



ENVIRONMENTAL REGISTER



No. 510 ♦ A Publication of the Illinois Pollution Control Board ♦ November, 1996

RULEMAKING UPDATE

Livestock Waste Proposal
Filed, Emergency Rules
Adopted, R97-14

The Illinois Department of Agriculture (IDA) filed a general rulemaking proposal on October 15, 1996 requesting that the Board adopt emergency rules governing livestock waste. The Board requested public comment on the proposal by an order dated October 17, 1996 and adopted emergency rules based on the proposal at a special Board meeting held on October 29, 1996. The emergency rules include standards for livestock waste lagoon and holding pond construction and management, management and agricultural application of waste, certification of livestock managers, and permitting of facilities in Illinois. The emergency rules became effective on October 31, 1996, when filed with the Secretary of State, and will remain in effect for 150 days, until March 30, 1997.

IDA filed the proposal pursuant to the Livestock Management Facilities Act (P.A. 89-456, effective May 21, 1996). That legislation required IDA to prepare and file a proposal for rules governing waste from livestock management facilities. The regulations are (Cont'd on p. 2)

FEDERAL ACTIONS

Possible Expansion of Right-to-Know Information
Available - Industry Reporting
Could Be Affected

On October 1, 1996 (61 Fed. Reg. 51321), USEPA published an advanced notice of proposed rulemaking in which it raised the possible expansion of the scope of information available under its community right-to-know initiatives. The expansion would go beyond the existing toxic release inventory (TRI) database. USEPA stated that it is considering adding all potential components of "chemical use" in this prospective rulemaking: quantities entering a facility, quantities transformed into products and waste, and quantities leaving the facility. It hopes that expansion beyond the current TRI database would more fully and accurately inform the public about environmental (Cont'd on p.4)

APPELLATE UPDATE

Lindsay-Klein v. Illinois State Fire Marshall and Illinois Pollution Control Board, No. 3-994-0665 slip op. (Third District October 29, 1996) (unpublished rule 23 order).

This case involved an appeal by Lindsay-Klein of a Board opinion and order in Lindsay-Klein v. Office of the State Fire Marshal, PCB 93-255 (August 11, 1994), affirming the State Fire Marshal's (OSFM) determination that its underground storage tank (UST) was not properly registered and that therefore, Lindsay-Klein was ineligible for reimbursement from the UST Fund. The Third District found the OSFM's interpretation of the Gasoline Storage Act (430 ILCS 15/4) to be erroneous and reversed and remanded the case.

On June 5, 1996, the Illinois Supreme Court (Cont'd on p.2)

Inside This Issue

♦ Significant Federal Actions	p4
♦ Final Decisions	p18
♦ New Cases	p21
♦ Calendar of Hearings	p23
♦ IEPA Restricted Status List	p25

APPELLATE UPDATE

(Cont'd from p.1)

vacated the Third District's judgment in the original Lindsay-Klein appeal and directed the Third District to reconsider its judgment in light of First of America Trust Co. v. Armstead, 171 Ill. 2d 282 664 N.E. 2d 282 (1996), reversing 269 Ill. App. 3d 432, 646 N.E. 2d 302 (Third Dist 1995). The Third District in its review of the case reaffirmed its prior judgment and again reversed and remanded the case. A petition for leave to appeal this second decision was filed by the Office of the State Fire Marshal (OSFM) and the Board. The Supreme Court denied the petition for leave to appeal and on October 29, 1996 the mandate issued from the Third District.

The Third District held that the dealership's tank was properly registered and reversed and remanded the proceeding. ♦

RULEMAKING UPDATE

(Cont'd from p.1)

codified in a new Part in Subtitle E of the Illinois environmental regulations, along with the existing agricultural rules. The existing rules derived in significant part from the federal National Pollution Discharge Elimination System (NPDES) regulations under the Clean Water Act (CWA). The scope of the new emergency rules is broader than the scope of the existing NPDES-based regulations. In its opinion and order adopting the emergency rules, the Board noted that IDA anticipated filing a proposal for permanent rules in late November, 1996.

Direct questions to Marie E. Tipsord, at 312-814-4925 or 618-498-9803 (Internet address: mtipsor@pcb016r1.state.il.us). Request copies of Board orders from Victoria Agyeman, at 312-814-3620 (Internet address: vagyeman@pcb016r1.state.il.us). Please refer to docket R97-14. ♦

Part II 15% ROP Cleanup Amendments Adopted, R96-13

The Board adopted the Part II 15 percent reduction of pollution (15% ROP) cleanup amendments on October 17, 1996. The Part II 15% ROP cleanup proposal would make seven minor corrections to the 15% ROP Plan as submitted by the Agency and adopted by the Board between September 15, 1994 and May 4, 1995 in seven parts. The Board adopted the 15% ROP regulations in seven parts, as submitted by the Agency, between September 15, 1994 and May 4, 1995. The aggregate of the seven parts are intended to reduce emissions of

ozone-forming volatile organic compounds in the Chicago and metropolitan East St. Louis areas, as required by federal law. The federal Clean Air Act Amendments of 1990 (CAAA) require a reduction in ozone precursor emissions in areas that are nonattainment for ozone. (See issue 495, June-July, 1995.) The seven Part II cleanup amendments allow a source to obtain a variation in a control plan or use an alternative test method through permit, amend equations and correct a temperature used in calculation of net heating value, and correct cross references within the rules and to the Federal Register. The amendments also reflect the adoption of P.A. 98-79, which nullified the former bakery oven rules (see issue 496, Aug-Sept., 1995) and correct the exemption for polyethylene foam packaging operations to mirror that for polystyrene foam packaging operations.

The Illinois EPA (Agency) filed its Part II 15 percent ROP cleanup proposal on December 13, 1995 pursuant to the "fast-track" procedure of Section 28.5 of the Act. The Board accepted the proposal and proposed the amendments without substantive review for First Notice publication in the Illinois Register on December 20, 1995. The Board conducted public hearings on the proposal on February 6, 1995 and proposed the amendments for Second Notice review by the Joint Committee on Administrative Rules (JCAR) on March 21, 1996. (See issue 500, Jan., 1996.) JCAR voted No Objection to the amendments on October 15, 1996.

Direct questions to the hearing officer, K.C. Doyle, at 312-814-3665 (Internet address: kdoyle@pcb016r1.state.il.us). Request copies of Board orders from Victoria Agyeman, at 312-814-3620 (Internet address: vagyeman@pcb016r1.state.il.us). Please refer to docket R96-13. ♦

Amendments to Board Procedural Rules Proposed for Public Comment, R97-8

The Board proposed amendments to its procedural rules for public comment on October 3, 1996. The proposal represents considerable effort on the part of the Board, begun in 1995 on the event of its 25th anniversary, to update and streamline its procedural rules. The intent is to reflect changes that have occurred in practice before the Board and to bring Board procedures into line with the practices of sister agencies of the state. Included are newly-codified procedures for administrative citation and local siting review cases. In addition to several amendments to the general provisions and the additional procedures, the rules have been substantially reworked and renumbered.

Direct questions to the hearing officer, Cynthia I. Ervin, at 217-524-8509 (Internet address: cervin@pcb084r1.state.il.us). Request copies of Board

orders from Victoria Agyeman, at 312-814-3620 (Internet address: vagyeman@pcb016r1.state.il.us). Please refer to docket R97-8. ♦

Supplemental Opinion and Order Adopted in SDWA Update, R95-17

On October 17, 1996, the Board adopted a supplemental opinion and order in the recent Safe Drinking Water Act (SDWA) regulatory update. The Board adopted identical-in-substance amendments to the Illinois public water supplies regulations on September 5, 1996 under docket number R95-17. Docket R95-17 included federal amendments adopted by USEPA to the federal SDWA regulations that occurred in the period January 1 through June 30, 1995. Primarily, it included a June 29, 1995 (60 Fed. Reg. 33912) action in which USEPA made technical corrections to the SDWA analytical methods. The Board proposed the amendments on April 18, 1996, and a Notice of Proposed Amendments appeared in the May 3, 1996 Illinois Register, at 20 Ill. Reg. 6121 (Part 607) and 6133 (Part 611). The Board then proceeded to adopt amendments with a number of minor revisions based on the public comments received. In adopting the amendments on September 5, the Board declined to make one revision requested by the Agency, concluding that the Board was constrained to retain an amendment made by USEPA. The Board has withheld filing the regulations with the Office of the Secretary of State to allow USEPA to comment on the issues raised by the Agency's comments. Based on comments by the Agency and in an effort to mitigate the impact of the questioned USEPA amendment, the Board decided to adopt the amendments but revised the text to ensure against improperly broad application of the rule.

Direct questions to Michael J. McCambridge, at 312-814-6924 (Internet address: mmccambr@pcb016r1.state.il.us). Request copies of the Board's opinion and order from Victoria Agyeman, at 312-814-3620 (Internet address: vagyeman@pcb016r1.state.il.us). Please refer to docket number R95-17. ♦

Underground Storage Tank Amendments Proposed for First Notice, R97-10; Predecessor Docket Dismissed, R94-2(B)

On October 3, 1996, the Board proposed amendments to the underground storage tank (UST) regulations under docket number R97-10, for First Notice publication in the Illinois Register. The Illinois Environmental Protection Agency (Agency) filed a rulemaking proposal on September 16, 1996, pursuant to P.A. 89-457 (effective May 22, 1996), to amend the UST rules. The purpose of the amendments is to make the Illinois rules

more consistent with the federal Resource Conservation and Recovery Act (RCRA) Subtitle I requirements, to clarify issues that have arisen in implementation of the Illinois program, and to resolve issues remaining from the prior set of UST amendments. Predecessor docket R94-2(B) left open issues relating to site classification and risk-based cleanup objectives. P.A. 89-457 requires the Board to complete this rulemaking on or before March 15, 1997. (See issues 509, Oct., 1996; 490, Jan., 1995; 486, Sept., 1994 & 487, Oct., 1994.) On October 3, the Board dismissed R94-2(B).

A Notice of Proposed Amendments appeared in the October 25, 1996 issue of the Illinois Register, starting the statutory 45-day public comment period on the proposed amendments. After the close of the public comment period, the Board will be free to propose the amendments for Second Notice review by the Joint Committee on Administrative Rules (JCAR). Direct questions to Marie E. Tipsord, at 312-814-4925 or 618-498-9803 (Internet address: mtipsor@pcb016r1.state.il.us). Request copies of Board orders from Victoria Agyeman, at 312-814-3620 (Internet address: vagyeman@pcb016r1.state.il.us). Please refer to docket R97-10. ♦

Perchloroethylene Exemption From the Definition of VOM Proposed For Public Comment, R96-16

The Board proposed an exemption from the definition of volatile organic material (VOM) for public comment on October 17, 1996. The proposal would exempt perchloroethylene (tetrachloroethane) from reasonably available control technology (RACT) regulation due to its negligible photochemical reactivity. The identical-in-substance amendment is based on the exemption of this compound from the federal rules on February 7, 1996 (61 Fed. Reg. 4588). In proposing the exemption, the Board noted that perchloroethylene would remain subject to regulation as a hazardous air pollutant (HAP) notwithstanding an exemption from RACT regulation.

A Notice of Proposed Amendments appeared in the November 1, 1996 issue of the Illinois Register, starting the 45-day public comment period on the proposed amendments. The Board held a public hearing on the proposal on November 20, 1996 in Chicago. After the close of the public comment period, the Board will be free to adopt the amendments. Direct questions to Michael J. McCambridge, at 312-814-6924 (Internet address: mmccambr@pcb016r1.state.il.us). Request copies of the Board's opinion and order from Victoria Agyeman, at 312-814-3620 (Internet address: vagyeman@pcb016r1.state.il.us). Please refer to docket number R96-16. ♦

RCRRA Subtitle C and UIC Dockets Consolidated, Extension of Time Adopted, R96-10/R97-3/R97-5; Reserved Identical-In-Substance Dockets Dismissed, R97-1, R97-2, R97-4, R97-6 & R92-18, R93-7/R93-23/R94-9/R94-27

On October 17, 1996, the Board took a number of actions on its reserved identical-in-substance dockets based on its review of federal actions over a several month period and other factors. The Board reviewed federal amendments during the period January 1 through June 30, 1996 and determined to dismiss several dockets. In the reserved exemptions from the definition of volatile organic material (VOM) update docket, R97-1, the Board determined that dismissal was appropriate because the only federal action during the period, that of February 7, 1996, was already the subject of another reserved docket, R96-16. (See accompanying item.) The Board further determined that no federal actions occurred in the period that would require amendments under the reserved Safe Drinking Water Act (SDWA) update docket, R97-2; the Resource Conservation and Recovery Act (RCRA) Subtitle D municipal solid waste landfill update docket, R97-4; and the reserved RCRA Subtitle I underground storage tank (UST) update docket, R97-6. The Board dismissed all three of those dockets. Further, the Board reviewed its records to reveal that five reserved contingency plan update dockets for various time-frames were still open. The General Assembly repealed the contingency plan mandate as part of the new "Brownfields" legislation, in P.A. 89-431, effective December 15, 1995. (See issue 500, Jan., 1996.) For

this reason, the Board dismissed dockets R92-18, R93-7, R93-23, R94-9, and R94-27 in a single consolidated order.

The dismissal of the reserved dockets left three reserved dockets open for the update period of January 1 through June 30, 1996. Board action will be required in each of the reserved underground injection control (UIC), R97-3; RCRA Subtitle C hazardous waste, R97-5; and wastewater pretreatment, R97-7 update dockets. Amendments occurred to the federal regulations in each of these three programs during the time. Due to the relatedness of the federal RCRA Subtitle C and UIC amendments during the period and the fact that related RCRA Subtitle C update docket R96-10 is still pending, the Board consolidated dockets R96-10, R97-3, and R97-5 on October 17, 1996. In consolidating the dockets, the Board set forth reasons for delay to extend the deadline for Board action on the amendments. The Board took no similar action to consolidate the reserved wastewater pretreatment docket R97-7, despite the relatedness of the federal amendments to those and to the UIC and RCRA Subtitle C programs. The Board did not want to mix consideration of amendments to land and water rules at this time.

Direct questions to Michael J. McCambridge, at 312-814-6924 (Internet address: mmccambr@pcb016r1.state.il.us). Request copies of the Board's opinion and order from Victoria Agyeman, at 312-814-3620 (Internet address: vagyeman@pcb016r1.state.il.us). Please refer to docket number R96-16. ♦

SIGNIFICANT FEDERAL ACTIONS

(Cont'd from p.1)

performance and would more fully advise communities of the presence of toxic chemicals. USEPA announced that it is scheduling meetings to discuss the form the expansion would take and issue related to any expansion.

The TRI is the data collected by USEPA under the Emergency Planning and Community Right-to-Know Act (EPCRA) and the Pollution Prevention Act (PPA). USEPA regulations have required facilities to report releases of certain designated toxic chemicals under EPCRA since 1988 (53 Fed. Reg. 4525, Feb. 16, 1988). USEPA significantly expanded the listing of chemicals for which reporting is required in 1994 (59 Fed. Reg. 61433, Nov. 30, 1994). USEPA estimated that releases of toxic chemicals have been reduced by 44 percent as a result of the reporting. Now USEPA is considering a "TRI-Phase 3" project that would draw on non-TRI authorities to expand reporting beyond the TRI, using

materials accounting methods in an effort to further enhance pollution prevention incentives. USEPA explained that its concept of tracking "chemical use" would include quantitative and qualitative components to aid understanding of material use and costs.

USEPA stated that the TRI-Phase 3 project grew out of stakeholder meetings held in 1993 and 1994 and issues papers released in 1994 and 1995. USEPA stated that the meetings identified data gaps. These gaps include the flow of material within facilities, tracking toxic chemicals in products, occupational issues, measuring pollution prevention and source reduction, and improving the data for use as a research tool and in setting priorities. USEPA scheduled two additional meetings (61 Fed. Reg. 51330, Oct. 1, 1996; 61 Fed. Reg. 55612, Oct. 28, 1996), on October 16, 1995 in Boston, Massachusetts and October 29 and 30, 1996 in Baton Rouge, Louisiana, to discuss the prospective expansion of reporting beyond the TRI. ♦

Obsolete and Redundant Provisions Removed from Motor Vehicle Emissions Regulations

On October 2, 1996 (61 Fed. Reg. 51365), USEPA removed obsolete and redundant provisions from the motor vehicle emissions regulations. The removals resulted from USEPA's review of the rules to identify provisions that have become obsolete and redundant. USEPA undertook the deletions without prior proposal because the provisions do not relate to any future engine certification activities. The deleted provisions related to prior model year motor vehicles and payment of nonconformance penalties based on payments to the State of California, which no longer collects such penalties. ♦

New Gasoline Spark-Ignition Marine Engine Requirements, Exemptions for New Large Nonroad Compression-Ignition and New Small Nonroad Spark-Ignition Engines Adopted

On October 4, 1996 (61 Fed. Reg. 52087), USEPA adopted requirements for emission from new gasoline spark-ignition marine engines and exemptions for emission from new nonroad compression-ignition large (greater than 37 kilowatt) engines and new nonroad spark-ignition small (below 19 kilowatt) engines. USEPA stated that emissions from spark-ignition marine engines contribute significantly to elevated tropospheric ozone concentrations in more than one ozone nonattainment area. Under the regulations, engine manufacturers will ultimately be required to demonstrate a 75 percent reduction in hydrocarbon emissions from the present engine emissions levels. The exemptions adopted for nonroad large compression-ignition engines and small spark-ignition engines are intended to parallel existing exemptions currently applicable to highway engines. Those exemptions are a competition exclusion and revised criteria for a national security exemption. ♦

Significant New Use Rule Adopted to Require Premanufacture Notification for Benzidine-Base Chemicals

On October 7, 1996 (61 Fed. Reg. 52287), USEPA adopted a significant new use rule (SNAR) to require 90 days advanced significant new use notice (SNUN) of the manufacture, import, or processing of certain benzidine-base chemicals for any significant new use. The action, taken to amend the federal Toxic Substances Control Act (TSCA), does not apply to existing uses of the covered compounds. These existing uses include a reagent for testing hydrogen peroxide in milk; a reagent for testing for hydrogen sulfate, hydrogen cyanide, and nicotine; and Congo Red (CAS no. 573-58-0) as an indicator dye. USEPA stated that uses of the covered compounds was

presently limited, but expressed concern over any new use of them due to their potential carcinogenicity. ♦

Effluent Guidelines for 1996 Plan Adopted

On October 7, 1996 (61 Fed. Reg. 52581), USEPA announced its adoption of the 1996 Effluent Guidelines Plan in fulfillment of the Clean Water Act requirement that USEPA biennially adopt such a plan. It is the plan by which USEPA intends to develop new and revised effluent guidelines and pretreatment standards. The Plan identifies USEPA's priorities in developing effluent guidelines for ten industry categories and the estimated completion dates for those guidelines. USEPA proposed the Plan on July 3, 1996 (61 Fed. Reg. 35041). (See 507, Aug., 1996.) The last plan published was for 1994, in the August 26, 1994 (59 Fed. Reg. 44234) issue of the Federal Register.

Among the priorities listed in the 1996 Effluent Guidelines Plan is the continued development of 10 rules outlined in the 1994 plan that will affect pulp, paper, and paperboard; pesticide chemicals; coastal oil and gas extraction; centralized waste treatment; pharmaceutical manufacturing; metal products and machinery; landfills and incinerators; industrial laundries; and transportation equipment cleaning facilities. USEPA projects completion of all the guidelines, except that for pulp, paper, and paperboard facilities, between 1996 and 1999, depending on funding. USEPA further intends to begin development of revised guidelines for the iron and steel industry, complete preliminary studies of the photographic processing and chemical formulating and packaging industries, and plan development of guidelines for seven additional, as yet unidentified industries for adoption between 2000 and 2003. The candidates for such guideline development include petroleum refining, textile mill, inorganic chemical, steam electric power generating, photographic processing, and chemical formulating and packaging facilities. One factor in consideration of any guidelines for the steam electric power generating industry is the need for control of zebra mussels.

USEPA stated that it selects categories for guideline development based on three basic factors: environmental, utility to states and publicly owned treatment works (POTWs), and economic impacts. The environmental factors involve comparison of the discharges of various categories to approximate risk to human health and the environment. The specific environmental factors include the total priority pollutants discharged, the total pollutants discharged, the total priority toxic pounds-equivalent discharged, the number of carcinogens present, the number of facilities discharging to water quality-impaired receiving waters,

and the number of documented cases of sediment contamination. Among the specific factors for gauging the utility to POTWs are the average priority pollutants discharged, the average priority toxic pounds-equivalent discharged, and the number of discharging facilities. The economic factors include the cost and economic achievability of additional controls and investment cycle.

USEPA stated that it developed its current effluent guidelines plan pursuant to the consent decree in *NRDC v. Browner*, No. 89-2980 (D.D.C. Jan. 31, 1992), as subsequently modified, which commits USEPA to taking final action on effluent guidelines, to conduct preliminary studies for others, and to form an advisory committee, the Effluent Guidelines Task Force. USEPA intends to develop the new and revised guidelines according to its own priorities under the consent decree.

Comment Sought on National Standardization of Facility Identification

On October 7, 1996 (61 Fed. Reg. 52587), USEPA sought comment on a segment of its effort to reinvent environmental regulations. It sought comment on options for standardizing facility reporting; specifically, it seeks to establish a national standard for reporting and maintenance of information relating to facility identification. The objective is to reduce the burden on the regulated community while improving public access to information. USEPA noted that the regulations requiring facility information developed separately under different statutory authorities with different objectives on a media-by-media basis. USEPA noted that concepts of cross-media environmental protection are evolving, yet information gathering efforts have not adjusted to this evolution. USEPA hopes to develop the first steps to a "one-stop" reporting approach through its Facility Identification Initiative. The objective in this initiative is to identify facilities in a uniform way for all environmental reporting requirements. ♦

Department of Agriculture to Conduct Public Forums on Mandates under the Federal Agriculture Improvement and Reform Act of 1996; Rule Proposed for Implementing the Environmental Quality Incentives Program

On October 7, 1996 (61 Fed. Reg. 52663), the U.S. Department of Agriculture (USDA) announced its intent to conduct public forums on fulfilling its mandates under

the Federal Agriculture Improvement and Reform Act of 1996. USDA seeks input on implementation of the Highly Erodible Land Compliance Program, Wetlands Conservation Program, Conservation Reserve Program, and Environmental Quality Incentives Program (EQIP), as mandated by that legislation. The 54 public forums were scheduled to occur October 11 through 21, 1996 in various locations throughout the country, including October 15 in Springfield. For example, under the legislation, the Conservation Reserve Program will encourage farmers to plant up to a total of 36.4 million acres of permanent areas of grass and trees on land subject to erosion, in order to improve soil, water, and wildlife resources. As another example, the Environmental Quality Incentives Program will provide assistance on livestock-related conservation practices, providing funding and technical assistance to farmers in this regard and encouraging the development of conservation plans.

On October 11, 1996 (61 Fed. Reg. 53573), the USDA Commodity Credit Corporation (CCC) proposed regulations for implementing the EQIP. The EQIP would consolidate several existing conservation programs to provide technical, financial, and educational assistance to farmers and ranchers facing threats to natural resources on their lands. CCC will designate areas having significant soil, water, or related natural resource concerns as priority areas, which will receive the primary focus of the program. Congress authorized \$1.3 billion over the seven years of FY 1996 through FY 2002 to fund the program, which USDA estimates will involve 37 million acres of agricultural land, consisting of an estimated 19 million acres of cropland, 4 million acres of pasture, and 14 million acres of rangeland, with 31.5 million acres within priority areas. USDA estimates the annual on-site returns for the program at about \$427 million, including increased farm income, reduced lowered operation and maintenance costs, and enhanced productivity through long-term maintenance of soil resources. The annualized off-site benefits are estimated to confer a \$336 million through enhanced aquatic habitat and recreation opportunities and reduced sedimentation and flooding. ♦

Public Comment, Compliance Deadlines Extended for Architectural Coatings Volatile Organic Emissions Rules

On October 8, 1996 (61 Fed. Reg. 52735), USEPA extended the public comment period and delayed the compliance deadline for its national volatile organic emissions rules applicable to architectural coatings. The public comment period was extended to November 4, 1996, and USEPA extended the former compliance deadline of April 1, 1997 to January 1, 1998.

USEPA proposed the VOC emissions standards on June 25, 1996 (61 Fed. Reg. 32729), as a segment of its program to limit VOC emissions from consumer and commercial products for U.S. sale and distribution, pursuant to section 183(e) of the federal Clean Air Act (CAA), based on its determination that emissions from consumer products can contribute to tropospheric ozone formation. The proposed rule would define an "architectural coating" as "a coating recommended for field application to stationary structures and their appurtenances, to portable buildings, to pavements, or to curbs" and impose limitations on the VOC content of 55 categories of architectural coatings. It would also impose product labeling, testing, recordkeeping, and reporting requirements. As an alternative to compliance with the VOC limitation, USEPA is considering allowing a product importer or manufacturer to pay an "exceedance fee" to keep its product on the market. USEPA estimated that the rule would nationally reduce VOM emissions from these products by 106,000 tons per year (tpy), or by 20 percent of the 530,000 tpy in base year 1990 emissions. USEPA originally stated in its proposal that it anticipated timely adoption of the rules so that they will become effective as to coatings imported or manufactured for sale or distribution in the U.S. on and after April 1, 1997. It appears that that date will now become January 1, 1998. (See issues 507, Aug., 1196 & 508, Sept., 1996.)

(Note: On April 2, 1996 (61 Fed. Reg. 14531), in a related set of rules under CAA section 183(e), USEPA proposed VOC emission standards for consumer products. USEPA estimated that those proposed emission standards would reduce VOC emissions nationally by 90,000 tons per year. In proposing those regulations, USEPA noted that four states presently have regulations governing the VOC content of some consumer products: California, Massachusetts, New York, and Texas. Further, 13 states submitted VOC reductions through a federal consumer products regulation as part of their 15 percent ROP plans. Representatives of the consumer products industry expressed concern over the effect of multiple standards nationwide. In response, USEPA proposed that rule that would regulate the VOC content of 24 categories of consumer products, ranging from air fresheners to automotive and household cleaners, hairsprays, adhesives, household pesticides, nail polish removers, and shaving creams. See issue 504, May, 1996.) ♦

One HFC and Two HCFCs Added to List of Compound Exempted from the Definition of VOM

On October 8, 1996 (61 Fed. Reg. 52847), USEPA added one hydrofluorocarbon (HFC) and two hydro-

chlorofluorocarbon (HCFC) to the list of compounds exempted from the definition of volatile organic material (VOM, the same as "volatile organic compound," as actually used in the federal regulations). The HFC is HFC-143mee, whose chemical name is 1,1,1,2,3,4,4,5,5,5-decafluoropentane (CAS number 138495-42-8). The HCFCs are isomers; they are HCFC-225ca, whose chemical name is 3,3-dichloro-1,1,1,2,2-pentafluoropropane (CAS number 422-56-0), and HCFC-225cb, whose chemical name is 1,3-dichloro-1,1,2,2,3-pentafluoropropane (CAS number 507-55-1). These compounds are solvents used in electronics and precision cleaning operations. USEPA excluded them from the definition of VOM based on their negligible photochemical reactivity--i.e., the low rate at which they participate in the photochemical reactions that result in the formation of tropospheric ozone under certain circumstances.

(Note: The Board will adopt corresponding exemptions from the Illinois definition of VOM in the definition of VOM update docket for the period July 1 through December 31, 1996, which has not yet been reserved.) ♦

USEPA Determines Not to Revise the NO₂ NAAQS

On October 8, 1996 (61 Fed. Reg. 52851), USEPA determined not to alter the national ambient air quality standard (NAAQS) for nitrogen dioxide (NO₂). The primary and secondary NAAQSs for NO₂ were established on April 30, 1971 (36 Fed. Reg. 8186) and reviewed and reaffirmed by USEPA on June 19, 1985 (50 Fed. Reg. 25532). (Primary NAAQSs are based on effects on human health; secondary standards are based on effects on the public welfare (including the environment).) USEPA conducted a mandatory 5-year review of the effects of NO₂ emissions pursuant to Sections 108 and 019 of the Clean Air Act, as amended in 1990 (42 U.S.C. §§ 7408 & 7409), under the consent order entered in *Oregon Natural Resources Council v. Browner*, No. 91-6529-HO (D. Or. Feb. 8, 1995). USEPA conducted a full scientific review of the effects of NO₂ emissions. Although it raised a number of questionable areas where it could not attribute observed environmental effects, USEPA determined that no change was appropriate to either the primary or secondary NAAQS. USEPA published its proposed determination to retain the prior NO₂ standard on October 11, 1995 (60 Fed. Reg. 52874). (See issue 499, Nov., 1995.)

The NAAQS for NO₂ is 100 micrograms per cubic meter of air (mg/m³), or 0.053 parts per million (ppm), annual arithmetic average. Typical peak NO₂ levels across the country range from 0.007 to 0.061 ppm, the

highest hourly values range from 0.04 to 0.54 ppm. All areas of the country are currently in compliance with the NAAQS for NO₂. Los Angeles is the only area that has had any history of nonattainment with the current standard.

USEPA stated that NO₂ forms in the atmosphere from the oxidation of nitric oxide (NO). NO₂ emissions can adversely affect human health, vegetation, materials, and visibility. Nitrogen oxides NO_x (the sum of NO and NO₂) can contribute to the formation of tropospheric ozone, the deposition of acidic precipitation (acid rain), and eutrophication of aquatic systems. Anthropogenic sources of NO_x include motor vehicles and electric utility generating plants. Natural sources produce a comparatively minor in amount of NO_x.

(Note: USEPA published a similar determination not to revise the identical primary and secondary NAAQS for sulfur dioxide (SO₂) on May 22, 1996 (61 Fed. Reg. 25566). (See memo of June 21, 1996.) However, USEPA did make "several minor technical changes." USEPA adopted the primary and secondary NAAQSs for SO₂ on April 30, 1971 (36 Fed. Reg. 8186). In determining not to revise the NAAQS for SO₂, USEPA further determined that existing SO₂ emission standards are sufficient so that a program for regulating short-term peak ambient concentrations under section 303 of the CAA is not necessary. Nevertheless, USEPA planned to propose section 303 program standards to help guide the states in dealing with episodic events.

Similarly, USEPA published an advance notice of proposed rulemaking (ANPRM) on June 12, 1996 (61 Fed. Reg. 29719) announcing its intent to propose decisions by November 29, 1996 whether to retain or revise the NAAQSs for ozone and particulate matter (PM). (See memo of July 23, 1996.) USEPA used the ANPRM to identify key issues involved its decisions on the NAAQSs. The November 29 date for proposal of USEPA's determinations derived from a judicial order in *American Lung Association v. Browner*, 884 F. Supp. 345 (D. Ariz. 1994). That order, relating to PM only, imposed a June 28, 1997 deadline for adoption of any final USEPA decision. ♦

Voluntary TSCA Report Cover Sheet Submitted for OMB Review Preliminary to Electronic Data Submissions

On October 9, 1996 (61 Fed. Reg. 52940), USEPA submitted a voluntary cover sheet for Toxic Substances Control Act (TSCA) data submissions to the Office of Management and Budget (OMB) for review. USEPA stated that it has received requests from regulated entities that it accept electronic data filings. USEPA has been working with the Chemical Manufacturers Association (CMA), the Specialty Organics Chemical Manufacturers

Association (SOCMA), and the Chemical Industry Data Exchange (CIDX) to this end. The CMA developed a standardized cover sheet for voluntary use by industry as a first step towards electronic filings. The sheet is intended to facilitate submissions by displaying certain basic data elements to permit USEPA to quickly identify and manage the attached data. ♦

Settlement Proposed in CAA HAPs Guidance Litigation

On October 9, 1996 (61 Fed. Reg. 52941), USEPA announced that a proposed partial consent decree was filed on September 27, 1996 in two lawsuits filed by the Sierra Club in the District of Columbia federal district court. The lawsuits challenged USEPA's failure to meet the statutory deadlines required under sections 112(c)(3), (c)(6), and (k)(3) and 202(l)(2) of the federal clean Air Act (CAA), relating to hazardous air pollutant (HAP) emissions from mobile and stationary sources. The proposed decree would set dates by which USEPA is to perform the required actions. Under the CAA mandates involved, USEPA was to have listed categories and subcategories of area sources by November 15, 1995 that represent 90 percent of the area source emissions of the 30 HAPs that represent the greatest threat to public health and of certain specified chemical compounds (alkylated lead and polycyclic aromatic compounds, polychlorinated biphenyls (PCBs), 2,3,7,8-tetrachlorodibenzo-p-dioxin (dioxin), and 2,3,7,8-tetrachlorodibenzofurans). USEPA was also to have submitted a comprehensive HAP control strategy to Congress by November 15, 1995 and establish standards for HAP emissions from motor vehicles by May 19, 1995, specifically including formaldehyde. ♦

Emergency Pesticide Exemption Granted to Illinois Department of Agriculture

On October 9, 1996 (61 Fed. Reg. 52945), USEPA granted the Illinois Department of Agriculture an emergency exemption for a pesticide product. The product, propamocarb hydrochloride, was to be used to control late blight on potatoes. The period of the exemption was July 1 through October 15, 1996. ♦

Comment Requested on How USEPA Calculates Economic Benefit of Noncompliance in Enforcement Cases

On October 9, 1996 (61 Fed. Reg. 53025), USEPA requested comment on its method and model for calculating economic benefits derived through

noncompliance. USEPA uses this calculation in enforcement cases. USEPA is seeking comment on the most effective mechanism for recapture, the methodology and assumptions employed in its computer model, and the precision and user-friendliness of the model. The model, called "BEN," was developed in 1984, and USEPA has used it since that time to generate penalty figures for settlement purposes that would reflect the economic benefit a violator derived through noncompliance. The BEN model takes into account two components of cost savings through delaying and avoiding necessary pollution control costs. It does not take into account a third component relating to an illegal competitive advantage gained through noncompliance. USEPA stated that it lacks a standard methodology for computing this third component, so it considers competitive advantage on a case-by-case basis. ♦

Economic Impact Study Available for Chicago Area Water Pollution Control Project

On October 11, 1996 (61 Fed. Reg. 53372), USEPA announced that it had received a number of economic impact statements (EISs). One of these related to implementation of a project in Illinois, the Chicagoland Underflow Plan, McCook Reservoir Construction, and Operation for Temporary Retention of Floodwaters in Metropolitan Chicago, Cook County. ♦

Proposed Clarification of Marine Sanitation Device No Discharge Zone Application Procedure

On October 16, 1996 (61 Fed. Reg. 54013), USEPA proposed amended procedures for states to apply for marine sanitation device no discharge zone designations. The Clean Water Act (CWA) authorizes USEPA to designate drinking water intake no discharge zones upon application by a state. Pursuant to section 312(f)(3) of the CWA, USEPA may grant a no discharge zone designation if it determines that the waters require additional protection. Under section 312(f)(3), USEPA must find that adequate pumpout facilities are reasonably available to adequately manage the sewage. Since 1977, when this provision was added, USEPA has made 30 such designations. Vessels are prohibited from discharging sewage within a no discharge zone. Alternatively, USEPA may designate a no discharge zone pursuant to section 312(f)(4)(A) if it determines that there is a need for special protection for the enhancement or protection of the quality of a water body, such as a pristine water body. USEPA has granted one such section 312(f)(4)(A) designation to date. Finally, USEPA may designate a no discharge zone pursuant to section 312(f)(4)(B) to protect a drinking water intake. USEPA has granted one such designation to date

pursuant to section 312(f)(4)(B). USEPA is not required to find that pumpout facilities are reasonably available to make a determination under either of section 312(f)(4)(A) or (f)(4)(B). Further, USEPA is not required to make a finding that special protection is necessary to designate a drinking water no discharge zone. USEPA intends clarification of these requirements in its regulations that set forth the requirements for application by a state for a no discharge zone designation. ♦

Expanded List of Acceptable Substitutes for Ozone-Depleting Substances

On October 16, 1996 (61 Fed. Reg. 54029), USEPA amended its Significant New Alternatives Policy (SNAP) regulations. In addition to the addition of SNAP listings relating to refrigeration and air conditioning, USEPA revised its procedures for evaluating requests for motor vehicle air conditioning substitutes to require an applicant to submit a unique fitting and label for its proposed substitute with its application for SNAP review. USEPA further corrected an earlier error by requiring barrier hoses with certain substitutes in motor vehicle uses. USEPA also imposed conditions on the use of all vehicle air conditioning agents. Including the requirements for unique fittings and labels for each refrigerant, USEPA is requiring a person retrofitting a vehicle to label the air conditioning system with certain information, and it is prohibiting any "top-off" of a system with a refrigerant other than that contained in the system. Not related to air conditioning substitutes, listed a number of solvent cleaning substitutes, including workplace use safety standards that are effective until the Occupational Safety and Health Administration (OSHA) adopts standards, and aerosol use substitutes.

Section 612 of the CAA required USEPA to develop a program for evaluating alternatives to ozone-depleting substances, which USEPA has done and dubbed the "SNAP" program. Section 612 makes it unlawful to replace any Class I (chlorofluorocarbon, halon, carbon tetrachloride, methyl chloroform, methyl bromide, and hydrobromofluorocarbon) or Class II (hydrochlorofluorocarbon) ozone-depleting substance with one that USEPA determines may present adverse effects on human health or the environment if USEPA has determined that an alternative is currently or potentially available that reduces risks. Section 612 further requires USEPA to publish lists of substitutes that it has found acceptable or unacceptable. USEPA has identified five possible use designations for substitutes: acceptable; acceptable, subject to use conditions; acceptable, subject to narrow use limits; unacceptable; and pending. ♦

Code of Environmental Management Principles Issued for Federal Agencies

On October 16, 1996 (61 Fed. Reg. 54061), USEPA announced that it had issued a Code of Environmental Management Principles (CEMP) for federal agencies. CEMP is the result of Presidential Order 12856 ("Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements"), signed by the President on August 3, 1993. Federal agencies formed the Charter for the Interagency Pollution Prevention Task Force on September 12, 1995, committing to excellence through participation in the Federal Government Environmental Challenge Program and the establishment of CEMP. USEPA forwarded the CEMP to federal agencies on September 3, 1996, requesting written commitment to the CEMP principles and a description of each agency's plans for implementation. CEMP addresses the government's environmental responsibility through five broad management principles: (1) management commitment to improved environmental performance, (2) implementation of programs to identify problem areas, (3) enabling personnel to perform their duties consistent with environmental policies, (4) ensuring environmental performance and accountability, and (5) assess progress and improve performance. ♦

Proposed Partial Consent Decree for an Illinois (Cook County) CERCLA Site

On October 17, 1996 (61 Fed. Reg. 54217), USEPA announced that a partial consent decree had been lodged in the U.S. District Court for the Northern District of Illinois on October 1, 1996 in U.S. v. Kaiser, no. 96C1743. This Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") case involves an Illinois site in Elk Grove Village: Danforth Corporation. The consent decree would resolve the claims against five individuals in exchange for the payment of \$350,000 in unrecovered response costs incurred by the government at the site. ♦

Proposed CAA NSPSs Withdrawn for Starch Production Plants, Cold Cleaning Machine Operations, and Organic Solvent Cleaners

On October 18, 1996 (61 Fed. Reg. 54377), USEPA withdrew the proposed Clean Air Act (CAA) new source performance standards (NSPSs) for starch production plants, cold cleaning machine operations, and organic solvent cleaners. USEPA proposed the NSPS for starch production plants on September 8, 1994 (59 Fed. Reg. 46381), the NSPS for cold cleaning machine operations on September 9, 1994 (59 Fed. Reg. 46602), and the NSPS for organic solvent cleaners on June 11, 1980 (45

Fed. Reg. 39765). USEPA withdrew the proposed NSPSs in response to its evaluation of the public comments received on the proposals. It concluded that the NSPS for starch production plants would achieve little reduction in emissions and was therefore unnecessary, not cost effective, and would not serve the purposes of the CAA. USEPA concluded that all cold cleaning machines would likely employ BDT on the basis of existing reasonably available control technology (RACT) regulations and control technology guidelines (CTGs) and the national emission standards for hazardous air pollutants (NESHAP) for halogenated solvent cleaning in the absence of the cold cleaning machine operations and organic solvent cleaners NSPSs, so the proposed NSPSs were unnecessary as to those sources. ♦

Removal of Copper Metal from EPCRA Reporting Denied

On October 18, 1996 (61 Fed. Reg. 54381), USEPA denied a petition to remove copper metal from the list of substances subject to the Emergency Planning and Community Right-to-Know Act (EPCRA) reporting requirements. USEPA denied the petition based on its conclusion that copper ion (copper I and copper II) can become available from metallic copper. Copper ion is toxic to several aquatic species.

The petition, filed on August 17, 1995 by the National Electrical Manufacturers Association, requested that USEPA limit the metallic copper listing among the substances subject to the EPCRA reporting requirements to the vapor and dust forms of metallic copper. In reviewing the petition, USEPA noted that copper metal reacts at varying rates with moist air, mineral acids, and organic acids for form highly soluble copper salts. Although it is a micronutrient for animals and humans, acute copper exposure can cause nausea, vomiting, and diarrhea in these organisms. More severe exposures can cause vascular injury, hemolytic anemia, and kidney and liver damage. USEPA does not anticipate that releases of copper metal can cause these health effects beyond facility boundaries, but the effects of very low exposures to copper ion can prove highly acutely and chronically toxic to aquatic organisms. Based on this potential environmental effect, USEPA determined that it could not qualify the listing for copper as requested. ♦

Chicago Area Major Non-CTG Rules SIP Revision Approved

On October 21, 1996 (61 Fed. Reg. 54556), USEPA approved the Chicago reasonably available control technology (RACT) state implementation plan (SIP) to replace the federal implementation plan (FIP) for the

metropolitan Chicago area. The approved regulations apply to certain major sources in the Chicago metropolitan area not covered by federal control technology guidelines (non-CTG). They apply to sources that have the potential to emit 25 tons or more per year of volatile organic material (VOM). This SIP revision superseded the final elements of the federal implementation plan (FIP) adopted by USEPA for the Chicago metropolitan area on June 29, 1990 (55 Fed. Reg. 46562). In submitting the rules to USEPA for review on October 21, 1993 and March 4, 1994, the Illinois Environmental Protection Agency (Agency) estimated that the rules would reduce emissions from 119 sources by 2.78 tons of VOM per day.

The rules involved are the RACT regulations, as amended by the Board on September 9, 1993, in R93-9, and January 6, 1994 in R93-14. The R93-9 amendments were a cleanup of the existing Part 218 regulations, originally adopted by the Board in R91-7, on July 25, 1991. The R91-7 rules of Part 218, as amended through R93-9, established RACT requirements for the Chicago metropolitan area. The R93-14 amendments apply to major sources in the Chicago metropolitan area: those that emit or have the potential to emit 25 tons per year or more of volatile organic material (VOM). This lowered the applicable emissions cutoff limit from 100 tons per year in conformance with the requirements of the federal Clean Air Act (CAA) applicable in severe ozone nonattainment areas, like the Chicago metropolitan area. The R93-14 established RACT requirements for two CTG source categories and for sources for which USEPA had not developed a CTG (non-CTG sources). The CTG sources for which RACT requirements were adopted R93-14 were the flexographic and rotogravure printing industry and petroleum dry cleaners. The R93-14 amendments adopted RACT requirements for several non-CTG sources, including the polyester resin products manufacturing, aerosol can filling, leather coating, glass manufacturing, and miscellaneous leaks categories.

USEPA published a direct final rule approving the SIP revision on January 26, 1996 (61 Fed. Reg. 2423). An accompanying notice of proposed amendments appeared the same day (61 Fed. Reg. 2464). On March 25, 1996 (61 Fed. Reg. 12030), USEPA withdrew its approval of the Chicago area SIP revision in response to significant adverse public comments it had received. (See 501, Feb., 1996 & 503 Apr., 1996.) The Illinois Environmental Regulatory Group (IERG) submitted those comments, in which it objected to the ability of USEPA to deem an Agency-issued federally enforceable state operating permit (FESOP) "not federal enforceable" at any time by a letter to the Agency, not just in the draft permit comment period. (Note: USEPA approved the Illinois FESOP program on December 17, 1992, 57 Fed. Reg. 59930.) A FESOP could limit a source's potential

to emit VOM below the RACT cutoff limit through capacity or production limitations, thus exempting the source from the RACT rules. IERG was concerned that this would leave a source unprotected by its permit and subject to the RACT rules.

USEPA responded to the comment that the legal authority for reviewing an issued permit and deeming it "not federally enforceable" is an essential part of a state FESOP program, one included in the Illinois program. USEPA responded further, however, that it will endeavor to conduct its review during the draft comment period, but circumstances could prevent completion of the review during that time.

In approving the SIP, USEPA noted that the Illinois SIP submittal does not include non-CTG regulations applicable to the 11 source categories for which USEPA was to have issued CTGs under section 183 of the CAA, but which it has not yet issued. USEPA stated that Illinois was to have adopted regulations applicable to these 11 source categories by November, 1994. USEPA explained that section 182(b)(2) of the Clean Air Act (CAA), as amended in 1990, divided the universe of sources into three categories: (1) those for which USEPA had developed a CTG (including 29 categories); (2) those for which USEPA had not developed a CTG but for which USEPA was to have developed a CTG by November, 1993 (including 13 source categories); and (3) those not covered by a CTG. The states were to have adopted RACT requirements for all the CTG sources and for all major non-CTG sources (those emitting 100 tons per year or more of VOM) prior to the amendments under pre-existing federal law. The 1990 CAA amendments required USEPA to develop CTGs for 13 source categories by November, 1993. The 1990 amendments also required the states to submit regulations for non-CTG sources by November, 1992, but it allowed the states to defer action on the 13 source categories for which USEPA was to develop a CTG. If USEPA did not develop a CTG for a source category by November, 1993, the 1990 amendments allowed the states until November, 1994 to submit RACT requirements for the deferred source categories, with implementation to occur by May, 1995. USEPA actually developed CTG for only two of the 13 source categories: the synthetic chemical manufacturing industry (SOCMI) and reactors and distillation categories. Thus, USEPA did not develop CTG for 11 source categories. ♦

Revisions Proposed to the PCB Criteria for Human Health for the Final Water Quality for the Great Lakes System

On October 22, 1996 (61 Fed. Reg. 54748), USEPA proposed revisions to the polychlorinated biphenyls (PCBs) water quality criteria for human health and

wildlife for the final Water Quality for the Great Lakes System (Great Lakes Guidance). Under the proposed revisions, the human health cancer criterion for PCBs would increase from 0.0000036 micrograms per liter (mg/l) to 0.0000068 mg/l, and the wildlife criterion would change from 0.000074 mg/l to 0.00012 mg/l. USEPA stated that the proposed revised criteria will more accurately reflect the limits necessary for protection of human health and wildlife in the Great Lakes system. USEPA did not propose revising the bioaccumulation factor (BAF) for PCBs or any other aspect of the criteria for human health and the environment.

USEPA adopted the final Great Lakes Guidance on March 23, 1995 (60 Fed. Reg. 15366). It established Great Lakes water quality criteria for 29 pollutants to protect human health and wildlife. The Great Lakes Guidance further outlined methodologies for developing further criteria. The Guidance is binding and intended for use in establishing permit limitations for discharges into the Lakes. The Great Lakes states must develop criteria consistent with the Great Lakes Guidance by March, 1997.

After adoption, a number of industries and trade groups challenged the PCB criteria Great Lakes Guidance in court. (*American Iron and Steel Industry v. EPA*, no. 95-1348 (D.C. Cir.) (consolidated).) USEPA reevaluated the PCB criteria as a result and decided to use a different method for calculating its results; it altered the approach to calculating the composite baseline BAF and octanol-water separation coefficient (K_{ow}) for PCBs, which is actually a designation for several chemical compounds with different BAFs and K_{ows} . The recalculation resulted in different composite BAF and K_{ow} for PCBs and proposed revision of the PCB water quality criteria based on them. ♦

Federal Test Procedure Amended for Light-Duty Vehicles and Light-Duty Trucks

On October 22, 1996 (61 Fed. Reg. 54851), USEPA amended the Federal Test Procedure (FTP) for light-duty vehicles (LDVs) and light-duty trucks (LDTs). USEPA explained that the primary change is the addition of a Supplemental FTP intended to address shortcomings in the FTP relating to aggressive driving behavior, rapid speed fluctuations, driving following startup, and use of air conditioning. Another change to the core FTP is intended to reflect real road forces on the dynamometer used in the testing. USEPA estimated that the amendments would result in a two-percent reduction in emissions of non-methane hydrocarbons (NMHC), an 11-percent reduction in carbon monoxide (CO) emissions, and a nine-percent reduction in nitrogen oxides (NO_x) emissions from the subject vehicles. The amendments

apply to all new model year 200 and later light LDVs and LDTs certifying with gasoline and all LDVs and LDT1s certifying with diesel fuel. (An LDT1 is an LDT that has a gross vehicle weight rating less than 3,750 pounds.) The amendments were prompted by section 206(h) of the Clean Air Act Amendments of 1990 (CAAA), which required USEPA to review the existing FTP for the purpose of amending it to make the FTP more accurately reflect actual driving conditions. ♦

New NIH Grants Rules for Research on Human Health Effects of Hazardous Substances

On October 24, 1996 (61 Fed. Reg. 55113), the Department of Health and Human Services, National Institutes of Health (NIH) adopted rules to govern grants for research and training relating to the results of human exposure to hazardous substances. The grants, authorized by section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), are intended to fund projects linking biomedical research with engineering, hydrogeologic, and ecologic research and training. NIH began its implementation of the mandate in 1986 (see 51 Fed. Reg. 43089, Nov. 21, 1986), but more recently determined the need for regulations governing the grants. ♦

Automotive Repair Facility Information Collection Request Prepared for OMB Review

On October 25, 1996 (61 Fed. Reg. 55293), USEPA requested public comment on a proposed information collection request (ICR) before submitting it to the Office of Management and Budget (OMB) for review. The ICR, entitled "Automotive Service and Repair Compliance Checklist," is intended as a multi-media checklist to quickly review overall compliance in the automotive service and repair sector. USEPA stated that its current efforts to determine compliance in this sector have proven difficult, and it intends the ICR plans to facilitate those efforts. Community college students in four areas of the country will visit facilities in the sector to compile the information. USEPA will not have access to the identity of the individual shops where the information was gathered. USEPA will repeat the ICR after two years to gauge whether its outreach efforts to this sector have improved the compliance rate. This ICR will be conducted as part of grant awarded an umbrella organization representing 40 affiliates in the industry sector. USEPA estimated that the cost of completing the survey is about \$62.50 for the two and a half hours it takes to complete. ♦

Draft Environmental Impact Statement Received for Great Lakes Icebreaking Project

On October 25, 1996 (61 Fed. Reg. 55294), USEPA announced that it had received a draft environmental impact statement prepared by the U.S. Coast Guard, Ninth District on the Great Lakes icebreaking project. Illinois is among the eight states listed as impacted by this project. ♦

Final State Revolving Fund Funding Framework and Policy and Guidance Document Available

On October 25, 1996 (61 Fed. Reg. 55297), USEPA announced the availability of a final State Revolving Fund (SRF) Funding Framework and Policy and Guidance document. USEPA stated that it engaged in a dialog with states regarding the use of SRF funds for non-traditional projects in which the connection with water quality is less clear. The final Policy establishes voluntary guidelines for funding traditional projects and sets forth policy for states desiring to use SRF funds for non-traditional projects. For non-traditional projects, a state must use an integrated priority system in its consideration. The Policy is effective in preparation of states' 1998 SRF Intended Use Plans. ♦

Revised Guidance Released for Superfund Reimbursement Requests

On October 25, 1996 (61 Fed. Reg. 55298), USEPA announced that it had released revised guidance on its procedures for submitting requests for reimbursement under section 106(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund). USEPA originally issued the guidance in June, 1994 for petitions for compensation under section 106(b), which allows a person who has engaged in corrective action in compliance with an administrative order to seek reimbursement of reasonable costs, plus interest. The person seeking the reimbursement must demonstrate that it was not liable under CERCLA section 107(a) or that USEPA's ordered response action was arbitrary and capricious. USEPA released revised guidance on October 9, 1996 based on its two years' experience processing these petitions since 1994. ♦

Interim Guidance for Implementation of the Drinking Water State Revolving Loan Fund Available; Comment Sought on Allocation of DWSRF Funds

On October 28, 1996 (61 Fed. Reg. 55635), USEPA announced that it had released interim guidance for

implementation of the Drinking Water State Revolving Loan Fund (DWSRF) for review and public comment. The Safe Drinking Water Act Amendments of 1996 (SDWAA) established the DWSRF, which the USEPA Office of Water will administer. It authorized \$9.6 billion to the fund for fiscal years 1994 through 2003. The FY 1997 budget is \$1.275 billion. SDWAA established protection of drinking water through source water protection and enhanced water system management. States will be required to assemble a list of priorities for the funds and will be allowed to use DWSRF funds to address local needs that meet minimum federal requirements. The states will be required to reserve a portion of their DWSRF funds for use by small water systems. USEPA planned a public meeting on November 12, 1996 in Washington, DC to receive public comment on the interim guidance.

On October 31, 1996 (61 Fed. Reg. 56231), USEPA sought public comment on the allocation of DWSRF funds among the states. USEPA intends to allocate the FY 1997 funds based on the formula it used to allocate FY 1995 public water system supervision grant funds. SDWAA mandates that USEPA allocate DWSRF funds based on the most recent Drinking Water Needs Survey in each of FY 1998 and later years. USEPA has been conducting the first such survey over the last two years, and publication of the results is required by February, 1997. The needs survey includes only community water supplies, not that of the estimated 19,000 non-community supplies in the country. The Survey is based on the needs of 4,000 community systems, including nearly all of the 795 larger systems in the U.S. USEPA stated that it will establish a formula for funds allocation based on the Needs Survey, providing each state a share of at least one percent of the available funds. USEPA requested comment on six options for funds allocation: total need, current need, current SDWA need, total SDWA need, a hybrid of current need and current SDWA need, and a hybrid to emphasize small systems need. Total need includes current need over the next 20 years for source water, storage, treatment, transmission, and distribution. Current need emphasizes presently-needed improvements. SDWA need is what is required to assure compliance with SDWA requirements. USEPA stated that it could define a small system as serving fewer than 10,000, 3,300, or some other number of persons. ♦

Clean Air Act Advisory Committee Charter Renewed

On October 29, 1996 (61 Fed. Reg. 55800), USEPA announced that it had renewed the charter of the Clean Air Act Advisory Committee. USEPA determined that the Committee is necessary and in the public interest. Its function is to provide USEPA with independent advice

and counsel in matters of policy and technical issues relating to implementation of the Clean Air Act Amendments of 1990. The renewed charter will expire on November 15, 1998. ♦

A Amendments Proposed to CAA Aerospace Manufacturing and Rework Facility NESHAP; Draft CTG Released for Facility VOM Emissions

On October 29, 1996 (61 Fed. Reg. 55841), USEPA proposed amendments to its Clean Air Act (CAA) national emission standards for hazardous air pollutants (NESHAP) applicable to aerospace manufacturing and rework facilities. USEPA adopted this NESHAP on September 1, 1995 (60 Fed. Reg. 45948). The proposed amendments would make numerous corrections and clarifications to the text of the NESHAP. Among the proposed amendments are corrections to references; revisions and additions to definitions; clarification of the applicability of the cleaning operations standards; clarification of the applicability of the rule to space vehicles; addition of standards for Type I chemical milling masking agents; revision of the standards for new and existing sources using dry particulate filters to control emissions from topcoat and primer application and depainting operations; addition of a test method for determining the filtration efficiency of dry particulate filters; addition of an exemption for certain water-reducible coatings; addition of an essential use exemption for cleaning solvents; clarification of compliance dates; clarification of the applicability of new source MACT to spray booth standards; clarification of the requirements for new and existing primer and topcoat application operations; clarification of monitoring requirements for dry particulate filter usage; and the addition of a cross reference to the general requirements.

At the same time, USEPA announced the release of a draft control technology guideline (CTG) applicable to volatile organic material (VOM) emissions from aerospace manufacturing and rework facilities. The CTG is intended to aid states in determining reasonably available control technology (RACT) for VOM emissions from sources in this industry category. ♦

18 ITC-Recommended Chemicals Added to TSCA Preliminary Assessment and Health and Safety Reporting Requirements

On October 29, 1996 (61 Fed. Reg. 55871), USEPA added 18 chemical substances to two Toxic Substances Control Act (TSCA) model information rules: the Preliminary Assessment Information Rule (PAIR) and the Health and Safety Data Reporting Rule. Manufacturers, importers and processors will be required to report certain production, use, and exposure

information and health and safety data to USEPA for these chemicals. USEPA published notice on July 30, 1996 (61 Fed. Reg. 39831) that the TSCA Interagency Testing Committee (ITC) had submitted its 38th report, recommending that USEPA add the 18 nonylphenol ethoxylates to the priority list of substances recommended for testing rules. (See issue 507, Aug., 1996.) USEPA used the opportunity of these amendments to correct the Chemical Abstract Service (CAS) number indicated in the existing listing for (1,1,3,3-tetramethylbutyl)phenol. ♦

I Investigator-Initiated Grants Proposals Invited

On October 31, 1996 (61 Fed. Reg. 56231), USEPA invited proposals for its fiscal year 1997 investigator-initiated grants program. USEPA identified a number of areas of special interest for which it seeks the grants: exploratory research, ecosystem indicators, issues in human health risk assessment, endocrine disruptors, ambient air quality, health effects and exposures to particulate matter and associated air pollutants, drinking water, and contaminated sediments. It further indicated additional areas of joint interest between USEPA and the National Science Foundation: water and watersheds, technology for a sustainable environment, and decision-making and valuation for environmental policy. ♦

F Final Guidelines for Reproductive Toxicity Risk Assessment Published

On October 31, 1996 (61 Fed. Reg. 56273), USEPA published a final document, entitled "Guidelines for Reproductive Toxicity Risk Assessment." The Guidelines provide protocols for determining the potential of a substance to produce reproductive effects in animals. It observed that two of its branches have produced guidelines for assessing reproductive effects: the Office of Pesticide Programs and the Office of Pollution Prevention and Toxics issued testing guidelines that provide protocols designed to determine the potential of a test substance to produce reproductive (including developmental) toxicity in laboratory animals, and the Organization for Economic Cooperation and Development (OECD) has issued testing guidelines for reproduction studies. The new Guidelines provide for interpretation of studies and endpoints, such as epidemiologic data, sperm production, reproductive endocrine system function, female cycle normality, and sexual behavior. USEPA stated that it intends to promote consistency in its assessments of reproductive systems and inform of approaches that it will use to assess reproductive effects.

The Guideline was prepared by the Risk Assessment Forum in 1988 and has been revised based on public comments and Science Advisory Board recommendations. As originally published, there were separate guidelines for male and female reproductive systems. USEPA made those guidelines available for public comment again in 1994 and has held public meetings on them. (See issues 505, June, 1996 & 507, Aug., 1996.) USEPA notes that it is authorized under several statutes to regulate substances based on their effects on human health, including the reproductive system. USEPA cited the Toxic Substances Control Act (TSCA), the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Clean Air Act (CAA), the Safe Drinking Water Act (SDWA), and the Clean Water Act (CWA). Related health effects assessment guidelines produced by USEPA include "Guidelines for Developmental Toxicity Risk Assessment," "Guidelines for Carcinogen Risk Assessment," "Guidelines for Mutagenicity Risk Assessment," and "Proposed Guidelines for Neurotoxicity Risk Assessment." ♦

Interim Approval Expiration Dates Extended for State CAA Operating Permits Programs

On October 31, 1996 (61 Fed. Reg. 56367), USEPA extended the expiration dates for state Clean Air Act operating permit programs (CAAOPPs). State CAAOPP approvals granted prior to June 13, 1996 will now expire automatically 10 months later than they would have previously. State program corrections are now due to USEPA six months prior to the new expiration date of interim approval state CAAOPP. USEPA further amended its procedural regulations so that it can now grant interim approvals valid for a period in excess of two years, as previously provided.

USEPA proposed amendments to its 40 CFR 70 CAAOPP regulations on August 31, 1995 (60 Fed. Reg. 45530). Those proposed procedures were intended to streamline the processing of revision of Clean Air Act Title V permits. That proposal would supplement the proposed amendments of August 29, 1994 (59 Fed. Reg. 44471) and April 27, 1995 (60 Fed. Reg. 20804) to the Title V permit rules adopted on Jul 21, 1992 (57 Fed. Reg. 32250). The proposed amendments would revise the responsible official certification required on permit applications, amend the emergency defense to a charge of violation, clarify the applicability of the Title I and Title V permit requirements to research and development facilities located with major sources, and alter the minor new source review requirements to clarify the flexibility the states can employ in reviewing those sources. (See issues 495, June-July, 1995 & 497, Oct., 1995.) USEPA anticipates completion of the proposed 40 CFR 70 amendments in early 1997.

USEPA explained that the part 70 amendments will require states to amend their CAAOPPs when adopted. When adopted the part 70 amendments could extend the deadline for curing all deficiencies until two years after USEPA adopts the 40 CFR 70 amendments. USEPA adopted the present extension of interim approval to avoid requiring states to twice amend their programs, once to satisfy the deficiencies cited in the grant of interim approval and a second time to fulfill the requirements of the part 70 amendments. ♦

Miscellaneous Federal Meetings

Meeting of: Lead Model Validation Workshop

Date and Location: October 21 and 23, 1996, Chapel Hill, NC

Announced purpose: To examine approaches and results for validation of models for predicting lead exposure and risk and ways to improve and validate such models.

Notice citation: 61 Fed. Reg. 52790, October 8, 1996, 1996

Meeting of: Office of Research and Development's (ORD), Board of Scientific Counselors (BOSC), Executive Committee

Date and Location: October 18, 1996, Arlington, VA

Announced purpose: Not stated.

Notice citation: 61 Fed. Reg. 52791, October 8, 1996

Meeting of: Clean Air Act Advisory Committee, Ozone, Particulate Matter, and Regional Haze Implementation Programs Subcommittee

Date and Location: October 29 and 30, 1996, Dallas, TX

Announced purpose: Not stated.

Notice citation: 61 Fed. Reg. 53374, October 11, 1996

Meeting of: Department of Transportation, Research and Special Programs Administration (RSPA)

Date and Location: October 30, 1996, Philadelphia, PA

Announced purpose: Discussion of the loading of hazardous materials at shipper and consignee facilities and the loading, unloading, and storage of hazardous materials at transfer and other mid-transportation facilities. (In an advanced notice of proposed rulemaking (ANPRM) dated July 29, 1996 (61 Fed. Reg. 39521), RSPA announced three prior meetings on the possible need for future regulations. RSPA is considering clarifying amendments of its hazardous materials regulations (HMR) to include its uncodified interpretations of the rules as they would apply in particular situations. RSPA noted that enhanced clarity of the HMR will aid in determining the applicability of segments of USEPA and Occupational Safety and Health

Administration (OSHA) rules whose applicability is dependent on the inapplicability of the HMR. See issue 507, Aug., 1996.)
 Notice citation: 61 Fed. Reg. 53483, October 11, 1996

Meeting of: Office of Prevention, Pesticides and Toxic Substances
 Date and Location: October 31 and November 1, 1996, Washington, DC

Announced purpose: Second environmental endocrine disruptors stakeholders meeting; continued discussion of the development of a screening and testing program to detect the potential for chemical substances to disrupt endocrine functioning: prioritization of chemical substances, development of methods for identifying and evaluating screening tests, agreement on application of screening tests, and identification of criteria for determining the need for further tests beyond screening. (See issue 505, June, 1996.)

Notice citation: 61 Fed. Reg. 54195, October 17, 1996

Meeting of: Science Advisory Board (SAB), Advisory Council on Clean Air Compliance Analysis
 Date and Location: November 7 and 8, 1996, Washington, DC

Announced purpose: Review the October, 1996 revised draft of report to Congress: "The Benefits and Costs of the Clean Air Act, 1970 to 1990;" discussion of talk to be delivered to SAB in November, 1996 on costs and benefits.

Notice citation: 61 Fed. Reg. 54196, October 17, 1996

Meeting of: Total Maximum Daily Load Committee, National Advisory Council for Environmental Policy and Technology

Date and Location: November 19 through 21, 1996, Herndon, VA

Announced purpose: Develop recommendations for a more effective total maximum daily load program.

Notice citation: 61 Fed. Reg. 54438, October 18, 1996

Meeting of: Food Safety Advisory Committee

Date and Location: October 22 and 23, 1996, Washington, DC

Announced purpose: In the context of the Food Quality Protection Act (FQPA, Pub. L. 104-170), consideration of pesticide benefits, Integrated Pest Management and Pollution Prevention, communication and right-to-know, and human health risks and aggregate exposure to pesticides.

Notice citation: 61 Fed. Reg. 54438, October 18, 1996

Meeting of: Clean Air Act Advisory Committee

Date and Location: December 5, 1996, Los Angeles, CA

Announced purpose: Not stated.

Notice citation: 61 Fed. Reg. 54798, October 22, 1996

Meeting of: Clean Air Act Advisory Committee, Permits, New Source Review, Air Toxics Integration Subcommittee

Date and Location: December 4, 1996, Los Angeles, CA

Announced purpose: Not stated.

Notice citation: 61 Fed. Reg. 54798, October 22, 1996

Meeting of: Clean Air Act Advisory Committee, Economic Incentives and Regulatory Innovations Subcommittee

Date and Location: December 4, 1996, Los Angeles, CA

Announced purpose: Not stated.

Notice citation: 61 Fed. Reg. 54798, October 22, 1996

Meeting of: Clean Air Act Advisory Committee, Linking Transportation and Air Quality Concerns Subcommittee

Date and Location: December 4, 1996, Los Angeles, CA

Announced purpose: Not stated.

Notice citation: 61 Fed. Reg. 54798, October 22, 1996

Meeting of: Drinking Water Branch

Date and Location: December 2 and 3, 1996, Washington, DC

Announced purpose: Discussion with stakeholders of development of a Drinking Water Contaminant Identification Method, mandated by the Safe Drinking Water Act Amendments of 1996, in order to refocusing USEPA efforts in prioritizing chemicals based on occurrence in drinking water and human health effects for potential risk-based regulation.

Notice citation: 61 Fed. Reg. 55148, October 24, 1996

Meeting of: National Drinking Water Advisory Council
 Date and Location: November 13, 1996, Washington, DC

Announced purpose: Briefing on mandates under the Safe Drinking Water Act Amendments of 1996; Updates on the Consumer Awareness Report, Drinking Water Needs Survey, Community Water Systems Survey and the draft implementation strategy for the Drinking Water State Revolving Fund.

Notice citation: 61 Fed. Reg. 55149, October 24, 1996

Meeting of: Office of Solid Waste

Date and Location: November 19, 1996, Arlington, VA

Announced purpose: To publicize information available on an ongoing project to revise the RCRA hazardous waste recycling regulations intended to make the rules

clearer and simpler and to remove disincentives to hazardous waste recycling.

Notice citation: 61 Fed. Reg. 55252, October 25, 1996

FINAL DECISIONS 10/3/96

93-15 Dorothy Furlan and Michael Furlan v. University of Illinois - After consideration of the statutory factors, the Board found that the noise did not cause unreasonable interference which violated the Act and Board regulations in this citizens noise enforcement action against a Winnebago County facility.

94-235 Amoco Oil Company v. EPA - The Board granted voluntary withdrawal of this underground storage tank reimbursement determination appeal involving a DuPage County facility.

95-104 Glen Ellyn Storage Corporation v. EPA - The Board granted voluntary withdrawal of this underground storage tank reimbursement determination appeal involving a DuPage County facility.

95-151 Kelly-Springfield Tire Company. v. EPA - The Board granted voluntary withdrawal of this underground storage tank reimbursement determination appeal involving a Stephenson County facility.

96-58 Effingham Tire Center v. EPA - The Board granted voluntary withdrawal of this underground storage tank reimbursement determination appeal involving a Effingham County facility.

96-251 Waste Management of Illinois, Inc., (Laraway RDF, Solid Waste Unit) v. EPA - Having previously granted a 90-day extension of time to file, the Board dismissed this reserved docket because no land permit appeal was timely filed on behalf of this Will County facility.

96-255 Laidlaw Waste System, Inc. v. EPA - Having previously granted a 90-day extension of time to file, the Board dismissed this reserved docket because no land appeal was timely filed on behalf of this Will County facility.

96-258 Crawford Automotive Company v. EPA - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no underground storage tank appeal was timely filed on behalf of this Cook County facility.

96-259 North Shore School District #112 v. EPA - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no underground storage tank appeal was timely filed on behalf of this Lake County facility.

97-3 T & H Machine, Inc. v. EPA - Having previously granted a 90-day extension of time to file, the Board dismissed this reserved docket because no underground storage tank appeal was timely filed on behalf of this DuPage County facility.

97-4 Reckitt & Coleman, Inc. v. EPA - Having previously granted a 90-day extension of time to file, the Board dismissed this reserved docket because no underground storage tank appeal was timely filed on behalf of this Cook County facility.

97-5 Herb Treder (Site Classification and Completion Report) v. EPA - Having previously granted a 90-day extension of time to file, the Board dismissed this reserved docket because no underground storage tank fund reimbursement determination appeal was timely filed on behalf of this Cook County facility.

97-6 Herb Treder (High Priority Corrective Action Plan and 45-Day Report) v. EPA - Having previously granted a 90-day extension of time to file, the Board dismissed this reserved docket because no underground storage tank appeal was timely filed on behalf of this Cook County facility.

97-7 Herb Treder (High Priority Corrective Action Completion Report) v. EPA - Having previously granted a 90-day extension of time to file, the Board dismissed this reserved docket because no underground storage tank appeal was timely filed on behalf of this Cook County facility.

97-19 Laidlaw Waste System, Inc. v. EPA - Having previously granted a 90-day extension of time to file, the Board dismissed this reserved docket because no land permit appeal was timely filed on behalf of this Madison County facility.

97-21 DeKalb Sanitary District v. EPA Having found that the petition was deficient and ordering the filing of an amended petition, the Board dismissed this petition for a variance from certain total suspended solids and biochemical oxygen demand requirements of the water pollution control regulations because no amended petition was timely filed on behalf of this DeKalb County facility.

97-27 Glenbard Wastewater Authority v. EPA - The Board granted this DuPage County facility a variance, subject to conditions, from the total suspended solid discharge requirements of the water pollution control regulations and as included in its NPDES permit.

97-60 Caterpillar Incorporated, Mossville Engine Center v. EPA - Upon receipt of an Agency recommendation, the Board granted this Peoria County facility 45-day provisional variance, subject to conditions, from certain fecal coliform effluent requirements of the water pollution control regulations during the testing of a new disinfection system.

AC 95-26 EPA v. Orville Bartels - The Board accepted a stipulation and settlement agreement in this administrative citation action against a Cass County facility, ordered the respondent to pay a civil penalty of \$500.00, and dismissed the action.

AC 97-5 County of Vermilion v. James Qualls - The Board entered a default order, finding that this Vermilion County respondent had violated Sections 21(p)(1) and 21(p)(3) of the Act and ordering him to pay a civil penalty of \$1,000.00.

AC 97-7 EPA v. RCS, Inc. and Michael Duvall - The Board entered a default order, finding that these Jersey County respondents had violated Sections 21(o)(1), 21(o)(11) and 21(o)(12) of the Act and ordering him to pay a civil penalty of \$1,500.00.

AC 97-8 County of Will v. Mark Henke and Gene Suprenant - The Board entered a default order, finding that these Will County respondents had violated Section 21(o)(1) of the Act and ordering them to pay a civil penalty of \$1,000.00.

AC 97-9 County of Will v. American Fly Ash - The Board entered a default order, finding that this Will County respondent had violated Sections 21(o)(2) and 21(o)(3) of the Act and ordering it to pay a civil penalty of \$1,000.00.

AC 97-11 County of Will v. Kenric Hwang/Wheatland Prairie/19820004 - The Board entered a default order, finding that these Will County respondents had violated Section 21(o)(1) of the Act and ordering them to pay a civil penalty of \$1,000.00.

AS 96-10 In the Matter of: Petition of Commonwealth Edison Company for an Adjusted Standard from 35 Ill. Adm. Code Parts 811, 814 - The Board granted these Will and Cook County facilities an adjusted standard, subject to conditions, from certain effluent temperature requirements of the water pollution regulations.

AS 96-12 In the Matter of: Petition of Illinois Department of Transportation, District 8 for an Adjusted Standard from 35 Ill. Adm. Code Parts 302.208, 304.124 and 302.203 - The Board granted this St. Clair county

facility an adjusted standard, subject to conditions, from certain iron, total suspended solids, and effluent color discharge requirements standard of the water pollution control regulations, as they would relate to the natural oxidation and biotransformation of iron in the water discharged.

R94-2(B) In the Matter of: Regulation of Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 732) - The Board dismissed this proposed rulemaking because all pending issues will be dealt with in the newly-filed proceedings: R97-10: Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 732) and R97-12: Tiered Approach to Corrective Action Objectives (also known as "TACO") (35 Ill. Adm. Code 742).

FINAL DECISIONS 10/17/96

94-146 Dorothy Hoffman v. City of Columbia, Illinois - The Board found that the noise complained of constituted unreasonable interference and that respondent had violated the Act and Board regulations in this citizens noise enforcement action against a Monroe County facility. Board Member J. Theodore Meyer concurred. Member Kathleen M. Hennessey abstained.

95-119 West Suburban Recycling and Energy Center, L.P. v. EPA - The Board reversed the Agency's denial of a solid waste management facility development permit and remanded this matter with instructions that the Agency issue the permit with conditions. Board Member Kathleen M. Hennessey abstained. (Consolidated with PCB 95-125.)

95-125 West Suburban Recycling and Energy Center, L.P. v. EPA - The Board reversed the Agency's denial of a solid waste management facility construction permit and remanded this matter with instructions that the Agency issue the permit with conditions. Board Member Kathleen M. Hennessey abstained. (Consolidated with PCB 95-119.)

96-71 A.E. Staley Manufacturing Company v. EPA - The Board granted voluntary withdrawal of this petition for a variance for a Macon County facility from certain requirements of its NPDES permit pending review for permit renewal. Board Member Kathleen M. Hennessey abstained.

96-214 People of the State of Illinois v. Brass Foundry Company, Inc. - The Board accepted a stipulation and settlement agreement in this RCRA Subtitle C enforcement action against a Peoria County facility, ordered the respondent to pay a civil penalty of \$10,000.00, and ordered it to cease and desist from further violation. Board Member Kathleen M. Hennessey abstained.

96-219 People of the State of Illinois v. McLaughlin Body Company, Inc. - The Board accepted a stipulation and settlement agreement in this RCRA Subtitle C enforcement action against a Rock Island County facility, ordered the respondent to pay a civil penalty of \$10,000.00, and ordered it to cease and desist from further violation. Board Member Kathleen M. Hennessey abstained.

96-221 Hydrosol, Inc. v. EPA - The Board granted voluntary withdrawal of this air permit appeal filed on behalf a Cook County facility. Board Member Kathleen M. Hennessey abstained.

97-13 Village of Rockdale v. EPA - The Board granted this Will County facility a variance subject to conditions, from the standards of issuance and restricted status provisions of the public water supplies regulations, as they would otherwise relate to the radium content of the petitioner's drinking water. Board Kathleen M. Hennessey abstained.

97-18 Laidlaw Waste Systems, Inc. v. EPA - Having previously granted a request for an extension of time to file, and having, the Board dismissed this reserved docket because no timely-filed land permit appeal was received on behalf of this Coles County facility. Board Kathleen M. Hennessey abstained.

97-25 Grimm's Pharmacy v. EPA - Having previously granted a request for an extension of time to file, and having, the Board dismissed this reserved docket because no timely-filed underground storage tank appeal was filed on behalf of this Kane County facility. Board Kathleen M. Hennessey abstained.

97-37 People of the State of Illinois v. Touhy Mobile Homes Park, Inc. - The Board accepted a stipulation and settlement agreement in this water enforcement action against a Cook County facility, ordered the respondent to pay a civil penalty of \$2,500.00, and ordered it to cease and desist from further violation. Board Member Kathleen M. Hennessey abstained.

97-65 G & M Total, Inc. v. EPA - The Board granted voluntary withdrawal of this request for an extension of time to file an underground storage tank appeal on behalf of this Lake County facility. Board Member Kathleen M. Hennessey abstained.

97-71 Schlumberger Industries, Inc., Crab Orchard National Wildlife Refuge Superfund Site v. EPA - Upon receipt of an Agency recommendation, the Board granted this Williamson County facility a 45-day provisional variance during a period of plant repairs, subject to conditions, from certain fluoride effluent requirements of the water pollution control regulations. Board Member Kathleen M. Hennessey abstained.

97-72 Commonwealth Edison (Fisk, Crawford, Will County, and Joliet generating stations) v. EPA - Upon receipt of an Agency recommendation, the Board granted these Will and Cook Counties facilities a 45-day provisional variance during Agency review of applicable permits, subject to conditions, from the thermal discharge requirements of the water pollution control regulations, the petitioner's NPDES permit, and the temperature limitations of the November 21, 1991 order in PCB 91-29. Board Member Kathleen M. Hennessey abstained.

97-73 Fox Point Home Owner's Association v. EPA - Upon receipt of an Agency recommendation, the Board granted this Will County facility a 45-day provisional variance during continued dredging operations, subject to conditions, from certain total suspended solids effluent requirements of the water pollution control regulations. Board Member Kathleen K Hennessey abstained.

97-74 Marathon Oil Company v. EPA - Upon receipt of an Agency recommendation, the Board granted a 45-day provisional variance from the 90-day limitation on the accumulation of hazardous waste at this Crawford County facility. Board Member Kathleen M. Hennessey abstained.

AC 97-14 EPA v. Envirofil of Illinois - The Board entered a default order, finding that this McDonough County respondent had violated Section 21(o)(5) of the Act and ordering it to pay a civil penalty of \$500.00. Board Member Kathleen M. Hennessey abstained.

AC 97-15 EPA v. ESG Watts, Inc. - The Board entered a default order, finding that this Rock Island County

respondent had violated Section 21(o)(12) of the Act and ordering it to pay a civil penalty of \$500.00. Board Member Kathleen M. Hennessey abstained.

R92-18 In the Matter of: Contingency Plan Update, USEPA Regulations (through June 30, 1992)- See Rulemaking Update.

R93-7 In the Matter of: Contingency Plan Update, USEPA Regulations (through July 1, through December 31, 1992) - See Rulemaking Update.

R93-23 In the Matter of: Contingency Plan Update, USEPA Regulations (through January 1 through June 30, 1993) - See Rulemaking Update.

R94-9 In the Matter of: Contingency Plan Update, USEPA Regulations (through July 1 through December 31, 1993) - See Rulemaking Update.

R94-27 In the Matter of: Contingency Plan Update, USEPA Regulations (through January 1 through June 30, 1994) - See Rulemaking Update.

R95-17 In the Matter of: Safe Drinking Water Act Update, USEPA Amendments (January 1 through June 30, 1995) - See Rulemaking Update.

R96-13 In the Matter of: ROP Plan: Clean-Up Part II: Amendments to 35 Ill. Adm. Code Parts 218 and 219- See Rulemaking Update.

R97-1 In the Matter of: Definition of VOM Update USEPA Regulations (through January 1 through June 30, 1996) - See Rulemaking Update.

R97-2 In the Matter of: Safe Drinking Water Act Update USEPA Regulations (through January 1 through June 30, 1996) - See Rulemaking Update.

R97-4 In the Matter of: RCRA Subtitle D Update (through January 1 through June 30, 1996)- See Rulemaking Update.

R97-6 In the Matter of: UST Update, USEPA Regulations (through January 1 through June 30, 1996)- See Rulemaking Update.

FINAL DECISIONS 10/29/96

R97-14 In the Matter of: Emergency Rulemaking: Rules to the Emergency Livestock Waste Regulations, 35 Ill. Adm. Code 505 - The Board adopted an emergency

rule that sets forth specific design standards for the construction and modification of livestock waste lagoons. The design standards are promulgated to provide protection for Illinois' groundwater and are based upon site-specific characterizations. Owners and operators of facilities with a design capacity of 300 animal units or more, who are modifying their facilities or who are constructing facilities that are not yet in service will be required to do soil borings prior to construction to ascertain the geological character of the site. The site characterizations will have to be certified by a licensed professional engineer. Livestock waste lagoons will be required to have liners and conduct groundwater monitoring or to just have a liner depending on the proximity to aquifer material. Where a liner is required, a licensed professional engineer must certify to its adequacy. The emergency rule also puts into place various necessary provisions of the LMF Act.

NEW CASES 10/3/96

97-22 NPK Storage, Inc. v. EPA - The Board accepted this underground storage tank appeal involving a Macon County facility for hearing.

97-56 Grimm's Pharmacy v. EPA - The Board accepted a request for extension of time to file an underground storage tank appeal on behalf of this Macon County facility.

97-57 Baldrige Drilling Co., Inc. v. EPA - The Board accepted a request extension of time to file an underground storage tank appeal on behalf of this Macon County facility.

97-59 People of the State of Illinois v. Rockford Speedway, Inc. - The Board received this land enforcement action against a Winnebago County facility for hearing.

97-60 People of the State of Illinois v. Caterpillar Incorporated, Mossville Engine Center. - See Final Actions

97-61 Glen Ellyn Storage Corporation v. EPA - The Board accepted a request extension of time to file an underground storage tank appeal on behalf of this DuPage County facility.

97-62 People of the State of Illinois v. Geon Corporation - The Board received this air enforcement action against a Marshall County facility for hearing.

97-63 People of the State of Illinois v. Geon Corporation - The Board received this air enforcement action against a Macon County facility for hearing.

97-64 People of the State of Illinois v. Unique Marble Products, Inc., - The Board received this Emergency Planning and Community Right-to-Know enforcement action against a Effingham County facility for hearing.

AC 97-23 EPA v. Village of Markham - The Board received an administrative citation against this Cook County respondent.

AC 97-24 LaSalle County v. Charlie Raikes, d/b/a Kickapoo Iron & Metal - The Board received an administrative citation against this LaSalle County respondent.

AC 97-25 Will County v. CDT Landfill Corporation - The Board received an administrative citation against this Will County respondent.

NEW CASES 10/17/96

97-66 People of the State of Illinois v. D' Angelo Enterprises, Inc. - The Board received this RCRA Subtitle C enforcement action against a Cook County facility for hearing.

97-68 Senator William Shaw, Ronnie Lewis, and Judith Evans v. EPA, Board of Trustees of the Village of Dolton, Illinois Land and Lakes Company, and Development, Ltd. - The Board accepted this pollution control facility (landfill) siting appeal involving a Cook County facility for hearing.

97-69 People of the State of Illinois v. Economy Plating, Inc. - The Board received this air enforcement action against a Cook County facility for hearing.

97-70 People of the State of Illinois v. Demolition and Development, Ltd., and Eugene Lopresti, individually, and as President of Demolition and Development, Ltd. - The Board received this air enforcement action against a Cook County facility for hearing.

97-71 Schlumberger Industries, Inc., Crab Orchard National Wildlife Refugee Superfund Site v. EPA - See Final Actions.

97-72 Commonwealth Edison (Fisk, Crawford, Will County, and Joliet generating stations) v. EPA - See Final Actions.

97-73 Fox Point Home Owner's Association v. EPA - See Final Actions.

97-74 Marathon Oil Company v. EPA - See Final Actions.

97-75 People of the State of Illinois v. John Jankowski - The Board received this land enforcement action against a Lake County facility for hearing.

AC 97-26 EPA v. Browning-Ferris of Iowa, Inc. - The Board received an administrative citation against a Rock Island County respondent.

AC 97-27 EPA v. Willie Lightfoot - The Board received an administrative citation against a Perry County respondent.

AC 97-28 County of Vermilion v. Illinois Landfills, Inc. - The Board received an administrative citation against a Vermilion County respondent.

AC 97-29 County of Will v. Harry Horman - The Board received an administrative citation against a Will County respondent.

AC 97-30 County of Will v. James Henke - The Board received an administrative citation against a Will County respondent.

AS 97-3 In the Matter of: Petition of Shell Wood River Refining Company for an Adjusted Standard from 35 Ill. Adm. Code 725.213 and 725.321 - The Board accepted this petition for an adjusted standard from the interim status facility hazardous waste surface impoundment design and closure and post-closure care requirements of the land pollution control (RCRA Subtitle C) regulations for hearing.

AS 97-4 In the Matter of: Petition of the Ensign-Bickford Company for an Adjusted Standard from 35 Ill. Adm. Code 703.183 - The Board held this petition filed on behalf of a Union County facility for an adjusted standard from certain hazardous waste permit application requirements of the land pollution control (RCRA Subtitle C) regulations pending receipt of publication.

AS 97-5 In the Matter of: The Louis Berkman Company, d/b/a The Swenson Spreader Company for an Adjusted Standard from 35 Ill. Adm. Code Part 215 Subpart F - The Board held this petition filed on behalf of an Ogle County facility for an adjusted standard from

certain volatile organic material emissions requirements of the air pollution control regulations pending receipt of publication.

NEW CASES 10/29/96

R97-14 In the Matter of: Emergency Rulemaking: Livestock Waste Regulations 35 Ill. Adm. Code 505-
See Rulemaking Update.

R97-14 In the Matter of: Emergency Rulemaking: Livestock Waste Regulations 35 Ill. Adm. Code 505-
See Rulemaking Update.

CALENDAR OF HEARINGS

All hearings held by the Board are open to the public. Times and locations are subject to cancellation and rescheduling without notice. Confirmation of hearing dates and times is available by calling the Clerk of the Board at 312- 814-6931.

Date & Time	Case # & Type	Case Name and Location
02-Dec-96 10:00 A.M.	R97-012 R, Land	<u>In the Matter of: Tiered Approach to Corrective Action (T.A.C.O.) 35 Ill. Adm. Code 742--</u> James R. Thompson Center, Room 9-04Q 100 West Randolph Street, Chicago, Illinois
03-Dec-96 10:00 A.M.	R97-012 R, Land	<u>In the Matter of: Tiered Approach to Corrective Action (T.A.C.O.) 35 Ill. Adm. Code 742--</u> James R. Thompson Center, Room 9-04Q 100 West Randolph Street, Chicago, Illinois
04-Dec-96 10:00 A.M.	PCB 95-091 RCRA-E	<u>People of the State of Illinois v. Bell Sport, Inc. and Waste Hauling Landfill, Inc., and Waste Hauling, Inc., Respondents; Waste Hauling Landfill, Inc. and Waste Hauling, Inc. as Cross-claimants v. Bell Sports, Inc. as Cross-respondent</u> Illinois Law Enforcement Training Board, Third Floor 600 S. Second Street, Springfield, Illinois
09-Dec-96 10:00 A.M.	PCB 96-053 N-E, Citizens	<u>David and Susi Shelton v. Steven and Nancy Crown</u> James R. Thompson Center, 11th Floor, 100 West Randolph Street, Chicago, Illinois
09-Dec-96 10:00 A.M.	R97-010 R, Land	<u>In the Matter of: Regulation of Petroleum Leaking Underground Storage Tanks 35 Ill. Adm. Code 732--</u> William Stratton Office Building, Room A-1, Springfield, Illinois
12-Dec-96 08:00 A.M.	PCB 96-107 A, W & L-E	<u>People of the State of Illinois v. ESG Watts, Inc.</u> Illinois Law Enforcement Training Board, Third Floor, 600 S. Second Street, Springfield, Illinois
17-Dec-96 10:00 A.M.	R97-011 R, Land	<u>In the Matter of: Site Remediation Program (Brownfields) 35 Ill. Adm. Code 740</u> -Illinois State Library, Rooms 403/404 300 South Second Street, Springfield, Illinois
18-Dec-96 10:00 A.M.	R97-011 R, Land	<u>In the Matter of: Site Remediation Program (Brownfields) 35 Ill. Adm. Code 740</u> -Municipal Building, 3rd Floor Council Chambers 201 Municipal Center West, 7th and Monroe Streets, Springfield, Illinois
19-Dec-96 09:30 A.M.	PCB 97-068 L-S-R, Third Party	<u>Senator William Shaw, Ronnie Lewis, Judith Evans v. Board of Trustees of the Village of Dolton, Illinois, Land and Lakes Company and Mayor Donald Hart</u> Dolton Village Hall, Board Room 14014 Park Avenue, Dolton, Illinois
3-Jan-97 11:00 A.M.	PCB 96-069 N-E, Citizens	<u>Thomas Corning and Kimberly Corning v. Thurela's, Pam and Arthur Hegji as owners</u> Lake Zurich Village Hall, Village Council Chambers Lower Level, 70 East Main Street, Lake Zurich, Illinois
15-Jan-97 10:00 A.M.	R97-012 R, Land	<u>In the Matter of: Tiered Approach to Corrective Action (T.A.C.O.) 35 Ill. Adm. Code 742--</u> 201 Municipal West, Council Chambers, Third Floor 7th and Monroe Street, Springfield, Illinois

28-Jan-97 10:00 A.M.	AS 97-002 Land, RCRA	In the Matter of: Petition of Chemetco, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 720.131 (a) and (c)--State Regional Office Building, IDOT Class Room, 1100 East Port Plaza Drive, Collinsville, Illinois
-------------------------	-------------------------	---

Calendar Code

3d P	Third Party Action	A-C	Administrative Citation
A-E	Air Enforcement	A-S	Adjusted Standard
A-V	Air Variance	CSO	Combined Sewer Overflow Exception
GW	Groundwater	HW Delist	RCRA Hazardous Waste Delisting
L-E	Land Enforcement	L-S-R	Landfill Siting Review
L-V	Land Variance	MW	Medical Waste (Biological Materials)
N-E	Noise Enforcement	N-V	Noise Variance
P-A	Permit Appeal	PWS-E	Public Water Supply Enforcement
PWS-V	Public Water Supply Variance	R	Regulatory Proceeding
RCRA	Resource Conservation and Recovery Act proceeding (hazardous waste only)	S0 ₂	S0 ₂ Alternative Standards (35 ILL. ADM. CODE 302.211(f))
SWH-E	Special Waste Hauling Enforcement	SWH-V	Special Waste Hauling Variance
T	Thermal Demonstration Rule	T-C	Tax Certifications
T-S	Trade Secrets	UST-Appeal	Underground Storage Tank Corrective Action Appeal
UST-E	Underground Storage Tank Enforcement	UST-FRD	Underground Storage Tank Fund Reimbursement Determination
W-E	Water Enforcement	W-V	Water Variance
WWS	Water-Well Setback Exception		

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
DIVISION OF WATER POLLUTION CONTROL
RESTRICTED STATUS LIST

In order to comply with 35 Illinois Administrative Code Section 306.401 Illinois Pollution Control Board Regulations, the Illinois EPA has prepared the following list of facilities which are on Restricted Status. Restricted Status is defined as the Agency determination that a sewer or lift station has reached hydraulic capacity or that a sewage treatment plant has reached design capacity, such that additional sewer connection permits may no longer be issued without causing a violation of the Act or Regulations. Please note that the list is continually being revised to reflect the current situation. Therefore, if you have any questions on the capability of a treatment facility or transport system, please contact this Agency for a final determination. This listing reflects the status as of June 30, 1996.

Facility names followed by an asterisk (*) indicates that construction is underway to ultimately alleviate problems which resulted in imposition of Restricted Status. Facilities followed by a double asterisk (**) are additions to the list.

<u>FACILITY NAME</u>	<u>RESPONSIBLE AUTHORITY</u>	<u>COUNTY</u>	<u>REMAINING CAPACITY</u>
Astoria-Washington and Lincoln St. Overflow; Adams & State St. Overflow**	Town of Astoria	Fulton	0
Athens STP	City of Athens	Menard	0
Bourbonnais (Belle Aire Subd.)	Village of Bourbonnais	Kankakee	0
Camelot Utilities - Wastewater Collection System	Camelot Utilities	Will	0
Camp Point (a portion mh 60-68)	Village of Camp Point	Adams	0
Candlewick Lake STP	Consumer Ill. Water Co.	Boone	0
Canton - S.S. Surcharging New Salem 4th Ave., Sycamore, Sycamore Terr., Main Street	City of Canton	Fulton	0
Chapin (North and South Main Terminal L.S.)	Village of Chapin	Morgan	0
Clearview S.D.	Clearview S.D.	McLean	0
East Alton STP	City of East Alton	Madison	0
Farmington	City of Farmington	Fulton	0
Lake Zurich - Knollwood, Mnonski, Main Ls's	Village of Lake Zurich	Lake	0
Maple Lawn Homes STP	Maple Lawn Homes	Woodford	0
Riverton (Sewer System-Partial)	Village of Riverton	Sangamon	0
Rosewood Heights S.D. - Ninth Street LS	Rosewood Heights S.D.	Madison	0
Round Lake Beach - Oaktree Subd. Pumping Sta.**	America Today, Inc.	Lake	0
Sullivan Lake Development STP	Lake Development	Lake	0
Taylorville Shawnee Ave. Pump Station	City of Taylorville	Christian	0
Utilities Unlimited	Utilities Unlimited	Will	0
Viriden (Sewer System-Partial)	Viriden S.D.	Macoupin	0
Washington (Devonshire Estates)	City of Washington	Tazewell	0
Washington (Rolling Meadows)	City of Washington	Tazewell	0
Watseka STP	City of Watseka	Iroquois	0

Deletions from previous Quarterly Report: Highview Estates

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
 DIVISION OF WATER POLLUTION CONTROL
 CRITICAL REVIEW LIST

In order to comply with 35 Illinois Administrative Code Section 306.401, Illinois Pollution Control Board Regulations, the Illinois Environmental Protection Agency has prepared the following list of facilities which are on Critical Review. Critical Review as defined as the Agency determination that a sewer or lift station is approaching hydraulic capacity or that a sewage treatment plant is approaching design capacity such that additional sewer connection permit applications will require close scrutiny to determine whether issuance would result in a violation of the Act or Regulations. Please note that these lists are continually being revised to reflect the current situation. Therefore, if you have any questions on the capability of a treatment facility or transport system, please contact the Agency for a final determination. This listing reflects the status as of June 30, 1996.

Facility names followed by a double asterisk are additions to the list.

<u>FACILITY NAME</u>	<u>RESPONSIBLE AUTHORITY</u>	<u>COUNTY</u>	<u>REMAINING CAPACITY</u>	<u>PE ADDED SINCE LAST LIST</u>
Beardstown Sanitary Dist.**	City of Beardstown	Cass	1,828	72
Benton-Southeast STP	City of Benton	Franklin	60	0
Bethalto (L.S. #1)	Village of Bethalto	Madison	87	0
Bolingbrook STP 2	Village of Bolingbrook	Will	630	0
Braidwood STP	City of Braidwood	Will	396	130
Carrier Mills	Village of Carrier Mills	Saline	836	0
Carrollton	City of Carrollton	Greene	140	0
Chester	City of Chester	Randolph	26	0
Citizens Utilities of Ill. Derby Meadows Utility Co. STP	Citizens Utilities of Ill.	Will	0	0
Citizens Utilities of Ill. River Grange**	Citizens Utilities of Ill.	Will	10	0
Creve Coeur	Village of Creve Coeur	Tazewell	2,330	0
Downers Grove Sanitary Dist.	Downers Grove S.D.	DuPage	7,978	132
Earlville	City of Earlville	LaSalle	215	0
East Dundee STP	Village of E. Dundee	Kane	933	50
Elkville	Village of Elkville	Jackson	6	0
Elmhurst	City of Elmhurst	DuPage	0	0
Findlay	Village of Findlay	Shelby	60	0
Herrin	City of Herrin	Williamson	576	134
Herscher	Village of Herscher	Kankakee	300	0
Highland STP	City of Highland	Madison	502	21
Hoopeston	City of Hoopeston	Vermilion	0	0
CLPWD-Deerfield Rd. Interceptor	County of Lake Public Works Department	Lake	***	0
CLPWD-Diamond-Sylvan STP	County of Lake Public Works Department	Lake	248	0
Lake Barrington Homeowners Assn. STP	LBHOA	Lake	80	0
Lake in the Hills S.D.	Village of Lake in the Hills	McHenry	939	711
Manhattan	Village of Manhattan	Will	810	0
Milan	Village of Milan	Rock Island	1,122	0
Moline (North Slope)	City of Moline	Rock Island	1,151	0
Mundelein STP	Village of Mundelein	Lake	583	0
O'Fallon	City of O'Fallon	St. Clair	748	899
Orangeville	Village of Orangeville	Stephenson	0	0
Paris STP	City of Paris	Edgar	2,004	0
Pearl City	Village of Pearl City	Stephenson	0	0
Peotone	Village of Peotone	Will	195	0
Rock Island (Main)	City of Rock Island	Rock Island	5,001	0
Round Lake-Rosewood Sewage Pumping Station**	Village of Round Lake	Lake	97	0
Thompsonville STP	Village of Thompsonville	Franklin	35	0

Deletetions from previous quarterly report: Beecher STP, Crest Hill - West STP, Hebron, Sycamore (Southwest)

***Contact IEPA - Permit Section
MM sp5439c/2-5