint Committee on Administrative Rules, on May 10, 2011, issued a certificate of no objection to the Board's proposal. The adopted rules will become effective upon filing with the Secretary of State.

The purpose of financial assurance rules is to establish requirements for performance bonds and other securities insuring closure and post-closure care and corrective action at non-hazardous waste landfill sites. The Board updated its rules to correspond with the hazardous waste financial assurance standards derived from the federal Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous waste regulations and the Board's other financial assurance programs.

Additionally, the Board proposed for first-notice additional amendments to these waste disposal regulations in a rulemaking docketed as In the Matter of: Financial Assurance Instruments – Renewal and Terms: Amendments to 35 Ill. Adm. Code 807.Subpart F and Appendix A, 810.104, 811.Subparts C, G and Appendix A, R10-09(A). These amendments in subdocket A were raised by the IEPA following the Board's transmission to JCAR of its second-notice opinion and order in R10-09. (As noted above in the R09-9(A) discussion, once the Board transmits a second notice proposal to JCAR, the Administrative Procedure Act (5 ILCS 100/5 et seq.) provides that the only changes the Board can make in those proposed rules are those requested by JCAR).

The proposed rules include three substantive changes from the amendments adopted in R10-9. In Sections 807.663(f)(3) and 811.712(f)(3), deletion of the phrase “to cover the increase” is proposed, since a performance bond cannot be combined with other types of financial assurance. The final substantive change requested by the Agency is to restore a signature line which was inadvertently deleted in Section 807.Appendix A, Illustration E, to make it identical to 811.Appendix A, Illustration E. Three other minor changes were also proposed in Section 807.Appendix A.

Publication of these proposed amendments in the *Illinois Register* will begin a 45-day public comment period, during which anyone may file a public comment with the Board. The Board encourages persons to file public comments on these proposed amendments. The docket number for this rulemaking, R10-09(A), 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.

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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 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 Daniel Robertson at 312-814-6931 or email at robertsd@ipcb.state.il.us.

The Board Adopts For First Notice Proposal to Tighten Rules for Hospital/Medical/Infectious Waste Incinerators, R11-20

The Board, on June 16, 2011, adopted a first notice opinion and order in a rulemaking to amend the Board's air quality standards rules for "Hospital/Medical/Infectious Waste Incinerators" (HMIWI). The proposed rulemaking is docketed as In the Matter of: Amendments to 35 Ill. Adm. Code Part 229: Hospital/Medical/Infectious Waste Incinerators, R11-20. The Stericycle, Inc. facility in Clinton, DeWitt County is the only existing facility to which the proposed rules would apply; compliance would be required by January 1, 2014.

On December 23, 2010, the IEPA filed the proposal with the Board. In its Statement of Reasons, the IEPA stated that this proposal reflects the United States Environmental Protection Agency's (USEPA) October 2009 amendments to the federal air quality standards, including new source performance standards (NSPS), and emissions guidelines (EG). Proposed changes include revised emissions standards that are more stringent than existing ones, revised waste management plan provisions for greater flexibility in demonstrating compliance, and removal of an existing startup, shutdown, and malfunction provision.

The first notice proposal consists of the Illinois Environmental Protection Agency's (IEPA) original proposal, as amended by the May 25, 2011 and June 13, 2011 errata sheets, and the agreed-upon compliance dates presented at the first hearing, held June 8, 2011 in Clinton. The second hearing was held in Chicago on June 28, 2011.

Publication of these proposed amendments in the *Illinois Register* will begin a 45-day public comment period, during which anyone may file a public comment with the Board. Following the close of a short post-hearing comment period following the second hearing on June 28, 2011, the Board will issue its second notice opinion and order summarizing the hearing testimony and post-hearing comments, and making any amendments justified by the record. The Board will act promptly, consistent with the Board's grant of the IEPA motion for expedited review.

The Board encourages persons to file public comments on these proposed amendments. The docket number for this rulemaking, R11-20, 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 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 Kathleen Crowley at (312)-814-6929 or email at crowlek@ipcb.state.il.us.

Board Adopts Second-Notice Proposed Amendments to the Volatile Organic Material Emissions Control Regulations for Group IV Commercial and Consumer Products, R11-23, and Opens R11-23(A) to Propose Small Container Exemption for First Notice

On June 16, 2011, the Illinois Pollution Control Board timely proposed for second-notice review by the Joint Committee on Administrative Rules (JCAR) amendments to its air pollution regulations governing volatile organic material emissions (VOM). The rulemaking proposal is 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. Once second notice rules are transmitted to JCAR, the Board can make changes only in response to JCAR request. If JCAR votes to issue a "certificate of no objection" to the rules, the Board will then promptly adopt the rules as final amendments.

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The Illinois Environmental Protection (IEPA) filed this rulemaking on March 7, 2011 pursuant to authorities including the “fast-track” rulemaking provisions at Section 28.5 of the Environmental Protection Act (Act). This provision of the Act requires the Board to hold hearings and take specific actions on strict timetables. The Board has timely held two hearings in this docket. The IEPA proposed the amendments to these regulations in response to comments by the United States Environmental Protection Agency about deficiencies in the Illinois State Implementation Plan for VOM.

The second notice proposal would amend recently-promulgated regulations controlling the emission of 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. *See 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, R10-8 (Jan. 7, 2010) and R10-8(A)(June 17, 2010) and In the Matter of: Reasonably Available Control Technology (RACT) for Volatile Organic Material Emissions from Group IV Consumer & Commercial Products: Proposed Amendments to 35 Ill. Adm. Code 211, 218, and 219, R10-20 (Sept. 2, 2010)).* In addition to adopting a second notice proposal, in response to first notice public comments, the Board opened a subdocket A in this rulemaking, and adopted a first-notice opinion and order. In subdocket A, the Board intends specifically to address only a proposed small container exemption in Sections 218.208 and 219.208, neither of which was proposed by the IEPA for inclusion in the Board’s original first-notice opinion and order in R11-23. Publication of these proposed Subdocket (A) amendments in the *Illinois Register* will begin a 45-day public comment period, during which anyone may file a public comment with the Board. The Board encourages persons to file public comments on these proposed amendments. The docket number for this rulemaking, R11-23(A), should be indicated on the public comment. Public comments must be filed with the Clerk of the Board at the following address: Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601.

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

June 2, 2011
Chicago, Illinois

Rulemakings

R 08-9(A)	<u>In The Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304</u> – The Board reserved ruling on the Illinois Environmental Protection Agency’s motion to stay. The Board adopted a proposed second notice for public comment, requiring Any comments be filed by June 10, 2011. The Board will place adoption of this, or an amended second notice opinion and order on the Board’s Agenda for decision at our regularly scheduled meeting on June 16, 2011.	5-0 Water
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R 11-2	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2010 through June 30, 2010)</u>	5-0 Land
R 11-16	<u>RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2010 through December 31, 2010)</u> – The Board on its own motion consolidated these “identical-in-substance” rulemakings to amend the Board’s hazardous waste regulations, adopted a proposal for public comment, and extended the deadline for completion of amendments from July 1, 2011 until October 17, 2011.	

Administrative Citations

AC 10-10	<u>IEPA v. Jess Spradlin, d/b/a Spradlin Motor Homes and Drewnard Woods and Kris Warren, d/b/a W&W Auto Service</u> – The Board granted the Illinois Environmental Protection Agency’s motion for voluntary dismissal of Jess Spradlin, and dismissed his petition for review as moot. The Board found that these Sangamon County respondents violated Section 21(p)(1) and 55(k)(1) of the Act (415 ILCS 5/21(p)(1), 5/55 (k)(1) (2008). The Board previously found that Drewnard Woods and Kris Warren, d/b/a W&W Auto Service defaulted by failing to timely to file a petition for review in its order of March 4, 2010. Because this is a second or subsequent adjudicated violation of Section 21(p)(1) (<i>see</i> IEPA v. Jess Spradlin d/b/a Spradlin Mobile Home Sales and Drewnard Woods and Kris Warren d/b/a W&W Auto Service, AC 10-1 (September 3, 2009)), the Board ordered respondent to pay a civil penalty of \$4,500.	5-0
AC 10-13	County of Vermilion, Illinois v. Charles Long – The Board granted complainant’s motion for withdrawal of this administrative citation and closed the docket.	5-0

Adjudicatory Cases

PCB 05-14	<u>People of the State of Illinois v. Michael Collins, d/b/a C & R Construction</u> – The Board granted complainant’s motion for dismissal of this enforcement action and closed the docket.	5-0 A-E
PCB 07-63	<u>PMA & Associates, Inc. v. IEPA</u> – The Board granted the Illinois Environmental Protection Agency’s motion to dismiss with prejudice this underground storage tank appeal involving an Union County facility.	5-0 UST Appeal
PCB 07-99	<u>L. W. Paul Supply Co., Inc v. IEPA</u> – The Board granted the Illinois Environmental Protection Agency’s motion to dismiss with prejudice this underground storage tank appeal involving a Cook County facility.	5-0 UST Appeal
PCB 07-108	<u>Reed’s Service v. IEPA</u> – The Board granted the Illinois Environmental Protection Agency’s motion to dismiss with prejudice this underground storage tank appeal involving a White County facility.	5-0 UST Appeal
PCB 07-119	<u>Mahr’s Service & Sales v. IEPA</u> – The Board granted the Illinois Environmental Protection Agency’s motion to dismiss with prejudice this underground storage tank appeal involving a Fulton County facility.	5-0 UST Appeal

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PCB 07-120	<u>Ruth Oil Company v. IEPA</u> – The Board granted the Illinois Environmental Protection Agency’s motion to dismiss with prejudice this underground storage tank appeal involving a Stark County facility.	5-0 UST Appeal
PCB 07-126	<u>Gateway FS, Inc. v. IEPA</u> – The Board granted the Illinois Environmental Protection Agency’s motion to dismiss with prejudice this underground storage tank appeal involving a Randolph County facility.	5-0 UST Appeal
PCB 07-127	<u>Pioneer Oil Company v. IEPA</u> – The Board granted the Illinois Environmental Protection Agency’s motion to dismiss with prejudice this underground storage tank appeal involving a Montgomery County facility.	5-0 UST Appeal
PCB 07-129	<u>Yesley Service Company, Inc. v. IEPA</u> – The Board granted the Illinois Environmental Protection Agency’s motion to dismiss with prejudice this underground storage tank appeal involving a Randolph County facility.	5-0 UST Appeal
PCB 07-137	<u>Russell Oil Company, Inc. v. IEPA</u> – The Board granted the Illinois Environmental Protection Agency’s motion to dismiss with prejudice this underground storage tank appeal involving a Williamson County facility.	5-0 UST Appeal
PCB 07-138	<u>Watertower Marina, Inc. v. IEPA</u> – The Board granted the Illinois Environmental Protection Agency’s motion to dismiss with prejudice this underground storage tank appeal involving a McHenry County facility.	5-0 UST Appeal
PCB 08-10	<u>Dunn’s University BP (Corrective Action Plan dated March 5, 2007) v. IEPA</u> – The Board granted the Illinois Environmental Protection Agency’s motion to dismiss this with prejudice underground storage tank appeal involving a Coles County facility.	5-0 UST Appeal
PCB 08-43	<u>Moto, Inc. v. IEPA</u> – The Board granted the Illinois Environmental Protection Agency’s motion to dismiss with prejudice this underground storage tank appeal involving an Effingham County facility.	5-0 UST Appeal
PCB 09-50	<u>Schrof Service Center v. IEPA</u> – The Board granted the Illinois Environmental Protection Agency’s motion to dismiss with prejudice this underground storage tank appeal involving a Livingston County facility.	5-0 UST Appeal
PCB 10-54	<u>Zervos Three, Inc. v. IEPA</u> – The Board grants petitioner’s motion for authorization of payment of legal fees but denies petitioner’s motion for authorization of payment of experts’ fees. The Board directed the Illinois Environmental Protection Agency to provide petitioner with reimbursement for legal fees and costs in the amount of \$73,347.88 from the Underground Storage Tank Fund as corrective action costs.	5-0 UST Appeal
PCB 11-60	<u>American Disposal Services of Illinois, Inc. v. County Board of McLean County, Illinois, Henson Disposal, Inc. and TKNTK, LLC</u> – The Board directed Henson Disposal, Inc. as the applicant for site approval to submit to the Board within 14 days of this order, on or before June 16, 2011, a filing addressing the adequacy of service of notice under Section 39.2(b) of the Act.	5-0 L- SA, 3d P

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PCB 11-82	<u>Marathon Petroleum Company, LLC, Coker Blowdown System, (Property ID No. 51-34-021-001) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Marathon Petroleum Company, LLC located in Crawford 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, A
PCB 11-83	<u>Marathon Petroleum Company, LLC, Floating Roof on Tank # 15, (Property ID No. 51-34-021-001) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Marathon Petroleum Company, LLC located in Crawford 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, A
PCB 11-84	<u>Marathon Petroleum Company, LLC, Roofing of Light Straight Run from Crude Unit to Gasoline Desulfurization Unit, (Property ID No. 51-34-021-001) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Marathon Petroleum Company, LLC located in Crawford 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, A
PCB 11-85	<u>Holland Energy, LLC v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Shelby County facility.	5-0 P-A, Water
PCB 11-86	<u>ExxonMobil Oil Corporation v. IEPA</u> – The Board accepted for hearing this variance request involving a Will County facility.	5-0 W-V
PCB 11-87	<u>Jakobs Brothers 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 Panther Creek Ranch, LLC 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

June 16, 2011 Chicago, Illinois

Rulemakings

R 08-9(A)	<u>In The Matter of: Water Quality Standards and Effluent Limitations for the Chicago Area Waterway System (CAWS) and the Lower Des Plaines River: Proposed Amendments to 35 Ill. Adm. Code 301, 302, 303 and 304</u> – The Board adopted a second notice opinion and order in this rulemaking proposal to amend the Board’s water pollution control regulations. Specifically the Board proposed four categories of recreational use designation for the CAWS and LDPR: Primary Contact Recreation, Incidental Contact Recreation, Non-contact Recreation, and Non Recreation.	5-0 Water
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R 10-9	<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> – The Board adopted a final opinion and order in this rulemaking proposal which amends the financial assurance portion of the Board’s land pollution control regulations.	5-0 Land
R 10-9(A)	<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> – The Board adopted a first notice opinion and order in this rulemaking proposal to amend the Board’s land pollution control regulations.	5-0 Land
R 11-20	<u>In the Matter of: Amendments to 35 Ill. Adm. Code Part 229: Hospital/Medical/Infectious Waste Incinerators</u> – The Board adopted a first notice opinion and order in this rulemaking proposal to amend the Board’s air pollution control regulations.	5-0 Air
R 11-23	<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> – The Board adopted a second notice opinion and order in this fast-track rulemaking proposal to amend the Board’s air pollution control regulations.	5-0 Air
R 11-23(A)	<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 218.208 and 219.208</u> – The Board adopted a first notice opinion and order in this rulemaking proposal to amend the Board’s air pollution control regulations.	5-0 Air

Administrative Citations

AC 11-18	<u>IEPA v. John and Debra Watson</u> – The Board dismissed the Watsons’ deficient April 14, 2011 petition for review. The Board found that these Union County respondents violated 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2010)), and ordered respondents to pay a civil penalty of \$3,000.	5-0
AC 11-24	<u>IEPA v. Dennis Heck and Raymond A. and Deanna Harris</u> – The Board accepted respondents’ petition for review, but directed respondents to file an amended petition to cure deficiencies.	5-0
AC 11-26	<u>IEPA v. Estate of Kenneth D. Berhenke, Sr.</u> – The Board accepted respondent’s petition for review, but directed respondent to file an amended petition to cure deficiencies.	5-0

Adjudicatory Cases

PCB 07-139	<u>People of the State of Illinois v. JR Investment Group, LLC, an Illinois limited liability company (f/k/a Jalil "Jerry" Rizqallah, d/b/a Timberline Mobile Home Park)</u> – In this public water supply 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))	5-0 PWS-E
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(2010)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$12,000.00, and to cease and desist from further violations.

PCB 09-35	<u>People of the State of Illinois v. Alan Durkee, d/b/a Alan Durkee Swine Farm</u> – In this air enforcement action concerning a Henderson 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) (2010)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$5,500.00, and to cease and desist from further violations.	5-0 A-E
PCB 09-108	<u>People of the State of Illinois v. Apollo Plastics Corporation</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E
PCB 10-71	<u>People of the State of Illinois v. 87th & Greenwood, LLC and Innovative Recycling Technologies, Inc.</u> – In this land enforcement action concerning a Cook 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) (2010)), accepted a stipulation and settlement agreement, and ordered each respondent to pay a civil penalty of \$7,500.00, and to cease and desist from further violations.	5-0 L-E
PCB 10-107	<u>People of the State of Illinois v. Rockford Sand and Gravel, Inc., a division of Rockford Blacktop</u> <u>People of the State of Illinois v. Rockford Sand and Gravel, Inc., a division of Rockford Blacktop</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 Winnebago County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 11-85	<u>Holland Energy, LLC v. IEPA</u> – The Board granted petitioner’s motion for a stay of the permit’s contested conditions.	5-0 P-A, Water
PCB 11-88	<u>People of the State of Illinois v. Super Mix, Inc.</u> – The Board accepted for hearing this water enforcement action involving a site located in McHenry County.	5-0 W-E
PCB 11-89	<u>Gary Cooper v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Champaign County facility.</u>	5-0 UST Appeal
PCB 11-90	<u>Congress Development Company v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Cook County facility.	5-0 P-A, Land
PCB 11-92	<u>People of the State of Illinois v. P & H Mfg. Co</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 land enforcement action involving a Shelby County facility, the Board ordered publication of the required newspaper notice.	5-0 L-E

New Cases

June 2, 2011 Board Meeting

11-82 Marathon Petroleum Company, LLC, Coker Blowdown System, (Property ID No. 51-34-021-001) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Marathon Petroleum Company, LLC located in Crawford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2008)).

11-83 Marathon Petroleum Company, LLC, Floating Roof on Tank # 15, (Property ID No. 51-34-021-001) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Marathon Petroleum Company, LLC located in Crawford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2008)).

11-84 Marathon Petroleum Company, LLC, Roofing of Light Straight Run from Crude Unit to Gasoline Desulfurization Unit, (Property ID No. 51-34-021-001) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Marathon Petroleum Company, LLC located in Crawford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2008)).

11-85 Holland Energy, LLC v. IEPA – The Board accepted for hearing this permit appeal involving a Shelby County facility.

11-86 ExxonMobil Oil Corporation v. IEPA – The Board accepted for hearing this variance request involving a Will County facility.

11-87 Jakobs Brothers Farms, Inc. - Sterling v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Panther Creek Ranch, LLC 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)).

June 16, 2011 Board Meeting

11-82 Marathon Petroleum Company, LLC, Coker Blowdown System, (Property ID No. 51-34-021-001) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Marathon Petroleum Company, LLC located in Crawford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2008)).

11-83 Marathon Petroleum Company, LLC, Floating Roof on Tank # 15, (Property ID No. 51-34-021-001) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Marathon Petroleum Company, LLC located in Crawford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2008)).

11-84 Marathon Petroleum Company, LLC, Roofing of Light Straight Run from Crude Unit to Gasoline Desulfurization Unit, (Property ID No. 51-34-021-001) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Marathon Petroleum Company, LLC located in Crawford County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2008)).

11-85 Holland Energy, LLC v. IEPA – The Board accepted for hearing this permit appeal involving a Shelby County facility.

11-86 ExxonMobil Oil Corporation v. IEPA – The Board accepted for hearing this variance request involving a Will County facility.

11-87 Jakobs Brothers Farms, Inc. - Sterling v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Panther Creek Ranch, LLC

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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)).

Calendar

7/7/11 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
7/21/11 11:00 AM	Illinois Pollution Control Board Meeting		Videoconference James R. Thompson Center 100 W. Randolph Street Chicago And Board Hearing Room 1021 North Grand Avenue East (North Entrance) Springfield
7/26/11 11:00 AM	R11-18	<u>In the Matter of: Triennial Review of Water Quality Standards for Boron, Fluoride and Manganese: Amendments to 35 Ill. And. Code 302.Subparts B, C, E, F and 303.312</u>	James R. Thompson Center Room 2-025 100 W. Randolph Street Chicago
7/27/11 9:00 AM	R11-25	<u>In the Matter of: Setback Rulemaking Zone for Fayette Water Company Community Water Supply: Amendments to 35 Ill. Adm. Code 618</u>	Fayette County Courthouse Conference Room 212 221 S. 7 th Street Vandalia
8/4/11 9:00 AM	PCB 11-86	<u>ExxonMobil Oil Corporation v. IEPA</u>	Village of Bolingbrook Board Room 375 W. Briarcliff Road Bolingbrook
8/4/11 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
8/15/11 1:00 PM	R08-09(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> <u>(Continues until complete or through August 17, 2011)</u>	James R. Thompson Center Room 9-040 100 W. Randolph Street Chicago (If the hearing continues on August 17, 2011, then the hearing will be held in Room 2-025)
8/18/11 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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