

IPCB

Illinois Pollution Control Board



ANNUAL REPORT

Fiscal Year

2018

TABLE OF CONTENTS



Mission Statement 2



Letter from the Chairman 3



Board Members 5



Rulemaking Update 7



Appellate Update 12



Legislative Update 15



ILLINOIS POLLUTION CONTROL BOARD



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MISSION STATEMENT

The Illinois Environmental Protection Act was enacted in 1970 for the purpose of establishing a comprehensive State-wide program to restore, protect, and enhance the quality of the environment in our State. To implement this mandate, the Act established the Illinois Pollution Control Board and accorded it the authority to adopt environmental standards and regulations for the State, and to adjudicate contested cases arising from the Act and from the regulations.

With respect for this mandate, and with recognition for the constitutional right of the citizens of Illinois to enjoy a clean environment and to participate in State decision-making toward that end, the Board dedicates itself to:

- ❖ The establishment of coherent, uniform, and workable environmental standards and regulations that restore, protect, and enhance the quality of Illinois' environment;
- ❖ Impartial decision-making that resolves environmental disputes in a manner that brings to bear technical and legal expertise, public participation, and judicial integrity; and
- ❖ Government leadership and public policy guidance for the protection and preservation of Illinois' environment and natural resources, so that they can be enjoyed by future generations of Illinoisans.





IPCB

Illinois Pollution Control Board

GOVERNOR

JB Pritzker



CHAIRMAN

Katie Papadimitriou



MEMBERS

Brenda Carter
U-Jung Choe
Cynthia Santos
Carrie Zalewski



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February 2019

Honorable JB Pritzker, Governor of Illinois, and Members of the General Assembly:

The Illinois Pollution Control Board is proud to present its Annual Report for Fiscal Year 2018. The report details Board rulemakings concluded during this timeframe, as well as judicial decisions issued on appeal of final Board orders. In addition, the report highlights enacted legislation—from the General Assembly’s 2018 Session—related to the Board’s work. In this letter, after touching on the Board’s statutory roles, I briefly describe three of our accomplishments.



Under the Environmental Protection Act, the Board has two main functions: setting the environmental standards for the State of Illinois by adopting regulations through rulemakings; and deciding contested cases through adjudications. The latter includes hearing complaints that allege violations of the Act; petitions that ask for review of permitting and other determinations made by the Illinois Environmental Protection Agency (IEPA), as well as “pollution control facility” siting determinations made by local governments; and petitions that seek relief from Board regulations. In carrying out these two functions, the Board provides a public forum in which interested citizens can actively participate in our State’s environmental decision-making.

Typically, the Board has about 150 rulemaking and adjudicatory proceedings pending at any one time. Although, during Fiscal Year 2018, the Board continued to handle these proceedings while operating within its budgets, three of the Board’s achievements stand out.



Illinois Pollution Control Board
February 2019
Page 2

- ❖ First, the Board adopted final rules to govern proceedings for time-limited water quality standards (TLWQS), a new type of regulatory relief. Public Act 99-937 authorized the Board to issue TLWQS for watersheds, water bodies, waterbody segments, and dischargers. As that legislation required, IEPA initiated this rulemaking by filing a proposed set of regulations with the Board. Before final adoption, the Board held a public hearing and received public comments on the proposed rules ([docket R18-18](#)). The Board is applying the new rules (35 Ill. Adm. Code Part 104, Subpart E), which are essential to the State of Illinois' compliance with the federal Clean Water Act, to over 50 pending TLWQS cases.
- ❖ Second, the Board continued its initiative to update and simplify all its environmental regulations. The Board opened ten rulemaking dockets dedicated to ensuring that its rules are current, clear, and concise. The rulemakings cover nearly all the Board's substantive regulations: noise ([docket R18-19](#)); air pollution ([docket R18-21](#)); water pollution ([docket R18-23](#)); mine-related water pollution ([docket R18-24](#)); agriculture-related water pollution ([docket R18-25](#)); public water supply ([docket R18-26](#)); waste disposal ([docket R18-27](#)); atomic radiation ([docket R18-28](#)); biological materials ([docket R18-29](#)); and Right-to-Know ([docket R18-30](#)). The Board has since adopted final amendments to its noise rules, while the other rulemakings are at various stages of hearing or public comment.
- ❖ Finally, Board held six days of hearings and received thousands of public comments in Amendments to 35 Ill. Adm. Code 225.233, Multi-Pollutant Standard (MPS), [docket R18-20](#) (and [R18-20PC](#)). The MPS is a set of air pollution control rules applicable to eight downstate coal-fired power plants. In October 2018, the Board proposed rule amendments that differ substantially from those proposed by IEPA to the Board. For example, the revised proposal would impose lower annual mass-based caps on sulfur dioxide and nitrogen oxides emissions. The Board recently held an additional hearing and received more public comments. After the comment period closes, the Board will decide whether to propose these or revised MPS amendments to the Joint Committee on Administrative Rules for second notice review.

If you have any comments or questions about the Board or its activities, please contact me directly.

Sincerely,



Katie Papadimitriou
Chairman



BOARD MEMBERS



❖ **Chairman Katie Papadimitriou**



Chairman Papadimitriou was appointed by Governor Bruce Rauner in January 2017. She brings government and private sector experience in highly regulated industries to the Board, focusing on state and federal regulatory policies with an emphasis on deregulated energy markets and the convergence of energy and the environment. Her wide-ranging private sector experience includes: providing strategic guidance and execution to data analytics firms in the clean energy sector; developing corporate regulatory and legislative strategies; and leading business development and corporate strategy.

She also has held positions with the Illinois Commerce Commission, the Illinois Pollution Control Board, and other Illinois state agencies.

Katie has an A.B. in Political Science from the University of Chicago, where she graduated with honors, and an M.S. from the Illinois Institute of Technology.

❖ **Carrie Zalewski**



Board Member Zalewski was appointed to the Board by Governor Pat Quinn in 2009. Ms. Zalewski is a licensed attorney in Illinois. Prior to joining the Board, Ms. Zalewski served as Assistant Chief Counsel at the Illinois Department of Transportation (IDOT) where she was the lead environmental compliance attorney. While at IDOT, Ms. Zalewski dealt with various environmental issues involving NPDES permits, leaking underground storage tanks, reviewing NEPA documents for IDOT projects, and other air, land, and water issues faced by IDOT. Ms. Zalewski has also worked for the State Appellate Defender's Office and in private practice. She has a Juris Doctor from Chicago-Kent College of Law and a Bachelor of Science in Engineering from the University of Illinois at Urbana. While at the University of Illinois, she studied abroad in Durban, South Africa. Ms. Zalewski was selected as a member of the Illinois Women's Institute for Leadership in 2008.



❖ **Cynthia Santos**

Board Member Santos was appointed to the Board by Governor Bruce Rauner in December 2016. Before joining the Board, Ms. Santos served 20 years as an elected Commissioner of the Metropolitan Water Reclamation District of Greater Chicago. During her tenure, she was instrumental in the development of the District's Stormwater Management Program. She also served as the District's representative on the City of Chicago's Public Building Commission where she was involved in the construction of numerous schools, libraries, and police and fire stations. Ms. Santos earned a Bachelor's Degree in Political Science, Summa Cum Laude, as well as a Master's Degree in Political Science and Public Policy from Northeastern Illinois University. Ms. Santos resides in Chicago.



❖ **Brenda Carter**

Board Member Carter was appointed to the Board by Governor Bruce Rauner in May 2017. She has over 15 years of experience in the field of environmental law and policy. Before joining the Board, Brenda was the Deputy Executive Director of the Illinois Environmental Regulatory Group (IERG). As Deputy Executive Director, she was actively involved in regulatory and legislative processes, strategic planning, and policy analysis for IERG and its member companies. Prior to becoming IERG's Deputy Executive Director, she served as IERG's Project Manager for 12 years. In that capacity, Brenda represented the interests of IERG's members before the Illinois EPA and other state and federal agencies to develop environmentally-sound laws and policies, particularly in the areas of water quality standards and permitting, greenhouse gases, and environmental justice. Brenda has a Master's in Environmental Studies from the University of Illinois at Springfield.



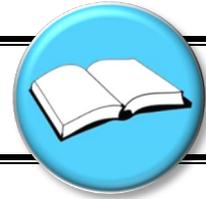
❖ **U-Jung Choe**

Board Member Choe was appointed to the Board by Governor Bruce Rauner in April 2018. Choe recently served as a Policy Director for the Governor's Office. Choe also led regulatory reform for the Governor as the Chairwoman of the Illinois Competitiveness Council. Her public service also includes having been the Executive Director of the Illinois Liquor Control Commission. Previously, Choe served as the Executive Secretary and Hearing Judge for the Indiana Alcohol and Tobacco Commission under the Indiana Governor Mitch Daniels. Choe has many years of broad-ranging public and private sector experience, including matters related to the administrative rules and procedures. Choe is a graduate of Indiana University and Syracuse University, College of Law.



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RULEMAKING UPDATE



INTRODUCTION

Under the Environmental Protection Act (Act) (415 ILCS 5), the Board is responsible for adopting the State’s environmental regulations by conducting rulemaking proceedings. Rulemaking generally involves the Board holding quasi-legislative hearings and receiving written public comments on regulatory proposals. The proposals are typically filed by the Illinois Environmental Protection Agency (IEPA), although the Act provides that they may be filed by “[a]ny person.” 415 ILCS 5/28(a). Based on the record developed during the rulemaking, the Board issues its opinions and orders, addressing the issues and the Board’s reasons for its decisions, in addition to proposing or adopting any new or amended rule language.

The Board’s proposed rules are published in the *Illinois Register* at first notice and later reviewed by the Joint Committee on Administrative Rules (JCAR) at second notice. At final notice, the Board files its adopted rules with the Index Department of the Office of the Secretary of State for both publication in the *Illinois Register* and codification in the Illinois Administrative Code. Besides providing the Board with general rulemaking authority to adopt Statewide and site-specific rules (415 ILCS 5/27, 28), the Act authorizes the Board to conduct expedited and streamlined rulemakings. For example, the Board uses a “fast-track” procedure to adopt rules required by the federal Clean Air Act (415 ILCS 5/28.5). Also, after a public comment period but without JCAR second-notice review and usually without holding a hearing, the Board adopts rules “identical in substance” to those of the United States Environmental Protection Agency (USEPA) concerning drinking water, hazardous waste, and other federally-authorized programs (415 ILCS 5/7.2).

The rulemakings completed by the Board in Fiscal Year 2018 are summarized below, followed by a list of rulemakings pending at the end of Fiscal Year 2018.

RULEMAKINGS COMPLETED IN FISCAL YEAR 2018

Board Adopts “Identical-in-Substance” NAAQS Amendments

- ❖ On October 19, 2017, the Board adopted final rule amendments that keep Illinois’ ambient air quality standards “identical in substance” to the National Ambient Air Quality Standards (NAAQS). The amendments reflect actions taken by the United States Environmental Protection Agency (USEPA) during the last half of 2016 and the first half of 2017. Among its actions, USEPA adopted the implementation rule for the 2012 primary annual fine particulate matter NAAQS and revised the requirements for handling monitoring data influenced by exceptional events. The Board’s rulemaking is captioned National Ambient Air Quality Standards, USEPA



Amendments (July 1, 2016 through December 31, 2016, March 20, 2017, May 11, 2017, and June 16, 2017), [docket R17-10](#).

Board Adopts “Identical-in-Substance” Amendment to VOM Definition

- ❖ On October 19, 2017, the Board adopted a final rule amendment that keeps Illinois’ definition of “volatile organic material” (VOM) “identical in substance” to the federal definition of “volatile organic compound” (VOC). The Board’s VOM amendment reflects the August 1, 2016 addition—by the United States Environmental Protection Agency (USEPA)—of an exclusion from the VOC definition. Specifically, USEPA added one hydrofluoroether compound to the list of excluded chemicals. The Environmental Protection Act requires that the Board correspondingly expand the exclusion from ozone regulation due to negligible photochemical reactivity. The Board’s rulemaking is captioned Definition of VOM Update, USEPA Regulations (July 1, 2016 through December 31, 2016), [docket R17-11](#).

Board Adopts “Identical-in-Substance” SDWA Amendments

- ❖ On December 21, 2017, the Board adopted final amendments to its drinking water rules at 35 Ill. Adm. Code 611. The amendments are “identical in substance” to 16 additional equivalent methods for analyzing contaminants in drinking water. These methods were granted summary approval by the United States Environmental Protection Agency under the federal Safe Drinking Water Act (SDWA) during the second half of 2016. In addition, the Board eliminated obsolete rule text, including past implementation dates, and clarified other provisions. The Board’s rulemaking is captioned SDWA Update, USEPA Amendments (July 1, 2016 through December 31, 2016), [docket R17-12](#).

Board Adopts Procedural Rules for Time-Limited Water Quality Standards

- ❖ On April 26, 2018, the Board adopted final rules on proceedings for time-limited water quality standards (TLWQS), a new type of regulatory relief. A TLWQS is a “water quality standard variance” that the Board may issue for a single discharger, multiple dischargers, a watershed, a water body, or a waterbody segment. TLWQS are consistent with the federal Clean Water Act and the United States Environmental Protection Agency’s rules and therefore are federally-approvable. The Board’s rulemaking (Regulatory Relief Mechanisms: Proposed New 35 Ill. Adm. Code Part 104, Subpart E, [docket R18-18](#)) resulted from the Environmental Protection Act’s new Section 38.5 (P.A. 99-937, eff. Feb. 24, 2017), which required the Illinois Environmental Protection Agency to propose, and the Board to adopt, TLWQS rules.

Board Adopts “Identical-in-Substance” Amendments to Drinking Water Rules

- ❖ On May 10, 2018, the Board adopted final amendments to its drinking water rules at 35 Ill. Adm. Code 611. The amendments are “identical in substance” to 17 alternative equivalent methods that the United States Environmental Protection Agency (USEPA) summarily approved on July 27, 2017, for analyzing contaminants in drinking water. Specifically, under the federal Safe Drinking Water Act (SDWA), USEPA summarily approved eight methods for eight inorganic contaminants and pH; four methods for three radioactive contaminants and parameters; three methods for a raw water parameter used to determine the potential for disinfection byproducts to form; one method for disinfection byproducts; and one method for two microbiological contaminants. The Board’s rulemaking is captioned SDWA Update, USEPA Amendments (July 1, 2017 through December 31, 2017), [docket R18-9](#).



Board Adopts “Identical-in-Substance” Amendments to Wastewater Pretreatment Rules

- ❖ On May 10, 2018, the Board adopted final amendments to its wastewater pretreatment rules at 35 Ill. Adm. Code 307. The amendments are “identical in substance” to actions taken in 2017 by the United States Environmental Protection Agency (USEPA) concerning two “point source” categories of wastewater dischargers. Specifically, under the federal Clean Water Act, USEPA (1) adopted discharge standards for dental facilities and (2) postponed the effective date of 2015 pretreatment standards—from November 1, 2018 to November 1, 2020—for existing (not new) steam electric power generating units. The Board’s rulemaking is captioned Wastewater Pretreatment Update, USEPA Amendments (January 1, 2017 through June 30, 2017), [docket R18-6](#) and Wastewater Pretreatment Update, USEPA Amendments (July 1, 2017 through December 31, 2017), [docket R18-14](#) (consol.).

Board Adopts “Identical-in-Substance” Amendments to Ambient Air Quality Standards

- ❖ On May 10, 2018, the Board adopted final amendments to its ambient air quality standards at 35 Ill. Adm. Code 243. The rule amendments are “identical in substance” to actions taken by the United States Environmental Protection Agency (USEPA) that concern the National Ambient Air Quality Standards (NAAQS). Specifically, during the second half of 2017, USEPA updated the *List of Designated Reference and Equivalent Methods* to include three new reference methods for particulate matter and one for carbon monoxide. The Board’s rulemaking is captioned National Ambient Air Quality Standards, USEPA Amendments (July 1, 2017 through December 31, 2017), [docket R18-15](#).



RULEMAKINGS PENDING AT END OF FISCAL YEAR 2018

- ❖ Coal Combustion Waste (CCW) Surface Impoundments at Power Generating Facilities: Proposed New 35 Ill. Adm. Code 841, [docket R14-10](#) (and [R14-10PC](#))
- ❖ Proposed Site-Specific Rule for Sanitary District of Decatur from 35 Ill. Adm. Code 302.208(e), [docket R14-24](#)
- ❖ RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (July 1, 2016 through December 31, 2016), [docket R17-14](#), RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2016 through December 31, 2016), [docket R17-15](#), RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2017 through December 31, 2017), [docket R18-12](#), and UIC Update: Miscellaneous Non-Substantive Revisions and Corrections to 35 Ill. Adm. Code 704, 705, 730, and 738, [docket R18-31](#) (consol.)
- ❖ SDWA Update, USEPA Amendments (July 1, 2017 through December 31, 2017), [docket R18-9](#)
- ❖ National Ambient Air Quality Standards, USEPA Amendments (July 1, 2017 through December 31, 2017), [docket R18-15](#)
- ❖ Public Water Supplies: Proposed New 35 Ill. Adm. Code 604 and Amendments to 35 Ill. Adm. Code Parts 601, 602, 607, and 611, [docket R18-17](#)
- ❖ Noise Rule Update: Amendments to 35 Ill. Adm. Code 900, 901, 902, and 910, [docket R18-19](#)
- ❖ Amendments to 35 Ill. Adm. Code 225.233, Multi-Pollutant Standard (MPS), [docket R18-20](#) (and [R18-20PC](#))
- ❖ Amendments to 35 Ill. Adm. Code Subtitle B: Air Pollution, [docket R18-21](#)
- ❖ Amendment to 35 Ill. Adm. Code 205, Emissions Reduction Market System, [docket R18-22](#)
- ❖ Amendments to 35 Ill. Adm. Code Subtitle C: Water Pollution, [docket R18-23](#)
- ❖ Amendments to 35 Ill. Adm. Code Subtitle D: Mine-Related Water Pollution, [docket R18-24](#)
- ❖ Amendments to 35 Ill. Adm. Code Subtitle E: Agriculture-Related Water Pollution, [docket R18-25](#)
- ❖ Amendments to 35 Ill. Adm. Code Subtitle F: Public Water Supplies, [docket R18-26](#)
- ❖ Amendments to 35 Ill. Adm. Code Subtitle G: Waste Disposal, [docket R18-27](#)



RULEMAKING UPDATE

- ❖ Amendments to 35 Ill. Adm. Code Subtitle I: Atomic Radiation, [docket R18-28](#)
- ❖ Amendments to 35 Ill. Adm. Code Subtitle M: Biological Materials, [docket R18-29](#)
- ❖ Amendments to 35 Ill. Adm. Code Subtitle O: Right to Know, [docket R18-30](#)
- ❖ Amendments to General Use Water Quality Standards for Chloride, [docket R18-32](#)





INTRODUCTION

Under the Environmental Protection Act (Act) (415 ILCS 5), final opinions and orders of the Board, whether adjudicatory or regulatory, are appealable directly to the Illinois appellate court rather than to the circuit courts. In Fiscal Year 2018, the appellate court affirmed the Board three times and reversed it once.

APPELLATE COURT DECISIONS ISSUED IN FISCAL YEAR 2018

Third District Affirms Board's Groundwater Monitoring Decision in CCDD Rulemaking; Illinois Supreme Court Hears Appeals

- ❖ *County of Will v. Illinois Pollution Control Board*, [2017 IL App \(3d\) 150637-U Board docket R12-9\(B\)](#)

On September 12, 2017, the Third District Appellate Court issued a non-precedential Rule 23 order affirming the Board's rulemaking decision to not require groundwater monitoring at clean construction and demolition debris (CCDD) or uncontaminated soil fill (USF) operations. In the rulemaking, the Board amended its regulations for CCDD and USF operations. The adopted amendments imposed "front-end" material certification and testing requirements, but not groundwater monitoring requirements. Two appeals were taken from the Board's decision that groundwater monitoring regulations were unnecessary to protect groundwater from CCDD and USF operations. One appeal was filed by Will County and its Land Use Department (Will County); the other by the Attorney General's Office, for the People of the State of Illinois (People). The appellate court held, with one justice dissenting, that the Board's groundwater monitoring decision was not arbitrary, capricious, or unreasonable. Specifically, the court found that the Board (1) did not rely upon a factor that the legislature did not intend, (2) did not fail to consider any important aspect of the problem, and (3) did not offer an explanation that is implausible or runs completely counter to the evidence presented.

On March 21, 2018, the Illinois Supreme Court allowed petitions for leave to appeal filed by the People (No. 122798) and Will County (No. 122813). The State's high court also consolidated the two cases. Oral argument took place on January 23, 2019.



Fifth District Affirms Board’s Decision on Post-Closure Care Period for Landfill

- ❖ *D&L Landfill, Inc. v. Pollution Control Board*, [2017 IL App \(5th\) 160071](#)
[Board docket PCB 15-137](#)

On September 19, 2017, the Fifth District Appellate Court issued a precedential opinion affirming the Board’s decision in a landfill permit appeal. On cross-motions for summary judgment, the Board affirmed the determination of the Illinois Environmental Protection Agency (IEPA) denying the request of D&L Landfill, Inc. (D&L) to certify completion of post-closure care at the company’s landfill in Bond County. The landfill stopped accepting waste and, after 15 years of post-closure care, D&L applied for certification of post-closure care completion. IEPA denied certification because groundwater beneath the landfill was contaminated. The appeal centered on interpreting statutory language concerning how the post-closure care period may be extended beyond the 15-year minimum. Section 22.17(a) of the Environmental Protection Act states that “[t]he owner and operator of a sanitary landfill site *** shall monitor gas, water and settling at the completed site for a period of 15 years after the site is completed or closed, *or such longer period as may be required by Board or federal regulation.*” 415 ILCS 5/22.17(a) (emphasis added). The appellate court agreed with the Board that in this case, Board regulations prohibiting landfills from contaminating groundwater—and prohibiting IEPA from certifying the completion of post-closure care unless the landfill will not violate Board regulations—qualify as Board regulations under Section 22.17(a) requiring longer than 15 years of post-closure care.

Fifth District Reverses Board’s Administrative Citation Decision on Landowner Liability

- ❖ *James Reichert Limited Family Partnership v. Pollution Control Board*, [2018 IL App \(5th\) 160533-U](#)
[Board docket AC 16-7](#)

On January 5, 2018, the Fifth District Appellate Court issued a non-precedential Rule 23 order reversing the Board’s administrative citation decision. The Illinois Environmental Protection Agency (IEPA) filed the citation against James Reichert Limited Family Partnership (Reichert), owner of a site in Williamson County. The site had a warehouse. One of the warehouse’s units was occupied by a satellite dish installation company, which was renting the unit from Reichert. The satellite dish installation company dumped and burned materials in a pile behind the warehouse and then, at an undetermined date, left the premises. IEPA’s inspector observed the waste pile during two site visits, one in October 2015 and the other in November 2015. The Board found that Reichert violated the Environmental Protection Act by allowing the open dumping and burning. The Board’s finding that Reichert allowed the open dumping and burning was based on Reichert’s control of the premises, as evidenced by Reichert entering the site and removing the waste pile in December 2015. The appellate court disagreed, finding that IEPA must present evidence showing that the landowner exercised sufficient control over the source of the pollution. “Evidence that a property owner cleans up open dumping on its land, without any additional evidence, does not establish that the property owner caused or allowed the open dumping on the property.” ¶ 44.



Third District Affirms Board's Decision on Siting Waste Transfer Station

- ❖ *Will County & Waste Management of Illinois, Inc. v. Village of Rockdale, Board of Trustees of the Village of Rockdale, Environmental Recycling and Disposal Services, Inc., & Illinois Pollution Control Board*, [2018 IL App \(3d\) 160463](#)
[Board dockets PCB 16-54, PCB 16-56 \(Consol.\)](#)

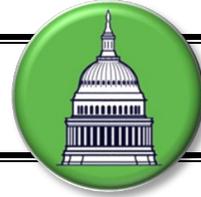
On July 5, 2018, the Third District Appellate Court issued a unanimous precedential opinion affirming the Board's decision in a "pollution control facility" siting appeal. On November 27, 2018, in denying a petition for rehearing, the appellate court modified its opinion affirming the Board and one justice dissented. By way of background, the Village of Rockdale granted siting approval to Environmental Recycling and Disposal Services (ERDS) for a waste transfer station. To contest the Village's siting approval, Will County and Waste Management of Illinois, Inc. filed third-party appeals with the Board. After the Board affirmed the Village's decision, both Will County and Waste Management appealed the Board's decision to the Third District Appellate Court. The Third District affirmed the Board in all respects. Specifically, the appellate court affirmed the Board's determinations that

- The Village had jurisdiction because ERDS' notice of the siting application was sufficient.
- ERDS amended its siting application only once, as permitted, not twice.
- The Village's imposition of conditions on the siting approval was proper.
- The Village's decisions on the contested siting criteria were not against the manifest weight of the evidence.
- ERDS provided sufficient details about the proposed facility.

Will County and Waste Management have petitioned the Illinois Supreme Court for leave to appeal.



LEGISLATIVE UPDATE



INTRODUCTION

Summarized below are eight Public Acts from the 2018 session of the 100th General Assembly that relate to the Board's work. Among the statutes affected by these Public Acts are the Environmental Protection Act, the Illinois Administrative Procedure Act, and the Consumer Electronics Recycling Act.

PUBLIC ACTS FROM 2018 SESSION OF 100TH GENERAL ASSEMBLY

❖ [Public Act 100-592](#)

Effective June 22, 2018

Public Act 100-592 amends the Consumer Electronics Recycling Act by providing that a manufacturer or manufacturer clearinghouse engaged in activities related to a manufacturer e-waste program under the Act will not be subject to damages, liability, or scrutiny under federal or state antitrust law. P.A. 100-592 also addresses the allocation of financial responsibility for manufacturers participating in a manufacturer clearinghouse.

❖ [Public Act 100-621](#)

Effective July 20, 2018

Public Act 100-621 revises numerous statutes, including the following provisions of the Environmental Protection Act: a materials disposal ban in Section 21.6; the Solid Waste Management Fund in Section 22.15; white goods in Section 22.28; certain waste materials in Section 22.29; prohibited activities in Section 55; and the Used Tire Management Fund in Section 55.6.

❖ [Public Act 100-688](#)

Effective January 1, 2019

Public Act 100-688 amends the Illinois Administrative Procedure Act by modifying provisions requiring State agencies to issue an economic impact analysis when proposing new rules or amendments to rules that affect small businesses.

❖ [Public Act 100-802](#)

Effective August 10, 2018

Public Act 100-802 amends the Environmental Protection Act by providing that persons are not required to obtain a permit from the Illinois Environmental Protection Agency to apply a commercially available



algicide according to manufacture instructions to a body of water that is: (i) located wholly on private property; (ii) not a water of the United States for purposes of the Federal Water Pollution Control Act; and (iii) not used as a community water supply source.

❖ [Public Act 100-880](#)

Effective January 1, 2019

Public Act 100-880 amends the Illinois Administrative Procedure Act by providing that notice to parties in a contested case under the Act may be served, among other forms of service, by email, and that parties in a contested case under the Act may be notified, among other forms of notification, by email of any final decision or order in that case. In addition, P.A. 100-880 addresses consent to service by email. It also provides that agencies using email to serve documents must adopt rules specifying the standard for confirming delivery and, where there is a failure to confirm delivery, the steps the agency will take to ensure that service by email or other means is accomplished.

❖ [Public Act 100-917](#)

Effective August 17, 2018

Public Act 100-917 amends the University of Illinois Scientific Surveys Act by providing that the Prairie Research Institute must review available scientific literature and federal and State authorities to identify (i) any chemical that is commonly found in wastewater treatment plant effluent and that has been recognized as a contaminant of emerging concern by the United States Environmental Protection Agency, another federal agency, or any State agency and (ii) the specific actions recommended by these entities to address the environmental or public health concerns associated with the chemical.

❖ [Public Act 100-1080](#)

Effective August 24, 2018

Amends the Environmental Protection Act by providing that, within 30 days after a Compliance Commitment Agreement takes effect or is amended according to specified provisions, the Illinois Environmental Protection Agency must publish a copy of the final executed Compliance Commitment Agreement on its website.

❖ [Public Act 100-1165](#)

Effective June 1, 2019

Amends the Consumer Electronics Recycling Act by providing that it does not prevent a manufacturer from accepting, through a manufacturer e-waste program, residential covered electronic devices (CEDs) collected through a specified curbside or drop-off collection program operated between a third party and a unit of local government that elects to participate in a manufacturer e-waste program. P.A. 100-1165 also provides requirements for collection programs.





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