
Environmental Register

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

Thomas Holbrook, Chairman

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Letter from the Chairman

During June, the Board acted in several rulemaking dockets, and I've summarized that activity below. As always, information about these rulemakings is available through the Clerk's Office Online (COOL) at our Web site at www.ipcb.state.il.us.

On June 7, 2012, the Board adopted a second-notice opinion and order in Proposed Amendments to Clean Construction or Demolition Debris (CCDD) Fill Operations: Proposed Amendments to 35 Ill. Adm. Code 1100 (R12-9). The proposal will amend the Board's rules for Clean Construction or Demolition Debris Fill Operations to allow for use of uncontaminated clean construction or demolition debris (CCDD) and uncontaminated soil to be used as fill at quarries, mines, and other excavations.

On June 7, 2012, the Board adopted a second-notice opinion and order in Proposed Amendments to Nonhazardous Special Waste Hauling and the Uniform Program (35 Ill. Adm. Code 809) (R12-13). The proposal implements Public Act 97-220, effective July 28, 2011, which includes provisions removing Illinois from the federal Uniform State Hazardous Materials Transportation Registration and Permit Program.

On June 7, 2012, the Board issued its final opinion and order in Procedural Rules for Review of Petitions for Temporary Landfill Ban Waivers Under Section 95 of the Electronic Products Recycling and Reuse Act: New 35 Ill. Adm. Code 106, Subpart J (R12-21). The adopted procedural rules apply to petitions filed with the Board for a temporary waiver of the covered electronic device landfill ban under Section 95 of the Electronic Products Recycling and Reuse Act.

On June 7, 2012, the Board issued its final opinion and order in Updates to the Definition of "Pollution Control Facility" at Section 101.202 of the Board's Procedural Rules to Reflect Recent Public Acts (R12-22). The adopted rules reflect revisions to that definition enacted in six Public Acts during 96th and 97th General Assemblies.

On June 21, 2012, the Board issued its final opinion and order in Setback Zone for Fayette Water Company Community Water Supply: Amendments to 35 Ill. Adm. Code 618 (R11-25). The Board adopted rules establishing a maximum setback zone for six wells owned by the Fayette Water Company in Fayette County. The Board also reorganized Part 618 to accommodate future establishment of any additional maximum setback zones.

On June 21, 2012, the Board adopted a first-notice opinion and order in Procedural Rules for Authorizations Under P. A. 97-220 for Certain Landscape Waste and Compost Applications and On-Farm Composting Facilities: New 35 Ill. Adm. Code 106, Subpart I (R12-11). The Board adopted a third proposal for first-notice publication to allow adequate notice of proposed changes responding to a public comment filed on March 26, 2012, by the Illinois Environmental Protection Agency (IEPA). The proposed rules apply to Board authorizations made under P.A. 97-220, effective July 28, 2011. P.A. 97-220 includes provisions amending Section 21(q) of the Environmental Protection Act to specify that the Board (rather than the IEPA as previously provided) may authorize certain exceptions to the provisions of that section.

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 dark ink that reads "Thomas Holbrook". The signature is written in a cursive style with a large, sweeping initial "T".

Thomas Holbrook
Chairman

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Rulemaking Update

Board Adopts Second Notice Opinion and Order Proposing Rule Amendments for Clean Construction or Demolition Debris Fill Operations, R12-9

The Illinois Pollution Control Board, on June 7, 2012, adopted a second notice opinion and order to amend the Board's rules for Clean Construction or Demolition Debris and Uncontaminated Soil Fill Operations to allow for use of uncontaminated clean construction or demolition debris (CCDD) and uncontaminated soil to be used as fill at quarries, mines and other excavations. Proposed Amendments to Clean Construction or Demolition Debris (CCDD) Fill Operations: Proposed Amendments To 35 Ill. Adm. Code 1100, R12-9. The rulemaking is scheduled for second notice review under the Administrative Procedure Act (5 ILCS 100/1 *et seq.*(2010)) by the Joint Committee on Administrative Rules at its July 10, 2012 meeting.

On July 29, 2011, the Illinois Environmental Protection Agency (IEPA) filed the proposal with the Board. IEPA was required by Public Act 96-1416, codified as Section 22.51 of the Environmental Protection Act, to propose rules to the Board by July 30, 2011. 415 ILCS 4/22.51 (2010). The Board must adopt the rule no later than one year after receipt of the IEPA's proposal. *Id.*

The Board held two hearings in this matter prior to first notice, which the Board adopted on February 2, 2012. The Board held an additional two days of hearing during first notice. After reviewing the record in this proceeding and in consideration of the comments and testimony, the Board made several changes to the first-notice proposal. The rules were changed to require pH testing of soils from all source sites and establishes soil Maximum Allowable Concentrations (MAC) based on a soil pH range of 6.25 to 9.0 for pH dependent chemical constituents. The rules prohibit fill operations from accepting soils with a pH below 6.25 or above 9.0 regardless of applicable MACs.

The Board declined to add exemptions or allowances for small unplanned projects and did not add a "grandfathering" clause to the rule for projects already in progress or that have been placed for bid. The Board remained unconvinced that site-specific Tiered Approach to Corrective Action Objectives (TACO) should be used in the rules.

The Board did not require groundwater monitoring for CCDD and uncontaminated soil fill operations as proposed by IEPA and as advocated by some commenters. The Board found that the statutory directive to protect groundwater does not equate to requiring groundwater monitoring. With strengthened soil certification and testing and recordkeeping, the Board concluded that groundwater will be protected from contamination. In response to public comments, the rules no longer require the use of ASTM standards for determining if a site is a potentially impacted property or if the soil is uncontaminated. Rather, the Board cited the ASTM and other methods as guidance to be used by the source site owner, or licensed professional engineers or licensed professional geologists in evaluating the site. The Board also required IEPA to add additional items of information to the certification forms to better document the evaluation process.

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]. The address is 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 Proposes Adopts Second-Notice Amendments to Waste Hauling Regulations, R12-13

On June 7, 2012, the Board adopted a second notice opinion and order proposing amendments to Part 809 of the Board's solid waste and special waste hauling regulations. In the Matter of: Proposed Amendments to Nonhazardous Special Waste Hauling and the Uniform Program: 35 Ill. Adm. Code 809, R12-13. The rulemaking is scheduled for second notice review under the Administrative Procedure Act (5 ILCS 100/1 *et seq.*(2010)) by the Joint Committee on Administrative Rules at its July 10, 2012 meeting.

On October 28, 2011, the Illinois Environmental Protection Agency (IEPA) filed the proposal. The proposed amendments implement Public Act 97-220, which includes provisions amending Sections 21 and 22.2(1) and (1-5) of the Environmental Protection Act to remove Illinois from the Uniform State Hazardous Material Transportation Registration and Permit Program (Uniform Program).

The Board received no public comments on its first-notice proposal. The Board submitted its first-notice proposal without substantive amendments to second-notice review by JCAR.

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]. The address is Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601.

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

Board Adopts New Procedural Rules for Temporary Waiver of Landfill Ban for Electronic Devices, R12-21

On June 7, 2012, the Board adopted new procedural rules for petitions filed with the Board for temporary waivers of the landfill ban under Section 95 of the Electronic Products Recycling and Reuse Act (EPRRA). The rulemaking is docketed as In the Matter of: Procedural Rules for Review of Petitions for Temporary Landfill Ban Waivers Under Section 95 of the Electronic Products Recycling and Reuse Act: New 35 Ill. Adm. Code 106.Subpart J,R12-21. At the May 15, 2012 meeting, the Joint Committee on Administrative Rules issued a certificate of no objection to the rules. The Board provided that the rules become final upon filing with the Secretary of State.

The General Assembly first adopted EPRRA in 2008. *See* Public Act 95-959, eff. Sept. 17, 2008. In 2011, the General Assembly enacted amendments including a revised definition of "covered electronic device" (CED) and a revised landfill ban reflecting that re-definition. *See* Public Act 97-287, eff. Aug. 10, 2011.

EPRRA's Section 95(e) authorizes the Board, beginning April 1, 2012, but no later than December 31, 2013, "to review temporary CED landfill ban waiver petitions by county governments or municipal joint action agencies (action agencies). . . ." 415 ILCS 150/95(e) (2010). The proposed rules implement the statutory directives. Specifically, the Board must review these petitions to "determine whether the respective county's or action agency's jurisdiction may be granted a temporary CED landfill ban waiver due to a lack of funds and a lack of collection opportunities to collect CEDs and EEDs within the county's or action agency's jurisdiction." *Id.* The effect of a temporary landfill ban waiver is that Sections 95(a) and (b) "shall not apply to CEDs and EEDs that are taken out of service from residences within the jurisdiction of the county or action agency receiving the waiver and disposed of during the remainder of the program year in which the petition is filed." *Id.* Section 95(e) addresses issues including the contents of a petition for a temporary landfill ban waiver, criteria for the Board's consideration of a petition, the Board's decision deadline, appeal of Board orders denying temporary landfill ban waivers, and implementation of waivers. *Id.*

In the absence of the filing of a proposal by any other person, the Board drafted these amendments, proposing a new Subpart J to its procedural rules. The proposed new 35 Ill. Adm. Code 106.Subpart J includes the language of EPRRA, and otherwise follows the general format of other subparts of Part 106.

During the 45-day comment period, the Board did not receive a comment on its proposal. On April 19, 2012, the Board submitted its first-notice proposal without substantive amendment to second-notice review by the Joint Committee on Administrative Rules (JCAR). At its meeting on May 15, 2012, JCAR issues its certificate of no objection to the Board's proposal.

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

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

Board Adopts Updates Procedural Rules" Definition of Pollution Control Facility, R12-22

On June 7, 2012, the Board adopted an amended definition of "pollution control facility" in Section 101.202 of its procedural rules. The proposal intends only to make the definition consistent with recent Public Acts amending it, as identified in the Board's opinion. The rulemaking, docketed as In the Matter of: Updates to the Definition of "Pollution Control Facility" at Section 101.202 of the Board's Procedural Rules to Reflect Recent Public Acts, R12-22, received a certificate of not objection at the May 15, 2012 meeting of the Joint Committee on Administrative Rules. The Board provided that the rules become final upon filing with the Secretary of State.

The Board did not receive a comment during the first-notice comment period

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]. The address is Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601.

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

Board Adopts Final Rule Creating a Setback Zone for Several Community Water Supply Wells Owned by Fayette Water Company

On June 21, 2012, the Board adopted a maximum setback zone for six community water supply (CWS) wells owned by Fayette Water Company in Fayette County. The wells serve portions of Fayette, Shelby, and Kaskaskia Counties. In the Matter of: Setback Zone for Fayette Water Company Community Water Supply: Amendments to 35 Ill. Adm. Code 618, R11-25. At its June 12, 2012, meeting, the Joint Committee on Administrative Rules issued its certificate of no objection to the Board's proposal. The Board provided that the setback rules become final upon filing with the Secretary of State.

The proposal was filed by the Illinois Environmental Protection Agency (IEPA) on April 21, 2011. The Board established a maximum circular setback zone of 1,000 feet for these wells that the IEPA considers "geologically sensitive" and "highly vulnerable to contamination." The regulation is intended to prevent contamination of the groundwater. The rules also reorganize Part 618 to accommodate future establishment of additional maximum setback zones.

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]. The address is Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601.

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

Board Adopts Third First Notice Proposal for New Procedural Rules for Landscape Waste and Compost Authorizations Under 415 ILCS 21(q), R 12-11

On June 21, 2012, the Board proposed a third first notice publication in the *Illinois Register* of new procedural rules for adjusted standards addressing Board authorizations for certain landscape waste and compost applications and on-farm composting. The rulemaking is docketed as In the Matter Of: Procedural Rules for Authorizations Under P.A. 97-220 For Certain Landscape Waste and Compost Applications and On-Farm Composting Facilities: New 35 Ill. Adm. Code 106.Subpart I, R12-11. The Board's October 20, 2011 first notice proposal was published at 35 *Ill. Reg.* 18492 (Nov. 14, 2011). The Board's February 2, 2012 second first notice was published at 36 *Ill. Reg.* 2643 (Feb. 24, 2012). (The Board will cause a formal withdrawal of the prior proposals to be published in the *Illinois Register*.)

In response to a public comment filed by the Illinois Environmental Protection Agency (IEPA), the Board has proposed changes to the information required to be filed in petitions for authorization, and allowed IEPA 45 days to respond to a petition. The Board believes yet another first notice is necessary to allow adequate notice to the public and regulated community of the proposed changes.

In the absence of any other rulemaking proposal, the Board initiated this rulemaking in response to P.A. 97-220, signed and effective July 28, 2011. P.A. 97-220 amends the Environmental Protection Act to specify that the Board rather than the IEPA may authorize certain exceptions to the provisions of Section 21(q) of the Environmental Protection Act (Act), 415 ILCS 5/21. One type of Board authorization would allow any person to apply landscape waste and composted landscape waste at a rate greater than “agronomic rates” of not more than 20 tons per acre per year. Under Section 21(q)(3), farmers who operate a composting facility may be authorized to use landscape waste compost to operate the compost facility on more than two percent of the property’s total acreage. Without such Board authorizations, these activities are prohibited, and subject to enforcement.

The Board is not required to hold a public hearing to amend its procedural rules pursuant to Section 26 and 27 of the Act. The Board presently does not intend to hold a hearing on these proposed rules unless requested to do so.

Publication of these proposed amendments in the *Illinois Register* will begin a 45-day public comment period, during which anyone may file a public comment with the Board. The Board encourages persons to file public comments on these proposed amendments. The docket number for this rulemaking, R12-11, should be indicated on the public comment.

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

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

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board’s Web site and may be downloaded from the Web without charge. Hard copies may be obtained 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 Kathleen Crowley at 312-814-6929 or email at crowlek@ipcb.state.il.us.

Board Actions

June 7, 2012
Chicago, Illinois

Rulemakings

R 12-9	<u>In the Matter of: Proposed Amendments to Clean Construction or Demolition Debris (CCDD) Fill Operations: Proposed Amendments to 35 Ill. Adm. Code 1100</u> – The Board adopted a second notice opinion and order in this rulemaking proposal to amend the Board’s land pollution control regulations.	3-0 Land Burke and Zalewski abstained
R 12-13	<u>In the Matter of: Proposed Amendments to Nonhazardous Special Waste Hauling and the Uniform Program (35 Ill. Adm. Code 809)</u> – The Board adopted a second notice opinion and order in this rulemaking proposal to amend the Board’s solid waste and special waste hauling regulations.	5-0 Land

R 12-21	<u>In the Matter of: Procedural Rules for Review of Petitions for Temporary Landfill Ban Waivers Under Section 95 of the Electronic Products Recycling and Reuse Act: New 35 Ill. Adm. Code 106, Subpart J</u> – The Board adopted a final opinion and order in this rulemaking proposal to amend the Board’s procedural rules.	5-0 Procedural
R 12-22	<u>In the Matter of: Updates to the Definition of "Pollution Control Facility" at Section 101.202 of the Board's Procedural Rules to Reflect Recent Public Acts</u> – The Board adopted a final opinion and order in this rulemaking proposal to amend the Board’s procedural rules.	5-0 Procedural

Administrative Citations

AC 12-37	<u>IEPA v. William Bryant</u> – The Board found that this Champaign County respondent violated Sections 21(p)(1) and (7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (7) (2010)), and ordered respondent to pay a civil penalty of \$3,000.	5-0
AC 12-44	<u>IEPA v. William C. Hagerman</u> – The Board found that this Logan County respondent violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(3), 21(p)(7) (2010)), and ordered respondent to pay a civil penalty of \$4,500.	5-0
AC 12-45	<u>IEPA v. Grayboy Cycle Center, Inc.</u> – The Board found that this Peoria County respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2010)), and ordered respondent to pay a civil penalty of \$1,500.	5-0
AC 12-46	<u>IEPA v. Hughes Tire & Battery Company (IEPA File No. 91-12-AC)</u> – The Board found that this Rock Island County respondent violated Section 55(k)(1) of the Environmental Protection Act (415 ILCS 5/55(k)(1) (2010)), and ordered respondent to pay a civil penalty of \$1,500.	5-0
AC 12-47	<u>IEPA v. Hughes Tire & Battery Company (IEPA File No. 92-12-AC)</u> – The Board found that this Rock Island County respondent violated Section 55(k)(1) of the Environmental Protection Act (415 ILCS 5/55(k)(1) (2010)), and ordered respondent to pay a civil penalty of \$1,500.	5-0
AC 12-48	<u>IEPA v. Ruth White</u> – The Board accepted for hearing respondent’s petition for review of this administrative citation involving a Stephenson County facility.	5-0
AC 12-49	<u>County of Sangamon v. Michael Hoyle</u> – The Board found that this Sangamon County respondent violated Sections 21(p)(1) and (3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (3) (2010)), and ordered respondent to pay a civil penalty of \$3,000.	5-0
AC 12-50	<u>County of LaSalle v. Tax Lien Investments</u> – The Board granted complainant’s motion to voluntarily dismiss the administrative citation. The Board also dismissed as moot respondent’s petition filed March 3, 2012, to contest the administrative citation.	5-0

AC 12-50	<u>IEPA v. John K. Croslow (IEPA File No. 80-12-AC)</u> – The Board accepted for hearing respondent’s petition for review of this administrative citation involving a Stephenson County facility.	5-0
AC 12-52	<u>IEPA v. J. & R Tire Service, Inc.</u> – The Board accepted for hearing respondent’s petition for review of this administrative citation involving a Hancock County facility.	5-0

Adjudicatory Cases

PCB 04-16	<u>People of the State of Illinois v. Packaging Personified, Inc.,</u> – The Board denied the complainant’s motion for reconsideration of the Board’s March 1, 2012 order and terminated the stay of this proceeding issued by order of May 17, 2012.	3-2 Glosser and Zalewski dissented A-E
PCB 06-141	<u>Flagg Creek Water Reclamation District v. Village of Hinsdale, Metropolitan Water Reclamation District of Greater Chicago, Illinois Department of Transportation, and DuPage County (Division of Transportation)</u> – The Board granted Flagg Creek Water Reclamation District’s motion to dismiss the Illinois Department of Transportation from this action.	4-0 Zalewski abstained W-E, Citizens
PCB 10-41	<u>Prather Oil Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage appeal.	5-0 UST Appeal
PCB 12-48	<u>People of the State of Illinois v. Phoenix Corporation of the Quad Cities</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 Carroll County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 12-52	<u>People of the State of Illinois v. Reliable Materials, LLC, GSG Consultants, Inc., O.C.A. Construction, Inc., Speedy Gonzalez Landscaping, Inc., and Public Building Commission of Chicago</u> – Upon receipt of two separate proposed stipulation and settlement agreements as to GSG Consultants, Inc. and O.C.A. Construction, Inc. only, and agreed motions to request relief from the hearing requirement in this land enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.	4-0 Burke abstained L-E
PCB 12-93	<u>People of the State of Illinois v. Kimble Septic, Inc. and Cleveland Kimble</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 Will County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 12-112	<u>People of the State of Illinois v. Berteau-Lowell Plating Works, Inc</u> – In this air 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 the respondent to pay a total civil penalty of \$1,000.00, and to cease and desist from further violations.	5-0 A-E

PCB 12-118	<u>Paul Schwendener, Inc. v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this DuPage County facility.	5-0 UST Appeal
PCB 12-122	<u>People of the State of Illinois v. Douglas Schroeder</u> – The Board granted complainant’s motion to amend the complaint and proposed stipulation and settlement agreement. In this land and water enforcement action concerning a McLean 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 \$3,000.00, and to cease and desist from further violations.	5-0 L,W-E
PCB 12-123	<u>People of the State of Illinois v. Roxana Landfill, Inc., Midwest Sanitary Service, Inc., WRB Refining LP, and ConocoPhillips Company</u> – In this land enforcement action concerning a Madison 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)) and accepted two separate proposed stipulation and settlement agreement as to Midwest Sanitary Service, Inc. (Midwest), WRB Refining, LP (WRB) , and ConocoPhillips Company (ConocoPhillips) only. The Board ordered the respondents to pay the following civil penalties: Midwest must pay a total civil penalty of \$8,000.00 and agreed to undertake a supplemental environmental project consisting of providing the State of Illinois with specified hauling and disposal services having a settlement value of \$8,000; WRB and ConocoPhillips are to pay a total civil penalty of 14, 750.00. All three respondents are to cease and desist from further violations.	4-0 Holbrook abstained L-E
PCB 12-126	<u>Ameren Energy Resources v. IEPA</u> – The Board accepted for hearing a request for variance involving seven facilities located in the following counties Montgomery, Fulton, Peoria, Massac, Crawford, Morgan, and Jasper.	5-0 A-V
PCB 12-128	<u>Heritage Transport, LLC v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Madison County facility.	5-0 UST Appeal 90- Day Extension
PCB 12-129	<u>People of the State of Illinois v. Village of Orland Hills</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 facility located in Cook County facility, the Board ordered publication of the required newspaper notice.	5-0 A-E

June 21, 2012
Chicago, Illinois

Rulemakings

R 12-9	<u>In the Matter of: Setback Zone for Fayette Water Company Community Water Supply: Amendments to 35 Ill. Adm. Code 618</u> – The Board adopted a final opinion and order in this rulemaking proposal which amends the Board’s public water supplies regulations.	5-0 PWS
R 12-11	<u>In the Matter of: Procedural Rules for Authorizations Under P. A. 97-220 for Certain Landscape Waste and Compost Applications and On-Farm Composting Facilities: New 35 Ill. Adm. Code 106.Subpart I</u> – The Board adopted a third first notice opinion and order in this rulemaking proposal to amend the Board’s procedural rules.	5-0 Procedura 1

Administrative Citations

AC 10-30	<u>County of Jackson v. Frances Klink</u> – The Board issued an order extending the filing deadlines for statements of costs, responses to them, and any reply. The Board ordered the County of Jackson to file by July 23, 2012, a statement of hearing costs, supported by affidavit, with service on respondent. Respondent may respond to the cost statement within 21 days of service. The Board directed the Clerk to attach a copy of the April 19, 2012 interim opinion and order when serving this order on the parties.	5-0
AC 12-51	<u>IEPA v. Northern Illinois Service Company</u> – The Board accepted for hearing respondent’s petition for review of this administrative citation involving a Winnebago County facility.	5-0

Adjudicatory Cases

PCB 97-193	<u>People of the State of Illinois v. Community Landfill Company, Inc.</u>	5-0
PCB 04-207 (cons.)	<u>People of the State of Illinois v. Edward Pruium and Robert Pruium</u> – The Board denied respondents’ motion to reconsider its April 5, 2012 opinion and order.	L-E
PCB 11-51 PCB 12-61	<u>Evergreen FS, Inc. v. IEPA</u> <u>Evergreen FS, Inc. v. IEPA</u> – The Board reversed the Illinois Environmental Protection Agency’s denial of petitioner’s two requests for payment for corrective action at an underground storage tank site located in Livingston County.	5-0 UST Appeal
PCB 11-79	<u>People of the State of Illinois v. Inverse Investment L.L.C., an Illinois limited liability company</u> – The Board denied complainant’s motion to strike the affirmative defense.	5-0 W-E
PCB 12-130	<u>The Premcor Refining Group, Inc. v. IEPA</u> – The Board directed the parties to provide evidence and argument, supported by legal citation, on the issue of the source of any Board jurisdiction of this matter. Petitioner is directed to make its filing on or before July 6, 2012, and the Agency shall file a response no later than July 23, 2012.	5-0 P-A, Land

PCB 12-132	<u>People of the State of Illinois v. Kehrer Brothers Construction, Inc.</u> – The Board accepted for hearing this land enforcement action concerning a Clinton County facility.	5-0 L-E
PCB 12-133	<u>People of the State of Illinois v. Northwest Illini Feedlots Corporation</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 facility located in Carroll County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 12-134	<u>Brimfield Auto & Truck v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Peoria County facility.	5-0 UST Appeal 90- Day Extension
PCB 12-135	<u>Dynegy Midwest Generation, LLC v. IEPA</u> – The Board accepted, without determining the petition’s sufficiency or merits, a request for variance involving five facilities located in the following counties Randolph, Mason, Putnam, Madison, and Vermilion.	4-0 Holbrook abstained A-V

New Cases

June 7, 2012 Board Meeting

12-128 Heritage Transport, LLC v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Madison County facility.

12-129 People of the State of Illinois v. Village of Orland Hills – 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 facility located in Cook County facility, the Board ordered publication of the required newspaper notice.

12-130 The Premcor Refining Group, Inc. v. IEPA – No action taken.

AC 12-53 IEPA v. Thomas E. Porter, Beverly J. Bible, and Todd & Tabitha Booten d/b/a C & T Recycling – The Board accepted an administrative citation against these Williamson County respondents.

AC 12-54 IEPA v. Purcell Tire & Rubber Company – The Board accepted an administrative citation against this Jefferson County respondent.

AC 12-55 County of Jackson v. S. I. Waste Systems, LLC d/b/a Midwest Waste – The Board accepted an administrative citation against this Jackson County respondent.

June 21, 2012 Board Meeting

12-131 Larry D. Welch v. DeKalb Sanitary District – No action taken.

12-132 People of the State of Illinois v. Village of Orland Hills – 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 facility located in Cook County facility, the Board ordered publication of the required newspaper notice.

12-133 People of the State of Illinois v. Northwest Illini Feedlots Corporation – 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 facility located in Carroll County facility, the Board ordered publication of the required newspaper notice.

12-134 Brimfield Auto & Truck v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Peoria County facility.

12-135 Dynegy Midwest Generation, LLC v. IEPA – The Board accepted, without determining the petition’s sufficiency or merits, a request for variance involving five facilities located in the following counties Randolph, Mason, Putnam, Madison, and Vermilion.

AC 12-56 IEPA v. Donald E. Gulley – The Board accepted an administrative citation against this Jefferson County respondent.

AC 12-57 IEPA v. Gere Properties, Inc., Perry Ridge Landfill, Inc. and Mike Whitlock – The Board accepted an administrative citation against these Perry County respondents.

AC 12-58 IEPA v. Leota Humm and Bishop's Truck Service, Inc. – The Board accepted an administrative citation against these Saline County respondents.

Calendar

7/12/2012 11:00 AM	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
7/26/2012 11:00 am	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
8/1/2012 10:00 AM	PCB 12-126	Ameren Energy Resources v. IEPA	Illinois Pollution Control Board Hearing Room 1021 N. Grand Avenue East (North Entrance) Springfield
8/2/2012 10:00 AM	PCB 12-126	Ameren Energy Resources v. IEPA	Illinois Pollution Control Board Hearing Room 1021 N. Grand Avenue East (North Entrance) Springfield
8/7/2012 10:00 AM	PCB 12-101	<u>ConocoPhillips Company Permit Appeal v. IEPA</u>	County Board Room 203 Madison County Administration Building 157 N. Main St. Edwardsville
8/9/2012 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

8/21/2012 10:00 AM	R12-23	<u>In the Matter of: Concentrated Animal Feeding Operations (CAFOs): Proposed Amendments to 35 Ill. Adm. Code Parts 501, 502, and 504</u> (Continues until completed or through August 23, 2012)	IEPA Sangamo Room 1021 N. Grand Avenue East (North Entrance) Springfield
8/23/2012 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
9/6/2012 11:00 am	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
9/12/2012 10:00 AM	PCB 10-48	<u>Broadus Oil Company v. IEPA</u>	Illinois Pollution Control Board Hearing Room 1021 N. Grand Avenue East (North Entrance) Springfield
9/12/2012 10:00 AM	PCB 11-63	<u>Beverly Powers f/d/b/a Dicks Super Service v. IEPA</u>	Illinois Pollution Control Board Hearing Room 1021 N. Grand Avenue East (North Entrance) Springfield
9/20/2012 11:00 am	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
10/4/2012 11:00 am	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
10/16/2012 10:00 AM	R12-23	<u>In the Matter of: Concentrated Animal Feeding Operations (CAFOs): Proposed Amendments to 35 Ill. Adm. Code Parts 501, 502, and 504</u>	St. Clair County Court House County Board Meeting Room B-564 5 th Floor 10 Public Square Belleville
10/18/2012 11:00 am	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago

10/23/2012 10:00 AM	R12-23	<u>In the Matter of: Concentrated Animal Feeding Operations (CAFOs): Proposed Amendments to 35 Ill. Adm. Code Parts 501, 502, and 504</u>	Brookens Administrative Center Lyle Shields (County Board) Meeting Room 1776 E. Washington Urbana
10/30/2012 10:00 am	R12-23	<u>In the Matter of: Concentrated Animal Feeding Operations (CAFOs): Proposed Amendments to 35 Ill. Adm. Code Parts 501, 502, and 504</u>	DeKalb Municipal Building City Council Chambers Room 200 200 S. 4 th Street DeKalb
11/1/2012 11:00 am	Illinois Pollution Control Board Meeting		James R. Thompson Center 100 W. Randolph Street Chicago
11/14/2012 10:00 am	R12-23	<u>In the Matter of: Concentrated Animal Feeding Operations (CAFOs): Proposed Amendments to 35 Ill. Adm. Code Parts 501, 502, and 504</u>	Highland Community College West Campus Conference Room 129 300 N. West Street Elizabeth
11/15/2012 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

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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