

# Environmental Register

NUMBER 536



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A PUBLICATION OF THE ILLINOIS POLLUTION CONTROL BOARD

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## FEDERAL ACTIONS

### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY ISSUES PROPOSED FINDING FOR CONTROL OF EMISSIONS FROM NONROAD SPARK-IGNITION ENGINES RATED ABOVE 19 KILOWATTS AND NEW LAND-BASED RECREATIONAL SPARK-IGNITION ENGINES

On February 8, 1999, the United States Environmental Protection Agency (USEPA) proposed a finding that nonroad spark-ignition engines rated above 19 kilowatts, as well as all land-based recreational nonroad spark-ignition engines, cause or contribute to air quality nonattainment in more than one ozone or carbon monoxide nonattainment area. 64 Fed. Reg. 6008 (February 8, 1999). The USEPA also proposed a finding that particulate matter emissions from these engines cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. The USEPA states that this notice of proposed finding sets in motion the eventual regulation of emissions from these engines.

The USEPA has established emission standards for several nonroad engine categories. The categories of nonroad engines for which standards currently exist cover a variety of applications, including farm and construction

 FEDERAL ACTIONS CONTINUED ON PAGE THREE

## RULEMAKING UPDATE

### BOARD ADOPTS RULES IN IN THE MATTER OF: HEARINGS PURSUANT TO SPECIFIC RULES, PROPOSED NEW SUBPART K, INVOLUNTARY TERMINATION OF ENVIRONMENTAL MANAGEMENT SYSTEM AGREEMENTS, 35 ILL. ADM. CODE 106, SUBPART K, R99-9

On February 4, 1999, the Board adopted rules at 35 Ill. Adm. Code 106, Involuntary Termination Procedures for Environmental Management System Agreements (EMSAs). Section 52.3 of the Environmental Protection Act (Act) (415 ILCS 5/52.3 (1996)) allows the Illinois Environmental Protection Agency (IEPA) to enter into EMSAs with persons regulated under the Act. An EMSA is an agreement between a person and the IEPA that allows the person to implement innovative environmental measures in lieu of complying with otherwise applicable environmental laws or regulations. The innovative measures should yield greater environmental benefits than the otherwise applicable environmental laws or regulations.

Section 52.3 of the Act directed the IEPA to propose to the Board procedures and criteria for involuntary termination of EMSAs. On August 17, 1998, the IEPA filed a proposal for rulemaking and, on August 20, 1998, the Board adopted the proposal for first notice without commenting on the merits of the IEPA's proposal. A 45-day public comment period commenced upon publication of the first-notice proposal in the *Illinois Register* (see 22 Ill. Reg. 15926 (September 3, 1998)). The Board held two hearings in this matter: the first, in Chicago, on September 29, 1998; and the second, in Springfield, on October 6, 1998. On December 17, 1998, the Board adopted the proposal for second-notice review by the Joint Committee on Administrative Rules (JCAR). JCAR considered the rules at its January 12, 1999 meeting and voted no objection to the rules as proposed. The adopted rules are published at 21 Ill. Reg. 2697 (February 26, 1999).

 RULEMAKING UPDATE CONTINUED ON PAGE TWO

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**RULEMAKING UPDATE**

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The rules provide that the IEPA may summarily terminate an EMSA. However, the rules set forth the criteria that the IEPA must satisfy to summarily terminate an EMSA. Summary terminations of EMSAs are appealable to the Board for review of permit decisions as provided in Section 40 of the Act. The rules also contain provisions providing for filing of responses, discovery requests, and burden of proof.

Please direct any further questions regarding this rulemaking to Richard McGill at 312/814-6983; e-mail address: mcgill@pcb084r1.state.il.us

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**BOARD ADOPTS AMENDMENTS IN IDENTICAL-IN-SUBSTANCE RULEMAKING IN IN THE MATTER OF: SDWA UPDATE, USEPA REGULATIONS (JANUARY 1, 1998, THROUGH JUNE 30, 1998), R99-6**

On February 4, 1999, the Board adopted rules that are identical in substance to the National Primary Drinking Water regulations (NPDWRs) adopted by the United States Environmental Protection Agency (USEPA). Section 17.5 of the Environmental Protection Act (Act) (415 ILCS 5/17.5 (1996)) provides for quick adoption, pursuant to Section 7.2 of the Act, of regulations that are identical in substance to federal regulations that the USEPA adopts to implement sections of the Safe Drinking Water Act (SDWA).

The adopted amendments implement Sections 1412(b), 1414(c), 1417(a), and 1445(a) of the SDWA (42 U.S.C. §§ 300g-1(b), 300g-6(a), 300j-4(a)). This consolidated docket includes federal SDWA amendments that the USEPA adopted from January 1, 1998, through June 30, 1998. See 63 Fed. Reg. 23361 (April 28, 1998); 63 Fed. Reg. 31932 (June 11, 1998). The USEPA undertook two actions during this period: a revision to the state primacy requirements that included an expansion of the definition of the term "public water system," and the removal of the prohibition against the use of point-of-use devices to achieve compliance with an NPDWR.

The amendments are codified at 35 Ill. Adm. Code 611.101, 611.290, and 611.126. On November 19, 1998, the Board adopted a proposal for public comment in this matter. The proposal was thereafter published in the *Illinois Register* (see 22 Ill. Reg. 21236 (December 11, 1998)).

Please direct any questions regarding this rulemaking to: Michael McCambridge at 312/814-6924; e-mail address: mmccambr@pcb084r1.state.il.us

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**BOARD ADOPTS AMENDMENTS IN IDENTICAL-IN-SUBSTANCE RULEMAKING IN IN THE MATTER OF: RCRA SUBTITLE D UPDATE, USEPA REGULATIONS (JANUARY 1, 1998, THROUGH JUNE 30, 1998), R99-1**

On February 4, 1999, the Board adopted amendments in this identical-in-substance rulemaking in In the Matter of: RCRA Subtitle D Update, USEPA Regulations (January 1, 1998, through June 30, 1998), R99-1. Section 22.40(a) of the Environmental Protection Act (Act) (415 ILCS 5/22.40(a) (1996)) provides for quick adoption, pursuant to Section 7.2 of the Act, of regulations that are identical in substance to federal municipal solid waste landfill (MSWLF) regulations that the United States Environmental Protection Agency (USEPA) adopts to implement Sections 4004 and 4010 of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. §§ 6944 and 6949a (1996)).

The federal action (see 63 Fed. Reg. 17706 (April 10, 1998)) that underlies this proceeding requires amendment of the Illinois RCRA Subtitle D MSWLF regulations. In that federal action, the USEPA adopted amendments that allow private owners and operators of MSWLF facilities to use two additional mechanisms for establishing financial assurance for facility closure, post-closure care, and correction action. The added mechanisms are a corporate financial test for self-assurance and a corporate guarantee by a guarantor that has a "substantial business relationship" with the owner or operator. To revise the Illinois regulations to incorporate the federal amendments found at 40 C.F.R. §§ 258.74(e) and (g), the Board added new Sections 811.719 and 811.720, respectively. The Board also amended Sections 811.706, 811.707, and 811. Appendix B to incorporate the two new financial mechanisms into Illinois' rules. Finally, the Board made several minor grammatical changes to the text of the amended rules.

On November 19, 1998, the Board adopted a proposal for public comment in this rulemaking. The proposed amendments were thereafter published in the *Illinois Register* (22 Ill. Reg. 21276 (December 11, 1998)).

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

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**BOARD DISMISSES RESERVED IDENTICAL-IN-SUBSTANCE RULEMAKING DOCKETS, R99-11, R99-13, AND R99-16**

On February 18, 1999, the Board dismissed reserved identical-in-substance rulemakings dockets in In the Matter of: Definition of VOM Update, USEPA Regulations (July 1, 1998, through December 31, 1998) (February 18, 1999), R99-11; In the Matter of: UIC Update, USEPA Regulations (July 1, 1998, through December 31, 1998) (February, 18, 1999), R99-13; and In the Matter of: UST Update, USEPA Regulations

(July 1, 1998, through December 31, 1998) (February 18, 1999), R99-16. In each program, the United States Environmental Protection Agency (USEPA) did not amend its rules during the period from July 1, 1998, through December 31, 1998. Accordingly, no Board action is required so each reserved docket was dismissed. Section 7.2 of the Environmental Protection Act (Act) (415 ILCS 5/7.2 (1996)) requires the Board to adopt regulations which are identical in substance to regulations adopted by the USEPA. The term identical in substance is defined in Section 7.2 of the Act.

**FEDERAL ACTIONS**  
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equipment, marine vessels, locomotives, and land and garden equipment. Lawn and garden equipment use nonroad spark-ignition engines, but these engines are generally rated below 19 kilowatts. Emission standards targeting lawn and garden engines therefore apply only to engines rated at or below 19 kilowatts. In contrast, nonroad spark-ignition engines rated above 19 kilowatts and all spark-ignition engines used in land-based recreational applications are not currently subject to federal emission standards. The USEPA anticipates that various commercial forklifts, generators, sprayers, cranes, and other commercial equipment may be covered by these regulations.

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
ADOPTS AMENDMENTS PURSUANT TO THE EMERGENCY  
PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT REGARDING  
HAZARDOUS CHEMICAL REPORTING THRESHOLDS FOR GASOLINE  
AND DIESEL FUEL AT RETAIL GAS STATIONS**

On February 11, 1999, the United States Environmental Protection Agency (USEPA) adopted amendments raising the threshold levels that trigger Material Safety Data Sheet (MSDS) reporting and annual chemical inventory reporting under Sections 311 and 312 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) (42 U.S.C. §§ 11021, 11022 (1986)), for gasoline and diesel fuel stored entirely underground at retail gas stations that comply with requirements for underground storage tanks. 64 Fed. Reg. 7031 (February 11, 1999). The amendments promulgate new threshold levels of 75,000 gallons for gasoline and 100,000 gallons for diesel fuel. These new threshold levels will relieve most retail gas stations from reporting gasoline and diesel fuel under EPCRA. The USEPA anticipates that the amendments will reduce reporting burdens while preserving the important public health and safety benefits of the hazardous chemical reporting requirements.

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
PROPOSES NATIONAL EMISSION STANDARDS FOR HAZARDOUS  
AIR POLLUTANTS FOR SECONDARY ALUMINUM PRODUCTION  
FACILITIES**

On February 11, 1999, the United States Environmental Protection Agency (USEPA) proposed national emission standards for hazardous air pollutants (NESHAP) for new and existing sources at secondary aluminum production facilities. 64 Fed. Reg. 6945 (February 11, 1999). Hazardous air pollutants (HAP) emitted by these facilities which would be regulated by this proposed rule include: HAP organics; HAP inorganics (hydrogen chloride, hydrogen fluoride, and chlorine), and particulate HAP metals. Some of these pollutants, including 2-,3-,7-,8-tetrachlorodibenzo-p-dioxin, are considered to be known or suspected carcinogens and all can cause toxic effects following sufficient exposure.

The proposed standards are promulgated under the authority of Section 112(d) of the Clean Air Act (42 U.S.C. § 7412(d) (1990)) and are based on the USEPA Administrator's determination that secondary aluminum production plants are major sources of HAP emissions and emit several of the HAPs listed in Section 112(b) of the Clean Air Act (42 U.S.C. § 112(b) (1990)) from the various process operations found within the aluminum production industry.

The USEPA anticipates that the proposed NESHAP would reduce risks to public health and the environment by requiring secondary aluminum production plants to meet emission standards reflecting application of the maximum available control technology. Secondary aluminum production plants that are area sources would be subject to limitations on emissions of dioxins and furans only. Implementation of the proposed NESHAP would reduce emissions of HAPs and other pollutants by about 16,600 megagrams per year, *i.e.*, 18,300 tons per year.

The Board anticipates that these amendments will be incorporated into an identical-in-substance rulemaking in accordance with Sections 7.2 and 9.1(b) of the Environmental Protection Act (415 ILCS 5/7.2, 9.1(b) (1996)).

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND  
THE CENTERS FOR DISEASE CONTROL AND PREVENTION  
ISSUE NOTICE OF DATA AVAILABILITY AND REQUEST FOR PUBLIC  
COMMENTS REGARDING THE HEALTH EFFECTS FROM EXPOSURE TO  
HIGH LEVELS OF SULFATE IN DRINKING WATER**

On February 11, 1999, the United States Environmental Protection Agency (USEPA) and the Centers for Disease Control and Prevention (CDC) issued a notice of data availability and request for public comment regarding the health effects from exposure to high levels of sulfate in drinking water. 64 Fed.

Reg. 7028 (February 11, 1999). In accordance with the Safe Drinking Water Act, as amended in 1996 (42 U.S.C. § 300f et seq. (1996)), the study is intended to establish reliable dose-response relationships for the adverse human health effects from exposure to sulfate in drinking water, including the health effects that may be experienced by sensitive populations (infants and travelers). The USEPA and the CDC expect that they will complete the study by the end of February 1999. The USEPA indicated that the notice provides a summary of a study entitled the "Health Effects from Exposure to High Levels of Sulfate in Drinking Water Study" and the "September 28, 1998 Sulfate Workshop Summary."

Public comments must be submitted to the USEPA on or before May 12, 1999. Send an original and three copies of your comment to: The Comment Clerk, Docket Number W-99-01, Water Docket (MC4101), USEPA, 401 M Street, S.W., Washington, D.C. 20460. For further information, please contact the Safe Drinking Water Hotline at 1-800-426-4791.

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY APPROVES ILLINOIS STATE IMPLEMENTATION PLAN: CLEAN FUEL FLEET PROGRAM REVISION**

On February 17, 1999, the United States Environmental Protection Agency (USEPA) approved a February 13, 1998 Illinois State Implementation Plan (SIP) revision request pertaining to the Illinois Clean Fuel Fleet Program. 64 Fed. Reg. 7788 (February 17, 1999). In this action, the USEPA approved rules adopted by the Board in In the Matter of: Clean Fuel Fleet Program (November 7 1997), R98-8. The SIP revision delays the implementation of the Illinois Clean Fuel Fleet Program purchase requirement from model year 1989 to model year 1999, based on the USEPA's decision to allow states to delay purchase requirements. This change is intended to ensure successful implementation of the Illinois Clean Fuel Fleet Program, and to ensure that an adequate supply of appropriate vehicles is available for fleet operators to purchase once the program is underway.

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**DEPARTMENT OF JUSTICE ISSUES NOTICE OF PROPOSED CONSENT DECREE IN UNITED STATES V. USX CORP. ET AL. REGARDING YEOMAN CREEK LANDFILL SUPERFUND SITE LOCATED IN WAUKEGAN, LAKE COUNTY, ILLINOIS**

On February 18, 1999, the Department of Justice issued a notice of a February 4, 1999 proposed consent decree in United States v. USX Corp., et al. (N.D., IL), Civil No. 98 C 6489, pertaining to the Yeoman Creek Landfill Superfund Site (site) located in Waukegan, Lake County. The proposed consent decree was issued in accordance with 28 C.F.R. § 50.7 and Section 122 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. § 9622). The pro-

posed consent decree resolves the United States' civil claims against seven "settling work defendants" and three "settling cash defendants." The "settling work defendants" include: Browning-Ferris Industries, Inc.; Browning-Ferris Industries of Illinois, Inc.; The City of Waukegan, Illinois; the Goodyear Tire & Rubber Company; The Dexter Corporation; Waukegan Community School District Number 60; and Outboard Marine Corporation. The "settling cash defendants" include: Fansteel, Inc.; Abbott Laboratories; and the City of North Chicago, Illinois. The proposed consent decree also resolves the alleged site-related liability of two "settling federal agencies," the Department of the Navy and the Department of Veteran Affairs.

Under the proposed consent decree, the "settling work defendants" will commit to perform the remedy selected in the USEPA's Record of Decision for the site, at an estimated cost of \$26.3 million. The "settling cash defendants" and the "settling federal agencies" will contribute a total of \$4,761,500 toward the costs of that work.

The proposed consent decree was finalized on March 18, 1999. Please contact Stuart Hersh at 312/886-6235 if you have any questions regarding this matter.

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY APPROVES ILLINOIS STATE IMPLEMENTATION PLAN: MOTOR VEHICLE INSPECTION AND MAINTENANCE PROGRAM**

On February 22, 1999, the United States Environmental Protection Agency (USEPA) approved the remaining portions of a vehicle inspection and maintenance program submitted by the State of Illinois on June 29, 1996; these had been conditionally approved by the USEPA on June 25, 1996. 64 Fed. Reg. 8517 (February 22, 1999). The final approval of the conditionally-approved portions of the plan is based on Illinois' June 21, 1997 and December 9, 1998 submittals of additional documentation addressing the requirements of USEPA's conditional approval. See In the Matter of: Enhanced Vehicle Inspection and Maintenance (I/M) Regulations: Amendments to 35 Ill. Adm. Code 240 (July 8, 1998), R98-24. This revision to the Illinois program provides for the adoption and implementation of an enhanced inspection and maintenance program in both the Chicago severe ozone nonattainment area and the East St. Louis moderate ozone nonattainment area.

This rule is effective April 23, 1999, unless the USEPA received adverse written comments by March 24, 1999. Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR-18J), USEPA, Region 5, 77 W. Jackson Blvd., Chicago, Illinois 60604.

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## BOARD ACTIONS

February 4, 1999

Chicago, Illinois

### RULEMAKINGS

**R99-1** In the Matter of: RCRA Subtitle D Update, USEPA Regulations (January 1, 1998 through June 30, 1998) - The Board adopted a final opinion and order in this "identical-in-substance" rulemaking to amend the Board's hazardous waste disposal regulations. **Vote: 7-0**

**R99-6** In the Matter of: SDWA Update, USEPA Regulations (January 1, 1998 through June 30, 1998) - The Board adopted a final opinion and order in this "identical-in-substance" rulemaking to amend the Board's public water supply regulations. **Vote: 7-0**

**R99-9** In the Matter of: Hearings Pursuant to Specific Rules, Proposed New Subpart K, Involuntary Termination of Environmental Management System Agreements, 35 Ill. Adm. Code 106, Subpart K - The Board adopted a final opinion and order to establish procedures for the involuntary termination of Environmental Management System Agreements. **Vote: 7-0**

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### ADMINISTRATIVE CITATIONS

**AC 99-24** County of Will v. Donna K. Kelly - The Board found that this Will County respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (1996)) and ordered respondent to pay a civil penalty of \$500. **Vote: 7-0**

**AC 99-25** County of Lake v. North Shore Sanitary District, Lake County - The Board found that this Lake County respondent violated Section 21(o)(9) of the Environmental Protection Act (415 ILCS 5/21(o)(9) (1996)) and ordered respondent to pay a civil penalty of \$500. **Vote: 7-0**

**AC 99-26** IEPA v. Woodford Plaza, Inc. - The Board found that this Macon County respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (1996)) and ordered respondent to pay a civil penalty of \$500. **Vote: 7-0**

**AC 99-30** IEPA v. Streator Area Landfill, Inc. and Mark Hinds - The Board granted complainant's motion to dismiss respondent Mark Hinds from this action. **Vote: 7-0**

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### ADJUDICATORY CASES

#### DECISIONS

**PCB 93-3** People of the State of Illinois v. Archer Daniel Midland Company - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act (415 ILCS 5/31(c)(2) (1996)), accepted a stipulation and settlement agreement in this air enforcement action involving a Peoria County facility, ordered respondent to pay a civil penalty of \$75,000, and to cease and desist from further violations. **Vote: 7-0**

**PCB 98-172** People of the State of Illinois v. City of Chester - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act (415 ILCS 5/31(c)(2) (1996)), accepted a stipulation and settlement agreement in this water enforcement action involving a Randolph County facility, ordered respondent to pay a civil penalty of \$10,000, and to cease and desist from further violations. **Vote: 7-0**

**PCB 99-85** People of the State of Illinois v. Camboni's Incorporated d/b/a Wall's Mobile Home Park - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act (415 ILCS 5/31(c)(2) (1996)), accepted a stipulation and settlement agreement in this water enforcement action involving a DuPage County facility, ordered respondent to pay a civil penalty of \$10,000, and to cease and desist from further violations. **Vote: 7-0**

## PROVISIONAL VARIANCES

**PCB 99-96** Galesburg Sanitary District v. IEPA - The Board granted respondent's motion to amend the January 7, 1999 Board order. **Vote: 7-0**

**PCB 99-110** Chem Processing, Inc. v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted an 18-day provisional variance to this Winnebago County facility from the 90-day limitation on the accumulation of hazardous wastes, as set forth in 35 Ill. Adm. Code 722.134(b). **Vote: 7-0**

## MOTIONS AND OTHER MATTERS

**PCB 99-65** People of the State of Illinois v. Cheetah Cartage, Inc. - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action against a Kane County facility, the Board ordered publication of the required newspaper notice. **Vote: 7-0**

**PCB 99-68** Huntsman Chemical Corporation v. IEPA - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no permit appeal was timely filed on behalf of this LaSalle County facility. **Vote: 7-0**

**PCB 99-91** Cloverhill Bakery v. IEPA - The Board granted petitioner's motion for voluntary dismissal of this permit appeal involving a Cook County facility. **Vote: 7-0**

**PCB 99-103** Dynachem v. IEPA - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of a Vermilion County facility. **Vote: 7-0**

**PCB 99-106** Rapers Gas v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Lake County facility. **Vote: 7-0**

**PCB 99-107** Dewey's Service, Inc. v. IEPA - The Board dismissed this underground storage tank appeal involving a Winnebago County facility as it was not timely filed. **Vote: 7-0**

**PCB 99-108** Waste Professionals, Inc. d/b/a Pekin Landfill v. IEPA - The Board accepted for hearing this permit appeal involving a Tazewell County facility. **Vote: 7-0**

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February 18, 1999  
Chicago, Illinois

## RULEMAKINGS

**R99-11** In the Matter of: Definition of VOM Update, USEPA Regulations (July 1, 1998 through December 31, 1998) - The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its exemptions from the definition of volatile organic material regulations during the update period of July 1, 1998, through December 31, 1998. **Vote: 7-0**

**R99-13** In the Matter of: UIC Update, USEPA Regulations (July 1, 1998 through December 31, 1998) - The Board dismissed this reserved identical-in-substance docket because the two United States Environmental Protection Agency amendments to the underground injection control regulations during the update period of July 1, 1998, through December 31, 1998, were added to the Board's rules in the consolidated dockets R98-21/R99-2/R99-7 adopted on December 17, 1998. **Vote: 7-0**

**R99-16** In the Matter of: UST Update, USEPA Regulations (July 1, 1998 through December 31, 1998) - The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground storage tank regulations during the update period of July 1, 1998, through December 31, 1998. **Vote: 7-0**

## ADMINISTRATIVE CITATIONS

**AC 98-41** IEPA v. Bradley G. White - The Board entered an interim opinion and order finding respondent violated Sections 21(p)(1) and (p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3) (1996)) and assessing a penalty of \$1,000. The Board ordered the Clerk of the Board and the Illinois Environmental Protection Agency to file within 14 days a statement of hearing costs, supported by affidavit, with service on respondent. **Vote: 7-0**

**AC 99-20** IEPA v. Lawrence County Disposal Centre, Inc., S&S Grading of Illinois, Inc., and Gary McLaren - In response to a joint stipulation and settlement agreement in this administrative citation action involving a Lawrence County facility, the Board found respondents violated Sections 21(p)(1) and 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(3) (1996)) and ordered respondents to pay a civil penalty of \$1,000. **Vote: 7-0**

**AC 99-27** IEPA v. Ed Wright - The Board found that this Sangamon County respondent violated Sections 21(p)(1) and 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(3) (1996)) and ordered respondent to pay a civil penalty of \$1,000. **Vote: 7-0**

**AC 99-28** IEPA v. A.J. Roofing Company, Inc. - The Board found that this Cook County respondent violated Sections 21(p)(1) and 21(p)(5) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(5) (1996)) and ordered respondent to pay a civil penalty of \$500. **Vote: 7-0**

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## ADJUDICATORY CASES

### DECISIONS

**PCB 99-100** People of the State of Illinois v. Hinz Lithographing Company - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act (415 ILCS 5/31(c)(2) (1996)), accepted a stipulation and settlement agreement in this air enforcement action involving a Cook County facility, ordered respondent to pay a civil penalty of \$5,000, and to cease and desist from further violations. **Vote: 7-0**

**PCB 99-102** People of the State of Illinois v. The Scotts Company, an Ohio corporation - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act (415 ILCS 5/31(c)(2) (1996)), accepted a stipulation and settlement agreement in this land enforcement action involving a Kendall County facility, ordered respondent to pay a civil penalty of \$5,000, and to cease and desist from further violations. **Vote: 7-0**

### MOTIONS AND OTHER MATTERS

**PCB 97-50** Lionel P. Trepanier, Daniel Miller, Wes Wager, Maureen Cole, Lorenz Joseph, Maxworks Garden Cooperative, and Avi Pandya v. Speedway Wrecking Company and Board of Trustees of the University of Illinois - The Board denied respondents' motions for sanctions and to dismiss. **Vote: 7-0**

**PCB 98-54** Edward Malina v. Jean Day - The Board denied both parties' motions for summary judgment. **Vote: 7-0**

**PCB 98-80** People of the State of Illinois v. Craig Linton and Randy Rowe - The Board denied complainant's motion to reconsider. **Vote: 7-0 Board Members Hennessey and McFawn concurred.**

**PCB 99-36** Nina Enterprises, Inc. v. IEPA - The Board vacated its order of September 3, 1998, accepting this case for hearing and dismissed this matter because petitioner failed to file this appeal within the 35-day appeal time period. **Vote: 7-0**

**PCB 99-75** General Electric Company v. IEPA - The Board accepted for hearing this permit appeal involving a LaSalle County facility. **Vote: 7-0**

**PCB 99-76** Northrup Oil Company v. IEPA - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no permit appeal was timely filed on behalf of this Peoria County facility. **Vote: 7-0**

**PCB 99-77** Howard Warsaw v. IEPA - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no permit appeal was timely filed on behalf of this Tazewell County facility. **Vote: 7-0**

**PCB 99-81** Equilon Enterprises v. IEPA - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no permit appeal was timely filed on behalf of this Cook County facility. **Vote: 7-0**

**PCB 99-83** Illinois State Toll Highway Authority (Hinsdale Oasis East) v. IEPA - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no permit appeal was timely filed on behalf of this Cook County facility. **Vote: 6-0 Board Member Melas abstained.**

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## NEW CASES

### FEBRUARY 4, 1999

**99-103** Dynachem v. IEPA - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of a Vermilion County facility.

**99-106** Rapers Gas v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Lake County facility.

**99-107** Dewey's Service, Inc. v. IEPA - The Board dismissed this underground storage tank appeal involving a Winnebago County facility as timely filed.

**99-108** Waste Professionals, Inc. d/b/a Pekin Landfill v. IEPA - The Board accepted for hearing this permit appeal involving a Tazewell County facility.

**99-109** People of the State of Illinois v. Donald and Robert Hastie d/b/a Hastie Trucking and Mining Company - Board accepted for hearing this air enforcement action against a Hardin County facility.

**AC 99-31** County of Will v. Leonard Kubinski - The Board accepted an administrative citation against this Will County respondent.

### FEBRUARY 18, 1999

**99-75** General Electric Company v. IEPA - The Board accepted for hearing this permit appeal involving a LaSalle County facility.

**99-111** People of the State of Illinois v. Gerry Rich d/b/a Rich Pork Farm - The Board accepted for hearing this air enforcement action against a Tazewell County facility.

**99-112** People of the State of Illinois v. Bi-Petro, Inc. and Timberlake Transportation and Transfer, Inc. - The Board accepted for hearing this air enforcement action against a Christian County facility.

**AC 99-32** IEPA v. Roland Ransom III - The Board accepted an administrative citation against this Scott County respondent.

**AC 99-33** IEPA Randy Davis - The Board accepted an administrative citation against this Scott County respondent.



# CALENDAR OF MEETINGS AND HEARINGS

## MARCH

**1** ♦ **10:30 am** -- R99-18/Amendments to Permitting for Used Oil Management and Used Oil Transport: 35 Ill. Adm. Code 807 and 809

Illinois Pollution Control Board  
600 S. Second Street  
Hearing Room 403  
Springfield, IL

**4** ♦ **10:30 am**  
**Illinois Pollution Control Board Meeting**  
**Chicago, IL**

**9** ♦ **10:00 am** -- PCB 99-80/Central Illinois Light Company (E.D. Edwards Generating Station) v. IEPA

Peoria County Courthouse  
Conference Room A  
4th Floor  
324 Main Street  
Peoria, IL

**18** ♦ **10:30 am**  
**Illinois Pollution Control Board Meeting**  
**Chicago, IL**

**23** ♦ **9:30 am** -- PCB 97-50/Lionel Trepanier, Wes Wager, Maureen Cole, Lorenz Joseph, Maxworks Garden Cooperative and Avi Pandya v. Speedway Wrecking Company and the Board of Trustees of the University of Illinois

James R. Thompson Center  
100 W. Randolph Street  
Suite 8-031  
Chicago, IL

**24** ♦ **9:30 am** -- PCB 97-50/Lionel Trepanier, Wes Wager, Maureen Cole, Lorenz Joseph, Maxworks Garden Cooperative and Avi Pandya v. Speedway Wrecking Company and the Board of Trustees of the University of Illinois

James R. Thompson Center  
100 W. Randolph Street  
Suite 8-033  
Chicago, IL

**25** ♦ **9:30 am** -- PCB 97-50/Lionel Trepanier, Wes Wager, Maureen Cole, Lorenz Joseph, Maxworks Garden Cooperative and Avi Pandya v. Speedway Wrecking Company and the Board of Trustees of the University of Illinois

James R. Thompson Center  
100 W. Randolph Street  
Suite 8-033  
Chicago, IL

## APRIL

**12** ♦ **9:30 am** -- PCB 97-234/Antonio D.H. Nam v. Kikon Suh

James R. Thompson Center  
100 W. Randolph Street  
Suite 8-033  
Chicago, IL

**13** ♦ **9:30 am** -- PCB 97-234/Antonio D.H. Nam v. Kikon Suh

James R. Thompson Center  
100 W. Randolph Street  
Suite 8-033  
Chicago, IL

**15** ♦ **10:30 am**  
**Illinois Pollution Control Board Meeting**  
**Chicago, IL**

**15** ♦ **1:30 pm** -- AS 99-4/Petition of Sun Chemical Corporation for Adjusted Standard from 35 Ill. Adm. Code 218.626(b)

James R. Thompson Center  
100 W. Randolph Street  
Room 11-512  
Chicago, IL

**19** ♦ **9:30 am** -- PCB 99-38/Lawrence C Sweda v. Outboard Marine Corporation and the City of Waukegan

Lake County Courthouse  
Room 301  
18 North County Street  
Waukegan, IL

**20 ♦ 9:30 am** -- PCB 99-38/Lawrence C Sweda v. Out-board Marine Corporation and the City of Waukegan

Lake County Courthouse  
Room 301  
18 North County Street  
Waukegan, IL

**MAY**

**6 ♦ 11:30 am**  
Illinois Pollution Control Board Meeting  
Springfield, IL

**20 ♦ 10:30 am**  
Illinois Pollution Control Board Meeting  
Chicago, IL

**JUNE**

**3 ♦ 10:30 am**  
Illinois Pollution Control Board Meeting  
Chicago, IL

**17 ♦ 10:30 am**  
Illinois Pollution Control Board Meeting  
Chicago, IL

**JULY**

**8 ♦ 10:30 am**  
Illinois Pollution Control Board Meeting  
Chicago, IL

**22 ♦ 10:30 am**  
Illinois Pollution Control Board Meeting  
Chicago, IL

**AUGUST**

**5 ♦ 11:30 am**  
Illinois Pollution Control Board Meeting  
Springfield, IL

**19 ♦ 10:30 am**  
Illinois Pollution Control Board Meeting  
Chicago, IL

**SEPTEMBER**

**9 ♦ 10:30 am**  
Illinois Pollution Control Board Meeting  
Chicago, IL

**23 ♦ 10:30 am**  
Illinois Pollution Control Board Meeting  
Chicago, IL

**OCTOBER**

**7 ♦ 10:30 am**  
Illinois Pollution Control Board Meeting  
James R. Thompson Center  
100 W. Randolph Street  
Suite 2-025  
Chicago, IL

**21 ♦ 10:30 am**  
Illinois Pollution Control Board Meeting  
Chicago, IL

**NOVEMBER**

**4 ♦ 11:30 am**  
Illinois Pollution Control Board Meeting  
Springfield, IL

**18 ♦ 10:30 am**  
Illinois Pollution Control Board Meeting  
Chicago, IL

**DECEMBER**

**2 ♦ 10:30 am**  
Illinois Pollution Control Board Meeting  
Chicago, IL

**16 ♦ 10:30 am**  
Illinois Pollution Control Board Meeting  
Chicago, IL

All Chicago Board Meetings will be held at the James R. Thompson Center, 100 W. Randolph Street, Suite 9-040 unless otherwise noted.

All Springfield Board Meetings will be held at 600 S. Second Street, Hearing Room 403 unless otherwise noted.



THE ILLINOIS POLLUTION CONTROL BOARD (IPCB) IS AN INDEPENDENT SEVEN-MEMBER BOARD WHICH ADOPTS THE ENVIRONMENTAL CONTROL STANDARDS FOR THE STATE OF ILLINOIS AND RULES ON ENFORCEMENT ACTIONS AND OTHER ENVIRONMENTAL DISPUTES.

Illinois Pollution Control Board Members:

Claire A. Manning, Chairman  
Springfield

Ronald C. Flemal  
DeKalb

G. Tanner Girard  
Grafton

Kathleen M. Hennessey  
Western Springs

Elena Z. Kezelis  
Springfield

Marili McFawn  
Inverness

Nicholas J. Melas  
Chicago

THE *ENVIRONMENTAL REGISTER* IS A NEWSLETTER PUBLISHED BY THE IPCB MONTHLY, AND CONTAINS UPDATES ON RULEMAKINGS, DESCRIPTIONS OF FINAL DECISIONS, THE BOARD'S HEARING CALENDAR, AND OTHER ENVIRONMENTAL LAW INFORMATION OF INTEREST TO THE PEOPLE OF THE STATE OF ILLINOIS.

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Illinois Pollution Control Board  
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(217) 524-8500

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WEB SITE:  
<http://www.ipcb.state.il.us/>