

ILLINOIS POLLUTION CONTROL BOARD
August 21, 2014

IN THE MATTER OF:)
)
PETITION OF KRAMER TREE) AS 14-2
SPECIALISTS, INC. FOR AN ADJUSTED) (Adjusted Standard – Land)
STANDARD FROM 35 ILL. ADM. CODE)
830)

OPINION AND ORDER OF THE BOARD (by C.K. Zalewski):

On February 26, 2014, Kramer Tree Specialists, Inc. (Kramer) filed a petition (Pet.) for an adjusted standard pursuant to Section 28.1 of the Environmental Protection Act (Act) and Part 104 of the Board’s procedural rules. *See* 415 ILCS 5/28.1 (2012); 35 Ill. Adm. Code 104.Subpart D. Kramer requests an adjusted standard from the general use compost standards found in Part 830 of the Board’s regulations. 35 Ill. Adm. Code 830. Specifically, Kramer requests an adjusted standard from Section 830.202(d), (e)(3), (f), (g), (k), and (l)(1); Section 830.205(a)(1)(A) and (a)(1)(C); Section 830.206(f), (j)(1), (k), (l), and (n); and Sections 830.503, 830.504, and 830.507. 35 Ill. Adm. Code 830.202(d), (e)(3), (f), (g), (k), (l)(1); 830.205(a)(1)(A), (a)(1)(C); 830.206(f), (j)(1), (k), (l), (n); 830.503; 830.504; 830.507. These provisions generally establish standards applicable to landscape waste composting facilities and address the quality of end-product compost. Kramer seeks the adjusted standard for its leaf mulch production facility located at 300 Charles Court, West Chicago, DuPage County.

In a May 1, 2014 order, the Board found that the notice of Kramer’s petition was proper and noted the receipt of the Illinois Environmental Protection Agency’s (“the Agency” or “IEPA”) recommendation. *In re* Petition of Kramer Tree Specialists, Inc. AS 14-2, slip op. at 1-2 (May 1, 2014). The Board concluded that order by finding that, “neither Kramer nor the IEPA has demonstrated that Part 830 of the Board’s Solid Waste and Special Waste Hauling regulations is applicable to Kramer,” and directing the parties to brief the issue of applicability of Part 830. *Id.*

In this order, the Board first describes Kramer’s facility and provides the procedural history of this matter. The Board then provides the legal framework for an adjusted standard and summarizes the parties’ briefs on the issue of applicability. Then the Board finds that the Board’s standards for compost facilities do not apply to Kramer’s leaf mulch operation. Finally, the Board denies Kramer’s petition for an adjusted standard from Part 830 of the Board’s regulations.

FACILITY DESCRIPTION AND PROCEDURE

Kramer’s Business

Kramer produces and sells leaf mulch at a ten acre facility located at 300 Charles Court in West Chicago, DuPage County (facility). Pet. at 1. Kramer produces two mulch products at the

facility: leaf mulch and special blend. *Id.* at 2. Leaf mulch is made entirely of virgin leaves while special blend is composed of virgin leaves and wood materials. *Id.* Kramer states that “[t]he leaves in these mulches are processed and mixed so as to maintain consistent texture and color quality of the mulches, which are sold to retail, commercial, and municipal customers year-round.” *Id.*

The leaves that go into Kramer’s mulch products are collected and received only by Kramer staff so as to “ensure that no non-leaf substances are included in the feedstock¹ for the leaf mulch processes.” Pet. at 3. Any non-leaf material inadvertently received at Kramer is taken to a local composting facility. *Id.* Kramer’s mulch production is broken into seasons such that leaves are collected in the fall, mulch production begins over the winter, and finally the mulch begins leaving the facility in early spring until all the mulch product from the previous 12 months is delivered by sometime in October. *Id.* at 2. The petition emphasizes that “[u]nder no circumstances does Kramer store leaves at its facility from year-to-year.” *Id.*

Kramer contracts with a number of municipalities to collect approximately 15,000 cubic yards of leaves each year. Pet. at 2. The unprocessed leaves and mulch product are both handled “on a five-and-a-half acre, reinforced concrete pad designed to control precipitation run-on and run-off.” *Id.* at 3. The leaves are either ground for the leaf mulch product or ground and blended with tree limbs, trunks and shredded wood waste for the special blend product. *Id.* In its petition, Kramer states that “[d]uring production, Kramer takes several precautions to ensure that odors and dust are minimized, which meet or exceed the operational requirements of the compost regulations.” *Id.* at 4.

Kramer describes the leaf mulch business as profitable, due in part to the capital Kramer receives for collecting the unwanted raw materials that go into the finished products. Pet. at 5. The majority of Kramer’s product is sold to commercial and municipal buyers. *Id.* at 6. In the petition, Kramer reports that its leaf mulch sales totaled more than \$713,012 in revenue in 2012, which represents more than half of Kramer’s overall mulch business for the same time period. *Id.* at 7.

Procedural History

Kramer filed this petition for an adjusted standard on February 26, 2014. As provided in the Board’s May 1, 2014 order, Kramer properly noticed the petition in *West Chicago Suburban Life* on March 6, 2014 and filed a certificate of publication with the Board on March 17, 2014. See Kramer, AS 14-2, slip op. at 1. The Agency filed its recommendation (Rec.) that the Board grant the adjusted standard on April 16, 2014.

The Board’s May 1, 2014 order directed the parties to submit briefs on the applicability of Part 830 of the Board’s Solid Waste and Special Waste Hauling regulations to Kramer’s leaf mulch operation. Kramer, AS 14-2, slip op. at 1-2. On June 2, 2014, Kramer submitted its brief (Br.) arguing that Part 830 is not applicable to its leaf mulch operation. The Agency submitted

¹ “Feedstock” is defined as “[r]aw materials required for an industrial process.” *The American Heritage Dictionary* 495 (2nd college ed. 1985).

its response (Res.) on June 18, 2014. Finally, Kramer filed its reply (Reply) to the Agency's response on June 30, 2014. Before summarizing the parties' arguments, the Board will briefly outline the interaction between Kramer and the Agency, which resulted in Kramer filing the instant petition for adjusted standard.

Kramer's petition for an adjusted standard is the most recent filing in its attempt to run its leaf mulch facility under the Agency's review and permission. In December 2008, the Agency issued Kramer a violation notice alleging land pollution violations of the Act. Br. at 3. In May 2011, Kramer applied for a composting permit pursuant to Part 830 of the Board's solid waste regulations. *Id.* Kramer's permit application was denied by the Agency in August 2011 for the following reasons:

1. The size of the storage piles and the operating plan associated with the leaf mulch does not provide proper conditions for composting, pursuant to [35 Ill. Adm. Code 830.205(a)(1)(A) and 35 Ill. Adm. Code 830.206].
2. The compost generated at the proposed facility will not meet the standards for general use compost, pursuant to [35 Ill. Adm. Code 830.503].
3. The facility cannot perform testing of the leaf mulch in accordance with [35 Ill. Adm. Code 830.504].
4. Samples from the leaf mulch cannot properly be taken in accordance with [35 Ill. Adm. Code 830.507]. *Id.* at 3-4; Pet., Exhibit C.

That denial led to Kramer's pending permit appeal before the Board, Kramer Tree Specialist, Inc. v. IEPA, PCB 12-51, in which Kramer argues that, "denial generally results from the application of 35 Ill. Adm. Code 830 to [Kramer's] facility." Kramer, PCB 12-51, slip op. at 3, (Nov. 3, 2011) (petition for review).

On April 30, 2013, Kramer first filed a petition for adjusted standard with the Board. Kramer Tree Specialists, Inc. v. IEPA, AS 13-03 (Apr. 30, 2013). In order to effectuate the Board's notice and publication requirements for a petition for adjusted standard, Kramer filed a motion to voluntarily dismiss that petition on May 29, 2013 and filed the instant petition for adjusted standard on February 26, 2014.

LEGAL FRAMEWORK AND APPLICABLE REGULATIONS

The Act and the Board rules provide that a petitioner may request, and the Board may grant, an adjusted standard that is different from the generally applicable standard that would otherwise apply to the petitioner. *See* 415 ILCS 5/28.1 (2012); 35 Ill. Adm. Code 104.Subpart D.

After adopting a regulation of general applicability, the Board may grant, in a subsequent adjudicatory determination, an adjusted standard for persons who can justify such an adjustment consistent with subsection (a) of Section 27 of this Act. In granting such adjusted standards, the Board may impose such conditions as may be necessary to accomplish the purposes of this Act. The rule-making

provisions of the Illinois Administrative Procedure Act and Title VII of this Act shall not apply to such subsequent determinations. 415 ILCS 5/28.1(a) (2012).

Subpart D of Part 104 of the Board's procedural rules describes an adjusted standard as having "the effect of an environmental regulation that would apply to petitioner, if granted, in lieu of the general regulation that would otherwise be applicable to a petitioner and the regulated community." 35 Ill. Adm. Code 104.400(a).

The general procedures that govern an adjusted standard proceeding are found at Section 28.1 of the Act and Section 104.Subpart D of the Board's procedural rules. 415 ILCS 5/28.1 (2012); 35 Ill. Adm. Code 104.400 *et seq.* The Board's procedural rules specify the required contents for the adjusted standard petition. *See* 35 Ill. Adm. Code 104.406, 104.416. After a petition for an adjusted standard is filed, the Agency must file its recommendation with the Board within 45 days after the filing of the petition or amended petition, or at least 30 days before any scheduled hearing, whichever is earlier. *See* 415 ILCS 5/28.1(d)(3) (2012); 35 Ill. Adm. Code 104.416. The adjusted standard proceeding is adjudicatory in nature and therefore is not subject to the rulemaking provisions of the Illinois Administrative Procedure Act (5 ILCS 100/1-1 *et seq.* (2012). *See* 415 ILCS 5/28.1(a) (2012); 35 Ill. Adm. Code 101.202 (defining "adjudicatory proceeding").

Part 830 of the Board's Solid Waste and Special Waste Hauling regulations establish "location and operation standards for landscape waste compost facilities [along with] quality standards and testing procedures for all end-product compost offered by facilities for sale or use in Illinois." Regulation of Landscape Waste Compost Facilities 35 Ill. Adm. Code 830-832, R93-29, slip op. at 2-3 (Nov. 3, 1994). Part 831, delineating what information is required in a compost facility permit application, and Part 832, containing the procedural requirements for compost facility permitting, were created in the same rulemaking docket at Part 830. *Id.*

Section 3.155 of the Act, "Composting," provides:

"Composting" means the biological treatment process by which microorganisms decompose the organic fraction of the waste, producing compost. 415 ILCS 5/3.155 (2012); 35 Ill. Adm. Code 830.102.

Section 3.270 of the Act, "Landscape waste," provides:

"Landscape waste" means all accumulations of grass or shrubbery cuttings, leaves, tree limbs and other materials accumulated as the result of the care of lawns, shrubbery, vines and trees. 415 ILCS 5/3.270 (2012); 35 Ill. Adm. Code 830.102.

Section 3.535 of the Act, "Waste," provides:

"Waste" means any garbage, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility or other discarded material including solid, liquid, semi-solid, or contained gaseous material resulting from

industrial, commercial, mining and agricultural operations, and from community activities . . .” 415 ILCS 5/3.535 (2012).

Section 830.102 of the Board’s regulations provides:

“Composting operation” means an enterprise engaged in the production and distribution of end-product compost.

“Landscape waste compost facility” means an entire landscape waste composting operation, with the exception of a garden compost operation. 35 Ill. Adm. Code 830.102.

PARTIES’ ARGUMENTS ON APPLICABILITY

The filings of both parties leading up to the Board’s May 1, 2014 order laid the foundation for the Board’s request that the parties brief the issue of applicability. Kramer’s petition, for example, stated that

Kramer’s production processes do not meet the general use compost standards as set forth in Section 830.503 of the [Board’s composting regulations] . . . Kramer’s processes do not align with some of those standards for the simple reason that those standards are intended to promote the decomposition of landscape wastes, which is the antithesis of Kramer’s goal to prevent the decomposition of leaves so they may be reconstituted into commercial mulch products.” Pet. at 1-2.

Kramer also asserted that its “practices contrast starkly with the operation of composting facilities.” Pet. at 4. Likewise, the Agency stated in its recommendation that “an important part of [Kramer’s] production process is the storage of the leaves in a manner that does not allow them to decompose and produce compost.” Rec. at 1. The Agency further stated that Kramer’s

production and finished product cannot conform to the general use compost standards of 35 Ill. Adm. Code 830.503. The standards, as pointed out by [Kramer], are intended to promote the decomposition of landscape waste. Petitioner’s procedures for the production of its leaf mulch, and the storage of the leaves required to produce the mulch, are designed to prevent the decomposition of the leaves. Rec. at 1-2.

In light of such statements, on May 1, 2014, the Board directed the parties to formally brief the issue of applicability of Part 830 of the Board’s Solid Waste and Special Waste Hauling regulations to Kramer’s leaf mulch operation.

Kramer’s Brief

Kramer opens its brief by stating what it refers to as the “only necessary background” for a determination that Part 830 of the Board’s Solid Waste and Special Waste Hauling regulations is inapplicable: “Kramer is returning fallen leaves to the economic mainstream as useful

products and Kramer is not engaged in ‘composting’ at its West Chicago facility.” Br. at 1. Kramer states that an important part of its process is storing the leaves at its facility so that they do not decompose. *Id.* at 2. Kramer prefaces the argument section of its brief by stating that, when Kramer applied for a permit pursuant to Part 830 of the Board’s regulations, the Agency denied the permit because “Kramer’s leaf-mulching operations—designed to *impede* decomposition—were inconsistent with the specific portions of Section 830 crafted to *promote* decomposition.” *Id.* at 4 (emphasis in original). Kramer bases its legal argument on the definitions of “landscape waste compost facility,” “landscape waste,” and “waste” in the Act and Board regulations. *Id.* at 5.

Kramer asks that the Board look at the terms within “landscape waste compost facility” in order to determine if Kramer’s leaf mulch facility falls within its purview. Br. at 5. Kramer argues that its operations do not include “waste,” let alone “landscape waste” nor “composting” and, therefore, Part 830 is inapplicable. *Id.*

Kramer asserts that “landscape waste” is a subset of “waste” and cites a number of Board cases in support of its argument. Br. at 5-6. Specifically, Kramer cites American Tree Service, Inc. v. IEPA, PCB 94-43 (Dec. 14-1994) as holding “the general definition [of ‘waste’] includes all specifically-defined types of waste, such as landscape waste.” *Id.* at 6, citing American Tree, PCB 94-43, slip op. at 14. Kramer argues that, in order for a material to be a “waste,” that material must be discarded. *Id.* The mulch feedstock that comes to the Kramer facility, on the other hand, is “returned to the economic mainstream” or “destined to be reused,” argues Kramer. *Id.*, citing In re Petition of Jo’Lyn Corp. and Falcon Waste and Recycling, AS 04-02 (Apr. 7, 2005); Safety-Kleen Corp. v. Environmental Protection Agency, PCB 80-12 (Feb. 7, 1980). Kramer asserts that its process “is based entirely on preventing its feedstock materials from being ‘discarded’” and turning the leaf material that comes onto the site into “saleable leaf-mulch product” for beneficial purposes. *Id.* at 6-7.

Next, Kramer distinguishes its operation from composting operations. Br. at 8. Kramer restates the definition of “composting operation” and argues that “each of the Board’s definitions [specifically, “compost” and “composting”] of relevant terms limit the applicability of Section 830 to facilities engaged in ‘composting’ to produce ‘compost’.” *Id.* Kramer cites to the Agency’s recommendation in this case, arguing that Kramer’s business, to the contrary, is based on “the storage of leaves in a manner that does not allow them to decompose and produce compost.” *Id.*, citing Rec. at 1. Kramer concludes its argument by asserting “[w]ithout ‘compost’ there is no basis to apply the ‘composting’ regulations of Section 830.” *Id.*

Agency Response

The Agency’s response to Kramer emphasizes the definition of “landscape waste,” which it interprets to include the leaves that Kramer accepts as feedstock to its mulching operation. Res. at 2. The Agency asserts that landscape waste must be disposed of separately and managed differently from other waste, pursuant to the Act and Board regulations. *Id.*, citing 415 ILCS 5/22.22, 22.26 (2012). The Agency argues that

[t]he threats posed by an improperly located or operated composting facility can include odors, blowing litter, vectors, groundwater contamination and leachate runoff from the landscape waste pile, and fires. These same threats exist at an improperly located or operated leaf mulch operation. Res. at 2.

The Agency asserts that the argument Kramer uses to distinguish itself from a composting operation actually has the opposite effect. Res. at 2. The Agency argues that Kramer takes in leaves and returns the leaves to the economy as mulch the same way that a landscape waste composting facility takes in landscape waste and returns compost to the economy. *Id.* at 2-3. The Agency argues that the Illinois legislature clearly felt “that the production of compost merits regulation” when it developed the compost provision of the Act. *Id.* at 3.

The Agency argues that, while Kramer may operate its facility to avoid composting of the leaves, “composting is a natural process that will occur even at leaf mulch operations.” Kramer may only act to retard the compost process, asserts the Agency. Res. at 3. The Agency cites to Kramer’s petition, where Kramer acknowledges that it works to minimize leaf decay in the mulching process. *Id.*, citing Pet. at 3. To conclude its brief, the Agency reiterates that the operation of a leaf mulch business presents the same threat to human health and the environment as a composting operation presents. *Id.* at 4. “Leaf piles at a leaf mulch facility that are exposed to precipitation and storm water runoff,” asserts the Agency, “pose the same threat of contamination to the groundwater or leachate runoff that a landscape waste compost operation must address.” *Id.*

Kramer’s Reply

In its reply, Kramer states that the Agency did not contest any of Kramer’s substantive arguments in its response. Reply at 1. Kramer asserts that the Agency failed to apply either “waste” or “composting,” which are the two operative terms of the Board’s regulations according to Kramer, to a leaf mulch operation. *Id.* Kramer argues that the Agency relies too heavily on the similarities between the process of leaf mulch and the process of composting without making substantive arguments about why Part 830 of the Board’s regulations should apply to Kramer. In response to the Agency’s statement that the legislature found it necessary to regulate compost facilities, Kramer points out that “[n]either the legislature nor IEPA . . . have found a need to similarly regulate leaf mulching operations.” Reply at 2. Kramer concludes its reply by citing to Alternative Fuels, Inc. v. IEPA, 830 N.E.2d 444 (2005), for the proposition that “[i]f IEPA ‘deems this industry worthy of regulation,’ it must do so ‘through a properly promulgated regulation’ it cannot back into that result by ignoring the ‘plain meaning’ of the terms ‘discarded’ and ‘waste.’” *Id.* citing Alternative Fuels, Inc., 830 N.E.2d at 459.

BOARD DISCUSSION

In order for the Board to grant an adjusted standard from “a regulation of general applicability,” the regulation must be applicable to the petitioner. As noted in the Board’s May 1, 2014 order, Section 28.1(c)(1) of the Act provides that

the Board may grant individual adjusted standards whenever the Board determines, upon adequate proof by petitioner, that . . . factors relating to that petitioner are substantially and significantly different from the factors relied upon by the Board in adopting the general regulation *applicable to that petitioner*. 415 ILCS 5/28.1(c)(1) (2012) (emphasis added).

Further, as noted above, Section 104.400(a) of the Board's general rules explains that an adjusted standard applies "in lieu of the general regulation *that would otherwise be applicable* to a petitioner." 35 Ill. Adm. Code 104.400(a) (emphasis added). For the following reasons, the Board finds that Part 830 of the Board's solid waste and special waste handling regulations is inapplicable to Kramer's leaf mulch operation and therefore the Board cannot grant Kramer an adjusted standard as requested.

In the petition, Kramer acknowledged the difficulty of fitting its operations within the regulatory scheme of Title 35 of the Illinois Administrative Code and the Act. *See* Pet. at 1-2. The Agency has also acknowledged the problem of fitting Kramer's operation into an existing regulatory scheme. In its April 16, 2014 recommendation in this matter, for example, the Agency stated that Kramer's

production and finished product cannot conform to the general use compost standards of 35 Ill. Adm. Code 830.503. The standards, as pointed out by [Kramer], are intended to promote the decomposition of landscape waste. Petitioner's procedures for the production of its leaf mulch, and the storage of the leaves required to produce the mulch, are designed to prevent the decomposition of the leaves. Rec. at 1-2.

Both Kramer and the Agency acknowledge that the composting process and the process that results in Kramer's leaf mulch products are very different. Kramer argues that Part 830 of the Board's solid waste regulations does not apply to its mulching operation. The Agency, in its response brief does not compare similarities of leaf mulch and compost operations but instead, argues that the threats presented by an "improperly located or operated composting facility" are the same as the threats presented by "an improperly located or operated leaf mulch operation." Res. at 2. The Board notes, however, that the Agency fails to allege specific details about how Kramer's facility and operations threaten the environment.

While composting inherently involves the decomposition of waste materials, Kramer's mulching operation aims to prevent the decomposition of leaves. The Board finds that in order to grant Kramer's petition, the Board would have to change the meaning of several provisions of the Board's standards for compost facilities. Even though Kramer's petition requests that the Board simply replace the word 'compost' with 'mulch' in a number of provisions of the Board's regulations, the Board finds that the difference in meaning between those two words is such that it would substantially change the meaning of the regulations. The result would be an attempt to protect the environment from the threats of a mulching operation that *preserves* organic raw materials using provisions promulgated to protect the environment from the very different composting process designed to *decompose* the same type of material.

The plain language of Section 28.1 of the Act limits adjusted standards to relieving the petitioner from a regulation that would *otherwise be applicable* to the petitioner. 415 ILCS 5/28.1(c)(1) (2012). Likewise, the plain language of Section 830.101(b)(1) of the Board's standards for compost facilities limits Part 830 to "landscape waste compost facilities operating in the State of Illinois." 35 Ill. Adm. Code 830.101(b)(1). The petition asks the Board to use the Board's adjusted standard procedure for rulemaking purposes in order to make the Board's standards for compost facilities applicable to Kramer's mulching operation. The Board's authority to grant an adjusted standard, however, is separate and distinct from its rulemaking authority.

The Board, as an administrative agency, is a "creature of statute," and therefore has only the authority given to it by its enabling act. See Granite City Div. of Nat. Steel Co. v. PCB, 155 Ill. 2d 149, 171, 613 N.E.2d 719 (1993). The Board is accordingly "powerless to expand its authority beyond that which the legislature has expressly granted to it." McHenry County Landfill, Inc. v. IEPA, 154 Ill. App. 3d 89, 95, 506 N.E.2d 372 (2nd Dist. 1987). See Mill Creek Water Reclamation District v. IEPA, PCB 10-74, slip op. at 7 (Aug. 5, 2010). The Act gives the Board rulemaking authority, but also constrains the Board's authority to act on a petition for adjusted standard. Section 28.1 of the Act provides that after promulgating a rulemaking of general applicability, the Board may grant an adjusted standard, but "[t]he rule-making provisions of the Illinois Administrative Procedure Act (IAPA) and Title VII of this Act shall not apply to such subsequent determinations." 415 ILCS 5/28.1(a) (2012).

The Board's rulemaking provisions are different from the Board's adjusted standard provisions. Section 27 of the Act authorizes the Board to promulgate regulations "specific to individual persons or sites." 415 ILCS 5/27(a) (2012). Section 27 goes on to authorize the Board to consider the specifics of a site and the specific type of environmental threat that a site may present when creating regulations addressing a site. *Id.* The same section requires the Board to hold at least one public hearing on the economic impact of a new rule in addition to the public notice and public hearing requirements of the IAPA. *Id.* at 27(b)(2); See 5 ILCS 100/5-40 (2012). The Board cannot ignore the "otherwise applicable" phrase of Section 28.1 of the Act to create new regulations under the auspices of an adjusted standard. Adoption of such new regulations requires the public participation afforded by the rulemaking provisions of the Act and the IAPA.

The Board finds Kramer's citation to Alternative Fuels persuasive in support of Kramer's argument that the Agency may not ignore the plain meaning of the Board's existing composting regulation in order to mold those regulations to fit Kramer's mulching operation. Rather, the Board finds that if the Agency deems Kramer's mulching operation worthy of regulation, it must properly promulgate such regulations through the Board's rulemaking procedures. See Reply at 2; Alternative Fuels, Inc., 830 N.E.2d at 459.

ORDER

For all the reasons discussed above, the Board finds that Part 830 of the Board's standards for compost facilities does not apply to Kramer's mulching operation and provides no

basis on which to grant an adjustment from those standards. Therefore, the Board denies Kramer's petition for adjusted standard and closes the docket.

IT IS SO ORDERED.

Section 41(a) of the Act provides that final Board orders may be appealed directly to the Illinois Appellate Court within 35 days after the Board serves the order. 415 ILCS 5/41(a) (2012); *see also* 35 Ill. Adm. Code 101.300(d)(2), 101.906, 102.706. Illinois Supreme Court Rule 335 establishes filing requirements that apply when the Illinois Appellate Court, by statute, directly reviews administrative orders. 172 Ill. 2d R. 335. The Board's procedural rules provide that motions for the Board to reconsider or modify its final orders may be filed with the Board within 35 days after the order is received. 35 Ill. Adm. Code 101.520; *see also* 35 Ill. Adm. Code 101.902, 102.700, 102.702.

I, John T. Therriault, Clerk of the Illinois Pollution Control Board, certify that the Board adopted the above order on August 21, 2014 by a vote of 4-0.

A handwritten signature in black ink that reads "John T. Therriault". The signature is written in a cursive style with a long horizontal stroke at the end.

John T. Therriault, Clerk
Illinois Pollution Control Board