



ENVIRONMENTAL REGISTER



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FEDERAL ACTIONS

United States Environmental Protection Agency Proposes Regulations Regarding Air Quality Surveillance for Lead

Lead air pollution levels measured near the nation's roadways have decreased 97% between 1976 and 1995 with the elimination of lead in gasoline used by on-road mobile sources. Because of this historic decrease, the United States Environmental Protection Agency (USEPA) is proposing to shift its ambient air monitoring focus from measuring lead air pollutant concentrations emanating from mobile source emissions toward a focus on stationary point sources of lead air pollution.

On November 5, 1997, the USEPA proposed regulations regarding air quality surveillance for lead. 62 Fed. Reg. 59840 (November 5, 1997). This proposal would revise the 40 CFR 58 lead air monitoring requirements to allow many lead monitoring stations to be discontinued while maintaining a core lead monitoring network in urban areas to track continued compliance with lead National Ambient Air Quality Standards (NAAQS). This action also would require lead ambient air monitoring around lead stationary sources. This action is (*Cont'd on p.5*)

RULEMAKING UPDATE

Board Adopts Final Identical-in-Substance Rules Amending the Underground Injection Control and Resource Conservation and Recovery Act of 1976 Subtitle C Hazardous Waste Regulations at 35 Ill. Adm. Code 702, 703, 720 through 726, 728, 730, 738, and 739, R96-10, R97-3, R97-5

On November 6, 1997, the Board adopted amendments to the underground injection control (UIC) and Resource Conservation and Recovery Act of 1976 Subtitle C (RCRA Subtitle C) hazardous waste regulations at 35 Ill. Adm. Code 702, 703, 720 through 726, 728, 730, 738, and 739. Section 22.4(a) of the Environmental Protection Act (Act) (415 ILCS 5/22.4(a) (1996)) provides for quick adoption of regulations that are identical in substance to federal regulations adopted by USEPA to implement Sections 3001 through 3005 of RCRA (42 U.S.C. §§ 6921-6925 (1996)) and that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) (5 ILCS 100/5-35 & 5-40 (1996)) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first or to second notice review by the Joint Committee on Administrative Rules. The federal UIC rules are found at 40 CFR 146 through 148. The federal RCRA Subtitle C regulations are found at 40 CFR 260 through 268, 270 through 271, and more recently, 273 and 279.

The Board consolidated three dockets because the subject matters are closely related and the Board wished to expedite consideration of all amendments involved. The adopted rules include, in pertinent part, the following amendments: an additional test method for biodegradability of absorbent materials, a revised interpretation of the carbamate rule, a stay of used oil mixtures rule, permitting procedural requirements, organic material emissions standards technical amendments, corrections to exclusion for recovered oil reinjected into refining process, phase III land disposal regulations, hazardous waste import and export regulations, used oil standards, an emergency extension of national capacity variance for K088 wastes, and adoption (*Cont'd on p.2*)

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RULEMAKING UPDATE

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of Phase IV land disposal regulations.

The Board will hold the adopted amendments for 30 days, specifically to allow USEPA time to review and comment on the amendments as adopted. After that time, the Board will file the amendments with the Secretary of State. They will become effective upon publication in the *Illinois Register*.

Any questions regarding this rulemaking may be directed to Michael McCambridge at 312/814-6924, e-mail address: mmccambr@pcb084r1.state.il.us ♦

Board Adopts for First Notice Publication in the *Illinois Register* Amendments to 35 Ill. Adm. Code 703, 720, 721, 724, 725, 728, and 733 (Standards for Universal Waste Management), R98-12

On November 6, 1997, the Board adopted for first notice publication in the *Illinois Register* amendments to 35 Ill. Adm. Code 703, 720, 721, 724, 725, 728, and 733 (Standards for Universal Waste Management). On October 17, 1997, the Illinois Environmental Protection Agency (IEPA), pursuant to Sections 27 and 28 of the Environmental Protection Act (Act) (415 ILCS 5/27, 28 (1996)), filed a rulemaking to amend the Board's regulations concerning standards for universal waste management. Specifically, the IEPA's proposal requests that the Board amend certain sections of Part 733 to designated hazardous fluorescent and high intensity discharge lamps, which are currently classified as hazardous waste, as universal waste.

The IEPA's proposal is in response to Public Act 90-502 (Pub. Act 90-502, eff. August 19, 1997 (amended in 415 ILCS 5/22.23a (1996))) signed into law by Governor Jim Edgar on August 19, 1997. This legislation specifically designated high intensity lamps and fluorescent lamps as a category of universal waste. It further required the Board to adopt such regulations within 180 days after receipt of the IEPA's proposal. Consequently, the docket must be concluded on or before May 5, 1998.

The first hearing in this matter was held on Tuesday, December 9, 1997, in Springfield, Illinois. The second hearing was held on December 15, 1997, in Chicago, Illinois.

The Board will accept written comments regarding this proposal up until 45-days after the first notice proposal is published in the *Illinois Register*. All written comments should be addressed to Dorothy M. Gunn, Clerk of the Board. Any questions regarding this rulemaking may be directed to Cynthia Ervin at 217/524-8509, e-mail address: cervin@pcb084r1.state.il.us ♦

Board Accepts for Hearing Petition of PDV Midwest Refining, L.L.C. to Amend Site-Specific Rule 304.123, R98-14

On November 6, 1997, the Board accepted for hearing the petition of PDV Midwest Refining, L.L.C. (PDV) to amend and renew a site-specific rule pertaining to water discharged from its refinery. PDV owns a petroleum refinery located in Will County near Lemont, Illinois. The refinery was formerly owned and operated by the Union Oil Company of California (Union) and then operated by UNO-VEN Company. The Board granted a site-specific rule change to Union in 1987. See In the Matter of: Proposal of Union Oil Company of California to Amend the Water Pollution Regulations: 35 Ill. Adm. Code 304.213 (December 16, 1993), R93-8. PDV became the owner and operator of the refinery on May 1, 1997, and is seeking to amend and renew the site-specific rule as it relates to water discharged from the refinery. The Board directed the hearing officer assigned to the matter to schedule hearing. The Board also granted PDV's motions to waive the requirements that the petition be accompanied by 200 signatures and that the petition be accompanied by nine copies of all exhibits. The Board ordered PDV to provide four copies of all exhibits. A hearing date will be set shortly.

Any questions may be directed to John Knittle at 312/814-3473, e-mail address: jknittle@pcb084r1.state.il.us ♦

Board Accepts for Hearing Clean-Up Amendments to 35 Ill. Adm. Code 215, R98-15

On November 6, 1997, the Board accepted for hearing the proposal of the Illinois Environmental Protection Agency (IEPA) to amend 35 Ill. Adm. Code 215. The proposal amends Subpart A.General Provisions, Subpart F.Coating Operations, and Subpart Z.Dry Cleaners. Specifically, the IEPA's proposal deletes those regulations which are duplicated in Parts 218 and 219, adds language at Section 216.206(a) which exempts certain coaters, adds a new exemption for touch-up and repair coatings in Section 215.206(b), and deletes Sections 215.206(b), 215.206(c), and 215.601 through 606. The Board also granted the IEPA's motion for expedited hearing, noting that because the proposal deals with a state-wide regulation, at least two hearing must be held in at least two areas of the State of Illinois. Hearings will be set shortly.

Any questions regarding this rulemaking may be directed to Audrey Lozuk-Lawless at 312/814-6923, e-mail address: alozukla@pcb084r1.state.il.us ♦

Board Adopts Emissions Reduction Market System, R97-13

On November 20, 1997, the Board adopted rules creating an Emissions Reduction Market System (ERMS). Docketed by the Board as R97-13, these regulations at 35 Ill. Adm. Code 205 create an ERMS program for volatile organic material (VOM) for the Chicago nonattainment area. Emissions Market Reduction System Adoption of 35 Ill. Adm. Code 205 (October 2, 1997), R97-13. The ERMS is one component of the Illinois Environmental Protection Agency's (IEPA) plan to achieve a 9% reduction in VOM by 1999 in the Chicago nonattainment area.

New Part 205 is designed to regulate stationary point sources that are: (1) located in the Chicago nonattainment area, (2) required to obtain a Clean Air Act Permit Program (CAAPP) permit, and (3) have seasonal emissions of at least 10 tons of VOM. New Part 205 regulates these sources by establishing a historical emissions baseline for each source and requiring each source to reduce its emissions from that baseline by 12%. A source will establish its baseline by averaging its VOM emissions during any two of the "ozone seasons" (*i.e.*, May 1 to September 30) of the years 1994, 1995, or 1996. The IEPA will then issue source allotment trading units (ATUs) in an amount equal to 88% of each source's baseline, (*i.e.*, 100% of the source's baseline less the 12% required reduction).

The rules require sources to hold ATUs in the amount equal to their seasonal emissions of VOM. Sources can either reduce their emissions by 12% or purchase ATUs from the market created by the rule to meet their emissions need for each seasonal period.

This rulemaking was originally proposed by the IEPA on October 7, 1996. The Board held nine days of hearing in this matter and received one public comment before issuing a first notice opinion and order on July 10, 1997. After the first notice opinion and order was published in the *Illinois Register* (21 Ill. Reg. 9649 (July 25, 1997)), the Board held an additional hearing on August 19, 1997. On October 2, 1997, the Board adopted an order for second notice review by the Joint Committee on Administrative Rules (JCAR). On November 12, 1997, JCAR issued a certificate of no objection to this rulemaking.

Any questions regarding this rulemaking may be directed to Richard McGill at 312/814-6983, e-mail address: rmcgill@pcb084r1.state.il.us ♦

Board Adopts Amendments to the Clean Fuel Fleet Program: 35 Ill. Adm. Code 241, R 98-8

On November 20, 1997, the Board adopted amendments to the Clean Fuel Fleet Program (CFFP), docketed by the Board as R98-8. This rulemaking was proposed and adopted in accordance with Section 28.5 of the Environmental Protection Act (415 ILCS 5/28.5 (1996)).

Section 28.5 provides for the adoption of Clean Air Act amendments (42 U.S.C. § 7401 *et seq.* (1990)) according to a fast-track procedure. The rule amends certain sections of the CFFP to reflect that owners and operators of fleets will have an additional year to meet the requirements of the CFFP and to correct certain amounts of credit given for over-compliance.

The first hearing in this matter was conducted in Chicago on August 27, 1997. As no requests were made for the second hearing within seven days of the first hearing in accordance with Section 22.5 of the Environmental Protection Act (415 ILCS 5/22.5 (1996)), the second and third hearings were canceled by hearing officer order dated September 4, 1997. No public comments were received during the first notice period. On October 16, 1997, the Board adopted the rules for second notice review by the Joint Committee on Administrative Rules (JCAR). On November 12, 1997, JCAR issued a certificate of no objection to the rules.

Any questions regarding this rulemaking may be directed to Amy Muran Felton at 312/814-7011, e-mail address: amuranfe@pcb084r1.state.il.us ♦

Board Adopts Identical-in-Substance Amendments to the Resource Conservation and Recovery Act Subtitle D Non-Hazardous Waste Regulations, R97-20

On November 20, 1997, the Board adopted amendments to the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. §§6944, 6949(a) (1976)) Subtitle D municipal solid waste landfill (MSWLF) regulations. In the Matter of: RCRA Subtitle D Update, USEPA Regulations (July 1, 1996 through December 31, 1996) (August 7, 1997), R97-20. The federal RCRA Subtitle D regulations are found at 40 CFR 258 and reflect those amendments made during the period from July 1, 1996 through December 31, 1996.

Section 22.40(a) of the Environmental Protection Act (415 ILCS 5/22.40(a) (1996)) provides for quick adoption of regulations that are identical-in-substance to federal RCRA Subtitle D regulations adopted by the United States Environmental Protection Agency (USEPA) to implement Sections 4004 and 4010 of the RCRA. 42 U.S.C. §§6944, 6949(a) (1976). Because this rulemaking is not subject to Section 5 of the Administrative Procedure Act, this rulemaking is not subject to first notice or to second notice review by the Joint Committee on Administrative Rules.

The amendments incorporate revisions to the federal financial assurance requirements applicable to local units of government that own or operate MSWLFs. Specifically, the amendments provide that local units of governments that own or operate MSWLFs may apply for a financial test for self-assurance, and that they may guarantee the costs of corrective action, closure, and/or post-closure care on behalf of an owner or operator of a

MSWLF. Additionally, the amendments allow the State of Illinois to extend the deadline for financial assurance for a facility up to April 9, 1998. The owner or operator must demonstrate that it could not timely comply because it could not obtain financial assurance for the site by the April 9, 1997, compliance deadline and that the lack of financial assurance would not adversely affect human health or the environment. The amendments are found at 35 Ill. Adm. Code 810 and 811.

The regulations also incorporate a recent federal amendment that essentially allows the State to relax certain requirements for small landfills, *i.e.*, on-site landfills (see *Federal Actions*). These amendments do not apply, however, if the facility is a RCRA Subtitle C hazardous waste disposal facility or a RCRA Subtitle D MSWLF. The amendments are found at 35 Ill. Adm. Code 811.

Finally, the regulations include amendments in response to Public Act 89-200 (Pub. Act 89-200, eff. July 21, 1996). These regulations include amendments to the federal deadline for landfill financial assurance and qualifications for an insurer providing financial insurance.

On August 7, 1997, the Board adopted the proposal for public comment. Notice of the proposed amendments appeared in the *Illinois Register* on August 29, 1997, at 21 Ill. Reg. 11835 (Part 810) & 11840 (Part 11). Three public comments were received during the 45-day comment period.

Any questions regarding this rulemaking may be directed to Michael McCambridge at 312/814-6924, e-mail: mmccambr@pcb084r1.state.il.us ♦

Board Adopts First Notice Proposal in the Matter of Amendments to General Permitting Provisions to Require Perpetual Permits for Certain Sources (Amendments to 35 Ill. Adm. Code 201), R98-13

On November 20, 1997, the Board adopted for first notice publication in the *Illinois Register* amendments to general permitting provisions to require perpetual permits for certain sources, located at 35 Ill. Adm. Code 201. On October 10, 1997, the Illinois Environmental Protection Agency (IEPA) filed this proposal to amend the Board's regulations concerning air permits. Specifically, the IEPA's proposal requests that the Board amend certain sections of Part 201 to provide perpetual permits for sources that emit 25 tons or more per year and are not subject to Section 39.5 of the Environmental Protection Act (Act) (415 ILCS 5/39.5 (1996)) or required to obtain a federally enforceable State operating permit. On October 16, 1997, the Board adopted an order accepting the IEPA's proposal for hearing and granting the IEPA's motion to expedite proceedings. The proposal indicates that the proposed rules are required by amendments to the Act contained in Public Act 90-367 (Pub. Act 90-367, eff. August 10, 1997). Pursuant to Public Act 90-367, the Board is required to revise its rules to reflect the amend-

ments to the Act before July 1, 1998. Due to the stringent timeframes for adopting these proposed rules, the Board adopted this matter for first notice under the Illinois Administrative Procedure Act (5 ILCS 100/5-5 *et seq.* (1996)) without commenting on the merits of the proposal.

The first hearing in this matter was held on December 8, 1997, in Chicago, Illinois. The second hearing will be held at 10:00 a.m. on January 12, 1998, at the Illinois Police Training Board, 600 S. Second Street, Third Floor Conference Room, Springfield, Illinois.

Upon publication of the proposal in the *Illinois Register*, a 45-day public comment period will commence whereupon interested persons may direct any written comments to the Clerk of the Board.

Questions regarding this rulemaking may be directed to Charles King at 312/814-6926, e-mail address: cking@pcb084r1.state.il.us ♦

FEDERAL ACTIONS

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being taken at the direct request of numerous state and local agencies whose on-road mobile source-oriented lead monitors have been reporting peak lead air pollution values that are many times less than the quarterly lead NAAQS of 1.5 mg. for many years. Approximately 70 of the national air monitoring states (NAMS) and a number of the state and local air monitoring stations could be discontinued with this action, thus making more resources available to those state and local agencies to deploy lead air quality monitors around unmonitored lead stationary sources.

The current lead air monitoring regulations require that each urbanized area with a population of 500,000 or more operate at least two lead NAMS, one of which must be a roadway-oriented site and the second must be a neighborhood site with nearby traffic arteries or other major roadways. There are approximately 85 NAMS in operation for 1996. The proposal would reduce this NAMS requirement to include one NAMS site in one of the two largest metropolitan statistical areas within each of the ten USEPA regions, and one NAMS population-oriented site in each populated area where lead violations have been measured over the most recent eight calendar quarters. This latter requirement is designed to provide information to citizens living in areas that have one or more lead stationary sources that are causing recent air quality violations. At present, Madison County, Illinois is designated the metropolitan statistical area with one or more quarterly NAAQS violation and would be subject to this requirement. ♦

Announcement of Stakeholder Meeting on Possible Revisions to National Primary Drinking Water Regulations for Radionuclides

On November 7, 1997, the United States Environmental Protection Agency (USEPA) announced that on December 11 and 12, 1997, it will hold a public meeting in Washington, D.C. to discuss issues concerning the development and revisions of the National Primary Drinking Water Regulations (NPDWRs) for radionuclides. 62 Fed. Reg. 60242 (November 7, 1997). The radionuclides, for the purposes of this meeting, include alpha emitters, beta and photon emitters, and radium and uranium, but do not include radon. Under a court order on a stipulated agreement by the parties, USEPA agreed to publish final regulations for uranium, and to revise as necessary the current alpha, beta and photon emitters, and radium NPDWRs by November 2000. The USEPA is in the process of reviewing current scientific information, new technologies, cost factors, implementation issues, and other considerations relating to these contaminants in light of the Safe Drinking Water Amendments of 1996 (see 42

U.S.C. §300f *et seq.* (1996)). Before deciding on any course of action, USEPA is interested in obtaining views of individuals, agencies, and organizations, who have a stake in possible revisions to the drinking water regulations for radionuclides.

Section 17.6 of the Environmental Protection Act (415 ILCS 5/17.6 (1996)) provides that the

“maximum contaminant levels of barium, fluoride and radionuclides (including radium 226, radium 228, uranium, radon, gross alpha particle and gross beta activity) in Illinois public water supplies shall be the enforceable maximum concentration limits promulgated from time to time by the Administrator of the U. S. Environmental Protection Agency to implement Sections 1401 and 1412 of the federal Safe Drinking Water Act.” ♦

Approval and Implementation of an Illinois State Implementation Plan

By means of a direct final rule effective September 8, 1997, the United States Environmental Protection Agency (USEPA) approved a revision to the Illinois State Implementation Plan (SIP). 62 Fed. Reg. 62951 (November 26, 1997). The Illinois SIP tightens volatile organic material (VOM) regulations for cold cleaning degreasing operations in the Chicago and Metro-East ozone nonattainment areas. 62 Fed. Reg. 62951 (November 26, 1997). VOM combines with oxides of nitrogen in the atmosphere to form ground-level ozone, commonly known as smog. Exposure to ozone is associated with a wide variety of human health effects, agricultural crop loss, and damage to forests and ecosystems.

The VOM rules were adopted by the Board in a rulemaking docketed as R97-24, on June 5, 1997, and became effective June 20, 1997 (21 Ill. Reg. 7708, 7721 (June 20, 1997)). The Illinois Environmental Protection Agency formally submitted the rules to USEPA on September 8, 1997, as a revision to the Illinois SIP for ozone. USEPA made a finding of completeness in a letter dated October 9, 1997.

Illinois intends to include the tightened cold cleaning degreasing regulations as part of its 1999 and 2002 Rate of Progress Plans. Section 182(c)(2)(B) of the Clean Air Act (42 U.S.C. § 182(c)(2)(B) (1990)) requires any serious and above ozone nonattainment area to achieve post-1996 ROP reductions of 3% of VOM 1990 baseline emissions per year, averaged over each consecutive 3-year period, until the area has achieved the attainment of the 1-hour ozone national ambient air quality standard. Illinois expects that the control measures specified in this SIP revision will reduce VOM emissions by 11.35 tons per day (TPD) by 1999 in the Chicago area and .79 TPD by 1999 in the Metro-East area.

The direct final rule is effective on January 26, 1998, unless USEPA receives written adverse or critical comments by December 26, 1997. Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR-18J), USEPA, 77 West Jackson Boulevard, Chicago, Illinois 60604. ♦

Clarification of Standards of Performance for New Stationary Sources: Nonmetallic Mineral Processing Plants

On November 26, 1997, the United States Environmental Protection Agency (USEPA) clarified the applicability of the new source performance standards for nonmetallic mineral processing plants (40 CFR 60.6700(a)). 62 Fed. Reg. 62953 (November 26, 1997). This action is necessary because of incorrect guidance and preamble language regarding the regulation's applicability to affected facilities in the nonmetallic mineral processing industry. The April 1991 "Regulatory and Inspection Manual for Nonmetallic Mineral Processing Plants" included the following incorrect statement: "Subpart 000 affected facilities begin with the first crushing or grinding operation at the plant."

Section 60.670(a) of subpart 000 lists the affected facilities in fixed or portable nonmetallic mineral processing plants. This lists includes each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, and enclosed truck or railcar loading station. The clear intent of the regulation is that all facilities listed in Section 60.670(a) are subject to subpart 000. While subpart 000 affected operations typically have crushers or grinding mills located at or near the beginning of the nonmetallic mineral processing line, this is not always the case (*e.g.*, some plants may convey, screen, or otherwise process materials without first utilizing a crusher located in the plant). Therefore, USEPA is clarifying that as long as crushing or grinding occurs anywhere at a nonmetallic mineral processing plant, any affected facility listed in Section 60.670(a) is subject to subpart 000 regardless of its location within the plant. USEPA expects that plants that have not considered facilities prior to the first crushing or grinding operations as affected facilities, will now ensure that those affected facilities will meet all the applicable regulatory requirements. ♦

Notice of Consent Decree in United States v. Ford Motor Company, Chicago, Illinois Assembly Plant

On November 21, 1997, notice was given that a proposed consent decree in United States v. Ford Motor Company, civil action no. 97 C 7716, has been lodged with the United States District Court for the Northern District of Illinois on November 3, 1997. 62 Fed. Reg. 62348 (November 21, 1997). The consent decree resolves claims asserted against defendant, Ford Motor Company (Ford), under the Clean Air Act (42 U.S.C. 7401 *et seq.* (1990)) for violations of 40 CFR 52.741(x), which was part of a federal implementation plan for the Chicago metropolitan area ozone nonattainment area. Under the proposed consent decree, Ford will implement and maintain specific measures that will substantially reduce emissions from cleanup solvents at Ford's Chicago Assembly Plant, and Ford will pay a civil penalty of \$135,000.

Comments may be sent until December 22, 1997, to the Assistant Attorney General of the Environmental and Natural Resources Division, United States Department of Justice, P.O. Box 7611, Washington, D.C. 20044, and should refer to D.J. Ref. 909-5-2-1-1932. ♦

Rquest for Proposals for Great Lakes National Program Office Funding

The United States Environmental Protection Agency's (USEPA) Great Lakes National Program Office (GLNPO) is requesting the submission of proposals for GLNPO funding. This request is part of the fiscal year 1998-1999 Great Lakes Priorities and Funding Guidance (Funding Guidance). The Funding Guidance identifies Great Lakes priorities, solicits proposals for assistance projects, and describes other federal Great Lakes funding opportunities. Under the Funding Guidance, proposals are requested for a total of up to \$3.7 million in funding targeted to: contaminated sediments (\$1.4 million), pollution prevention (\$700 thousand), assessment/indicators (\$200 thousand), habitat protection and restoration (\$1.1 million), and exotic species (\$300 thousand). The deadline for submissions of preproposals is January 15, 1998. For further information contact Mike Russ, USEPA-GLNPO, G-17J, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-4013, e-mail: russ.michael@epamail.epa.gov. ♦

FINAL DECISIONS 11/6/97

96-263 People of the State of Illinois v. George Ribble - The Board accepted a stipulation and settlement agreement in this air enforcement action involving a Cook County facility, ordered respondent to pay a civil penalty of \$35,000, ordered him to perform a supplemental environmental project, and ordered respondent to cease and desist from further violations.

97-48 People of the State of Illinois v. Sentry Asbestos Abatement Company, Inc. - The Board accepted a stipulation and settlement agreement in this air enforcement action involving a Ford County facility, ordered respondent to pay a civil penalty of \$2,500, and ordered respondent to cease and desist from further violations.

97-49 People of the State of Illinois v. K & B Wrecking, Ltd. - The Board accepted a stipulation and settlement agreement in this air enforcement action involving a Cook County facility, ordered respondent to pay a civil penalty of \$10,000, and ordered respondent to cease and desist from further violations.

97-102 Borden Chemicals and Plastic Operating Limited Partnership v. IEPA - The Board granted this Sangamon County facility a variance, subject to conditions, from the general use water quality standards for temperature set forth at 35 Ill. Adm. Code 302.211(b)-(e) and 304.105. Board Member K.M. Hennessey abstained.

97-233 Citizens Opposed to Additional Landfills and Harvey C. Pitt, individually and as a member of Citizens Opposed to Additional Landfills v. Greater Egypt Regional Environmental Complex a/k/a Gere Properties, Inc. and the Perry County Board of Commissioners - The Board affirmed the May 27, 1997, decision of the Perry County Board of Commissioners granting siting approval to respondent, Gere Properties, Inc.

98-15 Consolidation Coal Company v. IEPA - The Board granted petitioner's motion for withdrawal of this air permit appeal involving a Jefferson County facility.

98-64 Commonwealth Edison Company (Dresden Station) v. IEPA - Upon receipt of an IEPA recommendation, the Board granted this Grundy County facility a 45-day provisional variance, subject to conditions, from certain effluent discharge requirements of the water pollution control regulations, as set forth in Special Conditions Nos. 2A, 2D, and 2G of National Pollutant Discharge Elimination System Permit No. IL002224, 35 Ill. Adm. Code 302.211(d), 304.141(c), and the Board's order In the Matter of: 410 (c) Petition for Dresden Nuclear

Generating Station (July 8, 1981), PCB 79-134. Board Member K.M. Hennessey abstained.

98-65 City of Kewanee v. IEPA - Upon receipt of an IEPA recommendation, the Board granted this Henry County facility a 45-day provisional variance, subject to conditions, from certain effluent discharge requirements of the water pollution control regulations, as set forth in Special Condition No.12 of its National Pollutant Discharge Elimination System Permit No. IL0029343, and 35 Ill. Adm. Code 305.102, 309.146(a)(4), and 304.141(b). Board Member K.M. Hennessey abstained.

98-66 Diamond Plating Company, Inc. v. IEPA - Upon receipt of an IEPA recommendation, the Board granted a nine-day provisional variance from the 90-day limitation on the accumulation of hazardous wastes at this Madison County facility.

AC 98-2 IEPA v. Frank A. Olson - The Board entered an order finding that this Henderson County respondent violated Section 21(p)(1) of the Environmental Protection Act and ordered him to pay a civil penalty of \$500.

AC 98-9 County of Vermilion v. Emery Johnson - The Board entered an order dismissing this administrative citation for failure to perfect service within 60 days of the date of the observed violation.

R96-10 In the Matter of: RCRA Update, USEPA Regulations (July 1, 1995 through December 31, 1995) - The Board adopted amendments to the underground injection control and hazardous waste regulations found at 35 Ill. Adm. Code 702, 703, 720 through 726, 728, 733, 738, and 739. Consolidated with R97-3 and R97-5. *See Rulemaking Update.*

R97-3 In the Matter of: UIC Update, USEPA Regulations (January 1, 1996 through June 30, 1996) - The Board adopted amendments to the underground injection control and hazardous waste regulations found at 35 Ill. Adm. Code 702, 703, 720 through 726, 728, 733, 738, and 739. Consolidated with R96-10 and R97-5. *See Rulemaking Update.*

R97-5 In the Matter of: In the Matter of RCRA Update, USEPA Regulations (January 1, 1996 through June 30, 1996) - The Board adopted amendments to the underground injection control and hazardous waste regulations found at 35 Ill. Adm. Code 702, 703, 720 through 726, 728, 733, 738, and 739. Consolidated with R96-10 and R97-3. *See Rulemaking Update.*

FINAL DECISIONS 11/20/97

91-219 General Motors Corporation, Powertrain Division v. IEPA - The Board granted petitioner's motion for withdrawal of this National Pollutant Discharge Elimination System permit appeal involving a Vermilion County facility. Board Member K.M. Hennessey abstained.

94-199 Citizens Utilities Company of Illinois v. IEPA - The Board granted petitioner's motion for withdrawal of this National Pollutant Discharge Elimination System permit appeal involving a Will County facility. Board Member K.M. Hennessey abstained.

96-265 Edward M. Pearl v. Bicoastal Corporation, Singer Corporation, and Eaton Corporation - The Board granted complainant's motion for withdrawal of this citizen's land enforcement action involving a McHenry County facility.

97-84 George Casanave v. Amoco Oil Company - The Board granted respondent's motion for dismissal of this citizen's underground storage tank enforcement action involving a Cook County facility, finding that there is no set of facts in the complaint which can be proven that would entitle the complainant to relief. Board Member R.C. Flemal concurred.

97-111 People of the State of Illinois v. John Prior and Industrial Salvage, Inc. - The Board entered an order finding that these Marion County respondents violated Sections 12(a), 21(d)(1), (d)(2), and (o)(11) of the Environmental Protection Act (Act) (415 ILCS 5/12(a), 21(d)(1), (d)(2), (o)(11) (1994)) and Sections 620.115, 620.301, 620.302(c), 620.405, 620.410, 807.313, and 807.315 of the Board's groundwater quality standards (35 Ill. Adm. Code 620.115, 620.301, 620.302(c), 620.405, 620.410, 807.313, 807.315). The Board further imposed a civil penalty against respondents in the amount of \$287,000 and ordered respondents to reimburse complainant \$2,520 for attorney fees associated with prosecuting this enforcement action. Finally, the Board directed John Prior and Industrial Salvage, Inc. to cease and desist from further violations of the Act and Board regulations. Board Member K.M. Hennessey abstained.

98-33 East Saint Louis Authority v. IEPA - 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 St. Clair County facility.

98-35 Sycamore Community Unit School District No. 427 v. IEPA - 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 DeKalb County facility.

98-39 W.E.S. Enterprises, Inc. v. IEPA - 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.

98-68 Fedders Corporation v. IEPA - Upon receipt of an IEPA recommendation, the Board granted a 30-day provisional variance from the 90-day limitation on the accumulation of hazardous wastes at this Effingham County facility.

98-69 North Shore Sanitary District (Waukegan, Gurnee, and Clavey Road Sanitary Treatment Plants) v. IEPA - Upon receipt of an IEPA recommendation, the Board granted this Lake County facility a 45-day provisional variance, subject to conditions, from certain effluent discharge requirements of the water pollution control regulations, as set forth in Special Condition No. 8 of its National Pollutant Discharge Elimination System Permits Nos. IL0030244 (Waukegan), IL0035092 (Gurnee), and IL0030171 (Clavey Road) and 35 Ill. Adm. Code 302.208(d) and 304.141(a). Board Member K.M. Hennessey abstained.

98-70 Citizens Utilities Company of Illinois (Valley Marina Water Reclamation Facility) v. IEPA - Upon receipt of an IEPA recommendation, the Board granted this Henry County facility a 45-day provisional variance, subject to conditions, from certain effluent discharge requirements of the water pollution control regulations, as set forth in National Pollutant Discharge Elimination System Permit No. IL0031551 and 35 Ill. Adm. Code 304.120 and 304.141(a). Board Member K.M. Hennessey abstained.

AC 97-55 County of Will v. Phyllis Harrington and Phillip Sandberg, Jr. - The Board granted complainant's motion for withdrawal of this administrative citation involving a Will County facility.

AC 98-11 County of Will v. Kavanaugh Enterprises, Inc. - The Board entered an order finding that this Will County respondent violated Sections 21(p)(1) and (p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3) (1996)), and ordered it to pay a civil penalty of \$1,000.

997-13 In the Matter of: Emissions Reduction Market System Adoption of 35 Ill. Adm. Code 205 - The Board adopted amendments adding 35 Ill. Adm. Code 205 to the air pollution control regulations. **See Rulemaking Update.**

997-20 In the Matter of: RCRA Update, Subtitle D, USEPA Regulations (July 1, 1996 through December 31, 1996) - The Board adopted identical-in-substance

amendments to the hazardous waste regulations found at 35 Ill. Adm. Code 811. **See Rulemaking Update.**

998-8 In the Matter of: Clean Fuel Fleet Program: Amendments to 35 Ill. Adm. Code 241 - The Board adopted amendments to the air pollution control regulations found at 35 Ill. Adm. Code 241. **See Rulemaking Update.**

NEW CASES 11/6/97

98-36 OK Service Center v. IEPA - The Board accepted for hearing this appeal of an underground storage tank decision on behalf of a Cook County facility.

98-54 Edward Malina v. Jean Day - The Board held this citizen's underground storage tank enforcement action against a DuPage County facility for a duplicitous and frivolous determination.

98-55 Donald McCarrell and Ann McCarrell v. Air Distribution Associates, Inc. - The Board held this citizens' land enforcement action against a DuPage County facility for a duplicitous and frivolous determination.

98-56 People of the State of Illinois v. Certified Wrecking Company, Inc. - The Board received for hearing this air enforcement action against a Cook County facility.

98-57 Edward J. and Janina E. Klich v. Wal-Mart (Facility #1003) - The Board accepted for hearing this citizens' noise enforcement action against a DuPage County facility.

98-58 People of the State of Illinois v. Stephen Berger d/b/a Layer One - The Board received for hearing this Resources Conservation and Recovery Act enforcement action against a Winnebago County facility.

98-59 Morton College Board of Trustees of Illinois, Community College District No. 527 v. Town of Cicero - The Board received for hearing this Resources Conservation and Recovery Act enforcement action against a Cook County facility.

98-60 CDT Landfill Corporation v. City of Joliet - The Board accepted for hearing this appeal of a pollution control facility (landfill) siting decision involving a Will County facility.

98-61 People of the State of Illinois v. James Patton, an individual d/b/a A & J Manufacturing - The Board received for hearing this Resources Conservation and Recovery Act enforcement action against a Cook County facility.

98-62 Raymond S. Hara v. IEPA - The Board accepted for hearing this appeal of an underground storage tank decision involving a Cook County facility. As two separate IEPA decisions were involved, the Board split this docket and opened PCB 98-67. This appeal covers the invoice period from February 7, 1993, to November 13, 1993. Board Member K.M. Hennessey abstained.

98-63 Exolon ESK Company v. IEPA - The Board accepted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Putnam County facility. Board Member K.M. Hennessey abstained.

98-64 Commonwealth Edison Company (Dresden Station) v. IEPA - **See Final Actions**

98-65 City of Kewanee v. IEPA - **See Final Actions**

98-66 Diamond Plating Company, Inc. v. IEPA - **See Final Actions**

98-67 Raymond S. Hara v. IEPA - The Board accepted for hearing this appeal of an underground storage tank decision involving a Cook County facility. This docket was opened as a result of the Board's order in PCB 98-62. The appeal covers the invoice period from February 3, 1994, to January 23, 1995. Board Member K.M. Hennessey abstained.

AC 98-12 County of Will v. Albert Barnes and Mary Barnes - The Board received an administrative citation against these Will County respondents.

AC 98-13 IEPA v. Mandarin Investment Corporation, Jayne Lien, and Fred Rosenberger - The Board received an administrative citation against these Champaign County respondents.

R98-12 In the Matter of: Amendment of 35 Ill. Adm. Code 703, 720, 721, 724, 725, 728, and 733 (Standards for Universal Waste Management) - The Board accepted for hearing the IEPA's proposal to amend the Board's regulations concerning standards for universal waste management. - *See Rulemaking Update*

R98-14 In the Matter of: Petition of PDV Midwest Refining, L.L.C. for Site-Specific Rule Change from 35

Ill. Adm. Code 304.213 - The Board accepted for hearing petitioner's proposal to amend and renew a previously granted site-specific rule in the Board's water discharge regulations. - *See Rulemaking Update*

R98-15 In the Matter of: Clean-Up Amendments to 35 Ill. Adm. Code Part 215 - The Board accepted for hearing the IEPA's proposal to amend the Board's air pollution control regulations. - *See Rulemaking Update*

NEW CASES 11/20/97

98-68 Fedders Corporation v. IEPA - *See Final Actions*

98-69 North Shore Sanitary District (Waukegan, Gurnee, and Clavey Road Sanitary Treatment Plants) v. IEPA - *See Final Actions*

98-70 Citizens Utilities Company of Illinois (Valley Marina Water Reclamation Facility) v. IEPA - *See Final Actions*

98-71 Brickyard Disposal and Recycling, Inc. v. IEPA - The Board accepted this request for a 90-day extension of time to file a permit appeal on behalf of a Vermilion County facility.

98-72 St. Clair Properties Development, Inc. v. IEPA - The Board held this request for a permit appeal on behalf of a St. Clair County facility, finding the petition deficient, and requesting the filing of an amended petition within 30 days to cure the deficiencies.

AC 98-14 County of Montgomery v. Envotech-Illinois, Inc. - The Board received an administrative citation against this Montgomery County respondent.

AS 98-3 In the Matter of: Petition of Sundstrand Corporation for an Adjusted Standard from 35 Ill. Adm. Code 215.204(j)(3) - The Board acknowledged receipt of this petition for an adjusted standard from certain requirements on behalf of a Winnebago County facility and held it pending receipt of a certificate of publication.

AS 98-4 In the Matter of: Petition of Sundstrand Corporation for an Adjusted Standard from 35 Ill. Adm. Code 215.204(j)(3) - The Board acknowledged receipt of this petition for an adjusted standard from certain requirements on behalf of a Winnebago County facility and held it pending receipt of a certificate of publication.

CALENDAR OF MEETINGS

Date & Time	Docket Number	Case Name	Location of Hearing
12/15/97 10:00am	R 98-12	In the Matter of: 35 Ill. Adm. Code 703, 720, 721,724, 728, and 733 (Standards for Universal Waste Management)	James R. Thompson Center, 100 West Randolph Street, Suite 9-040, Chicago, IL 60601
12/18/97 10:30am		Illinois Pollution Control Board Meeting	James R. Thompson Center, 100 West Randolph Street, Suite 9-040, Chicago, IL 60601
12/18/97 1:30pm	R 98-15	In the Matter of: Clean-up Amendments to 35 Ill. Adm. Code Part 215	James R. Thompson Center, 100 West Randolph Street, Suite 8-032, Chicago, IL 60601
12/19/97 10:00am	PCB 98-60	CDT Landfill Corporation v. City of Joliet	Joliet City Hall, Council Chambers, 150 West Jefferson Street, Joliet, IL 60432
12/19/97 10:00am	R 97-27	In the Matter of Revision to Waste Disposal Rules: Amendment to 35 Ill. Adm. Code 817.101	Illinois State Library, Room 403/404, 300 South Second Street, Springfield, IL 62704
12/22/97 1:00pm	R 98-15	In the Matter of: Clean-up Amendments to 35 Ill. Adm. Code Part 215	Illinois Pollution Control Board, 600 South Second Street, Fourth Floor Conference Room, Springfield, IL 62704
12/23/97	<i>IEPA Hearing</i>	<i>Illinois EPA's Revolving Loan Fund Intended Use for the Public Water Supply Loan Program for 1998</i>	<i>Illinois EPA, Bureau of Water, 1001 N. Grand Ave. East, Springfield, IL 62702</i>
1/8/98 10:30am		Illinois Pollution Control Board Meeting	James R. Thompson Center, 100 West Randolph Street, Suite 9-040, Chicago, IL 60601
1/8/98 1:00pm	R98-16	In the Matter of: Petition of W.R. Grace & Co. - Conn. and the IEPA for Site Specific Air Regulation: 35 Ill. Adm. Code 218.940(h)	James R. Thompson Center, 100 West Randolph Street, Suite 9-031, Chicago, IL 60601
1/9/98 1:30am	AC 97-71	County of Will v. Michael O'Gradney, Will County Docket No. WC 97 AC 15	Will County Courthouse, 14 West Jefferson Street, Room 100, Joliet, IL 60432
1/12/98 10:00am	R 98-13	In the Matter of: Amendments to General Permitting Provisions to Require Perpetual Permits for Certain Sources: Amendment to 35 Ill. Adm. Code 201	Illinois Police Training Board, 600 South Second Street, Third Floor Conference Room, Springfield, IL 62702
1/22/98 10:30am		Illinois Pollution Control Board Meeting	James R. Thompson Center, 100 West Randolph Street, Suite 9-040, Chicago, IL 60601