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Letter from the Chairman

After a voluntary pilot project introducing the option of electronic filing in specific categories of cases, the Board earlier this year expanded that option to all cases. Many parties have successfully used the electronic option to file a wide range of documents.

Although paper filings still constitute a majority of our activity, we expect more and more parties and other participants to avail themselves of electronic filing. The Board is confident that it offers practical, financial, and environmental benefits. I've listed below the steps leading you through this simple process.



- First, parties must obtain a State of Illinois digital ID issued free of charge under the Electronic Commerce Security Act. These digital IDs verify the identity of a document sender and secure electronic transactions. Parties can obtain a certificate through <https://autora01.cmcf.state.il.us/>. Once you have a digital ID, that ID can serve as your signature on filings.
- Second, from the Board's Home Page click on the Clerk's Office On-Line (COOL) hyperlink. You'll then see the hyperlink to "File A Document With The IPCB," which is designed to lead you step-by-step through the process.
- Third, please note that petitions for a Site-Specific Regulation, Variance, Permit Appeal, UST Appeal, Review of Pollution Control Facility Siting Decision, or Adjusted Standard require payment in advance of a filing fee with a major credit or debit card for initial filings. This payment will generate a unique Transaction ID/Authorization Code, which remains active until the filing is successfully executed.
- Fourth, you may wish to limit electronic filing to documents smaller than 20 MB, or approximately 100 pages of plain text. Features such as tables or graphics may dramatically increase file sizes. Also, please note that one filing may consist of multiple electronic documents (e.g., the text of a petition or motion and any attachments).
- Last, when your document is successfully received, you will receive by e-mail an automatic electronic confirmation. If for some reason your document does not successfully transmit, your ID/code pair will remain active until your document is successfully received.

The Illinois Pollution Control Board strives to use technology to increase the public's knowledge of environmental laws and encourage public participation in the Board's activities. For some time now, our Clerk's Office On-Line (COOL) has supplied information about cases and rulemaking procedures.

The Board strives to use technology to increase the public's knowledge of environmental laws and encourage public participation in the Board's activities. We encourage all parties and other participants to use this electronic filing option. If you have questions or require technical assistance, please contact [John Therriault](#) in our Clerk's office at (312) 814-3629.

Sincerely,

A handwritten signature in black ink that reads "J. Philip Novak". The signature is written in a cursive style.

J. Philip Novak
Chairman

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Federal Update

United States Environmental Protection Agency Approves Illinois' Request to Redesignate the Lake Calumet PM-10 Nonattainment Area to Attainment Under the Clean Air Act

On September 22, 2005, the United States Environmental Protection Agency (USEPA) redesignated the Lake Calumet nonattainment area to attainment with National Ambient Air Quality Standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM-10). USEPA also approved the maintenance plan as a revision to the PM-10 State Implementation Plan (SIP) for this area. In taking this action, USEPA adopted a direct final rule, and an identical proposed rule, in response to the State of Illinois' August 2, 2005 request, supplemented on September 8, 2005. See (70 Fed. Reg. 55545 (direct final rule) and 55611 proposed rule).

Background on PM-10 Standard, the Redesignation Process, and SIP Requirements

Some background may be helpful concerning the PM-10 standard, the designation and redesignation, and SIP requirements to aid in the understanding of this USEPA redesignation and that reported in the immediately following story. On July 1, 1987 (52 FR 24634), USEPA revised the NAAQS for particulate matter with the PM-10 indicator. The 24-hour primary PM-10 standard is 150 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$), with no more than one expected exceedance per year. The annual primary PM-10 standard is $50 \mu\text{g}/\text{m}^3$, expected annual arithmetic mean averaged over three years. The secondary PM-10 standards are identical to the primary standards. Under section 107(d)(4)(B) of the Clean Air Act (CAA), certain areas were designated nonattainment for PM-10 and were classified as "moderate." These initial areas included the Lake Calumet, Illinois, PM-10 nonattainment area. On July 18, 1997 (62 FR 38652), USEPA added a fine particle NAAQS, for particulate matter less than 2.5 microns in aerodynamic diameter (PM-2.5). USEPA classified the Chicago metropolitan area, which includes the Lake Calumet area, as a PM-2.5 nonattainment area on January 5, 2005.

Those States containing initial moderate PM-10 nonattainment areas were required to submit by November 15, 1991 a SIP that implemented reasonably available control measures (RACM) by December 10, 1993 and demonstrated attainment of the PM-10 NAAQS by December 31, 1994. In order to be redesignated, the SIP for the area must be fully approved under section 110(k) of the CAA, and must satisfy all requirements that apply to the area. Illinois submitted the required SIP revisions for the Lake Calumet PM-10 nonattainment area on May 15, 1992. Upon review of Illinois' submittal, USEPA identified several concerns. The IEPA submitted a letter on March 2, 1994, committing to satisfy all of these concerns within one year of final conditional approval. On May 25, 1994, USEPA proposed to conditionally approve the SIP (59 FR 26988). Final conditional approval was published on November 18, 1994 (59 FR 59653). The IEPA made several submittals to correct the remaining deficiencies and meet all of the commitments of the conditional approval. USEPA fully approved the Lake Calumet PM-10 nonattainment area SIP on July 14, 1999 (64 FR 37847). With this approval, Illinois had fulfilled all Clean Air Act requirements for Part D plans for the Lake Calumet moderate PM-10 nonattainment area.

The criteria USEPA uses to review redesignation requests are derived from the CAA, the general preamble to Title I of the Clean Air Act Amendments of 1990 (57 FR 13498), and a September 4, 1992 USEPA policy and guidance memorandum entitled "Procedures for Processing Requests to Redesignate Areas to Attainment." An area can be redesignated to attainment if the following conditions are met:

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1. The area has attained the applicable NAAQS;
2. The area has a fully approved SIP under section 110(k) of the CAA;
3. The air quality improvement must be permanent and enforceable;
4. The area has met all relevant requirements under section 110 and Part D of the CAA;
5. The area must have a fully approved maintenance plan pursuant to section 175A of the CAA.

A state must demonstrate that an area has attained the PM-10 NAAQS through submittal of ambient air quality data from an ambient air monitoring network representing peak PM-10 concentrations. The data, which must be quality assured and recorded in the Aerometric Information Retrieval System (AIRS), must show that the average annual number of expected exceedances for the area is less than or equal to 1.0, pursuant to 40 CFR section 50.6. The data must represent the most recent three consecutive years of complete ambient air quality monitoring data collected in accordance with USEPA methodologies.

To be redesignated to attainment, section 107(d)(3)(E) requires that an area must have met all applicable requirements of section 110 and of part D of the CAA. The State must be able to reasonably attribute the improvement in air quality to permanent and enforceable emission reductions. In making this showing, the State must demonstrate that air quality improvements are the result of actual, enforceable emission reductions. The USEPA interprets this to mean that for a redesignation request to be approved, the State must have met all requirements that applied to the subject area prior to or at the time of a complete redesignation request. For purposes of redesignation, the Illinois SIP was reviewed by USEPA to ensure that all applicable requirements under the amended CAA were satisfied.

Section 175A of the CAA requires states that submit a redesignation request for a nonattainment area under section 107(d) to include a maintenance plan to ensure that the attainment of NAAQS for any pollutant is maintained. The plan must demonstrate continued attainment of the applicable NAAQS for at least ten years after the approval of a redesignation to attainment. Eight years after the redesignation, the State must submit a revised maintenance plan demonstrating attainment for the ten years following the initial ten-year period. The basic components needed to ensure proper maintenance of the NAAQS are: attainment inventory, maintenance demonstration, verification of continued attainment, commitment to maintain the ambient air monitoring network, and a contingency plan.

The Illinois Redesignation Request

Prior to submitting its Lake Calumet redesignation request to USEPA, the Illinois Environmental Protection Agency (IEPA) held a public hearing on July 27, 2005 on the submission. IEPA did not receive any adverse comments during the public hearing or the 30-day comment period.

IEPA stated that it believes that the Lake Calumet PM-10 nonattainment area is eligible for redesignation because USEPA has approved the PM-10 SIP for this area and monitoring data demonstrated that this area has been attaining the PM-10 NAAQS since 1993. The IEPA's redesignation request contains text describing how the statutory requirements were met and consists primarily of a maintenance plan and air quality monitoring data for the area.

The Cook County Department of Environmental Control currently operates two PM-10 monitoring sites in the Lake Calumet nonattainment area under agreement with IEPA. IEPA submitted ambient air quality data and supporting documentation from each monitoring site for the 2001-2003 period demonstrating that the area has attained the PM-10 NAAQS. This air quality data was quality assured and placed in AIRS. There were no exceedances of the 24-hour or annual PM-10 NAAQS recorded at these monitors during this time period. Therefore, the USEPA determined that Illinois has adequately demonstrated, through ambient air quality data, that the PM-10 NAAQS has been attained in the Lake Calumet area, with 2003 as the attainment year.

More specifically, as discussed in the IEPA request, PM-10 emission reductions occurred in the Lake Calumet area for the years 1993-2003. PM-10 emissions dropped significantly in the area in 1994 as a result of the control

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measures included in the PM-10 SIP approved by USEPA in 1999. USEPA concluded that IEPA had adequately demonstrated in its submittal that the improvement in air quality was due to permanent and enforceable emission reductions of over 1500 tons per year of PM-10 in Lake Calumet as a result of implementing the federally enforceable control measures in the SIP. Additionally, USEPA approved the Lake Calumet maintenance plans as submitted by IEPA.

The direct final rule is effective on November 21, 2005, unless USEPA receives adverse written comments by October 24, 2005. If USEPA receives adverse comment, it will publish a timely withdrawal of the rule in the *Federal Register* and inform the public that the rule will not take effect. USEPA will then continue with the proposed rulemaking.

Submit comments, identified by Regional Material in EDocket (RME) ID No. R05-OAR-2005-IL-0002, by one of the following methods:

(1) Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

(2) Agency Web site: <http://docket.epa.gov/rmepub>. USEPA's electronic public docket and comments system is USEPA's preferred method for receiving comments. Follow the on-line instructions for submitting comments.

(3) E-mail: mooney.john@epa.gov.

(4) Fax: (312) 886-5824.

(5) Mail: You may send written comments to: John M. Mooney, Chief, Criteria Pollutant Section, (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

(6) Hand delivery: Deliver your comments to: John M. Mooney, Chief, Criteria Pollutant Section (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, 18th floor, Chicago, Illinois 60604. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 AM to 4:30 PM excluding Federal holidays.

For further information contact Christos Panos, Environmental Engineer, Criteria Pollutant Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353-8328. panos.christos@epa.gov.

United States Environmental Protection Agency Approves Illinois' Request to Redesignate the Lyons Township PM-10 Nonattainment Area to Attainment Under the Clean Air Act

On September 22, 2005, the United States Environmental Protection Agency (USEPA) redesignated the Lyons Township (McCook) nonattainment area to attainment with the National Ambient Air Quality Standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM-10). USEPA also approved the maintenance plan as a revision to the PM-10 State Implementation Plan (SIP) for this area. In taking this action, USEPA adopted a direct final rule, and an identical proposed rule, in response to the State of Illinois' August 2, 2005 request, supplemented on September 8, 2005. See (70 Fed. Reg. 55541 (direct final rule) and 70 Fed. Reg. 55610 (proposed rule)).

Background concerning the PM-10 standard, the designation and redesignation, and SIP requirements given in the preceding story about USEPA redesignation of the Lake Calumet area will not be repeated here. Prior to submitting its Lyons Township redesignation request to USEPA, the Illinois Environmental Protection Agency (IEPA) held a public hearing on June 21, 2005 on the submission. IEPA did not receive any adverse comments during the public hearing or the 30-day comment period. IEPA stated in its submission to USEPA that the Lyons Township PM-10 nonattainment area is eligible for redesignation because USEPA has approved the PM-10 SIP for this area and monitoring data demonstrate that this area has been attaining the PM-10 NAAQS since 1995. The State did not receive any adverse comments during the public hearing or the 30-day comment period.

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The redesignation request contains text describing how the statutory requirements were met and consists primarily of a maintenance plan and air quality monitoring data for the area.

The Cook County Department of Environmental Control currently operates two PM-10 monitoring sites in the Lyons Township nonattainment area under agreement with IEPA. IEPA submitted ambient air quality data and supporting documentation from each monitoring site for the 2001-2003 period demonstrating that the area has attained the PM-10 NAAQS. This air quality data was quality assured and placed in AIRS. There were no exceedances of the 24-hour or annual PM-10 NAAQS recorded at these monitors during this time period. Therefore, the USEPA determined that Illinois has adequately demonstrated, through ambient air quality data, that the PM-10 NAAQS has been attained in Lyons Township, with 2003 as the attainment year.

More specifically, as discussed in the IEPA request, PM-10 emission reductions occurred in the Lyons Township area for the years 1993-2003. PM-10 emissions dropped significantly in the area in 1994 as a result of the control measures included in the PM-10 SIP approved by USEPA in 1998. USEPA concluded that IEPA had adequately demonstrated in its submittal that the improvement in air quality was due to permanent and enforceable emission reductions of over 1500 tons per year of PM-10 in the Lyons Township area as a result of implementing the federally enforceable control measures in the SIP. Additionally, USEPA approved the Lyons Township area maintenance plan.

USEPA's direct final rule is effective on November 21, 2005, unless USEPA receives adverse written comments by October 24, 2005. If USEPA receives adverse comment, it will publish a timely withdrawal of the rule in the *Federal Register* and inform the public that the rule will not take effect. USEPA will then continue with the proposed rulemaking.

Submit comments, identified by Regional Material in EDocket (RME) ID No. R05-OAR-2005-IL-0002, by one of the following methods:

(1) Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

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Rule Update

Board Dismisses 4 Identical in Substance Rulemaking Dockets As Unnecessary: UST Update, USEPA Regulations (January 1, 2005 through June 30, 2005), R06-1; Wastewater Pretreatment Update, USEPA Regulations (January 1, 2005 through June 30, 2005), R06-2; Definition of VOM Update, USEPA Regulations (January 1, 2005 through June 30, 2005), R06-3; SDWA Update, USEPA Regulations (January 1, 2005 through June 30, 2005), R06-4

Every six months the Board reserves a series of dockets, for adoption of Board rules, to accommodate any rules adopted by the United States Environmental Protection Agency (USEPA) to implement various programs. On September 1, 2005, the Board dismissed as unnecessary four dockets reserved to consider rules adopted by USEPA during the period January 1, 2005 through June 30, 2005. In each of the three program areas described below, USEPA adopted no rules during the update period.

UST Program (R06-1). Section 22.4(d) of the Environmental Protection Act (Act) (415 ILCS 5/22.4(d) (2004)) requires the Board to adopt regulations which are “identical in substance,” as defined at Section 7.2 of the Act (415 ILCS 5/7.2 (2004)), to underground storage tank (UST) regulations promulgated by the USEPA pursuant to Section 9003 of the federal Resource Conservation and Recovery Act of 1976 (RCRA) as amended, 42 U.S.C. § 6991b (2003), to implement Subtitle I of RCRA (42 U.S.C. §§ 6991 *et seq.* (2003)), with certain limitations. USEPA has codified its UST regulations at 40 C.F.R. 281 through 283.

Wastewater Pretreatment (R06-02). Sections 7.2 and 13.3 of the Environmental Protection Act (Act) (415 ILCS 5/7.2 and 13.3 (2004)), require the Board to adopt regulations that are “identical in substance” to regulations of the United States Environmental Protection Agency (USEPA). 415 ILCS 5/7.2 (2004). Specifically, Section 13.3 relates to wastewater pretreatment regulations that the USEPA adopted to implement Sections 307(b), (c), and (d) and 402(b)(8) and (b)(9) of the federal Water Pollution Control Act (FWPCA) (33 U.S.C. §§ 1317(b), (c), and (d) and 1342(b)(8) and (b)(9) (2003)). USEPA has codified the federal wastewater pretreatment rules as 40 C.F.R. 400 through 499.

Definition of VOM (R06-3). Sections 7.2 and 9.1(e) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(e) (2004)) requires the Board to adopt regulations that are “identical in substance” to regulations of the United States Environmental Protection Agency (USEPA). 415 ILCS 5/7.2 (2004). Specifically, Section 9.1(e) of the Act (415 ILCS 5/9.1(e) (2004)) relates to the definition of “volatile organic material” (VOM) and those compounds that USEPA has found to be exempted from regulation under state implementation plans for ozone due to negligible photochemical reactivity. USEPA has codified these exemptions as part of its definitions at 40 C.F.R. 51.100(s).

SDWA Update (R0-6-4). Section 17.5 of the Environmental Protection Act (415 ILCS 5/17.5 (1998)) requires the Board to adopt regulations that are “identical in substance,” as defined at Section 7.2 of the Act, to the National Primary Drinking Water regulations (NPDWRs) adopted by the United States Environmental Protection Agency (USEPA). These regulations implement sections 1412(b), 1414(c), 1417(a), and 1445(a) of the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300g-1(b), 300g-3(c), 300g-6(a) & 300j-4(a) (1998). USEPA has codified its SDWA regulations at 40 C.F.R. 141 through 143

Copies of the Board’s separate dismissal orders in R06-1, R06-2, R06-3, and R06-4 may be obtained by calling Dorothy Gunn at 312-814-3620, or by downloading copies from the Board’s Web site at www.ipcb.state.il.us.

For additional information contact Mike McCambridge at 312/814-6924; e-mail address: mccambm@ipcb.state.il.us.

Board Accepts Proposal for Hearing in Proposed Site-Specific Perlite Waste Disposal Regulations Applicable to Silbrico Corporation (35 Ill. Adm. Code Part 810) R06-8

On September 1, 2005, the Board accepted a proposal for hearing for a site-specific rulemaking filed by the Silbrico Corporation (Silbrico). The proposal, filed on July 19, 2005, seeks to amend the Board’s solid waste disposal regulations.

Silbrico, located in Hodgkins, Cook County, has proposed a site-specific rule for what it characterizes as nonhazardous, inert waste generated at its manufacturing facility. Silbrico's proposed rule would allow it to dispose of this waste in a "clean fill construction and demolition debris" facility. Silbrico manufactures products using perlite, a volcanic rock that expands up to 20 times in size when heated. In its petition for rulemaking, Silbrico asserted that due to the inert and nonhazardous characteristics of the off-specification perlite and the fugitive perlite (collectively waste perlite), it seeks to dispose of these wastes at a "clean fill" facility that accepts only clean construction and demolition debris. Silbrico asserted that allowing the disposal of the waste perlite at a "clean fill" facility would save valuable space in municipal waste landfills and result in significant cost savings, while posing no environmental violation or threat.

Silbrico stated that perlite is a naturally occurring rock and that the expansion product does not add any chemical or constituents to the rock, and that the Illinois Environmental Protection Agency (IEPA) has already determined that the waste perlite is not a treat to human health or the environment when landfilled in a nonhazardous waste landfill.

Silbrico also asserted that the benefits of disposal in a "clean fill" facility include conservation of valuable space in nonhazardous waste landfill, flexibility in arranging for disposal sites, reduced trucking distances, reduced chances of traffic accident and less air pollution based on fewer miles traveled. Additionally, Silbrico estimated that it would see a cost savings of at least \$20,000 to \$25,000 per year if a site-specific rule is adopted. Silbrico contended that the benefits coupled with the fact that disposal in a "clean fill" facility has no environmental impact and poses no threat to human health or safety, supports the grant of the requested rule.

Simultaneously with its rulemaking petition, Silbrico also filed a petition for variance to allow it to dispose of perlite waste in a "clean fill" facility during the pendency of this rulemaking. See Silbrico Corporation v. IEPA, PCB 6-11 (September 1, 2005 order requesting additional information).

The Board is in the process of scheduling a hearing in this rulemaking.

Copies of the Board's opinion and order in R06-8 may be obtained by calling Dorothy Gunn at 312-814-3620, or by downloading copies from the Board's Web site at www.ipcb.state.il.us.

For additional information contact John Knittle at 217/278-3111; e-mail address: knittlej@ipcb.state.il.us.

Board Adopts Second Notice Proposal in Interim Phosphorus Effluent Standard, Proposed 35 Ill. Adm. Code 304.123 (g-k) (R04-26)

On September 15, 2005, the Board adopted a second notice opinion and order in Interim Phosphorous Standards, Proposed 35 Ill. Adm. Code 304.123 (g-k) (R04-26). The rulemaking proposes to limit effluent levels of phosphorus from new or expanded discharges from treatment works facilities. The proposal will set an interim phosphorus limit while the Illinois Environmental Protection Agency (IEPA) develops final State numeric nutrient standards. The Board has sent the rulemaking, pursuant to the Illinois Administrative Procedure Act (5 ILCS 100/1-1 *et seq.* (2004)), to the Joint Committee on Administrative Rules (JCAR) for its review and approval.

The proposal was filed by the IEPA May 14, 2004. The Board held public hearings on the IEPA proposal in August and October of 2004. The Board issued its first notice proposal on April 7, 2005 for the purpose of accepting additional comments.

The Board's Proposal At Second Notice

In its second notice order, the Board made one substantive change in response to public comments received during the first notice period. (This is explained in more detail in the discussion of the public comments received.) The Board proposed a new subsection (k) that will specify that the averaging rules of Section 304.104 do not apply to permit limits established by the phosphorus effluent standards. The balance of the proposal remains substantively unchanged.

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The proposal would add 5 new subsections (g-k) to existing Section 304.123. The amendments propose a monthly average limit of 1 mg/L for total phosphorus for any new or expanded discharges into general use waters.

This proposed phosphorus limit would apply only to discharges from treatment works with a design average flow of 1.0 million gallons per day or more receiving primarily municipal or domestic wastewater; or any treatment works, other than those treatments that are primarily municipal or domestic wastewater, with a total phosphorus effluent load of 25 pounds per day or more. Dischargers may be exempt from the permit limits if they can demonstrate that phosphorus from their treatment works is not the limiting nutrient in the receiving water. The amendments propose allowing the IEPA to impose alternative phosphorus effluent limits where the supporting information shows that alternative limits are warranted by the aquatic environment in the receiving stream.

Public Comments Received at First Notice

The Board received comments from the Environmental Law & Policy Center, Prairie Rivers Network, and Sierra Club (ELPC), the IEPA, and the Illinois Association of Wastewater Agencies (IAWA).

The IAWA stated that it continues to oppose the proposed amendments on the grounds that: the proposal is scientifically insufficiently supported, there is little evidence in the record of this rulemaking that phosphorus is capable of causing widespread pollution problems, and the economic impact of adding phosphorus controls would be overly burdensome for wastewater treatment facilities. IAWA believes there is little evidence that promulgation of a phosphorous standard would impact eutrophication in Illinois streams, noting that agricultural sources are another, unregulated source of phosphorus. IAWA did request that if the Board should adopt a phosphorous standard, that the standard be exempted from the averaging rules found at 35 Ill. Adm. Code 304.104.

ELPC pointed out in its comments that the figures provided by the IAWA were for the present value of the total costs of 20 years of construction and operation of the phosphorus removal equipment. The ELPC contended no one has denied that phosphorus removal is likely to be required well within the 20 year period, and that even if phosphorus removal were not already required by the antidegradation rules, the effect of this rulemaking would be to advance the installation of phosphorus removal equipment at a few plants by a few years and to encourage some municipalities to explore land treatment or other non-discharge methods. Additionally, the ELPC stated that even the studies cited by the IAWA seem to indicate that the costs per person can vary greatly, and that these costs fall rapidly with an increase in the scale of the facility. The ELPC commented that the net effect of the adoption of this rulemaking would be to reduce the number of permit disputes and the number of appeals that result from permit disputes.

The IEPA stated that it feels that the record in this rulemaking contains abundant discussion on issues related to need to control phosphorus loading in Illinois streams, and the availability of technically feasible and economically reasonable phosphorus controls. On the cost issues raised by the IAWA the IEPA replied that it is unreasonable to extrapolate costs from a few, specific projects (in the case of IAWA, the Village of Beecher and the City of McHenry) to form a statewide view of costs because: (1) the costs are based on a strictly chemical phosphorus removal (CPR) or biological phosphorus removal technology (BPR) method and the general trend in the industry is to remove most of the phosphorus with BPR methods and any remaining phosphorus with CPR at a minimum costs; (2) the 20% increase in sludge production cited by the IAWA is excessive, and generally 5 to 10 percent is considered a good number, especially with BPR and CPR are used in combination; (3) the cost of \$288,000 for a chemical feed building may be reasonable for the Village of Beecher, but in most cases the chemical feed may fit into an existing building or a proposed building may be expanded for a more reasonable cost; and (4) many plants built or modified in the last few years considered the possibility of phosphorus removal in the planning phase of the treatment plant and removal at such plants can be accomplished with minimal additional facilities at a modest cost.

Both the ELPC and the IEPA agreed that the Board should exempt the phosphorous standard from the averaging rules found at 35 Ill. Adm. Code 304.104.

As all commenters agreed on the averaging rule exemption issue, the Board did make the requested change from the rule as published at first notice. The Board found that an exemption of the proposed phosphorus standard from the Board's averaging rules found at 35 Ill. Adm. Code 304.104 would not interfere with the stated objective of the proposal to reduce net loading of phosphorus from certain major sources into waters of the state. Exempting the

phosphorus effluent standard from the averaging rule will in no way change the proposed monthly average limit of 1 mg/L. Therefore, the Board proposed a new subsection (k) at second notice that will specify that the averaging rules of Section 304.104 do not apply to permit limits established by the phosphorous effluent standards.

Copies of the Board's opinion and order in R04-26 may be obtained by calling Dorothy Gunn at 312-814-3620, or by downloading copies from the Board's Web site at www.ipcb.state.il.us.

For additional information contact John Knittle at 217/278-3111; e-mail address: knittlej@ipcb.state.il.us.

Board Adopts First Notice Proposal in Proposed Amendments to Exemptions from State Permitting Requirements (35 Ill. Adm. Code 201.146) (R05-19)

On September 15, 2005, the Board adopted a first notice opinion and order in Proposed Amendments to Exemptions from State Permitting Requirements (35 Ill. Adm. Code 201.146) (R05-19). The proposal seeks to amend the Board's air permit regulations by adding four categories to the existing list of exemptions from state air permit requirements in Section 201.146. The amendments were published in the *Illinois Register* on October 7, 2005 at 29 Ill. Reg. 14738. The Board will accept additional public comments through November 21, 2005.

The Board's proposal is based on the February 22, 2005 joint proposal filed by the Illinois Environmental Protection Agency (IEPA) and Illinois Environmental Regulatory Group (IERG). The proponents stated that the purpose of this rulemaking is to eliminate permitting delays for minor projects having little environmental or regulatory impact. The Board held hearings on this proposal on April 12, 2005 in Chicago and on June 14, 2005 in Springfield.

The Board found the proposed amendments technically feasible and economically reasonable for both the source as well as the State. The Board commented that, because of the existing 59 categorical exemptions, the IEPA already has some procedures for determining compliance with permit exemptions. The proposed exemptions do not require any specific recordkeeping for inspectors to verify that the facility is exempt. However, each owner or operator has the responsibility and the risk for inaccurate determinations. This assumption of responsibility is the same as what is currently required for existing permit exemptions under Section 201.146.

The Board additionally noted that it was simultaneously adopting for first notice another proposal that amends Section 201.146: Proposed Amendments to Exemptions from State Permitting Requirements for Plastic Injection Molding Operations (35 Ill. Adm. Code 201.146), R05-20 (Sept. 15, 2005).

The Board's first notice proposal in R05-20 would add four categories to the existing list of exemptions from state air permit requirements in Section 201.146.

The four proposed exemptions are as follows:

Exemption for replacing or adding air pollution control equipment at existing emission units. The proposed exemption would only apply to existing units, which are permitted and have operated in compliance for the past year. The new pollution control equipment must maintain or improve air pollution control over the prior levels of target pollutants, and not result in a net increase in emissions of any collateral pollutant. This exemption would not apply if the installation or operation of the new or replacement pollution controls would trigger or change applicability of different regulatory requirements. Finally, required monitoring equipment must be carried over to the replacement control device and must incorporate current technology.

Exemption for sources with federally enforceable state operating permits (FESOP) having a low potential to emit. This provision would affect some projects at FESOP sources that do not fit under any of the existing listed exemptions under Section 201.146 and that are still insignificant from a permitting standpoint. Under this second exemption, permits would be unnecessary for projects at minor FESOP sources with a low potential to emit (less than 0.1 pound per hour or 0.44 tons per year) any regulated air pollutant absent air pollution equipment from the new or modified unit that have no outstanding compliance or enforcement issues. Also, raw materials and fuels that

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cause or contribute to emissions must not contain a hazardous air pollutant equal to or greater than 0.01 percent by weight. This exemption is not available to a source that must meet New Source Performance Standards and New Source Review requirements under the Clean Air Act or if outstanding compliance or enforcement issues exist.

Exemption for minor sources that are not subject to the Clean Air Act Permit Program (CAAPP) or FESOP requirements. This third exemption would be limited to sources with the low potential to emit any regulated air pollutant absent air pollution equipment from the new or modified unit that have no outstanding compliance or enforcement issues. This exemption would be available for minor sources that have a slightly greater potential to emit (up to 0.5 pounds per hour), so long as the facility notifies the IEPA of its intent to construct or install a new emissions unit or modification. Only after notification can the facility begin construction, installation, or modification. This provision would require permitting if the additional emissions from the project could change the sources' status with respect to its potential to emit. This exemption is also not available to a source that must meet New Source Performance Standards and New Source Review requirements under the Clean Air Act.

Insignificant activities exemption. The proposal would create a list of permit exempt insignificant activities similar to those for Clean Air Act Permit Program sources. See 35 Ill. Adm. Code 201.210 through 210.211. Owners or operators must notify the IEPA when they add insignificant activities. Facilities must still comply with otherwise applicable emission standards or other regulatory requirements.

The Board does not presently intend to hold additional hearings.

Copies of the Board's opinion and order in R05-19 may be obtained by calling Dorothy Gunn at 312-814-3620, or by downloading copies from the Board's Web site at www.ipcb.state.il.us.

For additional information contact Amy Antonioli at 312/814-3665; e-mail address: antonioa@ipcb.state.il.us.

Board Adopts First Notice Proposal in Proposed Amendments to Exemptions from State Permitting Requirements for Plastic Injection Molding Operations (35 Ill. Adm. Code 201.146) (R05-20)

On September 15, 2005, the Board adopted a first notice opinion and order in Proposed Amendments to Exemptions from State Permitting Requirements for Plastic Injection Molding Operations (35 Ill. Adm. Code 201.146) (R05-20). The proposal seeks to amend the Board's air regulations by adding an additional category for plastic injection molding (PIM) operations to the listing of exemptions found at 35 Ill. Adm. Code 201.146. The proposed amendments are scheduled to be published in the *Illinois Register* on October 14, 2005. The Board will accept additional public comments through November 28, 2005.

The Board's first notice proposal is based on an April 19, 2005 proposal filed by the Chemical Industry Council of Illinois (CICI). CICI's stated purpose for the rulemaking is to eliminate the burden of state construction and operating permitting of low emitting emission units and activities for both the Illinois Environmental Protection Agency (IEPA) and owners and operators of PIM operations. The Board held two hearings on CICI's proposal, on July 1, 2005 in Chicago and on July 15, 2005 in Springfield.

Section 201.146 contains a list of 59 exemptions based on categories of emission units and activities that are commonly known as "categorical exemptions." PIM operations emit volatile organic material. The proposed amendment would include PIM operations in the categories of emissions units exempt from state air permitting requirements. The Board found the proposed amendment technically feasible and economically reasonable for both the impacted sources as well as the State. The Board also found that the proposed exemption would not negatively impact the environment because it allows only a negligible increase in emissions. The Board noted that it was simultaneously adopting for first notice another proposal that amends Section 201.146: Proposed Amendments to Exemptions from State Permitting Requirements (35 Ill. Adm. Code 201.146), R05-19 (Sept. 15, 2005).

According to the CICI, the proposed exemption to Section 201.146 of the Board's regulations for PIM operations is justified based on the low emissions generated by these emission sources both individually and in the aggregate

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statewide. In support of this rule, the IEPA states that the proposed exemption does not threaten the public health or welfare.

CICI stated the intent of this rulemaking is to clarify any confusion as to whether the existing exemption for plastic extruder operations also applies to PIM operations (35 Ill. Adm. Code 201.146(cc)). CICI also expected the proposed exemption will achieve efficiencies and cost savings for plastic injection molding operations as well as the State of Illinois.

The IEPA stated that CICI's proposed rule language does not pose any issues with respect to technical feasibility. Rather, the proposed exemption may help focus attention on the more "important emission units." The IEPA testified that there are some sources such as PIM operations that are such small emission sources they are not worth pursuing from a state enforcement standpoint. Further, emissions at any source can add up quantitatively and are not shielded from federal regulatory oversight.

The IEPA stated that the proposal will reduce costs for owners and operators of PIM facilities because many sources will not have to collect the data, prepare permit applications, and submit permit fees necessary to obtain a state permit. IEPA will not be negatively affected by the loss of permit fees; any fee losses will be offset by permit application review resources saved.

The Board does not presently intend to hold additional hearings.

Copies of the Board's opinion and order in R05-20 may be obtained by calling Dorothy Gunn at 312-814-3620, or by downloading copies from the Board's Web site at www.ipcb.state.il.us.

For additional information contact Amy Antonioli at 312/814-3665; e-mail address: antonioa@ipcb.state.il.us.

Board Actions

September 1, 2005

Via Videoconference

Chicago and Springfield, Illinois

Rulemakings

- | | | |
|-------|--|-----------------|
| R06-1 | <u>In the Matter of: UST Update, USEPA Regulations (January 1, 2005 through June 30, 2005)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its exemptions from the definition of underground storage tank during the update period of January 1, 2005 through June 30, 2005. | 5-0
R, Land |
| R06-2 | <u>In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (January 1, 2005 through June 30, 2005)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its wastewater pretreatment regulations during the update period of January 1, 2005 through June 30, 2005. | 5-0
R, Water |
| R06-3 | <u>In the Matter of: Definition of VOM Update, USEPA Amendments (January 1, 2005 through June 30, 2005)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its volatile organic material emission regulations during the update | 5-0
R, Air |

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period of January 1, 2005 through June 30, 2005.

- R06-4 In the Matter of: SDWA Update, USEPA amendments (January 1, 2005 through June 30, 2005) – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its public water supply regulations during the update period of January 1, 2005 through June 30, 2005. 5-0
R, Land
- R06-8 In the Matter of: Proposed Site-Specific Perlite Waste Disposal Regulation Applicable to Silbrico Corporation (35 Ill. Adm. Code Part 810) – The Board granted the motion to waive the petition requirement and accepted for hearing Silbrico Corporation's July 19, 2005 proposal for a site-specific rulemaking to amend the Board's land pollution control regulations. 5-0
R, Land

Adjusted Standards

- AS 05-5 In the Matter of: Petition of Ford Motor Company for an Adjusted Standard from 35 Ill. Adm. Code 218.586 – The Board granted this Cook County petitioner an adjusted standard, with conditions, from the Board's organic material emission standards and limitations for the Chicago area with regard to gasoline dispensing and motor vehicle fueling operations, for its motor vehicle assembly plant. 5-0
Air

Administrative Citations

- AC 06-1 County of Vermilion, Illinois v. Phil Rouse – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Vermilion County facility, the Board found that respondent had violated Section 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(3) (2004)) and ordered respondents to pay a civil penalty of \$1,500. The Board also granted the parties' joint motion to dismiss respondents' petition for review and the alleged violation of 415 ILCS 5/21(p) (1) (2004). 5-0

Decisions

- PCB 01-115 People of the State of Illinois v. Valley Petroleum, Inc. – In this air and water enforcement action concerning a DuPage 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) (2004)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$10,000 and to cease and desist from further violations. 5-0
A, W-E
- PCB 04-139 People of the State of Illinois v. Decatur Foundry, Inc. – In this land enforcement action concerning a Macon 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) (2004)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$40,000 and to cease and desist from further violations. 5-0
L-E

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PCB 04-205	<p><u>People of the State of Illinois v. All States Painting, Inc.</u> – In this air and water enforcement action concerning a Morgan 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) (2004)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$19,000 and to cease and desist from further violations.</p>	5-0 A&W-E
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Motions and Other Matters

PCB 05-83	<p><u>Bowman Oil Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Franklin County facility.</p>	5-0 UST Appeal
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PCB 05-197	<p><u>Pete’s Marathon 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 Marion County facility.</p>	5-0 UST Appeal
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PCB 05-198	<p><u>Basic Wire & Cable v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.</p>	5-0 UST Appeal
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PCB 05-212	<p><u>John & Linda Maracic v. TNT Logistics North America Inc.</u> – The Board found that the alleged violations were neither duplicative nor frivolous and accepted for hearing this matter involving a Will County site.</p>	5-0 Citizens N-E
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PCB 05-213	<p><u>Vincent & Jennifer Neri v. TNT Logistics North America Inc.</u> – The Board found that the alleged violations were neither duplicative nor frivolous and accepted for hearing this matter involving a Will County site.</p>	5-0 Citizens N-E
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PCB 05-216	<p><u>Wayne Haser v. TNT Logistics North America Inc.</u> – The Board found that the alleged violations were neither duplicative nor frivolous and accepted for hearing this matter involving a Will County site.</p>	5-0 Citizens N-E
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PCB 05-217	<p><u>Ken Blouin v. TNT Logistics North America Inc.</u> – The Board found that the alleged violations were neither duplicative nor frivolous and accepted for hearing this matter involving a Will County site.</p>	5-0 Citizens N-E
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PCB 05-220	<p><u>Kenneth E. Medema, Jr. v. TNT Logistics North America Inc.</u> – The Board found that the alleged violations were neither duplicative nor frivolous and accepted for hearing this matter involving a Will County site.</p>	5-0 Citizens N-E
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PCB 06-1	<u>Robert F. Kasella, Jr. v. Kellie R. Kasella v. TNT Logistics North America Inc.</u> – The Board found that the alleged violations were neither duplicative nor frivolous and accepted for hearing this matter involving a Will County site.	5-0 Citizens N-E
PCB 06-6	<u>ESG Watts, Inc. (Taylor Ridge/Andalusia Landfill) v. IEPA</u> – The Board granted petitioner's motion to file an amended petition accepted for hearing this permit appeal involving a Rock Island County facility.	5-0 P-A, Land
PCB 06-11	<u>Silbrico Corporation v. IEPA</u> – The Board ordered petitioner to file an amended petition to cure noted deficiencies on or before October 3, 2005, or the matter would subject to dismissal.	5-0 L-V
PCB 06-26	<u>Telzrow Oil Company 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 Jersey County facility.	5-0 UST Appeal 90-Day Ext.
PCB 06-27	<u>People of the State of Illinois v. Joel Hillman</u> – The Board accepted for hearing this air enforcement action involving a site located in Lake County.	5-0 A-E
PCB 06-28	<u>Midwest Petroleum Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a St. Clair County facility.	5-0 UST Appeal
PCB 06-29	<u>Carroll Scientific, Inc. (Operating Permit) v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Cook County facility.	5-0 P-A, Air 90-Day Ext.
PCB 06-30	<u>People of the State of Illinois v. Heneghan & Associates, P.C., an Illinois corporation</u> – The Board accepted for hearing this public water supply enforcement action involving a site located in Lake County.	5-0 PWS-E
PCB 06-31	<u>Carroll Scientific, Inc. (Construction Permit) v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Cook County facility.	5-0 P-A, Air 90-Day Ext.
PCB 06-32	<u>Beverly Bank 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 Cook County facility.	5-0 UST Appeal 90-Day Ext.

September 15, 2005
Chicago, Illinois

Rulemakings

R04-26	<u>In the Matter of: Interim Phosphorus Effluent Standard, Proposed 35 Ill. Adm. Code 304.123(g-k)</u> – The Board adopted a second notice opinion and order in this rulemaking to amend the Board’s water quality standards regulations.	5-0 R, Water
R05-19	<u>In the Matter of: Proposed Amendments to Exemptions from State Permitting Requirements (35 Ill. Adm. Code 201.146)</u> – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s air quality standards regulations.	5-0 R, Air
R05-20	<u>In the Matter of: Proposed Amendments to Exemptions from State Permitting Requirements for Plastic Injection Molding Operations (35 Ill. Adm. Code 201.146)</u> – The Board adopted a first notice opinion and order in this rulemaking to amend the Board’s air quality standards regulations.	5-0 R, Air

Administrative Citations

AC 06-02	<u>County of LaSalle v. Harriet Baugher and John Baugher</u> – The Board found that these LaSalle County respondents violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2002)), and ordered respondents to pay a civil penalty of \$1,500.	5-0
AC 06-3	<u>IEPA v. Alva McDowell d/b/a McDowell Auction Services</u> – The Board found that this Bond County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2004)), and ordered respondent to pay a civil penalty of \$1,500.	5-0

Motions and Other Matters

PCB 02-77	<u>People of the State of Illinois v. Millenium Recycling & Solid Waste Consultants, Inc, Sheri Clementi, individually and as President of Millenium Recycling & Solid Waste Consultants, Inc., and Michael Lorence</u> – The Board denied respondent Michael Lorence’s motion for relief from and review of the Board’s February 19, 2004 final opinion and order.	5-0 L-E
PCB 04-209	<u>DiMucci Development Corporation v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility.	5-0 UST Appeal
PCB 05-181	<u>People of the State of Illinois v. Pattison Associates, L.L.C. and 5701 South Calumet L.L.C.</u> – The Board denied respondents’ motion to dismiss counts I-V of the complaint, lifted the stay of the 60-day period to file an answer, and respondents have until October 17, 2005, or 30 days from the date of this order, to answer the complaint.	5-0 A-E

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PCB 05-200	<u>People of the State of Illinois v. Greg Rudeen individually and d/b/a Rock River Townhomes and d/b/a Rudeen and Associates</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Winnebago County facility, the Board ordered publication of the required newspaper notice.	5-0 W-E
PCB 06-04	<u>People of the State of Illinois v. Leonard Foster d/b/a Rivercrest Mobile Home Park</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this public water supply enforcement action involving a Kankakee County facility, the Board ordered publication of the required newspaper notice.	5-0 PWS-E
PCB 06-33	<u>People of the State of Illinois v. J&S Companies, Inc. and First Choice Construction, Inc.</u> – The Board accepted for hearing this land enforcement action involving a site located in Will County.	5-0 L-E
PCB 06-34	<u>Ramsey C.U.S.D. #204 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 Fayette County facility.	5-0 UST Appeal 90-Day Ext.
PCB 06-35	<u>People of the State of Illinois v. Quantum Color Graphics, L.L.C.</u> – The Board accepted for hearing this air enforcement action involving a site located in Cook County.	5-0 A-E
PCB 06-36	<u>People of the State of Illinois v. Magellan Pipeline Company, L.P.</u> – The Board accepted for hearing this land enforcement action involving a site located in Lee County.	5-0 L-E
PCB 06-37	<u>Illinois State Toll Highway Authority 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 Cook County facility.	5-0 UST Appeal 90-Day Ext.
PCB 06-38	<u>Downtown Shell 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 Bond County facility.	5-0 UST Appeal 90-Day Ext.
PCB 06-39	<u>Dalee Oil Company (SCCR) 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 Washington County facility.	5-0 UST Appeal 90-Day

		Ext.
PCB 06-40	<u>Dalee Oil Company (SCWP/B) 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 Washington County facility.	5-0 UST Appeal 90-Day Ext.
PCB 06-41	<u>People of the State of Illinois v. Dot Packaging Group</u> – The Board accepted for hearing this air enforcement action involving a site located in Kane County.	5-0 A-E

New Cases

September 1, 2005 Board Meeting

- 06-026** Telzrow Oil Company 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 Jersey County facility.
- 06-027** People of the State of Illinois v. Joel Hillman – The Board accepted for hearing this air enforcement action involving a site located in Lake County.
- 06-028** Midwest Petroleum Company v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a St. Clair County facility.
- 06-029** Carroll Scientific, Inc. (Operating Permit) v. IEPA – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Cook County facility.
- 06-030** People of the State of Illinois v. Heneghan & Associates, P.C., an Illinois corporation – The Board accepted for hearing this public water supply enforcement action involving a site located in Lake County.
- 06-031** Carroll Scientific, Inc. (Construction Permit) v. IEPA – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Cook County facility.
- 06-032** Beverly Bank 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 Cook County facility.
- AC 06-006** County of Perry v. Joseph Gassell – The Board accepted an administrative citation against this Perry County respondent.
- AC 06-007** County of Perry v. William Campbell, Jr. – The Board accepted an administrative citation against this Perry County respondent.
- AC 06-008** County of Ogle v. Tommy Ray Ramando, DBA Oregon Iron Metal Reclaimers, Inc. – The Board accepted an administrative citation against this Ogle County respondent.

September 15, 2005 Board Meeting

- 06-033** People of the State of Illinois v. J&S Companies, Inc. and First Choice Construction, Inc. – The Board accepted for hearing this land enforcement action involving a site located in Will County.
- 06-034** Ramsey C.U.S.D. #204 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 Fayette County facility.
- 06-035** People of the State of Illinois v. Quantum Color Graphics, L.L.C. – The Board accepted for hearing this air enforcement action involving a site located in Cook County.

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06-036 People of the State of Illinois v. Magellan Pipeline Company, L.P. – The Board accepted for hearing this land enforcement action involving a site located in Lee County.

06-037 Illinois State Toll Highway Authority 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 Cook County facility.

06-038 Downtown Shell 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 Bond County facility.

06-039 Dalee Oil Company (SCCR) 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 Washington County facility.

06-040 Dalee Oil Company (SCWP/B) 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 Washington County facility.

06-041 People of the State of Illinois v. Dot Packaging Group – The Board accepted for hearing this air enforcement action involving a site located in Kane County.

AC 06-009 County of Perry v. Kevin Tilley – The Board accepted an administrative citation against this Perry County respondent.

AS 06-001 In the Matter of: Petition of Lafarge Midwest, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 739.161 Pursuant to 35 Ill. Adm. Code 720.132 and 720.133 – Pending receipt of the certificate of publication, the Board held this Cook County facility's petition for an adjusted standard from the Board's regulations.

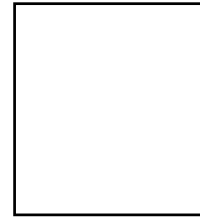
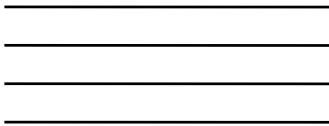
Calendar

10/5/05 12:00 PM	AC 05-02	IEPA v. Lester Smith	City Hall Council Chambers 106 W. Fifth Street Metropolis
10/6/05 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East Springfield
10/7/05 10:00 AM	PCB 06-28	Midwest Petroleum Company v. IEPA	City Hall Council Chambers 101 South Illinois Street Belleville
10/20/05 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		James R. Thompson Center Hearing Room 09-040 100 W. Randolph Street Chicago
11/3/05 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		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
11/17/05 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		James R. Thompson Center Hearing Room 09-040 100 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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