
Environmental Register

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Rulemaking Update

Board Proposes Procedural Rule Amendments for Digital Initiative, R16-17

On December 17, 2015, the Board issued an opinion and order proposing first-notice amendments to its procedural rules as part of the Board's Digital Initiative. The rule proposal ([Procedural Rule Amendments: Proposed Amendments to 35 Ill. Adm. Code 101 through 125, R16-17](#)) reflects greater use of digital technology across all Board proceedings, which would result in reduced travel, printing, copying, and mailing, while making it easier for the public to attend Board hearings and review filings. Among the proposed amendments, records from the Illinois Environmental Protection Agency, Office of the State Fire Marshal, and local siting authorities would be filed electronically only; all types of Board hearings would be eligible to be held by videoconference; and most orders, in all likelihood, would be served by email alone. The proposal also includes some rule amendments unrelated to the Digital Initiative, such as clarifying the timeframe for appealing final Board orders.

The proposed amendments were published in the *Illinois Register* on January 4, 2016 (40 Ill. Reg. 52-151). Public comments about the proposal must be filed with the Clerk of the Board on or before February 18, 2016, and should identify the docket number, R16-17. 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

Alternatively, public comments may be filed electronically through the Clerk's Office On-Line (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 website (www.ipcb.state.il.us) and may be downloaded without charge. Hard copies may be obtained from the Clerk's Office (Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601) upon payment of reproduction fees as prescribed by the Freedom of Information Act. For more information, please contact Daniel Robertson at 312-814-6931 or daniel.robertson@illinois.gov.

Board Extends Stay of Site-Specific Coal Ash Pond Rulemaking for 90 Days, R13-19

On December 17, 2015, the Board issued an order granting a request by Illinois Power Resources, LLC and AmerenEnergy Medina Valley Cogen, LLC (proponents) to extend the stay of this site-specific rulemaking ([Site Specific Rule for the Closure of Ameren Energy Resources Coal Ash Ponds: Proposed New 35 Ill. Adm. Code 840, Subpart B, R13-19](#)). Originally filed on April 9, 2013, the proposal seeks rules for the closure of approximately 16 coal combustion waste (CCW) surface impoundments at eight coal-fired power plants now owned by proponents. The extension of the stay was requested to allow proponents to review developments in another later-filed rulemaking: the Illinois Environmental Protection Agency's proposal for generally-applicable rules concerning CCW surface impoundments at power generating facilities (Board docket number R14-10). The Board extended the stay of the R13-19 site-specific rulemaking for 90 days, to March 16, 2016, and directed proponents to file a status report at the conclusion of the extension. The stay of this proceeding will expire shortly after a stay terminates in the R14-10 general rulemaking.

Opinions and orders of the Board, hearing transcripts, and other documents in rulemaking records are posted on the Board's website (www.ipcb.state.il.us) and may be downloaded without charge. Hard copies may be obtained from the Clerk's Office (Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601) upon payment of reproduction fees as prescribed by the Freedom of Information Act. For more information, please contact Tim Fox at 312-814-6085 or tim.fox@illinois.gov.

Board Proposes "Identical-In-Substance" Amendments for NAAQS Update, R16-2

On December 17, 2015, the Board issued an opinion and order proposing amendments to the Illinois ambient air quality standards ([National Ambient Air Quality Standards, USEPA Amendments \(January 1, 2015 through June 30, 2015, August 26, 2015, October 26, 2015, and November 19, 2015\), R16-2](#)). These proposed amendments for public comment are "identical in substance" to regulatory revisions made by the United States Environmental Protection Agency (USEPA) under the National Ambient Air Quality Standards (NAAQS). The update includes three USEPA actions that occurred during the first half of 2015, as well as three subsequent USEPA actions. The proposal would, among other things, remove the 1997 eight-hour NAAQS for ozone in response to USEPA's adoption of the implementation rule for the 2008 eight-hour NAAQS for ozone. In addition, the amendments would incorporate by reference ambient air quality monitoring methods that USEPA designated for several priority pollutants: fine particulates (PM_{2.5}); carbon monoxide; coarse particulates (PM_{10-2.5}); and ozone.

The Board will hold a federally-required public hearing on the proposal by videoconference between the Board's Chicago and Springfield offices on February 18, 2016. Public comments should identify the docket number, R16-2, and 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

Alternatively, public comments may be filed electronically through the Clerk's Office On-Line (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 website and may be downloaded without charge. Hard copies may be obtained from the Clerk's Office (Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601) upon payment of reproduction fees as prescribed by the Freedom of Information Act. For more information, please contact Michael McCambridge at 312-814-6983 or michael.mccambridge@illinois.gov.

Board Actions

December 17, 2015

Via videoconference

Springfield and Chicago, Illinois

Rulemakings

- | | | |
|---------------|--|--------------------------|
| R13-19 | <u>In the Matter of: Site-Specific Rule for the Closure of Ameren Energy Resources Ash Ponds: Proposed New 35 Ill. Adm. Code 840, Subpart B</u>
(Land-Site-Specific) – The Board granted proponents' motion to extend the stay of this rulemaking to the extent that proceedings are stayed until March 16, 2016. | 5-0 |
| R16-2 | <u>National Ambient Air Quality Standards, USEPA Amendments (January 1, 2015 through June 30, 2015)</u>
(Air) – The Board adopted a Proposal for Public Comment in this "identical-in-substance" rulemaking to amend the Board's air regulations. | 5-0 |
| R16-17 | <u>Procedural Rules Amendments: Proposed Amendments to 35 Ill. Adm. Code 101 through 125</u>
(Other) – The Board adopted a first notice opinion and order in this rulemaking to amend the Board's procedural rules. | 4-1
Glosser dissented |

Administrative Citations

- AC 16-2** IEPA v. Dan Pitney 5-0
– The Board accepted respondent’s amended petition for review involving a Winnebago County facility.
- AC 16-5** IEPA v. Ronald W. & Susan A. Falmier 5-0
– The Board accepted as timely respondents’ petition for review involving a Williamson County facility, but directed respondents to file an amended petition to cure deficiencies identified in this order.

Adjudicatory Cases

- PCB 04-115** General Electric Company d/b/a GE Plastics v. IEPA 5-0
(Air-Permit Appeal, CAAPP) – The Board directed the Agency to provide an updated status of this permit appeal within 30 days, and invited petitioner to also file a report updating the Board on the case’s status.
- PCB 06-56** Midwest Generation, LLC, Crawford Generating Station v. IEPA 5-0
(Air-Permit Appeal, CAAPP)
– The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.
- PCB 08-19** Midwest Generation, LLC, Crawford Generating Station v. IEPA 5-0
(Air-Permit Appeal, CAAPP)
– The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.
- PCB 08-90** Pilkington North America v. IEPA 5-0
(Air-Permit Appeal, CAAPP)
– The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.
- PCB 10-20** People of the State of Illinois v. Montalbano Builders, Inc., MBC XIV, LLC, Cortland I-88, LLC, RB Resolutions Properties, LLC, and Douglas J. Johnson 5-0
(Water-Enforcement) – Member Zalewski indicated that this matter requires further consideration because of a filing with the Board on the eve of the Board meeting (December 16), and that a draft would be circulated for the next regular Board meeting. The Board took no action on this matter.
- PCB 15-137** D&L Landfill, Inc. v. IEPA 5-0

(Land-Permit Appeal) – Member Glosser stated that a draft order on the pending cross-motions for summary judgment would be circulated before the next regular Board meeting. The Board took no action on this matter.

PCB 16-14	<u>Village of Homewood, Homewood, Illinois v. IEPA</u>	5-0
PCB 16-15	<u>Village of Orland Park, Orland Park, Illinois v. IEPA</u>	
PCB 16-16	<u>Village of Midlothian, Midlothian Illinois v. IEPA</u>	
PCB 16-17	<u>Village of Tinley Park, Tinley Park, Illinois v. IEPA</u>	
PCB 16-18	<u>Exxonmobil Oil Corporation v. IEPA</u>	
PCB 16-20	<u>Village of Wilmette v. IEPA</u>	
PCB 16-21	<u>City of Country Club Hills, Country Club Hills, Illinois v. IEPA</u>	
PCB 16-22	<u>Noramco-Chicago, Inc. v. IEPA</u>	
PCB 16-23	<u>Flint Hills Resources Joliet, LLC (Chloride Standard) v. IEPA</u>	
PCB 16-25	<u>City of Evanston v. IEPA</u>	
PCB 16-26	<u>Village of Skokie v. IEPA</u>	
PCB 16-27	<u>Illinois Department of Transportation v. IEPA</u>	
PCB 16-29	<u>Metropolitan Water Reclamation District of Greater Chicago v. IEPA (Chloride Standards)</u>	
PCB 16-30	<u>Village of Richton Park v. IEPA</u>	
PCB 16-31	<u>Village of Lincolnwood v. IEPA</u>	
PCB 16-33	<u>City of Oak Forest, Oak Forest, IL v. IEPA (Water-Variance, NPDES) – The Board granted respondent’s motion to consolidate these requests for variance. In addition, the Board, on its own motion, consolidated Village of Orland Park v. IEPA, PCB 16-15, Noramco-Chicago, Inc. v. IEPA, PCB 16-22, and Flint Hill Resources Joliet, LLC v. IEPA, PCB 16-23 with the other variance cases listed above for purposes of hearing.</u>	
PCB 16-41	<u>State Oil Company v. IEPA</u> (UST-Permit Appeal, 90-Day Ext.) – 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 McHenry County facility.	5-0
PCB 16-60	<u>Illinois Power Generating Company (Newton Power Station) v. IEPA</u> (Water – Permit Appeal, NPDES) – The Board granted petitioners’ motion for a stay of the contested permit conditions.	5-0
PCB 16-62	<u>WRB Refining, LP (Sulfur Recovery from Fuel Gas Project) v. IEPA</u> (Air – Tax Certification) – The Board found and certified that specified facilities of WRB Refining, LP located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS	5-0

200/11-10 (2014)).

- PCB 16-63** Bradley Mapes v. IEPA (Property ID No. 15-000-310-00) 5-0
(Water – Tax Certification) – The Board found and certified that specified facilities of Bradley Mapes located in Jo Daviess County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2014)).
- PCB 16-64** Bradley Mapes v. IEPA (Property ID No. 15-000-309-00) 5-0
(Water – Tax Certification) – The Board found and certified that specified facilities of Bradley Mapes located in Jo Daviess County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2014)).
- PCB 16-65** People of the State of Illinois v. Terminal Railroad Association of St. Louis 5-0
(Water – Enforcement) – 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 St. Clair County facility, the Board ordered publication of the required newspaper notice.
- PCB 16-66** Brickyard Disposal & Recycling, Inc. v. IEPA 5-0
(Land, Permit Appeal, 90-Day Extension) – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Vermilion County facility.
- PCB 16-67** Lloyd Brown v. IEPA 5-0
(UST Appeal, 90-Day Extension) – The Board granted this request for a 90-day extension of time to file an underground storage tank on behalf of this Randolph County facility.

December 22, 2015

Via videoconference

Springfield and Chicago, Illinois

Rulemakings

- R16-7** RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2015 through June 30, 2015) 5-0
(Land) – The Board adopted an order extending the deadline for completion of amendments until June 30, 2016 in this “identical-in-substance” rulemakings to amend the Board’s hazardous waste regulations.

New Cases

December 17, 2015 Board Meeting

AC 16-6 County of DuPage v. Thomas Schmerold
(Land) – No action taken.

R16-17 Procedural Rules Amendments: Proposed Amendments to 35 Ill. Adm. Code 101 through 125 (Other) – The Board adopted a first notice opinion and order in this rulemaking to amend the Board's procedural rules.

PCB 16-63 Bradley Mapes v. IEPA (Property ID No. 15-000-310-00)
(Water – Tax Certification) – The Board found and certified that specified facilities of Bradley Mapes located in Jo Daviess County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2014)).

PCB 16-64 Bradley Mapes v. IEPA (Property ID No. 15-000-309-00)
(Water – Tax Certification) – The Board found and certified that specified facilities of Bradley Mapes located in Jo Daviess County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2014)).

PCB 16-65 People of the State of Illinois v. Terminal Railroad Association of St. Louis
(Water – Enforcement) – 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 St. Clair County facility, the Board ordered publication of the required newspaper notice.

PCB 16-66 Brickyard Disposal & Recycling, Inc. v. IEPA
(Land, Permit Appeal, 90-Day Extension) – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Vermilion County facility.

PCB 16-67 Lloyd Brown v. IEPA
(UST Appeal, 90-Day Extension) – The Board granted this request for a 90-day extension of time to file an underground storage tank on behalf of this Randolph County facility.

December 22, 2015 Board Meeting

AC 16-7 IEPA v. James Reichert Limited Family Partnership
(Land) – No action taken.

PCB 16-68 Matt Gill v. CHS Inc. - Carrollton Farmers Elevator
(Noise, Citizens – Enforcement) – No action taken.

PCB 16-69 Adam Kieta (Corrective Action Plan) v. IEPA
 (UST Appeal, 90-Day Extension) – No action taken.

PCB 16-70 Adam Kieta (Corrective Action Plan Budget) v. IEPA
 (UST Appeal, 90-Day Extension) – No action taken.

Calendar

<p>12/3/2015 11:00 AM</p>	<p>Illinois Pollution Control Board Meeting CANCELLED</p>	<p>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</p>
<p>12/17/2015 11:00 AM</p>	<p>Illinois Pollution Control Board Meeting</p>	<p>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</p>
<p>12/22/2015 11:00 AM</p>	<p>Illinois Pollution Control Board Meeting Special Board Meeting</p>	<p>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</p>

<p>1/7/2016 11:00 AM</p>	<p>Illinois Pollution Control Board Meeting CANCELLED</p>		<p>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</p>
<p>1/12/2016 9:00 AM</p>	<p>PCB 16-54 PCB 16-56</p>	<p>Will County, Illinois v. Village of Rockdale, Board of Trustees of Village of Rockdale and Environmental Recycling and Disposal Services, Inc. (Consolidated: PCB 16-54 and 16-56)</p>	<p>Rockdale Village Hall Board Room79 Moen Avenue Rockdale, IL 60436</p>
<p>1/21/2016 11:00 am</p>	<p>Illinois Pollution Control Board Meeting</p>		<p>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</p>
<p>2/4/2016 11:00 am</p>	<p>Illinois Pollution Control Board Meeting</p>		<p>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</p>
<p>2/18/2016 11:00 am</p>	<p>Illinois Pollution Control Board Meeting</p>		<p>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</p>

<p>2/18/2016 1:30 PM</p>	<p>R16-2</p>	<p>National Ambient Air Quality Standards, USEPA Amendments (January 1, 2015 through June 30, 2015)</p>	<p>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</p>
<p>3/3/2016 11:00 am</p>	<p>Illinois Pollution Control Board Meeting</p>		<p>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</p>
<p>3/17/2016 11:00 am</p>	<p>Illinois Pollution Control Board Meeting</p>		<p>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</p>
<p>3/3/2016 11:00 am</p>	<p>Illinois Pollution Control Board Meeting</p>		<p>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</p>
<p>3/15/2016 9:00 AM</p>	<p>PCB 14-3</p>	<p>Johns Manville, a Delaware corporation, v. Illinois Department of Transportation</p>	<p>James R. Thompson Center Hearing Room 2-029 100 W. Randolph Street Chicago</p>
<p>3/16/2016 9:00 AM</p>	<p>PCB 14-3</p>	<p>Johns Manville, a Delaware corporation, v. Illinois Department of Transportation</p>	<p>James R. Thompson Center Hearing Room 2-029 100 W. Randolph Street Chicago</p>

3/17/2016 9:00 AM	PCB 14-3	Johns Manville, a Delaware corporation, v. Illinois Department of Transportation	James R. Thompson Center Hearing Room 2-029 100 W. Randolph Street Chicago
3/17/2016 11:00 am	Illinois Pollution Control Board Meeting		Chicago 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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