
Environmental Register

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G. Tanner Girard, Acting Chairman

Board Members:

Thomas E. Johnson, Nicholas J. Melas, Andrea S. Moore

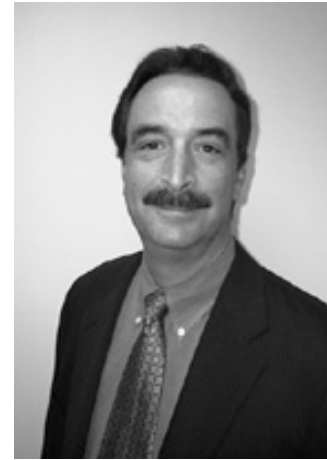
Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601
(312) 814-3620
(312) 814-6032 TDD

Illinois Pollution Control Board
1021 North Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274
(217) 524-8500

Web Site: <http://www.ipcb.state.il.us>

Letter from the Chairman

The Illinois General Assembly passed a number of bills this year and at least three of those bills have particular interest for the Board, parties appearing before the Board, and regulated entities. Although the Governor has not yet acted upon two of the bills, the third has been signed and is now a public act. I will briefly summarize the three bills below. You can obtain more specific information through the General Assembly's Website at www.ilga.gov.



House Bill 1620, sponsored by Representative Careen Gordon and Senator Gary Dahl, amended the Environmental Protection Act. The bill requires owners of a nuclear power plant to notify the Illinois Environmental Protection Agency (IEPA) and the Illinois Emergency Management Agency (IEMA) within 24 hours of an unpermitted release. The bill defines an "unpermitted release" as any spilling, leaking, emitting, discharging, escaping, leaching, or disposing of a contaminant into groundwater, surface water, or soil that is not permitted under State or federal law or regulation. House Bill 1620 requires the IEPA and IEMA to inspect each nuclear power plant with respect to unpermitted releases no less than once each quarter every calendar year. The bill also requires IEPA to consult with IEMA in proposing to the Pollution Control Board rules that prescribe standards for detecting and reporting unpermitted releases of radionuclides. House Bill 1620 was sent to the Governor on May 3, 2006, and awaits his action.

House Bill 4717, sponsored by Representative Wyvetter Younge and Senator James Clayborne, also amended the Environmental Protection Act. The bill provides that processing sites or facilities that receive only on-specification used oil, originating from used oil collectors for processing to produce products for sale to off-site petroleum facilities, are not pollution control facilities under the Act, if these sites or facilities are located within a specified home rule unit of local government and comply with all applicable zoning requirements. House Bill 4717 was sent to the Governor on April 3, 2006, and awaits his action.

House Bill 5578, sponsored by Representative Karen May and Senator Terry Link, creates the Mercury Switch Removal Act. The bill requires manufacturers of vehicles in Illinois that contain mercury switches to begin a mercury switch collection program, within 60 days of the effective date of this Act, that facilitates removal of mercury switches from end-of-life vehicles prior to the vehicles being flattened, crushed, shredded, or otherwise processed for recycling. House Bill 5578 provides that these programs must, to the extent practicable, use the currently available vehicle recycling infrastructure and be designed to achieve a capture rate of not less than 35% for the period of July 1, 2006 - June 30, 2007, 50% for the period of July 1, 2007 - June 30, 2008, and 70% for the period of July 1, 2008 - June 30, 2009, and for each subsequent period of July 1 - June 30.

If the required mercury capture rates are not met, House Bill 5578 provides that the IEPA shall provide notice to the manufacturers subject to the collection requirements. Beginning 30 days after the Agency provides notice, a vehicle recycler that sells, gives, or otherwise conveys an end-of-life vehicle to an on-site or off-site vehicle crusher or a scrap metal recycler, must remove all mercury switches from the vehicle prior to its conveyance. Manufacturers subject to these collection requirements must provide \$2.00 to vehicle recyclers, vehicle crushers, and scrap metal recyclers for each mercury switch removed by the vehicle recycler, vehicle crusher, or the scrap metal recycler, the costs of the containers in which the mercury switches are collected, and the costs of packaging and transporting the mercury switches off-site. House Bill 5578 also provides civil penalties for violations, authorizes periodic reviews of these programs, and repeals the Act on January 1, 2011. On April 24, 2006, the Governor signed House Bill 5578, and it became effective on that date as Public Act 94-0732.

Sincerely,

A handwritten signature in black ink that reads "G. Tanner Girard". The signature is written in a cursive, flowing style.

G. Tanner Girard, Ph.D.
Acting Chairman

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Federal Update

United States Environmental Protection Agency Adopts Outline of Implementation Policy for Great Lakes Legacy Act of 2002

On May 1, 2006 (71 Fed. Reg. 25504) the United States Environmental Protection Agency (USEPA) published its outline for the implementation of the Great Lakes Legacy Act of 2002. This action provides information to those interested in submitting cost-share, sediment remediation projects to EPA for funding under the Great Lakes Legacy Act of 2002 (Legacy Act).

USEPA's action establishes a process for identification, evaluation, selection, and implementation of projects for funding under the Legacy Act. The Legacy Act authorizes the appropriation of \$50 million annually for fiscal years 2004-2008 for contaminated sediment remediation projects and provides USEPA with a unique approach for addressing contaminated sediment problems in Great Lakes Areas of Concern. The Legacy Act also authorizes smaller amounts of funding for other activities; the USEPA has yet only established a process for sediment remediation project selection and implementation.

In order to be an eligible project under the Legacy Act, a project must be carried out in an Area of Concern located wholly or partially in the United States and the project must:

1. Monitor or evaluate contaminated sediment;
2. Implement a plan to remediate contaminated sediment; or
3. Prevent further or renewed contamination of sediment.

The Legacy Act program is implemented through Project Agreements, which are binding cost-sharing agreements between the Great Lakes National Program Office (GLNPO) and a cooperating agency or entity. Project selection decisions will be made in consultation with the USEPA Office of Water. Legacy Act authorizing language places only limited restrictions on the types of entities (non-Federal sponsors) that may potentially enter into a Project Agreement with GLNPO. This provides the potential for entering into agreements with public and private entities, including not-for-profit organizations. USEPA stated that it is the ultimate goal of GLNPO to work cooperatively with all qualifying potential non-Federal sponsors that have submitted project proposals under the Legacy Act in order to develop projects that are technically sound, beneficial to the environment, supported by the local community, and able to be completed in an expeditious manner. Additionally, the USEPA recognized that it is important to maintain flexibility in evaluating project proposals to achieve this goal. In situations where other sources of funding are available (e.g., Water Resources Development Act) or other mechanisms to complete the project are available (e.g., Superfund or other enforcement or regulatory programs), GLNPO will work with these existing programs, where appropriate, to add value in a way that maximizes the overall benefit to the environment.

In cases where enforcement or regulatory actions are pending, or underway, GLNPO will work and coordinate with the applicable enforcement or regulatory program on a case-by-case basis to determine the proper role, if any, for the Legacy Act to provide a value-added component to the project. In some cases, identifying a role for the Legacy Act may not be possible, if a proposed action is more appropriately accomplished by another program or agency.

This policy is effective on May 1, 2006.

For further information contact Scott Ireland, Technical Assistance and Analysis Branch, Environmental Protection Agency, Great Lakes National Program Office 77 West Jackson Blvd. G-17J, Chicago, IL 60604-3590, telephone number (312) 886-8121; fax number (312) 353-2018, www.epa.gov/greatlakes.

Rule Update

Board Adopts Final Opinion and Order in Technical Correction to Formulas in 35 Ill. Adm. Code 214; Clean-Up Part III, Amendments to 35 Ill Adm. Code Part 211, 218, and 219 (R04-12/20)(cons.)

On May 4, 2006, the Board adopted a final opinion and order in Technical Correction to Formulas in 35 Ill. Adm. Code 214; Clean-Up Part III, Amendments to 35 Ill Adm. Code Part 211, 218, and 219 (R04-12/20)(consolidated). The Board made minor technical changes to the first notice proposal (published at 29 Ill. Reg. 7418 (May 27, 2005)) in response to comments filed by the Illinois Environmental Protection Agency (IEPA). The adopted amendments were filed with the Secretary of State's Index Department with a May 15, 2006 effective date and published in the May 26, 2006 issue of the *Illinois Register* at 30 Ill. Reg. 9654 through 9799.

A detailed description of the rule changes in these consolidated dockets appeared in *Environmental Register* No. 619 (March 2006), pp. 7-9. A briefer description follows below.

The amendments adopted in R04-12 originated as a Board-initiated proposal. The Board adopted corrections to technical errors in formulas in the Board's air rules at 35 Ill. Adm. Code 214 "Sulfur Limitations." The errors appear to have occurred when the Illinois Administrative Code was re-codified.

The R04-20 rulemaking was opened for the IEPA's January 6, 2004 rulemaking proposal. The adopted amendments correct, update, and clarify rules implementing federal Clean Air Act requirements for volatile organic material (VOM) emissions reductions in the Chicago and Metro-East ozone areas. The final amendments address capture efficiency, carbon adsorbers and control device monitoring, screen printers, sealers and topcoats, lithographic printing, natural gas fired afterburners, perchloroethylene dry cleaners, and motor vehicle refinishing. The IEPA described the rule amendments as intended to benefit the regulated community by reducing the burden of, and increasing the flexibility in, demonstrating compliance.

The adopted amendments also make changes to:

- Update the test methods for capture efficiency (CE);
- Clarify the term "carbon adsorber";
- Clarify requirements for screen printers;
- Clarify categories of sealers and topcoats;
- Clarify provisions on monitoring, applicability, equations, recordkeeping, and reporting for lithographic printing operations;
- Clarify that sources may turn off their natural gas fired afterburners outside the ozone season;
- Delete the requirements applicable to perchloroethylene dry cleaning facilities;
- Delete the requirement that auto finishing shops annually re-register with AGENCY;
- Delete the coating purchasing recordkeeping requirements; and
- Correct miscellaneous grammatical and typographical errors.

To achieve administrative economies during the hearing process, the Board consolidated the R04-20 IEPA rulemaking proposal with the R04-12 Board-initiated rulemaking proposal. The Board held two hearings in this rulemaking. The first hearing was in Chicago on March 18, 2004 and the second hearing was in Springfield on May 6, 2004.

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Copies of the Board's opinion and order in R04-12/20 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 Richard McGill at 312-814-6983; e-mail address mcgillr@ipcb.state.il.us

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

On May 4, 2006, the Board adopted a final opinion and order in Setback Zone for City of Marquette Heights Community Water Supply, New 35 Ill. Adm. Code 618 (R05-09). The new Part 618 establishes an expanded setback zone of up to 1,000 feet to provide additional protection for the community water supply (CWS) wells of the City of Marquette Heights, in Tazewell County. The Board did not receive any comments on, or make any changes to, its first notice proposal, adopted November 17, 2005 and published in the *Illinois Register* on December 2, 2005 at 29 Ill. Reg. 19503. The adopted amendments were filed with the Secretary of State's Index Department with a May 23, 2006 effective date and published in the June 9, 2006 issue of the *Illinois Register* at 30 Ill. Reg. 10448.

This rule is the first of its kind under Section 14.3 of the Environmental Protection Act (Act) (415 ILCS 5/14.3 (2004)), which allows for the establishment of "maximum setback zones" to prevent contamination of particularly vulnerable groundwater sources used by a CWS. A setback zone restricts land use near the CWS well, providing a buffer between the well and potential sources or routes of contamination.

The rule was initiated by a resolution adopted by the City of Marquette Heights on March 22, 2004, which requested that the Illinois Environmental Protection Agency (IEPA) propose a rule to the Board that would increase the setback zone around the Marquette Heights CWS wells. 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."

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.

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.

Subpart B rules 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 wholly or partially 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 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 rules make clear, however, that agricultural 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 R05-9 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 Richard at 312/ 814-6983; email address mcgillr@ipcb.state.il.us.

Board Adopts Order to Proceed to First Notice Under the General Rulemaking Authority of Section 27 of the Act in Proposed New 35 Ill. Adm. Code 225 Control of Emissions from Large Combustion Sources (Mercury) (R06-25)

The R06-25 rulemaking docket has continued to be active since its inception on March 14, 2006 when the Illinois Environmental Protection Agency (IEPA) filed the proposal with the Board, in response to Governor Rod Blagojevich' January 2006 request that IEPA propose rules requiring Illinois coal-fired electrical generating plants to reduce mercury emissions by an average of 90% by July 2009. As reported in the last two *Environmental Registers*, the IEPA filed the proposal under Sections 9.10, 27, and 28.5 of the Act (415 ILCS 5/9.10, 27, and 28 (2004)). On March 16, 2006 the Board accepted the proposal for hearing as a Section 28.5 Clean Air Act fast track rule, adopting a first notice order without comment on the merits of the proposal. In so doing, the Board reserved ruling on some participants' March 15 requests that the proposal proceed instead under Section 27. First notice of the proposal was published at 30 Ill. Reg. 5957-6002 (March 31, 2006), and hearings were set in June and August on the timetable set in the statute. On April 20, 2006 the Board denied the motion to proceed under Section 27, finding the proposal was properly filed under Section 28.5. See *Environmental Register* Nos. 621 (March 2006) at pp. 12-13, and 622 (April 2006) at pp. 12-13.

Substance of the Mercury Proposal.

The IEPA proposal will require Illinois coal-fired electrical generating units (EGU)s that serve a generator greater than 25 megawatts producing electricity for sale to begin to utilize control technology for mercury as necessary to achieve the numerical standards set by the proposed rule beginning July 1, 2009.

To achieve this goal while preserving flexibility, the proposed regulations provide new and existing sources with two alternative mercury emission standards to demonstrate compliance. The first alternative allows a source to comply with a mercury emission standard of 0.0080 lb mercury/GWh gross electrical output for each EGU. In the alternative, sources may control emissions by a minimum of 90% from input mercury levels. In addition, through December 31, 2013, companies with several sources with EGUs may utilize averaging demonstrations between the sources. Those sources that have no sister plants are grouped into a co-op so that they may also average amongst the listed facilities. However, every source in the averaging demonstration must attain at least a 75% reduction of input mercury or 0.020 lb mercury/GWh gross electrical output. The proposal also sets forth permitting, monitoring, recordkeeping, and reporting requirements for affected sources.

Circuit Court Action.

On April 4, 2006, various power companies took the statutory authority dispute to the Sangamon County Circuit Court for resolution. Dynegy Midwest Generation, Inc., Kincaid Generation, LLC, and Midwest Generation, LLC. v. Illinois Pollution Control Board and Illinois Protection Environmental Agency, Case No. 2006 CH213 (Sangamon County Circuit Court)(filed April 4, 2006). The complaint for declaratory and injunctive relief alleges irreparable harm to the power companies "as a result of IPCB's illegal rulemaking procedure and the IEPA's illegal filing of a proposed rule with the IPCB." The suit seeks preliminary and permanent injunctive relief from R06-25 proceeding under Section 28.5.

The court heard oral argument on the power companies' motion for preliminary injunction on April 27, 2006. The Office of the Attorney General presented arguments on behalf of the Board and IEPA. On May 1, 2006, the court enjoined the Board from proceeding pursuant to the hearing and rulemaking scheduled required by Section 28.5 of the Illinois Environmental Protection Act. In a two-page order, the court analyzed the factors on which a party seeking injunction must prevail, finding, in pertinent part:

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- 1) Likelihood of Success on the Merits. The Court finds that the Plaintiffs have established a likelihood of success on their claim...The Illinois Mercury Proposal does not meet the statutory definition of “required to be adopted.” A proposed rule qualifies for fast track procedures under Section 28.5 of the Act only if the United States Environmental Protection Agency has authority under the federal Clean Air Act to impose sanctions against Illinois if the rule is not adopted by the ...Board. The term “sanctions” is not defined by case law or the Act. This Court does not believe the imposition of a federal plan until such time as Illinois adopts rules governing mercury emissions would be a sanction under the Act.
- 2) Balancing the hardships and the effect on the public. There appears to be little risk of harm to the environmental interests on the public since [USEPA] will impose the federal mercury constraints of the Clean Air Mercury Rule if Illinois rules are not in place. The interests of the public may be better served by a more formal and extensive rule making procedure under Section 27 of the Act. This would allow the public to weigh the cost benefit of the [IEPA] plan versus that of the USEPA].
- 3) Irreparable harm. [Citation omitted] In the present case, the use of Section 28.5 or fast track prohibits the Plaintiff[s] from participation in a fair hearing. Plaintiffs have established a prima facie case as to the element of irreparable harm.
- 4) Inadequate Remedy at Law. The Court finds the Plaintiffs have established a prima facie case as to the element of irreparable harm.

(On May 8, 2006, the Board and IEPA filed a joint motion for dismissal of the suit as moot, based on the Board’s May 4, 2006 decision to proceed under Section 27. The court has yet to rule on the motion).

On May 4, 2006, the Board decided to proceed to hear the IEPA March 14, 2006 proposal under the Board’s general rulemaking authority of Section 27 of the Act, rather than under the Section 28.5 fast track proceedings. In compliance with the court’s order, the Board cancelled the scheduled hearings under Section 28.5 and authorized publication of a second first notice citing only Section 27 as the authority for the rulemaking. The Board also authorized publication in the Illinois Register of a notice of withdrawal of the original proposal at 30 *Ill. Reg.* 5957-6002 (March 31, 2006). (The withdrawal notice was published at 30 *Ill. Reg.* 9377 May 19, 2006).

The second first notice order was published on May 19, 2006 at 30 *Ill. Reg.* 9281. But, due to clerical error, the notice continued to contain reference in the rule source note to Sections 9.10 and 28.5, in addition to Section 27. A notice of correction of this error was scheduled for publication at 30 *Ill. Reg.* 10193 (June 2, 2006).

The Board has scheduled two sets of hearings in this rulemaking. The first set begins on June 12, 2006 in Springfield, Illinois at 1:00 P.M. in the Environmental Protection Agency Office Building, Training Room, 1214 West, 1021 North Grand Avenue East. The hearing will be continued from day to day until the business is completed or through and including June 23, 2006. The second set of hearings will be held in Chicago beginning on August 14, 2006 at 1:00 P.M. Assembly Hall, Concourse Level, James R. Thompson Center, 100 W. Randolph. The hearing will be continued day to day until business is complete or through and including August 25, 2006. Following close of the second set of hearings, the Board will determine whether and when to schedule additional hearings.

Electronic Access to R06-25 Documents

Copies of the May orders of the Board and hearing officer in R06-25 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. Many other documents filed in the docket are available as well, including public comments filed. But, due to the volume of public comments received (6,500 and counting), the Clerk’s office has split off public comments into a second electronic docket—R06-25PC—in an attempt to reduce any slowness in retrieving other documents from this docket.

For additional information concerning the hearings, contact Marie Tipsord at 312/-814-4925; email address tipsordm@ipcb.state.il.us. For additional information concerning document retrieval, contact the Clerk’s office at 312-814-3620.

Board Dismisses Two Identical in Substance Rulemaking Dockets As Unnecessary: UST Update, USEPA Regulations (July 1, 2005 through December 31, 2005), R06-12; and Exemption from the Definition of VOM update, USEPA Regulations (July 1, 2005 through December 31, 2005), R06-14

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 May 18, 2006, the Board dismissed as unnecessary two dockets reserved to consider rules adopted by USEPA during the period July 1, 2005 through December 31, 2005. In each of the two program areas described below, USEPA adopted no rules during the update period.

UST Program (R06-12). Section 22.4(d) of the Environmental Protection Act (415 ILCS 5/22.4(d) (2006)) 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 (2006)), 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. § 6993 (2000), to implement Subtitle I of RCRA (42 U.S.C. §§ 6991 *et seq.* (2000)), with certain limitations. USEPA has codified its UST regulations at 40 C.F.R. 281 through 283.

VOM Program (R06-14). Section 9.1(e) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(e) (2006)) requires the Board to adopt regulations that are “identical in substance,” as defined at Section 7.2 of the Act (415 ILCS 5/7.2 (2006)), to exemptions from the definition of “volatile organic material” (VOM), those compounds that the United States Environmental Protection Agency (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).

Copies of the Board’s separate dismissal orders in R06-12 and R06-14 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.

Appellate Update

Illinois Supreme Court Denies Petition for Leave to Appeal Third District Decision Affirming Board Order Upholding Permit Modification Denial in United Disposal of Bradley, Inc. & Municipal Trust & Savings Bank v. IPCB and IEPA, No. 102168 (May 24, 2006) (PCB 03-235)

On May 24, 2006, the Illinois Supreme Court denied the petition for leave to appeal (PLA) filed February 17, 2006 by United Disposal of Bradley, Inc. United Disposal of Bradley, Inc. & Municipal Trust & Savings Bank v. IPCB and IEPA, No. 102168 (May 24, 2006). As reported in *Environmental Register* No. 620, pp. 2-3 (February 2006), the PLA sought review of the January 13, 2006 decision of the Third District Appellate Court affirming the Board's order in United Disposal of Bradley, Inc. & Municipal Trust & Savings Bank v. IPCB and IEPA, No. 3-04-0536 (January 13, 2006). In the case before it, the Board granted summary judgment to the Illinois Environmental Protection Agency (IEPA), affirming the IEPA's denial of a permit modification. United Disposal of Bradley, Inc. & Municipal Trust & Savings Bank v. IEPA, PCB 03-235 (June 17, 2004).

A complete summary of the Board and appellate decisions appeared in *Environmental Register* No. 619, pp. 4-5 (January 2006). In brief, the case involves the permit for the waste transfer station operated in the Village of Bradley, Kankakee County by United Disposal of Bradley, Inc. The primary issues raised concern about interpretation of a 1994 permit condition, Sections 3.330, 39(c), and 39.2 of the Environmental Protection Act (Act), 415 ILCS 5/3.330, 39(c), 39.2, and whether they violate the commerce clause of the United States Constitution (U.S. Const., art. I, sec. 8, cl. 3).

Dynegy Midwest Generation, Inc., Kincaid Generation, LLC, and Midwest Generation, LLC. v. Illinois Pollution Control Board and Illinois Protection Environmental Agency, Case No. 2006 CH213 (Sangamon County Circuit Court)(May 1, 2006 injunction order)(R06-25)

The above-captioned case is not summarized here, as it is not an appeal of a Board order. Rather, it is an action for declaratory and injunction relief regarding the procedures the Board is to use in hearing the Illinois Environmental Protection Agency’s March 14, 2006 regulatory proposal in Docket R06-25, In the Matter of: Proposed New 35 Ill.

Adm. Code 225 Control of Emissions From Large Combustion Sources (Mercury). The circuit court action is instead summarized later in this issue, in the R06-25 story in the “Rule Update” section.

Board Actions

May 4, 2006

Springfield, Illinois

Rulemakings

R04-12	<u>In the Matter of: Technical Correction to Formulas in 35 Ill. Adm. Code 214</u>	4-0
R04-20 (cons.)	<u>“Sulfur Limitations”</u> ; <u>In the Matter of: Clean-Up Part III, Amendments to 35 Ill. Adm. Code Part 211, 218, and 219</u> – The Board adopted a final opinion and order in this rulemaking which amends the Board’s air regulations.	R, Air
R05-9	<u>In the Matter of: Setback Zones for City of Marquette Heights Community Water Supply, New 35 Ill. Adm. Code 618</u> – The Board adopted a final opinion and order in this site-specific rulemaking which amends the Board’s public water supply regulations.	4-0 R, PWS
R06-25	<u>In the Matter of: Proposed New 35 Ill. Adm. Code 225 Control of Emissions From Large Combustion Sources</u> – The Board on its own motion, determined to proceed to hearing pursuant to Section 27 of the Act (415 ILCS 5/27 (2004)) with the Illinois Environmental Protection Agency’s (IEPA) March 14, 2006 proposal. The Board noted entry of a preliminary injunction order in <u>Dynegy Midwest Generation, Inc., et. al. v. Pollution Control Board et. al.</u> , No. 06-CH-213 (Sangamon Cty. Circuit Court May 1, 2006). The Board granted the motion of Dynegy Midwest Generation, Inc., Kincaid Generation, L.L.C., and Midwest Generation, L.L.C. to cancel hearings and rescind the schedule for hearings under the authority of Section 28.5 of the Act (415 ILCS 5/28.5 (2004)). The Board will re-first notice this rulemaking under Section 27 of the Act (415 ILCS 5/27 (2004)). The Board granted the IEPA’s motion in part for expedited review. The Board also granted the April 25, 2006 motion to appear pro hac vice from Kathleen M. Rahill.	4-0

Adjusted Standards

AS 06-3	<u>In the Matter of: Petition of Lafarge Midwest, Inc. for Boiler Determination through Adjusted Standard Proceedings Pursuant to 35 Ill. Adm. Code 720.132 and 720.133</u> – The Board accepted for hearing this Massac County facility’s petition for adjusted standard from the Board’s hazardous waste operating requirements.	4-0 Air
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Administrative Citations

AC 06-30	<u>IEPA v. Rick Linnabury</u> – The Board accepted for hearing this petition for review of an administrative citation against this Douglas County respondent.	4-0
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AC 06-32	<u>County of Jackson v. David Skidmore</u> – The Board accepted for hearing this petition for review of an administrative citation against this Jackson County respondent.	4-0
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Decisions

PCB 06-90	<u>People of the State of Illinois v. Village of Volo and Smith Engineering Consultants, Inc.</u> – In this public water supply enforcement action concerning a Lake 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 \$8,000, and to cease and desist from further violations.	4-0 PWS-E
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Motions and Other Matters

PCB 04-106	<u>People of the State of Illinois v. Thomas Gray</u> – The Board granted the complainant’s motion for summary judgment and ordered respondent to reimburse the Illinois Environmental Protection Agency \$131,902.48 for costs incurred in the cleanup of accumulated used and waste tires at the site comprised of three parcels of land identified as tax parcels 10-19-16-101-033, 10-19-16-101-034, and 10-19-16-101-035, and located in Momence, Kankakee County.	4-0 L-E
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PCB 05-35	<u>Kibler Development Corporation and Marion Ridge Landfill, Inc. v. IEPA</u> – The Board denied the motion of the City of Marion, the City of Herrin, and the Williamson County Airport Authority to intervene as party respondents in this permit appeal.	4-0 P-A, Land
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PCB 06-30	<u>People of the State of Illinois v. Heneghan & Associates, P.C.</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 Calhoun County facility, the Board ordered publication of the required newspaper notice.	4-0 PWS-E
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PCB 06-128	<u>Goodwin Mobil Service 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 Montgomery County facility.	4-0 UST Appeal
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PCB 06-129	<u>Vic Koenig Chevrolet 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 Jackson County facility.	4-0 UST Appeal
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PCB 06-131	<u>Wesley Brazas, Jr. v. Mr. Jeff Magnussen, President Village of Hampshire and IEPA</u> – The Board granted respondent Illinois Environmental Protection Agency’s motion to dismiss three of the appeal grounds for lack of jurisdiction. Hearing on the remaining issue is scheduled for May 15, 2006	4-0 P-A, NPDES 3rd Party
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Environmental Register – May 2006

PCB 06-140 W.R. Meadows, Inc. v. IEPA – The Board accepted for hearing this permit appeal involving a Kane County facility. 4-0
P-A, Air

May 18, 2006

Chicago, Illinois

Rulemakings

R06-12 In the Matter of: UST Update, USEPA Regulations (July 1, 2005 through December 31, 2005) – 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 July 1, 2005 through December 31, 2005. 4-0
R, Land

R06-14 In the Matter of: Exemptions from the Definition of VOM Update, USEPA Regulations (July 1, 2005 through December 31, 2005) – 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 period of July 1, 2005 through December 31, 2005. 4-0
R, Air

Administrative Citations

AC 04-75 IEPA v. Charles L. Parker – The Board entered a final opinion and order requiring respondent to pay hearing costs of the Illinois Environmental Protection Agency and the Board in the amount of \$309.49 and a civil penalty of \$4,500. This order follows the Board's interim order of March 16, 2006, which found that this respondent had violated Sections 21(p)(1), (3) and (7) of the Environmental Protection Act. (415 ILCS 5/21(p)(1), (3), and (7) (2004)). 4-0

AC 05-18 IEPA v. William Shrum – The Board entered a final opinion and order requiring respondent to pay hearing costs of the Illinois Environmental Protection Agency and the Board in the amount of \$306.88 and a civil penalty of \$4,500, \$3,000 for a second violation of Section 21(p)(1), and \$1,500 for the first violation of Section 21(p)(7). This order follows the Board's interim order of March 16, 2006, which found that this respondent had violated Sections 21(p)(1) and (7) of the Environmental Protection Act. (415 ILCS 5/21(p)(1), (7) (2004)). 4-0

AC 05-63 IEPA v. John Malloch – The Board entered a final opinion and order requiring respondent to pay hearing costs of the Illinois Environmental Protection Agency and the Board in the amount of \$289.70 and a civil penalty of \$4,500. This order follows the Board's interim order of March 16, 2006, which found that this respondent had violated Sections 21(p)(1), (3) and (7) of the Environmental Protection Act. (415 ILCS 5/21(p)(1), (3), and (7) (2004)). 4-0

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AC 05-80	<u>County of Kankakee v. John and Ella Hall and South Holland Trust #10897</u> – The Board denied complainant’s untimely motion to the amend complaint, since this docket was closed December 1, 2005.	4-0
AC 06-31	<u>Ogle County Solid Waste Management Department v. Wayne L. Fisher & Christina C. Fisher</u> – The Board directed respondent to file an amended petition for review specifying the grounds for appeal within 30 days, or the Board will dismiss this matter.	4-0
AC 06-33	<u>IEPA v. Johnny Kemper d/b/a Kemper Tree Services and Johnny Kemper</u> – The Board accepted for hearing this petition for review of an administrative citation against these Edgar County respondents.	4-0
AC 06-35	<u>IEPA v. Jerry L. Watson</u> – The Board directed respondent to file an amended petition for review specifying the grounds for appeal within 30 days, or the Board will dismiss this matter.	4-0
AC 06-36	<u>IEPA v. Robert J. Kerker and Dale Kerker d/b/a Kerker Construction</u> – The Board found that these Schuyler County respondents violated Sections 21(p)(1), (p)(3) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2004)), and ordered respondents to pay a civil penalty of \$4,500.	4-0
AC 06-37	<u>County of Jackson v. James Qualls</u> – The Board found that this Jackson County respondent violated Section 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2004)). Because there are two violations of Section 21(p) and these violations are subsequent offenses, respondent was ordered to pay a civil penalty of \$6,000.	4-0

Motions and Other Matters

PCB 97-97	<u>OK Service Center, Ltd. v. IEPA</u> – The Board granted this Cook County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
PCB 97-112	<u>OK Service Center, Ltd. v. IEPA</u> - The Board granted this Cook County facility’s motion for voluntary dismissal of this underground storage tank appeal.	4-0 UST Appeal
PCB 03-183	<u>People of the State of Illinois v. Passavant Area Hospital</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 Morgan County facility, the Board ordered publication of the required newspaper notice.	4-0 A-E

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PCB 03-215	<u>People of the State of Illinois v. Huck Store Fixture Co., Inc.</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 an Adams County facility, the Board ordered publication of the required newspaper notice.	4-0 A-E
PCB 05-139	<u>People of the State of Illinois v. Bath Incorporated</u> – The Board granted complainant’s motion for summary judgment and ordered respondent to reimburse the Illinois Environmental Protection Agency for response action costs in the amount of \$2,838,368.53 and to pay \$8,515,105.59 in punitive damages.	4-0 L-E
PCB 05-157	<u>Grand Pier Center L.L.C. American International Specialty Lines Insurance Co. as subrogee of Grand Pier Center L.L.C. v. River East L.L.C., Chicago Dock and Canal Trust, Chicago Dock and Canal Company, and Tronox L.L.C., f/k/a Kerr-McGee Chemical L.L.C.</u> – The Board granted the motion of respondent/counter-complainant Tronox L.L.C., f/k/a Kerr-McGee Chemical L.L.C., to withdraw its summary judgment and to motion amend the caption as directed here.	4-0 Citizens L-E
PCB 05-180	<u>People of the State of Illinois v. ACI Environmental Corporation and Asbestos Control, Inc.</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 DuPage County facility, the Board ordered publication of the required newspaper notice.	4-0 A-E
PCB 06-2	<u>People of the State of Illinois v. Laidlaw Corporation</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Massac County facility, the Board ordered publication of the required newspaper notice.	4-0 L-E
PCB 06-130 PCB 06-145	<u>Arlyn D. Fisk d/b/a Arlyn Fisk’s Service Center v. IEPA</u> – The Board granted petitioner’s motion to consolidate PCB 06-130 and PCB 06-145 for purposes of hearing.	4-0 UST Appeal
PCB 06-135	<u>Environmental Protection Industries, Inc. v. IEPA</u> – The Board dismissed this underground storage tank appeal for petitioner’s failure to file an amended petition for review as ordered on February 16, 2006.	3-0 Melas abstained UST Appeal
PCB 06-143	<u>People of the State of Illinois v. Astec Mobile Screens, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this Resources Conservation Recovery Act enforcement action involving a Whiteside County facility, the Board ordered publication of the required newspaper notice.	4-0 L-E

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PCB 06-152	<u>James Chew and Lynn Chew v. Dirk F. Borgsmiller and Sports Blast, L.L.C.</u> – The Board found that the alleged violations were neither duplicative nor frivolous and accepted for hearing this matter involving a Jackson County site.	4-0 Citizens N-E
PCB 06-160	<u>People of the State of Illinois v. Matrix National Investment Corp.</u> – The Board accepted for hearing this water enforcement action involving a site located in Jo Daviess County.	4-0 W-E
PCB 06-161	<u>Bill, Pat, and Brad Walk (Property Identification Number 2127-02-00-300-004) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Bill, Pat, and Brad Walk located in Shelby County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	4-0 T-C
PCB 06-162	<u>C&B Farms-Kingston (Property Identification Number 05-02-300-007) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of C&B Farms-Kingston located in DeKalb County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	4-0 T-C
PCB 06-164	<u>Village of Caseyville, Illinois v. IEPA</u> – The Board accepted for hearing this permit appeal involving a St. Clair County facility.	4-0 P-A, Water
PCB 06-165	<u>The Andersons Agriservices, Inc.-Champaign (Property Identification Number 12-14-29-400-004) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Andersons Agriservices, Inc. located in Champaign County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	4-0 T-C
PCB 06-166	<u>Wabash Valley Service Company-McLeansboro (Property Identification Numbers 07-044-001-00 and 11-025-005-10) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Wabash Valley Service Company-McLeansboro located in Hamilton County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	4-0 T-C
PCB 06-167	<u>Sheffey Farms, Inc. (Pearl City Facility) (Property Identification Number 89-17-10-100-004) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Sheffey Farms, Inc. (Pearl City Facility) located in Stephenson County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	4-0 T-C

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PCB 06-168	<u>Larry Wernsing (Raymond Facility) (Property Identification Number 13-000-148-00) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Larry Wernsing (Raymond Facility) located in Montgomery County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	4-0 T-C
PCB 06-169	<u>Patrick J. Harms Hog Production (Charlotte Facility) (Property Identification Number 24-24-18-300-007) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Patrick J. Harms Hog Production (Charlotte Facility) located in Livingston County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	4-0 T-C
PCB 06-170	<u>Patrick J. Harms Hog Production (Pleasant Ridge Facility) (Property Identification Number 23-23-17-300-009) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Patrick J. Harms Hog Production (Pleasant Ridge Facility) located in Livingston County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).	4-0 T-C
PCB 06-171	<u>American Bottom Conservancy v. IEPA and United States Steel Corporation – Granite City Works</u> – The Board accepted for hearing this permit appeal involving a St. Clair County facility. The Board also granted leave to appear pro hac vice to Maxine I. Lipeles on behalf of petitioner.	4-0 P-A, NPDES 3d Party
PCB 06-172	<u>People of the State of Illinois v. The Carle Foundation Hospital</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Champaign County facility, the Board ordered publication of the required newspaper notice.	4-0 L-E

New Cases

May 18, 2006 Board Meeting

06-160 People of the State of Illinois v. Matrix National Investment Corp. – The Board accepted for hearing this water enforcement action involving a site located in Jo Daviess County.

06-161 Bill, Pat, and Brad Walk (Property Identification Number 2127-02-00-300-004) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Bill, Pat, and Brad Walk located in Shelby County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).

06-162 C&B Farms-Kingston (Property Identification Number 05-02-300-007) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities

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of C&B Farms-Kingston located in DeKalb County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004))

06-163 The Theodore Kosloff Trust (as formed by the Irrevocable Agreement of Trust of Theodore Kosloff, dated December 6, 1989, for Rachel Kosloff and Abigail Kosloff, a Pennsylvania trust) v. A&B Wireform Corporation – No action taken.

06-164 Village of Caseyville, Illinois v. IEPA – The Board accepted for hearing this permit appeal involving a St. Clair County facility.

06-165 The Andersons Agriservices, Inc.-Champaign (Property Identification Number 12-14-29-400-004) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Andersons Agriservices, Inc. located in Champaign County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).

06-166 Wabash Valley Service Company-McLeansboro (Property Identification Numbers 07-044-001-00 and 11-025-005-10) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Wabash Valley Service Company-McLeansboro located in Hamilton County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004))

06-167 Sheffey Farms, Inc. (Pearl City Facility) (Property Identification Number 89-17-10-100-004) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Sheffey Farms, Inc. (Pearl City Facility) located in Stephenson County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).

06-168 Larry Wernsing (Raymond Facility) (Property Identification Number 13-000-148-00) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Larry Wernsing (Raymond Facility) located in Montgomery County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).

06-169 Patrick J. Harms Hog Production (Charlotte Facility) (Property Identification Number 24-24-18-300-007) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Patrick J. Harms Hog Production (Charlotte Facility) located in Livingston County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004)).

06-170 Patrick J. Harms Hog Production (Pleasant Ridge Facility) (Property Identification Number 23-23-17-300-009) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Patrick J. Harms Hog Production (Pleasant Ridge Facility) located in Livingston County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2004))

06-171 American Bottom Conservancy v. IEPA and United States Steel Corporation – Granite City Works – The Board accepted for hearing this permit appeal involving a St. Clair County facility. The Board also granted leave to appear pro hac vice to Maxine I. Lipeles on behalf of petitioner.

06-172 People of the State of Illinois v. The Carle Foundation Hospital – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Champaign County facility, the Board ordered publication of the required newspaper notice.

AC 06-038 County of Wayne v. Mr. William Slane – The Board accepted an administrative citation against this Wayne County respondent.

AC 06-039 City of Chicago Department of Environment v. Speedy Gonzalez Landscaping, Inc. – The Board accepted an administrative citation against this Cook County respondent.

AC 06-040 City of Chicago Department of Environment v. Jose R. Gonzalez – The Board accepted an administrative citation against this Cook County respondent.

AC 06-041 City of Chicago Department of Environment v. 1601-1759 East 130th Street, L.L.C. – The Board accepted an administrative citation against this Cook County respondent.

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AC 06-042 County of LaSalle v. Bill Shawback – The Board accepted an administrative citation against this LaSalle County respondent.

AC 06-043 County of LaSalle v. Bill Shawback – The Board accepted an administrative citation against this LaSalle County respondent.

Calendar

6/1/06 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		Videconference 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
6/12/06 1:00 PM	R06-25	In the Matter of: Proposed New 35 Ill. Adm. Code 225 Control of Emissions From Large Combustion Sources (Mercury) (to be continued day-to-day until business is completed or until June 23, 2006)	Illinois Environmental Protection Agency Office Building Training Room 1214 West 1021 N. Grand Avenue East, North Entrance Springfield
6/14/06 9:30 AM	PCB 03-54	Freedom Oil Company v. IEPA (Consolidated: PCB 03-54, 56, 105, 179, and 04-02)	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East (North Entrance) Springfield
6/14/06 9:30 AM	PCB 03-56	Freedom Oil Company v. IEPA (Consolidated: PCB 03-54, 56, 105, 179, and 04-02)	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East (North Entrance) Springfield
6/14/06 9:30 AM	PCB 03-105	Freedom Oil Company v. IEPA (Consolidated: PCB 03-54, 56, 105, 179, and 04-02)	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East (North Entrance) Springfield
6/14/06 9:30 AM	PCB 03-179	Freedom Oil Company v. IEPA (Consolidated: PCB 03-54, 56, 105, 179, and 04-02)	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East (North Entrance) Springfield
6/14/06 9:30 AM	PCB 04-02	Freedom Oil Company v. IEPA (Consolidated: PCB 03-54, 56, 105, 179, and 04-02)	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East (North Entrance) Springfield

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6/14/06 9:30 AM	R06-24	In the Matter of: Revisions to Water Quality Standards for Total Dissolved Solids in the Lower Des Plaines River for ExxonMobil Oil Corporation: Propose 35 Ill. Adm. Code 303.445	Emco Building Will County Mandatory Arbitration 57 North Ottawa Street Joliet
6/15/06 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
6/29/06 1:00 PM	R06-20	In the Matter of: Proposed Amendments to the Board's Special Waste Regulations Concerning Used Oil, Ill. Adm. Code 808, 809	Michael A. Bilandic Building Room N-502 160 LaSalle St. Chicago
7/5/06 11:00 AM	AC 06-32	County of Jackson v. David Skidmore	Jackson County Health Department Conference Room #1 415 Health Department Road Murphysboro
7/6/06 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
7/20/06 11:00 AM	<u>Illinois Pollution Control Board Meeting</u>		James R. Thompson Center Room 9-040 100 W. Randolph Street Chicago
8/14/06 1:00 PM	R06-25	In the Matter of: Proposed New 35 Ill. Adm. Code 225 Control of Emissions From Large Combustion Sources (Mercury) (to be continued day-to-day until business is completed or until August 25, 2006)	James R. Thompson Center Assembly Hall Concourse Level 100 W. Randolph Street Chicago

Provisional Variance

IEPA 06-12 Pekin Paperboard Company v. IEPA—On May 16, 2006, the Illinois Environmental Protection Agency granted the Pekin Paperboard Company (PPC) a provisional variance, subject to conditions, from the limits for the parameters for chemical biological oxygen demand (CBOD), total suspended solids (TSS) and Ammonia as N of National Pollution Discharge Elimination System Permit IL0037729 for Outfall A01. The PPC requested this relief to remove solids in the settling portion of its wastewater treatment lagoon located at its facility at 1525 South

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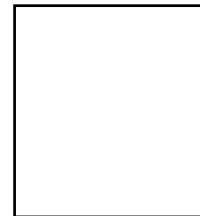
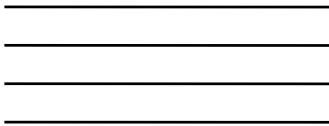
Second Street in Pekin. The provisional variance is in effect for the time period from May 16, 2006, and shall continue for a period of 30 days.

Public Act 93-0152 (Senate Bill 222) amended Sections 35-37 of the Illinois Environmental Act (415 ILCS 5/5(b) (2002)) so that provisional variances are issued by the Illinois Environmental Protection Agency (IEPA). If the IEPA grants a provisional variance, then the IEPA must file a copy of its written decision with the Board. The Board must maintain copies of the provisional variances for public inspection. Copies of provisional variances can be obtained by contacting the Clerk's Office at (312) 814-3620, or by visiting the Board's Website at www.ipcb.state.il.us. If the IEPA denies a provisional variance request, then the applicant may initiate a proceeding with the Board for a full variance.

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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Illinois Pollution Control Board
Environmental Register Coordinator
1021 N. Grand Avenue East
P.O. Box 19274
Springfield, Illinois 62794-9274