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# Environmental Register

November 2005 - Number 617

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

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## Federal Update

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### **United States Environmental Protection Agency Proposes Amendments Under the Clean Air Act to the Protection of Stratospheric Ozone Program Regulations**

On November 4, 2005 (70 Fed. Reg. 67120), the United States Environmental Protection Agency (USEPA) proposed amendments that would determine that HCFC-22 and HCFC-142b are unacceptable for use in the foam sector under the Significant New Alternatives Policy (SNAP) Program under section 612 of the Clean Air Act.

Under its SNAP program, USEPA reviews alternatives to Class I and Class II ozone-depleting substances and approves use of alternatives that do not present a greater risk to public health and the environment than the substance they replace or than other available substitutes.

Specifically, USEPA is taking two actions. First, USEPA is proposing to find HCFC-22 and HCFC-142b unacceptable as substitutes for HCFC-141b in the foam end uses of commercial refrigeration, sandwich panels, slabstock and “other” foams. This responds to a court decision upholding a challenge to USEPA’s July 22, 2002 (see 67 Fed. Reg. 47703) final rule finding HCFC-22 and HCFC-142b acceptable subject to Narrowed Use Limits in three foam end uses. Second, in the July 22, 2002 final rule, USEPA withdrew a proposed action to find HCFC-22 and HCFC-142b unacceptable as substitutes for CFCs in all foam end uses. USEPA is now issuing a new proposal to find HCFC-22 and HCFC-142b unacceptable as substitutes for CFCs in all foam end uses.

Comments on this proposed rule were due to be received by USEPA on or before December 5, 2005.

For further information contact Suzie Kocchi, Stratospheric Protection Division, Office of Atmospheric Programs (6205J), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 343-9387; fax number: (202) 343-2363; e-mail address: [kocchi.suzanne@epa.gov](mailto:kocchi.suzanne@epa.gov). The published versions of notices and rulemakings under the SNAP program are available on EPA’s Stratospheric Ozone Web site at [www.epa.gov/ozone/snap/regs](http://www.epa.gov/ozone/snap/regs).

### **United States Environmental Protection Agency Publishes Notice of Adequacy of Illinois Municipal Solid Waste Landfill Program**

On November 23, 2005 (70 Fed. Reg. 70841), the United States Environmental Protection Agency (USEPA) published a notice of its proposal to approve a modification to Illinois’ approved municipal solid waste landfill (MSWLF) permit program. The modification allows the State to issue research, development and demonstration (RD&D) permits to owners and operators of MSWLF units in accordance with State law and regulations.

The Board adopted RD & D permit rules “identical in substance” to the USEPA rules described below in [In the Matter of: RCRA Subtitle D \(Municipal Solid Waste Landfill\) Update, USEPA Amendments \(January 1, 2004 through June 30, 2004\)](#), R05-1 (March 17, 2005). These rules amended 35 Ill. Adm. Code 810, 811, and 813. Sections 7.2 and 22.40(a) of the Environmental Protection Act (Act) (415 ILCS 5/7.2 and 22.40(a) (2004)) provide for quick adoption of regulations that are “identical-in-substance” to federal regulations that USEPA adopts to implement Sections 4004 and 4010 of RCRA, 42 U.S.C. §§ 6944 and 6949a (2003). The federal RCRA Subtitle D MSWLF regulations are found at 40 C.F.R. 258.

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On March 22, 2004 (see 69 Fed. Reg. 13242), USEPA issued a final rule amending the municipal solid waste landfill criteria in 40 CFR 258 to allow for research, development and demonstration permits. This rule allows for variances from specified criteria for a limited period of time, to be implemented through State-issued RD&D permits. RD&D permits are only available in States with approved MSWLF permit programs that have been modified to incorporate RD&D permit authority. While States are not required to seek approval for this new provision, those States that are interested in providing RD&D permits to owners and operators of MSWLFs must seek approval from USEPA before issuing such permits. Approval procedures for new provisions of 40 CFR 258 are outlined in 40 CFR 239.12.

The Illinois MSWLF permit program was originally approved on January 3, 1994 (59 FR 86)(approving amendments to rules in 35 Ill. Adm. Code Parts 811-813 that the Board adopted in In the Matter of: RCRA Subtitle D Amendments, R93-10 (December 16, 1993)). On September 21, 2005, Illinois applied for approval of the March 17, 2005 R05-1 RD&D permit provisions. After a thorough review, USEPA Region 5 is proposing that Illinois' RD&D permit provisions as defined under Illinois rule R05-1 are adequate to ensure compliance with the Federal criteria as defined at 40 CFR 258.4.

The RD&D permit rule will allow the Illinois Environmental Protection Agency to grant permits that differ from three generally applicable requirements in 35 Ill. Adm. Code 810-813:

- (1) for the control of run-on to the active portion of the landfill from the peak discharge of a 25-year storm event ;
- (2) that prohibit the placement of bulk or non-containerized liquid waste in a landfill except under very limited circumstances; and
- (3) for the use of a final cover system that minimizes erosion and infiltration into a landfill, which includes specific requirements pertaining to such criteria as permeability, thickness of each layer, and the ability of the cover material to sustain native plant growth.

All comments on Illinois' application for approval of its research, development and demonstration permit modification must be received by USEPA by close of business on December 23, 2005.

Written comments should be sent to Donna Twickler, Waste Management Branch (Mail code: DW-8J), U.S. EPA Region 5, 77 West Jackson Boulevard, Chicago, IL 60604, telephone: (312) 886-6184. Comments may also be submitted electronically to: [twickler.donna@epa.gov](mailto:twickler.donna@epa.gov) or by facsimile at (312) 353-4788. Copies of the relevant portions of Illinois' regulations may be examined during normal business hours at the USEPA Region 5 office.

For further information contact Donna Twickler, Waste Management Branch (Mail code DW-8J), U.S. EPA Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604

### **United States Environmental Protection Agency Adopts the Final Rule To Implement the 8-Hour Ozone National Ambient Air Quality Standard Under the Clean Air Act**

On November 29, 2005 (70 Fed. Reg. 71611), the United States Environmental Protection Agency adopted a final rule to implement the 8-Hour Ozone National Ambient Air Quality Standard (NAAQS)--Phase 2. This final rule implements certain aspects of the 1990 federal Clean Air Act (CAA) amendments relating to new source review (NSR) and prevention of significant deterioration (PSD) as applied to carbon monoxide (CO), particulate matter (PM), and ozone NAAQS.

In this rulemaking, USEPA is taking final action on most remaining elements of the program to implement the 8-hour ozone NAAQS. This final rule addresses, among other things, the following control and planning obligations as applied to areas designated nonattainment for the 8-hour ozone NAAQS: reasonably available control technology and measures (RACT and RACM), reasonable further progress (RFP), modeling and attainment demonstrations, and NSR.

The adopted rule also clarifies what effect the transition to the 8-hour standard will have on certain aspects of the Reformulated Gasoline (RFG) program. The nine original mandatory RFG areas, as well as most other areas that have become mandatory RFG areas by being reclassified as severe areas under section 181(b) of the CAA, will continue to be required to use RFG at least until redesignation to attainment for the 8-hour NAAQS. USEPA has reserved for future consideration what effect the transition to the 8-hour standard will have on areas reclassified as

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severe areas for the 1-hour NAAQS under section 181(b) of the CAA that were redesignated to attainment for the 1-hour standard before revocation of that standard.

Additionally, USEPA finalized several revisions to the regulations governing the nonattainment NSR programs mandated by section 110(a)(2)(C) and part D of title I of the CAA, including:

- (1) USEPA codified requirements added to part D of title I of the CAA in the 1990 amendments related to permitting of major stationary sources in areas that are nonattainment for the ozone, particulate matter, and carbon monoxide NAAQS;
- (2) USEPA revised the criteria for crediting emissions reductions credits from shutdowns and curtailments as offsets;
- (3) USEPA revised the regulations for permitting of major stationary sources in nonattainment areas in interim periods between designation of new nonattainment areas and USEPA's approval of a revised SIP;
- (4) USEPA changed the regulations that impose a moratorium prohibiting construction of new or modified major stationary sources in nonattainment areas where the State fails to have an implementation plan meeting all of the requirements of part D; and
- (5) USEPA made one change to the PSD regulations under part C of title I of the CAA by codifying nitrogen oxides (NO<sub>x</sub>) as an ozone precursor in attainment and unclassifiable areas.

The final rule retains the following three elements that each attainment demonstration SIP must include: (1) technical analyses to locate and identify sources of emissions that are causing violations of the 8-hour NAAQS within nonattainment areas (i.e., analyses related to the emissions inventory required for the nonattainment area), (2) adopted measures with schedules for implementation and other means and techniques necessary and appropriate for attainment, and (3) contingency measures required under section 172(c)(9) of the CAA that can be implemented without further action by the State or the Administrator to cover failures to meet RFP milestones and/or attainment requirements under section 182(b)(1) for areas covered under subpart 2.

In this rule, areas that are classified as moderate under the 8-hour standard that have already implemented their 15 percent plans under 1-hour ozone SIPs would be considered to have met the statutory 15 percent requirement. Serious and above areas would have to meet 3 percent reductions per year starting in the baseline year averaged over each 3-year period out to the attainment year. An 8-hour nonattainment area that is identical, geographically, to its predecessor 1-hour nonattainment area (which has already done the 15 percent reduction) will not be required to do another 15 percent VOC-only reduction plan. For an 8-hour moderate or higher nonattainment area that contains a 1-hour nonattainment area that has an approved 15 percent VOC ROP plan but also contains areas that do not have an approved 15 percent VOC ROP plan, the final rule allows States the choice between two options:

Option 1. Develop a new baseline and new 15 percent VOC ROP emission reduction target for the entire newly expanded area. Determine that emissions reductions that occur after the 2002 baseline emissions inventory year are creditable in the combined new area. The reductions must be of VOC only.

Option 2. Treat the 8-hour nonattainment area as divided between the old 1-hour area(s) and the newly added 8-hour area. For the newly added portion (which had not previously implemented a 15 percent plan), States must establish a separate 15 percent VOC target under subpart 2. The previous nonattainment area that fell under the 1-hour standard will now be subject to the subpart 1 provisions of the CAA and will be able to credit both VOC and NO<sub>x</sub> toward meeting the RFP target for this portion of the nonattainment area. VOC reductions to meet the 15 percent requirement for the portion of the new 8-hour nonattainment area that has not yet met this requirement may come from across the entire 8-hour area.

USEPA stated that these changes provide a consistent national program for permitting major stationary sources under section 110(a)(2)(C) and parts C and D of title I, including major stationary sources of ozone precursors in ozone nonattainment areas.

This rule is effective on January 30, 2006.

USEPA has established a docket for this action under Docket ID No. OAR-2003-0079. All documents in the docket are listed in the EDOCKET index at <http://www.epa.gov/edocket>

For further information contact Mr. John Silvasi, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Mail Code C539-02, Research Triangle Park, NC 27711, phone number (919) 541-5666, fax number (919) 541-0824 or by e-mail at [silvasi.john@epa.gov](mailto:silvasi.john@epa.gov), or Ms. Denise Gerth, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Mail Code C539-02, Research Triangle Park, NC 27711, phone number (919) 541-5550, fax number (919) 541-0824 or by e-mail at [gerth.denise@epa.gov](mailto:gerth.denise@epa.gov). For information concerning new source review: Ms. Janet McDonald, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Mail Code C539-03, Research Triangle Park, NC 27711, phone number (919) 541-1450, fax number (919) 541-5509 or by e-mail at [mcdonald.janet@epa.gov](mailto:mcdonald.janet@epa.gov).

If any amendments to the Illinois air rules become necessary, the Board would expect the Illinois Environmental Protection Agency to propose amendments using the Clean Air Act “fast-track” procedures at Section 28.5 of the Environmental Protection Act (415 ILCS 5/28.5 (2004)).

## **Appellate Update**

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### **Third District Dismisses Consolidated Appeals of Non-Final Order in *Merlin Karlock v. Waste Management of Illinois, County Board of Kankakee County and Illinois Pollution Control Board*; *Michael Watson v. Waste Management of Illinois, County Board of Kankakee County and Illinois Pollution Control Board*, No. 3-04-0649 and No. 3-04-0655 (cons.) (November 10, 2005) (PCB 04-186)**

In a November 10, 2005 published final opinion and order, the Third District Appellate Court dismissed, for lack of jurisdiction, two consolidated appeals captioned *Merlin Karlock v. Waste Management of Illinois, County Board of Kankakee County and Illinois Pollution Control Board*; *Michael Watson v. Waste Management of Illinois, County Board of Kankakee County and Illinois Pollution Control Board*, No. 3-04-0649 and No. 3-04-0655 (cons.) (November 10, 2005) (hereinafter *Karlock and Watson*). Because the court’s 5-page opinion is to be published, it can serve as helpful precedent and guidance in future cases.

Each of the two appeals sought review of a Board July 22, 2004 order denying each of the petitioners leave to intervene in a landfill siting review case filed by the applicant whose siting application was denied (currently still pending before the Board as the parties complete briefing the issues). *Waste Management of Illinois, Inc. v. County Board of Kankakee*, PCB 04-186 (filed April 22, 2004 and currently still pending before the Board as the parties complete post-hearing briefing of the issues). The court concluded that the Board’s intervention order was “neither final nor immediately appealable,” since the “IPCIB pleadings were not terminated by the entry of the order denying Karlock and Watson leave to intervene.” *Karlock and Watson*, (slip op at 5).

#### **THE BOARD ORDER IN PCB 04-186**

By way of background, the procedures for obtaining local government site location suitability approval for regional pollution control facilities is set out in Sections 39.2 of the Environmental Protection Act (Act), 415 ILCS 39.2 (2004). The local government must determine whether the siting applicant has met the statutory criteria for approval, after holding a public hearing and receiving public comment. The Board reviews the local decision under the procedures of Section 40.1. 415 ILCS 40.1 (2004).

If siting is denied, Section 40.1(a) allows the unsuccessful applicant to appeal. If siting is granted, third parties can file appeals under Section 40.1(b), provided they participated in the local proceedings and are located so as to be affected by the facility.

In 2002-2003, WMII had sought and won siting approval from the County for this expansion. But, the approval was vacated by the Board on appeal due to the County’s lack of jurisdiction caused by the defective notice WMII provided of its application; the Third District affirmed the Board’s decision. *City of Kankakee v. County of Kankakee, Kankakee County Board, and Waste Management of Illinois, Inc.*; *Merlin Karlock v. County of Kankakee, Kankakee County Board, and Waste Management of Illinois, Inc.*; *Michael Watson v. County of Kankakee, Kankakee County Board, and Waste Management of Illinois, Inc.*; and *Keith Runyon v. County of Kankakee, Kankakee County Board, and Waste Management of Illinois, Inc.*, PCB 03-125, 133, 134, and 135

(cons.)(August 7, 2003), aff'd. *sub nom.* Waste Management of Illinois, Inc. v. Illinois Pollution Control Board, County of Kankakee, County Board of Kankakee, City of Kankakee, Merlin Karlock, Keith Runyon, and Michael Watson, 292 Ill. Dec. 445, 826 N.E.2d 586 (3rd Dist. 2005). (The case, and other then-pending siting appeals involving Karlock, Watson, the County and the City of Kankakee, was reported at length in *Environmental Register* No. 608 at pp.3-7 (February 2005) and No. 609 at pp.4-6 (March 2005)).

By interim order of July 22, 2004, the Board denied motions to intervene filed by the two individuals: Karlock and Watson owners of property near the proposed site.

The gist of the Board's order was:

The Board and the courts have addressed the issue of third-party appeals and third-party intervention in proceedings where the applicant is appealing the denial of siting. Both the courts and the Board have consistently held that a third party cannot appeal or intervene in such a proceeding. See Lowe Transfer, Inc. v. County Board of McHenry County, PCB 03-221 (July 10, 2003); Waste Management v. County Board of Kane County, PCB 03-104, slip op. at 3 (Feb. 20, 2003); Land and Lakes Co., et al. v. Village of Romeoville, PCB 94-195, slip op. at 4 (Sept. 1, 1994); citing Waste Management of Illinois, Inc. v. PCB, 160 Ill. App. 3d 434, 513 N.E.2d 592 (2nd Dist. 1987); McHenry County Landfill, Inc. v. IEPA, 154 Ill. App. 3d 89, 506 N.E.2d 372 (2nd Dist. 1987). A third party may intervene only when the third party is a state's attorney or the Attorney General's Office intervening to represent the public interest. See, e.g., Land and Lakes, slip op. at 3.

The plain language of Section 40.1(a) of the Act provides that if the county board denies siting "the applicant may" appeal the decision. 415 ILCS 5/40.1(a) (2002). The Board has also adopted procedural rules that reiterate that the applicant is the only party that may appeal a denial of siting approval. See 35 Ill. Adm. Code 107.200(a). As stated by the court, the Board "is powerless to expand its authority beyond that which the legislature has expressly granted" to the Board. McHenry Landfill, 154 Ill. App. 3d 89, 506 N.E.2d 372, 376. The Board has also stated "that allowing a third-party to intervene would be granting party status to someone who does not have party status under Section 40.1 of the Act." Land and Lakes Co. v. Randolph County Board, PCB 99-69 (Mar. 18, 1999). Waste Management of Illinois, Inc. v. County Board of Kankakee, PCB 04-186 (July 22, 2004) (slip op. at 2-3).

The Board concluded that Karlock and Watson had presented no new arguments to convince the Board to disturb the long established precedent.

### **THIRD DISTRICT'S OPINION**

Watson and Karlock each filed separate appeals in August 2004.; these were consolidated by the Third District for consideration. In its opinion, the court noted that it had dismissed motions by both WMII and the Board to dismiss the appeals because the Board's July 22, 2004 decision was not a final, appealable order. The court denied the motions, however, noting petitioners citation to Citizens Against the Randolph Landfill (CARL) v. IPCB, 178 Ill. App. 3d 686 (4th Dist. 1988) (hereinafter CARL) for the proposition that denial of an intervention motion was a final and appealable order. The court instead directed the parties to address jurisdiction in their briefs on the merits of the appeal. Karlock and Watson, (slip op at 2-3). (This court ruling required the Board to brief both the jurisdiction and intervention issues and to appear at oral argument.)

Ultimately, in its published opinion, the court determined that it lacked jurisdiction to review a non-final decision of the Board. Because it lacked jurisdiction, the court held that it "can not address the merits of IPCB's decision to deny Karlock's and Watson's motions to intervene at this time." *Id.*, (slip op at 5).

The court first noted that Section 41(a) of the Act allows judicial review of only "a final order or determination of the Board." *Id.*, (slip op at 3). The court went on to distinguish the CARL case, finding that unlike the Board's order denying intervention in PCB 04-186, the Board's order appealed in CARL not only denied intervention, but also disposed of the entire case on the merits. Because the Board's order in CARL was a final disposition of the entire case, the appellate court had jurisdiction over all issues raised in the case, including whether the Board correctly denied intervention. The court stated that CARL "did not specifically address whether a denial of a motion to intervene, standing alone, would have been an appealable final order." *Id.*, (slip op at 5). The court therefore found that CARL "offers no help to petitioners." *Id.*

The court concluded that the Board's order denying intervention was not "final action" because it did not terminate the Board's proceeding or "determine the merits of the controversy or dispose of the rights of the parties," adding that "Karlock and Watson are not parties." *Id.* The court concluded therefore that it "does not have jurisdiction" and that its "only option is to dismiss the appeal." *Id.*

## Rule Update

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### **Board Adopts First Notice Opinion and Order in Setback Zone for City of Marquette Heights Community Water Supply, New 35 Ill. Adm. Code 618 (R05-09)**

On November 17, 2005, the Board adopted a first notice opinion and order in Setback Zone for City of Marquette Heights Community Water Supply, New 35 Ill. Adm. Code 618 (R05-09). The rulemaking proposes to establish an expanded setback zone of up to 1,000 feet of protection for the community water supply (CWS) wells of the City of Marquette Heights (Marquette Heights), in Tazewell County. The Secretary of State's Index Department published the first notice in the *Illinois Register* on December 2, 2005 at 29 Ill. Reg. 19503. The public comment period is scheduled to close January 16, 2006, and the Board does not currently plan to hold a third public hearing.

The proposal is the first of its kind under Section 14.3(d) of the Environmental Protection Act (Act) (415 ILCS 5/14.3(d)) (2004), which allows for the establishment of "maximum setback zones", to prevent contamination of particularly vulnerable groundwater sources used by a community water supply (CWS). A setback zone restricts land use near the CWS well, providing a buffer between the well and potential sources or routes of contamination. By statute, no portion of the boundaries of the setback zone may be in excess of 1,000 feet of the wellhead.

This rulemaking is based on a November 5, 2004 proposal filed by the Illinois Environmental Protections Agency (IEPA) as requested by Marquette Heights in a formal March 22, 2004 resolution.

Marquette Heights has two CWS wells, both of which are located outside of the city limits of Marquette Heights in North Pekin, Tazewell County. The wells have an estimated average daily pumpage from the groundwater source of 240,000 gallons per day, supplying approximately 3,200 persons directly. Marquette Heights' water system has approximately 1,064 service connections within the corporate limits and another 56 service connections in an area of anticipated future expansion east of the City. Based on various assessments, including groundwater flow and recharge area modeling, the IEPA concluded that the current minimum setback zones did not adequately protect the Marquette Heights CWS wells, and that the groundwater source is "highly vulnerable." The Board held hearings in this rulemaking on March 1, 2005, in Pekin, and on April 5, 2005, in Chicago. Both the IEPA and Marquette Heights presented witnesses in support of the proposal. The Board has received no public comments.

In its November 17, 2005 first notice opinion, the Board found that expanding the zone of wellhead protection for Marquette Heights is justified, as Section 14.3(d) of the Act requires. As suggested by the IEPA, the Board proposes adding a new part to its public water supply rules-- 35 Ill. Adm. Code 618. The new Part will establish the framework for any additional Section 14.3 setback zone increases, as well as granting additional protection to Marquette Heights.

More specifically, the proposed Subpart A of Part 618 contains general provisions for maximum setback zones, including definitions. Subpart A's provisions will apply to all maximum setback zones established in Illinois through Board rulemaking. Proposed Subpart B of Part 618 contains rules specific to the Marquette Heights CWS wells. Section 618.Appendix A is a map that delineates the irregularly shaped boundaries of the proposed maximum setback zone relative to local land use plats. The distance from each wellhead to the proposed setback boundaries varies from approximately 600 to 1,000 feet. The appendix also lists identification numbers of parcels that are located wholly or partially within the proposed maximum setback.

The proposed Subpart B rules for Marquette Heights also provide that: (1) certain activities within the setback are banned; and (2) other activities within the setback are subject to management and control standards. "New potential primary sources" of groundwater contamination are prohibited from locating within the Marquette Heights expanded setback. Examples of potential primary sources can include a unit at a facility (1) used to treat, store, or dispose of any hazardous or special waste not generated at the site, (2) used to dispose of municipal waste not generated at the site, other than landscape waste and construction and demolition debris, (3) used to landfill, land

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treat, surface impound or pile any hazardous or special waste that is generated on the site or at other sites owned, controlled or operated by the same person, or (4) that stores or accumulates at any time more than 75,000 pounds above ground, or more than 7,500 pounds below ground, of any hazardous substances.

Subpart B also specifies that the Board's Part 615 or Part 616 management and control standards (35 Ill. Adm. Code 615 and 616) apply to those new or existing activities that are regulated by Part 615 or Part 616 and located wholly or partially within the expanded Marquette Heights setback. These activities may include on-site landfills, on-site land treatment units, on-site surface impoundments, on-site waste piles, underground storage tanks, pesticide storage and handling units, fertilizer storage and handling units, road oil storage and handling units, and de-icing agent storage and handling units. The proposed rules make clear, however, that agrichemical facilities that affirmatively opt out of Part 615 or Part 616 are regulated instead under other rules. Part 615 (Existing Activities in a Setback Zone or Regulated Recharge Area) and Part 616 (New Activities in a Setback Zone or Regulated Recharge Area) contain groundwater monitoring, design, inspection, operating, closure, and post-closure requirements that apply within setback zones, and so will apply automatically in the Marquette Heights maximum setback zone on the effective date of this new Part.

Copies of the Board's opinion and order in R05-09 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](http://www.ipcb.state.il.us).

For additional information contact Richard McGill at 312-814-6983; e-mail address [mcgillr@ipcb.state.il.us](mailto:mcgillr@ipcb.state.il.us)

### **Board Adopts Final Opinion and Order in Amendments to the Procedural Rules - "Pollution Control Facility" Definition Under P.A. 93-0998, P.A. 94-0094, and P.A. 94-0249 (35 Ill. Adm. Code 101.202) (R06-09)**

On November 17, 2005, the Board adopted a final opinion and order in Amendments to the Procedural Rules - "Pollution Control Facility" Definition Under P.A. 93-0998, P.A. 94-0094, and P.A. 94-0249 (35 Ill. Adm. Code 101.202) (R06-09). This rulemaking was opened by the Board solely to amend the definition of "pollution control facility" to incorporate recent statutory changes. No changes were made to the Board's first notice proposal, published on August 26, 2005 at 29 Ill. Reg. 13174. The Secretary of State's Index Department published the adopted amendments in the *Illinois Register* on December 2, 2005 at 29 Ill. Reg. 19666.

The statutory changes that were covered in this rulemaking were as follows:

Public Act 93-0998 (P.A. 93-0998, eff. Aug. 23, 2004) added a fourteenth exception to the definition of "pollution control facility" that excludes the portion of a site or facility that accepts, separates, and processes uncontaminated broken concrete, provided that the materials are not stored for more than one year at the site and that they are recycled back to useable form.

Public Act 94-0094 (P.A. 94-0094, eff. July 1, 2005) also amended the Act's definition of "pollution control facility." Specifically, P.A. 94-0094 amended the existing exemption from that definition for "the portion of a site or facility accepting exclusively general construction or demolition debris, located in a county with a population over 700,000, and operated and located in accordance with Section 22.38 of this Act" 415 ILCS 5/3.330(a)(13) (2004). P.A. 94-0094 limits that exemption to counties that had reached the population threshold of 700,000 "as of January 1, 2000."

Public Act 94-0249 (P.A. 94-0249, eff. July 19, 2005) added a fifteenth exception to the definition of "pollution control facility" to include:

the portion of a site or facility located in a county with a population over 3,000,000 that has obtained local siting approval under Section 39.2 of this Act for a municipal waste incinerator on or before July 1, 2005 and that is used for a non-hazardous waste transfer station.

The Board incorporated these statutory changes by adding the new exceptions to the definition of "pollution control facility" in Section 101.202. No other changes were made to the Board's procedural rules in this rulemaking.

Because the proposal amended only a definition contained in the Board's procedural rules, the Board did not hold a hearing on this matter. *See* 415 ILCS 5/26 (2004).



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Copies of the Board's opinion and order in R06-09 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](http://www.ipcb.state.il.us).

For additional information contact Tim Fox at 312-814-6085; e-mail address [foxt@ipcb.state.il.us](mailto:foxt@ipcb.state.il.us)

### Board Actions

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**November 3, 2005**

**Via Videoconfernece  
Chicago and Springfield, Illinois**

### Administrative Citations

### Decisions

PCB 05-215	<u>People of the State of Illinois v. First Rockford Group, Inc., Village of Cherry Valley, Heritage Engineering, Ltd., and Schlichting &amp; Sons Excavating, Inc.</u> – In this public water supply enforcement action concerning a Winnebago 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 as to Heritage Engineering, Ltd. only, and ordered the respondent to pay a total civil penalty of \$2,500 and to cease and desist from further violations.	5-0 PWS-E
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### Motions and Other Matters

PCB 04-192	<u>People of the State of Illinois v. Smithfield, L.L.C., Wooten Construction, Ltd., and Chicago Sun-Times, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement as to the Chicago Sun-Times, Inc. only, and an agreed motion to request relief from the hearing requirement in this land and water enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.	5-0 L&W-E
PCB 05-99	<u>People of the State of Illinois v. James Zeller, Thomas Zeller, and Matthew Short</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air and land enforcement action involving a Williamson County facility, the Board ordered publication of the required newspaper notice.	5-0 A&L-E
PCB 06-50	<u>E&amp;L Trucking Company v. IEPA</u> – The Board granted respondent's motion in part. Petitioner was directed to file an amended petition to cure noted deficiencies within 30 days from the date of this order, or the Board will dismiss this matter.	5-0 UST Appeal

**November 17, 2005**

**Chicago, Illinois**

### **Rulemakings**

- R05-9            In the Matter of: Setback Zone for City of Marquette Heights Community Water Supply, New 35 Ill. Adm. Code 618 – The Board adopted a first notice opinion and order in this site-specific rulemaking to amend the Board’s public water supply regulations, as requested.            4-0  
R, PWS
- R06-9            In the Matter of: Amendments to the Procedural Rules – “Pollution Control Facility” Definition Under P.A. 93-0998, P.A. 94-0094, and P.A. 94-0249 (35 Ill. Adm. Code 101.202) – The Board adopted a final opinion and order in this rulemaking amending its procedural rules. The adopted rules reflect three recent amendments to the definition of “pollution control facility” in the Environmental Protection Act (Act) (415 ILCS 5/1 *et seq.* (2004)).            4-0  
R, Proc.  
Rules

### **Administrative Citations**

- AC 05-52            IEPA v. Robert Daniel Spears – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Cass County facility, the Board found that respondent had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2004)) and ordered respondent 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) (3) (2004).            4-0
- AC 05-64            IEPA v. Charles Bellamey – The Board granted complainant’s motion to withdraw and dismiss this administrative citation action involving a Champaign County facility.            4-0
- AC 06-9            County of Perry v. Kevin Tilley – The Board found that this Perry 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.            4-0
- AC 06-10            IEPA v. Guiffre II, L.L.C. – The Board accepted for hearing this petition for review of an administrative citation against this Winnebago County respondent.            4-0
- AC 06-11            IEPA v. Paul Freeman and Freeman Environmental Services, Inc. an Illinois corporation – The Board accepted for hearing this petition for review of an administrative citation against these Williamson County respondents.            4-0
- AC 06-12            IEPA v. Beardstown Truck Wash, L.L.C. – The Board found that this Cass County respondent violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(5) (2004)), and ordered respondent to pay a civil penalty of \$3,000.            4-0

## Environmental Register – November 2005

### Decisions

PCB 04-13	<u>People of the State of Illinois v. Intermatic Incorporated</u> – In this air enforcement action concerning a McHenry 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)), and accepted a stipulation and settlement agreement, directing the respondent to pay a total civil penalty of \$30,957, and to cease and desist from further violations.	4-0 A-E
PCB 04-226	<u>People of the State of Illinois v. P&amp;J Super Auto Body Shop, Inc. and Julio Gallegos</u> – In this land enforcement action concerning a Cook County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2004)), and accepted a stipulation and settlement agreement, directing the respondent to pay a total civil penalty of \$10,000, and to cease and desist from further violations.	4-0 L-E

### Motions and Other Matters

PCB 96-98	<u>People of the State of Illinois v. Skokie Valley Asphalt, Inc., an Illinois corporation, Edwin L. Frederick, Jr., individually and as owner and President of Skokie Valley Asphalt Co., Inc., and Richard J. Frederick, individually and as owner and Vice President of Skokie Valley Asphalt Co., Inc.</u> – The Board denied the respondents’ motion to strike the People’s discovery requests and objections to discovery, as well as the respondents’ motion to strike the People’s motion for a protective order and the People’s response to the respondents’ motion to strike objections. The People’s motion for protective order was accepted, but denied. The Board denied the respondents’ motions to strike letters of May 24, 2005 and June 14, 2005. Both letters are accepted into the record. In so doing, the Board also denied respondents’ motion to strike the People’s response to the respondents’ motion to strike the letters.	4-0 W-E
PCB 04-48	<u>Village of Robbins and Allied Waste Transportation, Inc. v. IEPA</u> – The Board granted petitioners’ separate motions for voluntary dismissal of this permit appeal involving a Cook County facility.	4-0 P-A, Land
PCB 04-88	<u>Des Plaines River Watershed Alliance, Livable Communities Alliance, Prairie Rivers Network, and Sierra Club v. IEPA and Village of New Lenox</u> – The Board denied petitioners’ motion for summary judgment as to each of the three issues presented: nutrient loadings, offensive conditions water quality standard, and copper water quality standard. The Board also determined that neither the Illinois Environmental Protection Agency nor the Village of New Lenox had justified the discovery sought in their respective submissions, and ordered the case to hearing.	4-0 P-A, NPDES
PCB 05-103	<u>People of the State of Illinois v. Marc Realty, Inc. and 55 E. Jackson, L.L.C.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.	4-0 A-E

Environmental Register – November 2005

PCB 06-17	<u>Morgan Southern Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	4-0 UST Appeal
PCB 06-44	<u>People of the State of Illinois v. Weis Builders, Inc., a Minnesota corporation</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 Will County facility, the Board ordered publication of the required newspaper notice.	4-0 PWS-E
PCB 06-54	<u>People of the State of Illinois v. Webb AG, Inc.</u> – The Board accepted for hearing this land enforcement action involving a site located in Fulton County.	4-0 L-E
PCB 06-55	<u>Soyland Power Cooperative, Inc. v. IEPA</u> – The Board accepted for hearing the petition for review in this permit appeal involving a Pike County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP Permit.	4-0 P-A, Air
PCB 06-56	<u>Midwest Generation, L.L.C., Crawford Generating Station v. IEPA</u> – The Board accepted for hearing the petition for review in this permit appeal involving a Cook County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	4-0 P-A, Air
PCB 06-57	<u>Midwest Generation, L.L.C., Fisk Generating Station v. IEPA</u> – The Board accepted for hearing the petition for review in this permit appeal involving a Cook County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	4-0 P-A, Air
PCB 06-58	<u>Midwest Generation, L.L.C., Joliet Generating Station v. IEPA</u> – The Board accepted for hearing the petition for review in this permit appeal involving a Will County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	4-0 P-A, Air
PCB 06-59	<u>Midwest Generation, L.L.C., Powerton Generating Station v. IEPA</u> – The Board accepted for hearing the petition for review in this permit appeal involving a Tazewell County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	4-0 P-A, Air
PCB 06-60	<u>Midwest Generation, L.L.C., Will County Generating Station v. IEPA</u> – The Board accepted for hearing the petition for review in this permit appeal involving a Will County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	4-0 P-A, Air
PCB 06-61	<u>Southern Illinois Power Cooperative v. IEPA</u> – The Board accepted for hearing the petition for review in this permit appeal involving a Williamson County	4-0

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	facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	P-A, Air
PCB 06-62	<u>Kincaid Generation, L.L.C. v. IEPA</u> – The Board accepted for hearing the petition for review in this permit appeal involving a Christian County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	4-0 P-A, Air
PCB 06-63	<u>Dynegy Midwest Generation, Inc. (Baldwin Energy Complex) v. IEPA</u> – The Board accepted for hearing the petition for review in this permit appeal involving a Randolph County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	4-0 P-A, Air
PCB 06-64	<u>Ameren Energy Generating Company, Coffeen Power Station v. IEPA</u> – The Board accepted for hearing the petition for review and granted petitioner’s motion to file a reduced number of copies of the permit in this permit appeal involving a Montgomery County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	4-0 P-A, Air
PCB 06-65	<u>Electric Energy, Incorporated v. IEPA</u> – The Board accepted for hearing the petition for review and granted petitioner’s motion to file a reduced number of copies of the permit in this permit appeal involving a Massac County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	4-0 P-A, Air
PCB 06-66	<u>AmerenEnergy Resources Generating Company, Duck Creek Power Station v. IEPA</u> – The Board accepted for hearing the petition for review and granted petitioner’s motion to file a reduced number of copies of the permit in this permit appeal involving a Fulton County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	4-0 P-A, Air
PCB 06-67	<u>AmerenEnergy Resources Generating Company, Edwards Power Station v. IEPA</u> – The Board accepted for hearing the petition for review and granted petitioner’s motion to file a reduced number of copies of the permit in this permit appeal involving a Peoria County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	4-0 P-A, Air
PCB 06-68	<u>Ameren Energy Generating Company, Newton Power Station v. IEPA</u> – The Board accepted for hearing the petition for review and granted petitioner’s motion to a file reduced number of copies of the permit in this permit appeal involving a Jasper County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	4-0 P-A, Air

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PCB 06-69	<u>Ameren Energy Generating Company, Meredosia Power Station v. IEPA</u> – The Board accepted for hearing the petition for review and granted petitioner’s motion to file a reduced number of copies of the permit in this permit appeal involving a Morgan County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	4-0 P-A, Air
PCB 06-70	<u>Ameren Energy Generating Company, Hutsonville Power Station v. IEPA</u> – The Board accepted for hearing the petition for review and granted petitioner’s motion to file a reduced number of copies of the permit in this permit appeal involving a Crawford County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	4-0 P-A, Air
PCB 06-71	<u>Dynegy Midwest Generation, Inc. (Havana Power Station) v. IEPA</u> – The Board accepted for hearing the petition for review in this permit appeal involving a Mason County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	4-0 P-A, Air
PCB 06-72	<u>Dynegy Midwest Generation, Inc. (Hennepin Power Station) v. IEPA</u> – The Board accepted for hearing the petition for review in this permit appeal involving a Putman County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	4-0 P-A, Air
PCB 06-73	<u>Dynegy Midwest Generation, Inc. (Vermilion Power Station) v. IEPA</u> – The Board accepted for hearing the petition for review in this permit appeal involving a Vermilion County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	4-0 P-A, Air
PCB 06-74	<u>Dynegy Midwest Generation, Inc. (Wood River Power Station) v. IEPA</u> – The Board accepted for hearing the petition for review in this permit appeal involving a Madison County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	4-0 P-A, Air
PCB 06-75	<u>The City of Springfield v. IEPA</u> – The Board accepted for hearing the petition for review and granted petitioner’s motion to file a reduced number of copies of the permit and to exceed page limits in this permit appeal involving a Kane County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.	4-0 P-A, Air
PCB 06-76	<u>Gateway FS, Inc. 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 Monroe County facility.	4-0 UST Appeal 90-Day Ext.
PCB 06-77	<u>People of the State of Illinois v. Dennis K. Stiegemeier d/b/a I.L.C. Development</u> – The Board accepted for hearing this water enforcement action involving a site located in Macoupin County.	4-0 NPDES-E

## New Cases

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### November 3, 2005 Board Meeting

**06-053** C&F Packing Company, Inc. v. IEPA and Lake County – No action taken.

**AC 06-013** IEPA v. Lyndell Heinzman – The Board accepted an administrative citation against this Marion County respondent.

**AC 06-014** County of Jackson v. Rocky Lee Morse – The Board accepted an administrative citation against this Jackson County respondent.

**AC 06-015** IEPA v. Allen Noltensmeier – The Board accepted an administrative citation against this Mason County respondent.

**R06-011** In the Matter of: Proposal of Vaughan & Bushnell Manufacturing Company of Amendment to a Site Specific Rule 35 Ill. Adm. Code 901.121 – No action taken.

### November 17, 2005 Board Meeting

**06-054** People of the State of Illinois v. Webb AG, Inc. – The Board accepted for hearing this land enforcement action involving a site located in Fulton County.

**06-055** Soyland Power Cooperative, Inc. v. IEPA – The Board accepted for hearing the petition for review in this permit appeal involving a Pike County facility. No action was taken on petitioner's motion to stay effectiveness of the CAAPP Permit.

**06-056** Midwest Generation, L.L.C., Crawford Generating Station v. IEPA – The Board accepted for hearing the petition for review in this permit appeal involving a Cook County facility. No action was taken on petitioner's motion to stay effectiveness of the CAAPP permit.

**06-057** Midwest Generation, L.L.C., Fisk Generating Station v. IEPA – The Board accepted for hearing the petition for review in this permit appeal involving a Cook County facility. No action was taken on petitioner's motion to stay effectiveness of the CAAPP permit.

**06-058** Midwest Generation, L.L.C., Joliet Generating Station v. IEPA – The Board accepted for hearing the petition for review in this permit appeal involving a Will County facility. No action was taken on petitioner's motion to stay effectiveness of the CAAPP permit.

**06-059** Midwest Generation, L.L.C., Powerton Generating Station v. IEPA – The Board accepted for hearing the petition for review in this permit appeal involving a Tazewell County facility. No action was taken on petitioner's motion to stay effectiveness of the CAAPP permit.

**06-060** Midwest Generation, L.L.C., Will County Generating Station v. IEPA – The Board accepted for hearing the petition for review in this permit appeal involving a Will County facility. No action was taken on petitioner's motion to stay effectiveness of the CAAPP permit.

**06-061** Southern Illinois Power Cooperative v. IEPA – The Board accepted for hearing the petition for review in this permit appeal involving a Williamson County facility. No action was taken on petitioner's motion to stay effectiveness of the CAAPP permit.

**06-062** Kincaid Generation, L.L.C. v. IEPA – The Board accepted for hearing the petition for review in this permit appeal involving a Christian County facility. No action was taken on petitioner's motion to stay effectiveness of the CAAPP permit.

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**06-063** Dynegy Midwest Generation, Inc. (Baldwin Energy Complex) v. IEPA – The Board accepted for hearing the petition for review in this permit appeal involving a Randolph County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.

**06-064** Ameren Energy Generating Company, Coffeen Power Station v. IEPA – The Board accepted for hearing the petition for review and granted petitioner’s motion to file a reduced number of copies of the permit in this permit appeal involving a Montgomery County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.

**06-065** Electric Energy, Incorporated v. IEPA – The Board accepted for hearing the petition for review and granted petitioner’s motion to file a reduced number of copies of the permit in this permit appeal involving a Massac County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.

**06-066** AmerenEnergy Resources Generating Company, Duck Creek Power Station v. IEPA – The Board accepted for hearing the petition for review and granted petitioner’s motion to file a reduced number of copies of the permit in this permit appeal involving a Fulton County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.

**06-067** AmerenEnergy Resources Generating Company, Edwards Power Station v. IEPA – The Board accepted for hearing the petition for review and granted petitioner’s motion to file a reduced number of copies of the permit in this permit appeal involving a Peoria County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.

**06-068** Ameren Energy Generating Company, Newton Power Station v. IEPA – The Board accepted for hearing the petition for review and granted petitioner’s motion to file a reduced number of copies of the permit in this permit appeal involving a Jasper County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.

**06-069** Ameren Energy Generating Company, Meredosia Power Station v. IEPA – The Board accepted for hearing the petition for review and granted petitioner’s motion to file a reduced number of copies of the permit in this permit appeal involving a Morgan County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.

**06-070** Ameren Energy Generating Company, Hutsonville Power Station v. IEPA – The Board accepted for hearing the petition for review and granted petitioner’s motion to file a reduced number of copies of the permit in this permit appeal involving a Crawford County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.

**06-071** Dynegy Midwest Generation, Inc. (Havana Power Station) v. IEPA – The Board accepted for hearing the petition for review in this permit appeal involving a Mason County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.

**06-072** Dynegy Midwest Generation, Inc. (Hennepin Power Station) v. IEPA – The Board accepted for hearing the petition for review in this permit appeal involving a Putman County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.

**06-073** Dynegy Midwest Generation, Inc. (Vermilion Power Station) v. IEPA – The Board accepted for hearing the petition for review in this permit appeal involving a Vermilion County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.

**06-074** Dynegy Midwest Generation, Inc. (Wood River Power Station) v. IEPA – The Board accepted for hearing the petition for review in this permit appeal involving a Madison County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.

**06-075** The City of Springfield v. IEPA – The Board accepted for hearing the petition for review and granted petitioner’s motion to file a reduced number of copies of the permit and to exceed page limits in this permit appeal involving a Kane County facility. No action was taken on petitioner’s motion to stay effectiveness of the CAAPP permit.

**06-076** Gateway FS, Inc. 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 Monroe County facility.



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**06-077** People of the State of Illinois v. Dennis K. Stiegemeier d/b/a I.L.C. Development – The Board accepted for hearing this water enforcement action involving a site located in Macoupin County.

**AC 06-016** IEPA v. Rex D. Evans and Roy W. Evans, Jr. – The Board accepted an administrative citation against these Morgan County respondents.

**AC 06-017** IEPA v. Rex D. Evans and Roy W. Evans, Jr. – The Board accepted an administrative citation against these Morgan County respondents.

## **Calendar**

12/01/05 10:30 AM	PCB 06-25	William Breuer v. IEPA	Illinois Pollution Control Board Hearing Room 1021 N. Grand Avenue East Springfield
12/01/05 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		<b>Videoconference</b> <b>Chicago/Springfield</b> <b>James R. Thompson Center</b> <b>Hearing Room 11-512</b> <b>100 W. Randolph Street</b> <b>Chicago</b> <b>And</b> <b>1021 N. Grand Avenue East</b> <b>Oliver Holmes Conference</b> <b>Room 2012 N</b> <b>Springfield</b>
12/05/05 12:00 PM	PCB 04-36	Michael A. Petrosius and Darla G. Petrosius v. The Illinois State Toll Highway Authority	James R. Thompson Center 08-031 100 W. Randolph Street Chicago
12/06/05 9:00 PM	PCB 04-36	Michael A. Petrosius and Darla G. Petrosius v. The Illinois State Toll Highway Authority	James R. Thompson Center Room 08-031 100 W. Randolph Street Chicago
12/07/05 9:00 PM	PCB 04-36	Michael A. Petrosius and Darla G. Petrosius v. The Illinois State Toll Highway Authority	James R. Thompson Center Room 08-031 100 W. Randolph Street Chicago
12/15/05 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		<b>Chicago</b> <b>James R. Thompson Center</b> <b>Conference Room 09-040</b> <b>100 W. Randolph Street</b> <b>Chicago</b>

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<p><b>1/05/06</b></p>	<p><b><u>Illinois Pollution Control Board Meeting</u></b></p>		<p><b>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</b></p>
<p>1/09/06 10:00 AM</p>	<p>PCB 02-196</p>	<p>Smoot Oil Company v. IEPA</p>	<p>Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, North Entrance Springfield</p>
<p>1/09/06 10:00 AM</p>	<p>PCB 03-129</p>	<p>Keller Oil (May 1, 2000 – August 31, 2001) v. IEPA (Consolidated: PCB 03-129, 130, 131, 136, 137, and 04-171)</p>	<p>Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, North Entrance Springfield</p>
<p>1/09/06 10:00 AM</p>	<p>PCB 03-130</p>	<p>Keller Oil (July 1, 2000 – March 31, 2001) v. IEPA (Consolidated: PCB 03-129, 130, 131, 136, 137, and 04-171)</p>	<p>Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, North Entrance Springfield</p>
<p>1/09/06 10:00 AM</p>	<p>PCB 03-131</p>	<p>Keller Oil (July 1, 2001 – March 31, 2002) v. IEPA (Consolidated: PCB 03-129, 130, 131, 136, 137, and 04-171)</p>	<p>Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, North Entrance Springfield</p>
<p>1/09/06 10:00 AM</p>	<p>PCB 03-136</p>	<p>Keller Oil (October 1, 1999 – July 1, 2000) v. IEPA (Consolidated: PCB 03-129, 130, 131, 136, 137, and 04-171)</p>	<p>Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, North Entrance Springfield</p>
<p>1/09/06 10:00 AM</p>	<p>PCB 03-137</p>	<p>Keller Oil (July 1, 2000 – March 31, 2001) v. IEPA (Consolidated: PCB 03-129, 130, 131, 136, 137, and 04-171)</p>	<p>Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, North Entrance Springfield</p>
<p>1/09/06 10:00 AM</p>	<p>PCB 03-156</p>	<p>Swearing Amoco (October 1, 1996 – February 28, 1997) v. IEPA (Consolidated: PCB 03-156, 157, and 158 and PCB 04-151, 152, 153, and 154)</p>	<p>Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, North Entrance Springfield</p>

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1/09/06 10:00 AM	PCB 03-157	Swearing Amoco (May 1, 1997 – March 31, 1998) v. IEPA (Consolidated: PCB 03-156, 157, and 158 and PCB 04-151, 152, 153, and 154)	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, North Entrance Springfield
1/09/06 10:00 AM	PCB 03-158	Swearing Amoco (October 1, 1997 – October 31, 1998) v. IEPA (Consolidated: PCB 03-156, 157, and 158 and PCB 04-151, 152, 153, and 154)	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, North Entrance Springfield
1/09/06 10:00 AM	PCB 04-151	Swearing Amoco (June 1, 1996 – June 30, 1996) v. IEPA (Consolidated: PCB 03-156, 157, and 158 and PCB 04-151, 152, 153, and 154)	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, North Entrance Springfield
1/09/06 10:00 AM	PCB 04-152	Swearing Amoco (July 1, 1996 – August 31, 1996) v. IEPA (Consolidated: PCB 03-156, 157, and 158 and PCB 04-151, 152, 153, and 154)	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, North Entrance Springfield
1/09/06 10:00 AM	PCB 04-153	Swearing Amoco (February 1, 2000 – July 31, 2000) v. IEPA (Consolidated: PCB 03-156, 157, and 158 and PCB 04-151, 152, 153, and 154)	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, North Entrance Springfield
1/09/06 10:00 AM	PCB 04-154	Swearing Amoco (July 1, 2000 – February 1, 2001) v. IEPA (Consolidated: PCB 03-156, 157, and 158 and PCB 04-151, 152, 153, and 154)	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, North Entrance Springfield
1/09/06 10:00 AM	PCB 04-158	Hannel Oil Company (August 1 2002 to November 30, 2002)(Consolidated: PCB 03-24 and 25 and 04-158) v. IEPA	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, North Entrance Springfield
1/09/06 10:00 AM	PCB 04-171	L. Keller Oil Properties, Inc. / Charleston / Keller Oil Consolidated: PCB 03-129, 130, 131, 136, 137 and 04-171 v. IEPA	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, North Entrance Springfield
<b>1/19/06 11:00 AM</b>	Illinois Pollution Control Board Meeting		<b>Chicago Michael A. Bilandic Building 160 N. LaSalle Street Second Floor, Room N-505 Chicago</b>

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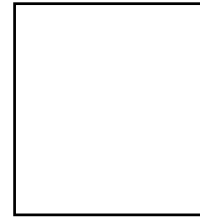
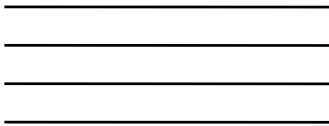
1/31/06 10:30 AM	R 06-10	In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742)	Michael A. Bilandic Building Room N502 160 N. LaSalle Street Chicago
2/02/06	<u>Illinois Pollution Control Board Meeting</u>		<b>Videoconference Chicago/Springfield 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</b>
2/16/06 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		<b>Chicago James R. Thompson Center Conference Room 09-040 100 W. Randolph Street Chicago</b>
3/1/06 10:30 AM	R 06-10	In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742)	IEPA North Entrance TQM Room 1000 E. Converse Springfield
3/02/06	<u>Illinois Pollution Control Board Meeting</u>		<b>Illinois Pollution Control Board Board Room, 1244 N 1021 N. Grand Avenue East Springfield</b>
3/16/06 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		<b>Chicago James R. Thompson Center Conference Room 09-040 100 W. Randolph Street Chicago</b>



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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