
Environmental Register

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

Deanna Glosser, Chairman

Board Members:

Jennifer A. Burke, Jerome D. O'Leary, and Carrie Zalewski

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

In July, the Board took action in rulemakings that generated widespread public interest and comment. The actions in these recent rulemakings are summarized below. As always, information about these proceedings is available through the Clerk's Office Online (COOL) at our Web site at www.ipcb.state.il.us.

On August 7, 2014, the Board adopted amendments in In the Matter of: Concentrated Animal Feeding Operations (CAFOs): Proposed Amendments to 35 Ill. Adm. Code Parts 501, 502, and 504 R 12-23. The amendments make the Board's rules consistent with, and as stringent as, the current federal CAFO regulations. The Board also opened a new subdocket to address whether specified unpermitted CAFOs should be required to submit certain information to the IEPA. The Joint Committee on Administrative Rules (JCAR) recommended that the Board use the subdocket also to address matters raised in a letter to JCAR from the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture. The letter raised concerns that the rulemaking may include elements of NRCS standards that are now obsolete.

In August the Board also ruled on two cases involving siting of pollution control facilities. On August 7, 2014, the Board found that Mclean County did not have jurisdiction to hear an application by Henson Disposal, Inc. for approval of the siting of a pollution control facility that recycles construction and demolition materials. American Disposal Services of Illinois, Inc. v. County Board of McLean County, Illinois, Henson Disposal, Inc. and TKNTK, LLC, PCB 11-60. The Board found that the applicant failed to complete the statutorily required service on property owners within 250 feet of the site before filing the application.

On August 21, 2014, the Board affirmed the siting of a transfer station by the Village of Round Lake Park. Timber Creek Homes, Inc. v. Village of Round Lake Park, Round Lake Park Village Board and Groot Industries, Inc., PCB 14-99. The Board found that the proceedings were fundamentally fair and the Village Board's decision on each of the criteria was not against the manifest weight of the evidence.



Sincerely,

A handwritten signature in cursive script that reads "Deanna Glosser".

Deanna Glosser, Ph.D.
Chairman

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Appellate Update

In an unpublished summary order issued on August 22, 2014, the First District Appellate Court affirmed the Board's denial of Chicago Coke Company's request for attorney fees under the Administrative Procedure Act (APA). Chicago Coke Co. v. Illinois Environmental Protection Agency, Natural Resources Defense Council, Sierra Club, and Illinois Pollution Control Board, 2014 IL App (1st) 132704-U. After the Board found in docket PCB 10-75 that the Illinois Environmental Protection Agency's policy on emission reduction credits was an invalid "rule" because the policy was never properly promulgated, Chicago Coke sought litigation expenses under Section 10-55(c) of the APA (5 ILCS 100/10-55(c) (2012)). Section 10-55(c) requires a "court" to award reasonable litigation expenses, including reasonable attorney's fees, to the party bringing the action who has an administrative "rule" invalidated "by a court." The Board denied Chicago Coke's request because the Board is not a "court." In affirming the Board, the First District found that the Board's July 25, 2013 order "adequately explains the decision" and that "[n]o error of law appears of record." Chicago Coke, 2014 IL App (1st) 132704-U, ¶¶ 2, 3, citing Ill. S. Ct. R. 23(c)(5) and (6). Chicago Coke has until various dates in September 2014 to seek rehearing in the appellate court or petition for leave to appeal to the Illinois Supreme Court.

Rulemaking Update

Board Adopts Amendments to CAFO Regulations, R12-23

On August 7, 2014, the Illinois Pollution Control Board (Board) adopted a final opinion and order to amend Parts 501, 502, and 504 of the Board's agriculture-related water pollution regulations. The Illinois Environmental Protection Agency (IEPA) initiated this rulemaking to make the Board's regulations consistent with, and as stringent as, the current federal regulations for concentrated animal feeding operations (CAFOs). IEPA also sought to establish state technical standards required by the federal regulations. This rulemaking was docketed as Concentrated Animal Feeding Operations (CAFOs): Proposed Amendments to 35 Ill. Adm. Code Parts 501, 502, and 504, R12-23.

The Joint Committee on Administrative Rules (JCAR) issued a certification of no objection to the Board's rules based upon agreements reached during second-notice review. In response to JCAR, the Board opened a subdocket to address whether specified unpermitted CAFOs should be required to submit certain information to IEPA. JCAR recommended that the Board use the subdocket also to address matters raised in a letter to JCAR from the Natural Resources Conservation Service of the United States Department of Agriculture. In its August 7, 2014 decision, the Board stated that it will, at a later date, issue an order addressing procedures, deadlines, and other matters in the subdocket, R12-23(A).

For more information, please contact Tim Fox at 312-814-6085 or tim.fox@illinois.gov.

Board Extends Stay of Site-Specific Rulemaking Addressing the Closure of Coal Combustion Waste Surface Impoundments, R13-19

The Board, on August 7, 2014, granted a one-year stay of the site-specific rulemaking docketed as Site-Specific Rule for the Closure of Ameren Energy Resources Ash Ponds: Proposed New 35 Ill. Adm. Code 840, Subpart B, R13-19. On April 9, 2013, Ameren Energy Resources filed on behalf of Ameren Energy Resources Generating, AmerenEnergy Generating Company, and Electric Energy, Inc. (collectively AER) a proposal to add a Subpart B to Part 840 of the Board's regulations. Part 840 addresses the closure of coal combustion waste (CCW) surface

impoundments. AER stated that its rulemaking proposal is intended to allow it to close approximately 16 surface impoundments used for CCW management at eight coal-fired power plants owned by AER.

On July 25, 2013, the Board granted AER's motion to stay the rulemaking for one year, allowing IEPA time to work on an ash pond closure rule that would apply state-wide. During the stay, Illinois Power Resources, LLC (IPR) and Ameren Energy Medina Valley Cogen, LLC (Medina Valley) acquired ownership of, or indirect ownership interest in, the facilities that are subject of the site-specific rulemaking. Additionally, IEPA filed the proposal for a generally-applicable rule, which the Board docketed as Coal Combustion Waste (CCW) Ash Ponds and Surface Impoundments at Power Generating Facilities, R14-10. To gain more certainty regarding the proposal in R14-10, which has not proceeded to first notice, IPR and Medina Valley sought to extend the stay of the site-specific rulemaking. The Board extended the stay of R13-19 at the companies' request through August 7, 2015, and required them to file a status report every three months during the stay.

For more information, please contact Tim Fox at 312-814-6085 or tim.fox@illinois.gov.

Board Dismisses Three Reserved "Identical-in-Substance" Rulemaking Dockets as Unnecessary

Every six months, the Board reserves a series of dockets to adopt Board rules under Section 7.2 of the Environmental Protection Act (Act) (415 ILCS 5/7.2 (2012)). The Board rules must be "identical in substance," as defined in Section 7.2, to any rules adopted by the United States Environmental Protection Agency (USEPA) to implement various programs. On August 7, 2014, the Board dismissed as unnecessary the following dockets reserved to consider rules adopted by USEPA during the period of January 1, 2014 through June 30, 2014. As USEPA did not amend its rules during the update period, no amendments are needed to Board rules.

UST Update, R15-2. Section 22.4(d) of the Act (415 ILCS 5/22.4(d) (2012)) relates to underground storage tank (UST) regulations promulgated by USEPA pursuant to Section 9003 of the federal Resource Conservation and Recovery Act of 1976 (RCRA) (42 U.S.C. §§ 6991b (2011)) to implement Subtitle I of RCRA (42 U.S.C. §§ 6991 *et seq.* (2006)), with certain limitations. USEPA has codified its UST regulations at 40 C.F.R. 280 through 282.

Wastewater Pretreatment Update, R15-3. Section 13.3 of the Act (415 ILCS 5/13.3 (2012)) relates to wastewater pretreatment regulations that USEPA adopted to implement Sections 307(b), (c), and (d) and 402(b)(8) and (b)(9) of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C. §§ 1317(b), (c), and (d) and 1342(b)(8) and (b)(9) (2011)). USEPA has codified the federal wastewater pretreatment rules at 40 C.F.R. 400 through 499.

UIC Update, R15-7. Section 13(c) of the Act (415 ILCS 5/13(c) (2012)) relates to underground injection control (UIC) regulations that USEPA adopted to implement provisions of the Safe Drinking Water Act (42 U.S.C. §§ 300h *et seq.* (2011)). USEPA has codified its UIC regulations at 40 C.F.R. 144 through 148.

Board Proposes "Identical-in-Substance" RCRA Subtitle D Update for Public Comment, R15-8

On August 21, 2014, the Board adopted a proposal for public comment in an identical-in-substance rulemaking. The Board proposed updates to "incorporations by reference" in the Illinois Resource Conservation and Recovery Act (RCRA) Subtitle D Municipal Solid Waste Landfill (MSWLF) regulations. The rulemaking is docketed as RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (January 1, 2014 through June 30, 2014), R15-8. USEPA did not amend its RCRA Subtitle D MSWLF regulations during the period of January 1, 2014 through June 30, 2014. Rather, the Board determined that the amendments are needed to ensure that the Illinois regulations are identical-in-substance to the federal requirements from which the Board derived them.

This proposal for public comment would update the version of federal regulations incorporated by reference to the latest version of the *Code of Federal Regulations*. The incorporations by reference in 35 Ill. Adm. Code 810.104 relate to the RCRA Subtitle D MSWLF regulations. This proposal would also correct Appendix A to 35 Ill. Adm. Code 814 as adopted in RCRA Subtitle D Amendments (Amendments to 35 Ill. Adm. Code 810, 811, and 814), R93-10 (Sep. 15, 1993).

The Board will receive public comments on this proposal for a period of 45 days following its publication in the *Illinois Register*. After that time, the Board will immediately consider adopting the amendments, making any necessary changes revealed through the public comments.

The docket number for this rulemaking, R15-8, should be indicated on the public comment. Public comments must be filed with the Clerk of the Board. Public comments may be filed at the following address: Pollution Control Board, James R. Thompson Center, 100 W. Randolph Street, Suite 11-500, Chicago, IL 60601. In addition, public

comments may be filed electronically through the Clerk's Office On-Line (COOL) at www.ipcb.state.il.us. Any questions about filing should be directed to the Clerk's Office at 312-814-3629.

For more information, please contact Michael J. McCambridge at 312-814-6924 or michael.mccambridge@illinois.gov.

Board Actions

August 7, 2014

Via videoconference

Springfield and Chicago, Illinois

Rulemakings

- | | | |
|---------------|--|-----|
| R12-23 | <u>In the Matter of: Concentrated Animal Feeding Operations (CAFOs): Proposed Amendments to 35 Ill. Adm. Code Parts 501, 502, and 504 (Water)</u> – The Board adopted a final opinion and order in this rulemaking to amend the Board's agriculture related pollution regulations with changes suggested by JCAR. In addition, the Board directed the Clerk to open Subdocket A to address various matters and stated that the Board is preparing a response to JCAR's recommendation to consider an additional issue in that subdocket. | 4-0 |
| R13-19 | <u>In the Matter of: Site-Specific Rule for the Closure of Ameren Energy Resources Ash Ponds: Proposed New 35 Ill. Adm. Code 840, Subpart B (Land-Site Specific)</u> – The Board granted petitioner's motion to stay this rulemaking for one year. | 4-0 |
| R15-2 | <u>UST Update, USEPA Amendments (January 1, 2014 through June 30, 2014) (Land)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground storage tank regulations during the update period of January 1, 2014 through June 30, 2014. | 4-0 |
| R15-3 | <u>Wastewater Pretreatment Update, USEPA Amendments (January 1, 2014 through June 30, 2014) (Water)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its wastewater pretreatment regulations during the update period of January 1, 2014 through June 30, 2014. | 4-0 |
| R15-7 | <u>UIC Update, USEPA Amendments (January 1, 2014 through June 30, 2014) (Land)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground injection control regulations during the update period of January 1, 2014 through June 30, 2014. | 4-0 |

Administrative Citations

- | | | |
|-----------------|---|-----|
| AC 12-48 | <u>IEPA v. Ruth White</u> – The Board denied respondent's motion for reconsideration of the Board's order of April 3, 2014, and assessed \$417.13 in hearing costs along with the \$4,500 statutory civil penalty in this matter. The Board adjusted the due date for payment of these amounts, which were previously imposed in the Board's June 5, 2014 order in this matter. | 4-0 |
|-----------------|---|-----|

- AC 14-45** IEPA v. Benjamin Raleigh & Rose Mary Raleigh – The Board denied respondents’ motion for reconsideration of the Board’s order of June 5, 2014, and ordered respondents to pay a civil penalty of \$4,500. 4-0
- AC 14-47** IEPA v. Robert Frazier – The Board denied respondent’s motion for reconsideration of the Board’s order of June 5, 2014, and ordered respondent to pay a civil penalty of \$4,500. 4-0

Adjudicatory Cases

- PCB 09-101** Ameren Energy Generating Company and Grand Tower Power Plant v. IEPA (Air-Permit Appeal, CAAPP) – The Board granted petitioner’s motion to amend the petition for review. 4-0
- PCB 11-41** KB Sullivan, Inc. v. IEPA (UST-Permit Appeal) – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal. 4-0
- PCB 11-60** American Disposal Services of Illinois, Inc. v. County Board of McLean County, Illinois, Henson Disposal, Inc. and TKNTK, LLC (Land-Siting Appeal, 3rd Party) – The Board denied respondents’ motion for a stay. The Board granted petitioner’s motion for summary judgment on jurisdiction, vacating the McLean County Board’s February 15, 2011 decision granting an application filed by Henson Disposal, Inc. for approval of the site of a pollution control facility. 4-0
- PCB 12-14** Center Point Energy, Mississippi River Transmission, LLC v. IEPA (Air-Permit Appeal, CAAPP) – The Board granted petitioner’s motion for name change and denied petitioner’s motion for *pro hac vice* admission. 4-0
- PCB 12-42** Bernie’s Wood River Gas v. IEPA (UST-Permit Appeal) – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal. 4-0
- PCB 12-103** Maribeth, Inc. v. IEPA (UST-Permit Appeal) – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal. 4-0
- PCB 12-105** KB Sullivan, Inc. v. IEPA (UST-Permit Appeal) – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal. 4-0
- PCB 13-12** People of the State of Illinois v. NACME Steel Processing, LLC (Air-Enforcement) – The Board denied respondent’s motion to strike an affidavit submitted by the People with their motion for summary judgment. The Board gave respondent additional time to respond to the motion for summary judgment. 4-0
- PCB 13-41** People of the State of Illinois v. AmerenEnergy Resources Generating Company, Inc., (Land-Enforcement) – The Board denied the motion to substitute AmerenEnergy Medina Valley Cogen, L.L.C. as respondent. 4-0

PCB 14-23	<u>J & A Investors, LLC v. IEPA</u> (Water-Permit Appeal) – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal.	4-0
PCB 14-41	<u>Amerenergy Resources Generating Company v. IEPA</u> (Land-Permit Appeal) – The Board granted the motion to substitute AmerenEnergy Medina Valley Cogen, L.L.C. as petitioner.	4-0
PCB 14-113	<u>City of Nashville, IL v. Sisco Corporation, d/b/a Sisco Box Corporation</u> (Noise-Enforcement) – The Board, having previously found the complaint was frivolous in this citizens enforcement action involving a Washington County facility (<u>City of Nashville, IL, a municipal corporation v. Sisco Corporation, d/b/a Sisco Box Corp., PCB 14-113, slip op. at 2 (June 5, 2014)</u>), dismissed this case due to complainant’s failure to file an amended complaint to cure certain deficiencies.	4-0
PCB 15-10	<u>People of the State of Illinois v. Belleville Shoe Manufacturing Company</u> (Land -Enforcement) – Upon receipt of a complaint accompanied by a proposed stipulation and settlement agreement, and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a St. Clair County facility, the Board ordered publication of the required newspaper notice.	4-0
PCB 15-14	<u>PAK-AGS, Inc. v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Madison County facility.	4-0
PCB 15-18	<u>Granite City School District No. 9 v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Madison County facility.	4-0
PCB 15-19	<u>Lujeans Dodd v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Pulaski County facility.	4-0
PCB 15-20	<u>Golightly & Long, LLC (Marion)</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Williamson County facility.	4-0
PCB 15-21	<u>Biggs Brothers Service Co. v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.	4-0
PCB 15-22	<u>Golightly & Long, LLC (Murphysboro) v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Jackson County facility.	4-0
PCB 15-23	<u>Paradigm Properties, Inc. (St. Francisville) v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Lawrence County facility.	4-0
PCB 15-24	<u>Amer Samawi v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Cook County facility.	4-0

PCB 15-25	<u>V. W. Bowman Oil Co. v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Jackson County facility.	4-0
PCB 15-26	<u>James Carter v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Morgan County facility.	4-0
PCB 15-27	<u>Lake Bluff Petroleum, Inc. v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Lake County facility.	4-0
PCB 15-28	<u>Arlyn Fisk v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Randolph County facility.	4-0
PCB 15-29	<u>GBL Properties, Inc. (3617 State Street) v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.	4-0
PCB 15-30	<u>Allen McAfee v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Macoupin County facility.	4-0
PCB 15-31	<u>F.A. Stein Oil Co. (Belleville) v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.	4-0
PCB 15-32	<u>Homegrown Properties, Inc. v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Piatt County facility.	4-0
PCB 15-33	<u>GBL Properties, Inc. (923 South 15th Street) v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.	4-0
PCB 15-34	<u>Ron Steele v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this McDonough County facility.	4-0
PCB 15-35	<u>Piasa Commercial Interiors, Inc. v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Madison County facility.	4-0
PCB 15-36	<u>GBL Properties, Inc. (2600 Missouri Avenue) v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.	4-0
PCB 15-37	<u>Estate of Lloyd Wiemann v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.	4-0
PCB 15-38	<u>Yoder Oil Company v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Tazewell County facility.	4-0

PCB 15-39	<u>Barnhill's Service Station v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Pulaski County facility.	4-0
PCB 15-40	<u>Ronald Boyer v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Madison County facility.	4-0
PCB 15-41	<u>Randolph Hudson v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.	4-0
PCB 15-42	<u>NuDeal Oil Company v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Monroe County facility.	4-0
PCB 15-43	<u>Paradigm Properties, Inc. (Kankakee) v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this <u>Kankakee</u> County facility.	4-0
PCB 15-44	<u>J.D. Streett & Company, Inc. v. IEPA</u> (UST-Permit Appeal) – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Williamson County facility.	4-0
PCB 15-45	<u>Danny Schwendeman v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.	4-0
PCB 15-46	<u>F.A. Stein Oil (East St. Louis) v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.	4-0
PCB 15-47	<u>GBL Properties, Inc. (South 17th Street) v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.	4-0
PCB 15-48	<u>Granite City School District No. 9 (Neidringus School) v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Madison County facility.	4-0
PCB 15-49	<u>Kings 66 Service Station v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Madison County facility.	4-0
PCB 15-50	<u>Latco, LLC. v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.	4-0
PCB 15-51	<u>Mercer County Highway Department v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Mercer County facility.	4-0
PCB 15-52	<u>Robbe Brashear v. IEPA</u> (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Wayne County facility.	4-0

- PCB 15-53** Robert Smith v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Mercer County facility. 4-0
- PCB 15-54** Knapp Oil Company v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Saline County facility. 4-0

**August 21, 2014
Chicago, Illinois**

Rulemakings

- R15-8** RCRA Subtitle D Update, USEPA Amendments (January 1, 2014 through June 30, 2014) (Land) – The Board adopted a proposal for public comment in this “identical-in-substance” rulemaking to amend the Board’s municipal solid waste landfill regulations. 4-0

Adjusted Standards

- AS 14-2** In the Matter of: Petition of Kramer Tree Specialists, Inc. for an Adjusted Standard from Provisions of 35 Ill. Adm. Code 830 (Land) – The Board denied Kramer Tree Specialists, Inc.’s petition for adjusted standard. 4-0

Administrative Citations

- AC 15-2** IEPA v. Jim Barnes d/b/a Barnes Trucking & Excavation – The Board accepted respondent’s petition for review involving a LaSalle County facility. 4-0
- AC 15-3** IEPA v. Jamie & Angela Hollon – The Board found that these Hardin County respondents violated Sections 21(p)(1) and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(7) (2012)), and ordered respondents to pay a civil penalty of \$3,000. 4-0
- AC 15-4** Perry County v. Edward Burgess – The Board found that this Perry County respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2012)), and ordered respondent to pay a civil penalty of \$1,500. 4-0
- AC 15-5** County of Jackson v. Deana Ardrey and Paul Smith – The Board found that these Jackson County respondents violated Sections 21(p)(1), (p)(3), and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (3), and (7) (2012)), and ordered respondents to pay a civil penalty of \$4,500. 4-0

Adjudicatory Cases

- PCB 07-83** People of the State of Illinois v. Edelstein Waterworks Co-Op (Public Water Supply-Enforcement) – The Board directed the parties to provide additional information regarding the parties’ intent regarding counts of the complaint not included in the proposed settlement. 4-0

PCB 09-101	<u>Ameren Energy Generating Company and Grand Tower Power Plant v. IEPA</u> (Air-Permit Appeal, CAAPP) – The Board granted petitioners’ motion for voluntary dismissal of this permit appeal.	4-0
PCB 12-52	<u>People of the State of Illinois v. Reliable Materials, LLC, GSG Consultants, Inc., O.C.A. Construction, Inc., Speedy Gonzalez Landscaping, Inc., Public Building Commission of Chicago, Board of Education of the City of Chicago</u> (Land-Enforcement) – 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) (2012)), accepted a stipulation and settlement agreement between the People and Reliable Materials Lyons, LLC (Reliable), and ordered Reliable to pay a total civil penalty of \$39,300.00. Under the settlement, Reliable also agreed to perform various measures including sampling the existing dewatering well discharge and submitting sampling results to the Illinois Environmental Protection Agency. Additionally, Reliable agreed to a supplemental environmental project consisting of a \$55,000 payment to the Illinois Department of Natural Resources’ Illinois Wildlife Preservation Fund “for the restoration of the Bluff Spring Fen Nature Preserve.” The Board ordered Reliable to cease and desist from further violations.	3-0 Burke abstained
PCB 12-124	<u>Broadus Oil Company v. IEPA</u> (UST-Permit Appeal) – The Board affirmed the Illinois Environmental Protection Agency’s March 20, 2012 determination rejecting petitioner’s November 9, 2011 corrective action plan budget amendment.	4-0
PCB 13-15	<u>Sierra Club, Environmental Law and Policy Center, Prairie Rivers Network, and Citizens Against Ruining the Environment v. Midwest Generation</u> (Water-Enforcement) – The Board granted complainants’ motion to withdraw the request by Whitney C. Ferrell to appear <i>pro hac vice</i> and her appearance on behalf of the Sierra Club. The Board denied the pending requests of Jennifer S. Duggan and Abel Russ to appear <i>pro hac vice</i> on behalf of the Sierra Club for failure to comply with Supreme Court Rule 707.	4-0
PCB 14-14	<u>People of the State of Illinois v. Donley Trucking, Inc.</u> (Land, Water-Enforcement) – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land and water enforcement action involving a Sangamon County facility, the Board ordered publication of the required newspaper notice.	4-0
PCB 14-99	<u>Timber Creek Homes, Inc. v. Village of Round Lake Park, Round Lake Park Village Board and Groot Industries, Inc.</u> (Pollution Control Facility Siting Review, Third Party) – The Board affirmed the decision of the Village of Round Lake approving the siting application of Groot Industries, Inc. for a waste transfer station.	4-0
PCB 14-101	<u>People of the State of Illinois v. Norwood Marking & Equipment Co., Inc.</u> (Air-Enforcement) – In this air enforcement action concerning a Will 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) (2012)), accepted a stipulation and settlement agreement, and ordered respondent to pay a total civil penalty of \$5,000.00, and to cease and desist from further violations.	4-0

PCB 14-128	<u>Filiberto Quiles v. IEPA</u> (UST-Permit Appeal, 90-Day Ext.) – 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 Cook County facility.	4-0
PCB 14-130	<u>The Premcor Refining Group, Inc. v. IEPA</u> (UST-Permit Appeal, 90-Day Ext.) – 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 Macon County facility.	4-0
PCB 14-135	<u>People of the State of Illinois v. Sanitary District of Decatur</u> (Water-Enforcement) – In this water enforcement action concerning a Macon County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2012)), accepted a stipulation and settlement agreement, and ordered respondent to pay a total civil penalty of \$5,000.00, and to cease and desist from further violations.	4-0
PCB 15-1	<u>People of the State of Illinois v. Carmeuse Lime, Inc.</u> (Water-Enforcement) – In this air 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) (2012)), accepted a stipulation and settlement agreement, and ordered respondent to pay a total civil penalty of \$8,000.00, and to cease and desist from further violations.	4-0
PCB 15-11	<u>Wayne A. and Susan E. Bergbower v. IEPA</u> (Water-Tax Certification) – The Board found and certified that specified facilities of Wayne A. and Susan E. Bergbower located in Jasper County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0
PCB 15-12	<u>Wabash Valley Service Co. v. IEPA</u> (Water-Tax Certification) – The Board found and certified that specified facilities of Wabash Valley Service Co. located in Gallatin County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0
PCB 15-13	<u>Bell Pat Brad Walk v. IEPA</u> (Water-Tax Certification) – The Board found and certified that specified facilities of Bell Pat Brad Walk located in Cumberland County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0
PCB 15-15	<u>Charles Leary - Little York (Property ID No. 05-022-004-00) v. IEPA</u> (Water-Tax Certification) – The Board found and certified that specified facilities of Charles Leary located in Warren County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0
PCB 15-16	<u>Charles Leary - Little York (Property ID No. 05-024-004-00) v. IEPA</u> (Water-Tax Certification) – The Board found and certified that specified facilities of Charles Leary located in Warren County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0

PCB 15-17	<u>Weber Beef v. IEPA</u> (Water-Tax Certification) – The Board found and certified that specified facilities of Weber Beef located in Henry County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2012)).	4-0
PCB 15-57	<u>Piasa Motor Fuels, LLC v. IEPA (LPC# 1190305016)</u> (UST-Permit Appeal, 90-Day Ext.) – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Madison County facility.	4-0
PCB 15-58	<u>Cedar Concepts Corporation v. IEPA</u> (Air-Permit Appeal, CAAPP) – The Board accepted for hearing this permit appeal on behalf of this Cook County facility.	4-0
PCB 15-59	<u>William Ozga v. IEPA</u> (UST-Permit Appeal, 90-Day Ext.) – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Lake County facility.	4-0

New Cases

August 7, 2014 Board Meeting

PCB 15-10 People of the State of Illinois v. Belleville Shoe Manufacturing Company (Land -Enforcement) – Upon receipt of a complaint accompanied by a proposed stipulation and settlement agreement, and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a St. Clair County facility, the Board ordered publication of the required newspaper notice.

PCB 15-11 Wayne A. and Susan E. Bergbower v. IEPA (Water-Tax Certification) – No action taken.

PCB 15-12 Wabash Valley Service Co. v. IEPA (Water-Tax Certification) – No action taken.

PCB 15-13 Bell Pat Brad Walk v. IEPA (Water-Tax Certification) – No action taken.

PCB 15-14 PAK-AGS, Inc. v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Madison County facility.

PCB 15-15 Charles Leary - Little York (Property ID No. 05-022-004-00) v. IEPA (Water-Tax Certification) – No action taken.

PCB 15-16 Charles Leary - Little York (Property ID No. 05-024-004-00) v. IEPA (Water-Tax Certification) – No action taken.

PCB 15-17 Weber Beef v. IEPA (Water-Tax Certification) – No action taken.

PCB 15-18 Granite City School District No. 9 v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Madison County facility.

PCB 15-19 Lujeans Dodd v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Pulaski County facility.

PCB 15-20 Golightly & Long, LLC (Marion) (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Williamson County facility.

PCB 15-21 Biggs Brothers Service Co. v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.

PCB 15-22 Golightly & Long, LLC (Murphysboro) v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Jackson County facility.

PCB 15-23 Paradigm Properties, Inc. (St. Francisville) v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Lawrence County facility.

PCB 15-24 Amer Samawi v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Cook County facility.

PCB 15-25 V. W. Bowman Oil Co. v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Jackson County facility.

PCB 15-26 James Carter v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Morgan County facility.

PCB 15-27 Lake Bluff Petroleum, Inc. v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Lake County facility.

PCB 15-28 Arlyn Fisk v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Randolph County facility.

PCB 15-29 GBL Properties, Inc. (3617 State Street) v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.

PCB 15-30 Allen McAfee v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Macoupin County facility.

PCB 15-31 F.A. Stein Oil Co. (Belleville) v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.

PCB 15-32 Homegrown Properties, Inc. v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Piatt County facility.

PCB 15-33 GBL Properties, Inc. (923 South 15th Street) v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.

PCB 15-34 Ron Steele v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this McDonough County facility.

PCB 15-35 Piasa Commercial Interiors, Inc. v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Madison County facility.

PCB 15-36 GBL Properties, Inc. (2600 Missouri Avenue) v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.

PCB 15-37 Estate of Lloyd Wiemann v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.

PCB 15-38 Yoder Oil Company v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Tazewell County facility.

PCB 15-39 Barnhill's Service Station v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Pulaski County facility.

PCB 15-40 Ronald Boyer v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Madison County facility.

PCB 15-41 Randolph Hudson v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.

PCB 15-42 NuDeal Oil Company v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Monroe County facility.

PCB 15-43 Paradigm Properties, Inc. (Kankakee) v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Kankakee County facility.

PCB 15-44 J.D. Streett & Company, Inc. v. IEPA (UST-Permit Appeal) – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Williamson County facility.

PCB 15-45 Danny Schwendeman v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.

PCB 15-46 F.A. Stein Oil (East St. Louis) v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.

PCB 15-47 GBL Properties, Inc. (South 17th Street) v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.

PCB 15-48 Granite City School District No. 9 (Neidringus School) v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Madison County facility.

PCB 15-49 Kings 66 Service Station v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Madison County facility.

PCB 15-50 Latco, LLC. v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this St. Clair County facility.

PCB 15-51 Mercer County Highway Department v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Mercer County facility.

PCB 15-52 Robbe Brashear v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Wayne County facility.

PCB 15-53 Robert Smith v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Mercer County facility.

PCB 15-54 Knapp Oil Company v. IEPA (UST-Permit Appeal) – The Board accepted for hearing this underground storage tank appeal on behalf of this Saline County facility.

August 21, 2014

AC 15-6 County of Macon v. Kevin E. Woodruff – The Board accepted an administrative citation against this Macon County respondent.

AC 15-7 County of Vermilion, Illinois v. Jerry Nuss – The Board accepted an administrative citation against this Vermilion County respondent.

AS 15-1 In the Matter of: Petition of the City Of Collinsville for an Adjusted Standard from 35 Ill. Adm. Code 620.410 for Certain Constituents – No action taken.

AS 15-2 In the Matter of: Petition of Apex Material Technologies, LLC for an Adjusted Standard From Portions of 35 Ill. Adm. Code 807.104 and 810-103 OR in the Alternative, A Finding of Inapplicability – No action taken.

PCB 15-55 CNS Farms v. IEPA (Water-Tax Certification) – No action taken.

PCB 15-56 Sangamon Prairie Pork v. IEPA (Water-Tax Certification) – No action taken.

PCB 15-57 Piasa Motor Fuels, LLC v. IEPA (LPC# 1190305016) (UST-Permit Appeal, 90-Day Ext.) – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Madison County facility.

PCB 15-58 Cedar Concepts Corporation v. IEPA (Air-Permit Appeal, CAAPP) – The Board accepted for hearing this permit appeal on behalf of this Cook County facility.

PCB 15-59 William Ozga v. IEPA (UST-Permit Appeal, 90-Day Ext.) – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Lake County facility.

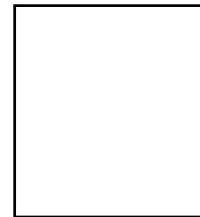
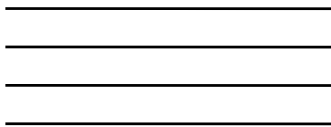
Calendar

9/4/2014 11:00 AM	Illinois Pollution Control Board Meeting		Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago
9/4/2014 1:00 PM	R14-23	<u>In the Matter of Standards and Requirements for Potable Water Well Surveys and Community Relations Activities Performed in Conjunction With Agency Notices of Threats From Contamination: Proposed Amendments to 35 Ill. Adm. Code 1600</u>	Illinois Pollution Control Board Conference Room 1021 North Grand Avenue East Springfield
9/10/2014 9:00 AM	PCB 14-131	<u>Piasa Motor Fuels, Inc. v. IEPA</u>	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East Springfield
9/17/2014 1:00 PM	PCB 15-14	<u>PAK-AGS, Inc. v. IEPA</u>	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East Springfield
9/18/2014 11:00 AM	Illinois Pollution Control Board Meeting		Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago
9/23/2014 11:00 AM	R14-22	<u>In the Matter of: Proposal of Clifford-Jacobs Forging Co. for an Amendment to the Site-Specific Rule at 35 Ill. Adm. Code 901-119</u>	Brookens Administrative Center Lyle Shields Meeting Room 1776 E. Washington Street Urbana
10/2/2014 11:00 AM	Illinois Pollution Control Board Meeting		Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago
10/16/2014 11:00 AM	Illinois Pollution Control Board Meeting		Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago
10/16/2014 1:00 PM	R14-23	<u>In the Matter of Standards and Requirements for Potable Water Well Surveys and Community Relations Activities Performed in Conjunction With Agency Notices of Threats From Contamination: Proposed Amendments to 35 Ill. Adm. Code 1600</u>	Illinois Pollution Control Board Conference Room 11-512 James R. Thompson Center 100 W. Randolph Street Chicago

The Illinois Pollution Control Board is an independent five-member board that adopts environmental control standards, rules on enforcement actions, and other environmental disputes for the State of Illinois.

The *Environmental Register* is published monthly by the Board, and contains updates on rulemakings, descriptions of final decisions, the Board's hearing calendar, and other environmental law information.

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