
Environmental Register

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Claire A. Manning, Chairman

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Letter from the Chairman

The Bush administration's position on the Kyoto Protocol, the energy crisis in California, and recent high profile oil spills have brought environmental issues into the national spotlight. This is an exciting time to be involved in environmental law. The Illinois State Bar Association Law Ed Series will focus on environmental issues during a two-day program this September in Chicago.



Katherine D. Hodge of Hodge Dwyer Zeman and I will be participating in a session entitled "Practice Before the Illinois Pollution Control Board." This seminar will be helpful to those who have a case or will be filing a case with the Board because new procedural rules went into effect on January 1, 2001. This seminar will give you perspectives from both the Board and from someone who practices regularly before the Board.

I encourage you to take advantage of the 2001 Illinois Environmental Conference. This is one of the best environmental law conferences I have encountered. Board Member Elena Kezelis and other members of the ISBA's Environmental Law Section Council worked hard putting together a well-rounded program. Their efforts have paid off in what promises to be a conference packed with useful information. Seminar topics include:

- "How Bush Administration Policies are Impacting Illinois"
- "Everything you wanted to know about NOx, but were afraid to ask"
- "What's new in the courts?"
- "Defining the roles of Attorneys and Consultants in Environmental Decision Making"
- "The Legislative Horizon for Illinois"
- "And you thought it was safe to live in the country"
- "Regional Issues"
- "Pollution Prevention"
- "Regulator's Compliance and Enforcement Initiative Forum"
- "Natural Resource Damage in Illinois"
- "Emissions Trading as the Model for Environmental Governance"
- "Don't it make my Brownfields Green: Issues in Brownfield Redevelopment in Illinois"
- "Other Clean Air Act Developments"
- "Water Quality Regulations: TMDL's in Illinois"
- "Environmental Management Systems: Improving Performance and Sustainability at the same time"
- "Practice in the Illinois Site Remediation Program"
- "Regulatory Developments and Initiatives"
- "Try to see things my way: Participating in the Regulatory Process"
- "Energy Restructuring: The Future Energy in Illinois"

This conference certainly has something for everyone interested in environmental law in Illinois.

The 2001 Illinois Environmental Conference is Friday, September 21, 2001 and Saturday, September 22, 2001 at the Illinois Institute of Technology Chicago-Kent College of Law. For more detailed information on the conference you can visit our Web page at www.ipcb.state.il.us or to register for the program you can visit the ISBA's Web page at www.isba.org. I look forward to seeing you at the 2001 Illinois Environmental Conference.

Sincerely,

A handwritten signature in cursive script that reads "Claire A. Manning". The signature is written in dark ink on a light background.

Claire A. Manning, Chairman

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Federal Update

United States Environmental Protection Agency Proposes National Emission Standards for Hazardous Air Pollutants: Hazardous Waste Combustors, under Clean Air Act

On July 3, 2001, USEPA proposed amendments to the national emission standards for hazardous air pollutants (NESHAP) for hazardous waste combustors. 66 Fed. Reg. 35126.

Under the Clean Air Act (CAA) (42 U.S.C. §§ 7401 *et seq.* (1998)), USEPA established new emissions standards for hazardous waste burning cement kilns, lightweight aggregate kilns, and incinerators on September 30, 1999. Following promulgation of the final rule, the regulated community, through informal comments and through litigation, raised numerous issues related to specific requirements of the final rule. In response, USEPA proposed amendments to the final rule for public comment. The amendments do not change the numerical emission standards, but rather amend the rules for compliance, testing and monitoring.

Public comments must be received by August 17, 2001. For further general information, call the RCRA Call Center at 1-800-424-9346. For further specific information contact Frank Behan at 703/308-8476; e-mail address: behan.frank@epa.gov.

Pursuant to Section 9.1(b) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(b) (2000)), once adopted by USEPA, NESHAP rules are applicable and enforceable under the Act without further action by the Board.

United States Environmental Protection Agency Proposes National Emission Standards for Hazardous Air Pollutants: Coke Ovens: Pushing, Quenching, and Battery Stacks, under Clean Air Act

On July 3, 2001, USEPA proposed amendments to the national emission standards for hazardous air pollutants (NESHAP) for coke ovens: pushing, quenching, and battery stacks. 66 Fed. Reg. 35325.

The amendments propose NESHAP for new and existing coke oven batteries. USEPA has identified coke oven batteries as a major source of hazardous air pollutants (HAP) emissions. The NESHAP addresses emissions from pushing, quenching, and battery stacks. The previously promulgated emission standards address emissions from charging, topside leaks, and door leaks. The proposed standards will implement Section 112(d) of the Clean Air Act (CAA) (42 U.S.C. §§ 7401 *et seq.* (1998)), by requiring all major sources to meet HAP emission standards reflecting the application of the maximum achievable control technology. The HAP emitted by this source category include coke oven emissions, polycyclic organic matter, and volatile organic compounds such as benzene and toluene. Exposure to these substances has been demonstrated to cause chronic and acute health effects.

Public comments must be received by October 1, 2001. If anyone contacts USEPA requesting a public hearing by July 23, 2001, a public hearing will be held on August 2, 2001. For further information contact Lula Melton at 919/541-2910; e-mail address: melton.lula@epa.gov.

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Pursuant to Section 9.1(b) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(b) (2000)), once adopted by USEPA, NESHAP rules are applicable and enforceable under the Act without further action by the Board.

United States Environmental Protection Agency Proposes National Emission Standards for Hazardous Air Pollutants: Integrated Iron and Steel Manufacturing, under Clean Air Act

On July 13, 2001, USEPA proposed amendments to the national emission standards for hazardous air pollutants (NESHAP) for integrated iron and steel manufacturing. 66 Fed. Reg. 36835.

The amendments propose NESHAP for integrated iron and steel manufacturing facilities. USEPA has identified integrated iron and steel manufacturing facilities as a major source of hazardous air pollutant (HAP) emissions. The proposed standards will implement Section 112(d) of the Clean Air Act (CAA) (42 U.S.C. §§ 7401 *et seq.* (1998)), by requiring all major sources to meet HAP emission standards reflecting application of the maximum achievable control technology. The HAP emitted by facilities in the integrated iron and steel manufacturing source category include metals (primarily manganese and lead with small quantities of other metals) and trace amounts of organic HAP (such as polycyclic organic matter, benzene, and carbon disulfide). Exposure to these substances has been demonstrated to cause adverse health effects, including chronic and acute disorders of the blood, heart, kidneys, reproductive system, and central nervous system.

Public comment must be received by October 11, 2001. If anyone requests a public hearing by August 3, 2001, a public hearing will be held on August 13, 2001. For further information contact Phil Mulrine at 919/541-5289; e-mail address: mulrine.phil@epa.gov.

Pursuant to Section 9.1(b) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(b) (2000)), once adopted by USEPA, NESHAP rules are applicable and enforceable under the Act without further action by the Board.

United States Environmental Protection Agency Adopts Regulations for Plant-Incorporated Protectants under Federal Insecticide, Fungicide, and Rodenticide Act in Final Rule

On July 19, 2001, USEPA adopted regulations under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. §§ 136 *et seq.* (1998)) for plant-incorporated protectants (formerly plant-pesticides). 66 Fed. Reg. 37771.

USEPA has determined that the substances plants produce for protection against pests, and the genetic material necessary to produce these substances, are pesticides under FIFRA, if humans intend to use these substances for “preventing, repelling or mitigating any pest.” In the final rule, USEPA finalizes certain of proposed rules published in 1994, 1996, and 1997.

Specifically, USEPA changes the name of this type of pesticide from “plant-pesticide” to “plant-incorporated protectant,” clarifies the relationship between plants and plant-incorporated protectants under FIFRA, exempts from FIFRA requirements plant-incorporated protectants derived through conventional breeding from sexually compatible plants, and establishes a new part in the CFR for plant-incorporated protectants. Procedures are also set forth for Confidential Business Information and any claim of confidentiality must be substantiated when the claim is made. USEPA expects that this rule will benefit the public by ensuring that public health and the environment are adequately protected while reducing burden on the regulated community, thereby potentially reducing costs for consumers.

The final rule is effective September 17, 2001. For further information contact Philip Hutton at 703/308-8260; e-mail address: hutton.phil@epa.gov.

United States Environmental Protection Agency Solicits Comments on Plant-Incorporated Protectants

On July 19, 2001, USEPA solicited additional comment on the exemptions it proposed in 1994 for plant-incorporated protectants (formerly plant-pesticides). 66 Fed. Reg. 37855.

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USEPA solicited comment on two alternative regulatory approaches to plant-incorporated protectants derived from plants sexually compatible with the recipient plant that USEPA is considering in response to comments received on the 1994 proposal. Specifically, USEPA requested comment on the 1994 proposed exemptions for plant-incorporated protectants derived from sexually compatible plants, as well as on any new issues presented by the proposed regulatory alternatives.

USEPA also provided notice that it has placed the report issued by the National Academy of Sciences entitled “Genetically Modified Plants: Science and Regulation” in the dockets for the rulemakings relating to certain proposals on plant-incorporated protectants under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. §§ 136 *et seq.* (1998)) and the Federal Food, Drug, and Cosmetic Act (21 U.S.C. §§ 301 *et seq.* (1998)).

Public comment must be received by August 20, 2001. For further information contact Phillip Hutton at 703/308-8260; e-mail address: hutton.phil@epa.gov.

United States Environmental Protection Agency Proposes Protection of Stratospheric Ozone; Allowance System for Controlling Hydrochlorofluorocarbons Production, Import and Export under Clean Air Act

On July 20, 2001, USEPA proposed an allowance system to control the United States’ production and consumption of class II controlled substances, the hydrochlorofluorocarbons (HCFCs), in accordance with United States’ obligations under the Montreal Protocol on Substances that Deplete the Ozone Layer (Protocol). 66 Fed. Reg. 38063.

Under the Protocol, the United States is obligated to limit HCFC consumption (defined by the Protocol and this USEPA document as production plus imports, minus exports) under a specific cap, which will be reduced in a step-wise fashion over time. The United States is also a signatory to amendments to freeze HCFC production on January 1, 2004. USEPA published an Advance Notice of Proposed Rulemaking on April 5, 1999. USEPA is proposing an HCFC allowance system similar in many respects to the class I allowance system in place before January 1, 1996. Instituting such a system for HCFCs would allow USEPA to ensure that the United States maintains compliance with the Protocol caps, while providing certainty and predictability to allowance holders.

In addition, the Clean Air Act (CAA) (42 U.S.C. §§ 7401 *et seq.* (1998)) requires USEPA to establish an allowance system for HCFCs. A slightly different version of this document was signed on December 28, 2000, by then-Administrator Carol Browner. It was forwarded to the *Federal Register* and made available on the USEPA Web site. However, it was not published in the *Federal Register*, rather it was recalled to USEPA for review by the incoming Administration.

Public comment must be received by September 4, 2001, unless a public hearing is requested. Comments must then be received on or before 45 days following the public hearing. Any person requesting a public hearing must notify USEPA by July 30, 2001. For further information contact Vera Au at 202/564-2216.

If USEPA adopts these proposed rules, and amendments to the Illinois air rules become necessary, the Board would expect the Illinois Environmental Protection Agency to propose amendments using the Clean Air Act “fast-track” procedures at Section 28.5 of the Environmental Protection Act (415 ILCS 5/28.5 (2000)).

United States Environmental Protection Agency Proposes Guidelines for Best Available Retrofit Technology Determinations under Regional Haze Regulations Under the Clean Air Act

On July 20, 2001, USEPA proposed guidelines for implementation of the best available retrofit technology (BART) requirements under the regional haze rule adopted pursuant to the Clean Air Act (CAA) (42 U.S.C. §§ 7401 *et seq.* (1998)). 66 Fed. Reg. 38107.

USEPA proposes to add regulatory text requiring that these guidelines be used for addressing BART determinations under the regional haze rule that was published on July 1, 1999 (64 Fed. Reg. 35714). In addition, USEPA is proposing one revision to guidelines issued in 1980 for facilities contributing to “reasonably attributable” visibility impairment.

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Public comment must be received by September 18, 2001. USEPA has scheduled two public hearings on this proposed rule. The first public hearing will be held on August 21 in Arlington, Virginia. The second public hearing will be held on August 27 in Chicago, Illinois. For further information, contact Tim Smith at 919/541-4718; e-mail address: smith.tim@epa.gov.

If USEPA adopts these proposed rules, and amendments to the Illinois air rules become necessary, the Board would expect the Illinois Environmental Protection Agency to propose amendments using the Clean Air Act “fast-track” procedures at Section 28.5 of the Environmental Protection Act (415 ILCS 5/28.5 (2000)).

Rule Update

Board Reserves seven Identical In Substance Dockets for the Update Period January 1, 2001 through June 30, 2001: R02-1 through R02-7 (inclusive)

Section 7.2 of the Environmental Protection Act (Act) (415 ILCS 5/7.2 (2000)) requires the Board to twice-yearly adopt regulations which are identical in substance to regulations adopted by the United States Environmental Protection Agency (USEPA) for specified programs. On July 12, 2001, the Board reserved seven rulemaking dockets to consider rules adopted by USEPA during the period January 1, 2001 through June 30, 2001. These dockets are: RCRA Subtitle C Update, USEPA Amendments (January 1, 2001 through June 30, 2001), R02-1; UST Update, USEPA Amendments (January 1, 2001 through June 30, 2001), R02-2; Wastewater Pretreatment Update, USEPA Amendments (January 1, 2001 through June 30, 2001), R02-3; Definition of VOM Update, USEPA Amendments (January 1, 2001 through June 30, 2001), R02-4; SDWA Update, USEPA Amendments (January 1, 2001 through June 30, 2001), R02-5; UIC Update, USEPA Amendments (January 1, 2001 through June 30, 2001), R02-6; RCRA Subtitle D Update, USEPA Amendments (January 1, 2001 through June 30, 2001), R02-7. The term identical in substance is defined at Section 7.2 of the Act, which also sets out the timetable for Board adoption of such rules.

For additional information contact: Michael McCambridge at 312/814-6924; e-mail: mccambm@ipcb.state.il.us.

Board Creates First Regulated Groundwater Recharge Area in Proposed Regulated Recharge Area for Pleasant Valley Public Water District, Proposed Amendments to 35 Ill. Adm. Code Part 617, R00-17

On July 26, 2001, the Board adopted regulations that amend 35 Ill. Adm. Code Part 617, to create a regulated recharge area for the Pleasant Valley Public Water District in Peoria County, Illinois. These rules are effective September 1, 2001 and establish the State’s first regulated recharge area under Section 17.3 of the Environmental Protection Act (Act) (415 ILCS 5/17.3 (2000)). Pursuant to Section 17.3 of the Act, the Illinois Environmental Protection Agency (Agency) may propose regulated recharge area regulations to the Board. The Agency developed its proposal in consultation with the Groundwater Advisory Council (GAC), an agency and citizen body established under the Illinois Groundwater Protection Act (415 ILCS 55/1 *et seq.* (2000)) to “review, evaluate and make recommendations regarding State laws, regulations and procedures that relate to groundwater protection.” The Agency additionally sought and received advice from the Central Priority Groundwater Protection Planning Region Committee (CRPC), a broad-based local government and citizen group as provided for at Section 17.2 of the Act. 415 ILCS 5/17.2(b) (2000). The Agency, CRPC, and GAC, conducted a regulatory development workshop and solicited and obtained additional comments on the proposal from various members of environmental associations and private citizens groups.

The rules adopted by the Board do not differ substantially from either the Agency’s proposal or the Board’s first notice proposal. In Part 617, the Board has added and amended rules in Subpart A that apply to all regulated recharge areas, and has added a new Subpart B that applies only to the Pleasant Valley regulated recharge area.

Among other things, the Subpart A rules contain several new definitions and provisions applicable to any regulated recharge area. The rules prohibit the siting within a regulated recharge area of any new low level radioactive waste sites, class V injection wells or special or hazardous waste landfills. They also specify certain technology control

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regulations for activities within 2,500 feet of wellheads and within a regulated recharge area. Specified new potential pollution sources must prepare recharge area suitability assessments, which must be assessed by the Agency prior to commencement of operations at a new facility. The Department of Public Health and the Department of Natural Resources are authorized to develop an assistance program for abandoned and improperly plugged water supply wells.

In Subpart B, the rules require the registration with the Agency of the location of new sources of potential groundwater contamination. The Agency is directed to hold an informational and registration meeting during September 2001. Owners of some potential sources must develop and implement systems for chemical substance management and attend training programs to be conducted by the Agency. The Board held a public hearing on May 9, 2000, in Peoria, Illinois. The Board's August 10, 2000 first notice rules were published in the *Illinois Register* on September 1, 2000. 24 Ill. Reg. 13163. On June 7, 2001, the Board adopted a second notice proposal for review by the Joint Legislative Committee for Administrative Rules (JCAR). JCAR considered the rules at its July 10, 2001 meeting, and issued a certificate of no objection to the rules.

For additional information contact Cathy Glenn at 312/814-6923; e-mail address: glennc@ipcb.state.il.us.

Board Adopts Amendments in Proposed Amendments to Tiered Approach to Corrective Action Objectives (TACO): 35 Ill. Adm. Code 742, R00-19(B)

On July 26, 2001, the Board adopted regulations that amend 35 Ill. Adm. Code Part 742 of the Board's land regulations, which are commonly referred to as the Tiered Approach to Corrective Action Objectives (TACO) rules. The TACO rules were originally adopted by the Board on June 5, 1997, in Tiered Approach to Corrective Action Objectives (TACO): 35 Ill. Adm. Code 742, R97-12(A). Part 742 contains procedures for developing remediation objectives based on risks to human health and the environment posed by environmental conditions at sites undergoing remediation in the Site Remediation Program, the Leaking Underground Storage Tank Program, and pursuant to Resource Conservation and Recovery Act (RCRA) Part B permits and closures. On May 15, 2000, the Illinois Environmental Protection Agency (Agency) filed a proposal to amend 35 Ill. Adm. Code 742. The Board accepted this proposal for hearing on May 18, 2000. On July 27, 2000, the Board sent the proposal to first notice without commenting on its merits, separating the proposal into two subdockets, R00-19(A) and R00-19(B). The R00-19(B) first notice rules were published in the *Illinois Register* on August 18, 2000. 24 Ill. Reg. 12225. Three hearings were held in this matter during the first-notice period. In addition to the testimony and exhibits presented at hearing, the Board has also received numerous public comments in this matter. On June 7, 2001, the Board adopted the amendments for second-notice by the Joint Committee on Administrative Rules (JCAR). JCAR considered the rules at its July 10, 2001 meeting, and issued a certificate of no objection to the rules.

Among noteworthy changes, this Subdocket B in R00-19 amended existing rules for determination of soil saturation limits (Section 742.220), demonstrations of compliance with remediation objectives (Section 742.225), contaminant source and free product determinations (Section 742.305), and highway authority agreements (Section 742.1020). See also other amendments in 742.210, 742.300, 742.305, 742.310, 742.315, 742.605, 742.700, 742.715, 742.900, 742.925, 742.1005, 742.1015, 742.1020, 742.1105. The appendices to Part 742 were also amended to add arsenic remediation objectives and to update acceptable detection limits for various chemicals.

Clean-up standards had also been originally proposed in this Subdocket for methyl tertiary-butyl ether (MTBE). The Board did not take action on this proposal, which has been transferred into its own Subdocket C for later, additional consideration. See Proposed Amendments to Tiered Approach to Corrective Action Objectives (TACO): 35 Ill Adm. Code 742 (June 7, 2001), R00-19(C).

For additional information contact Amy Jackson at 217/524-8507; e-mail address: jacksona@ipcb.state.il.us.

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| PCB 01-165 | <p><u>People of the State of Illinois v. Village of Rantoul and Textron Automotive Exteriors, Inc.</u> – In this public water supply enforcement action concerning a Champaign County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2000)), accepted a final stipulation and settlement agreement, ordered the respondents to pay a total civil penalty of \$18,000, and to cease and desist from further violations.</p> | <p>4-0 Johnson abstained PWS-E</p> |
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Motions and Other Matters

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| PCB 98-63 | <p><u>Exolon-ESK Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Putnam County facility.</p> | <p>4-0 Johnson abstained</p> |
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P-A, Water

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| PCB 98-166 | <p><u>People of the State of Illinois v. Brzuskeiwicz Auto Rebuilders, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.</p> | <p>4-0 Johnson abstained L-E</p> |
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| PCB 00-211 | <p><u>People of the State of Illinois v. Toyal America, Inc. f/k/a Alcan-Toyal America, Inc.</u> – Upon receipt of a proposed stipulation and partial settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Will County facility, the Board ordered publication of the required newspaper notice.</p> | <p>4-0 Johnson abstained RCRA-E</p> |
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| PCB 01-4 | <p><u>Naperville Radiator Services v. IEPA</u> – The Board granted parties’ motion for voluntary dismissal of this underground storage tank appeal involving a DuPage County facility.</p> | <p>4-0 Johnson abstained UST-FRD</p> |
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| PCB 01-61 | <p><u>People of the State of Illinois v. Roll Service, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.</p> | <p>4-0 Johnson abstained A-E</p> |
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| PCB 01-130 | <p><u>J.R. & Sons, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Champaign County facility.</p> | <p>4-0 Johnson abstained UST-FRD</p> |
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| PCB 01-131 | <u>Wareco Service, Inc. v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Morgan County facility. | 4-0 Johnson abstained UST-FRD |
| PCB 01-132 | <u>Pecora Reality v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this DuPage County facility. | 4-0 Johnson abstained UST-Appeal |
| PCB 01-139 | <u>ESG Watts, Inc. (Sangamon Valley Landfill, Taylor Ridge Landfill, and Viola Landfill) v. IEPA</u> – The Board accepted for hearing this permit appeal involving three facilities located in Sangamon, Rock Island, and Mercer Counties. | 4-0 Johnson abstained P-A, Land |
| PCB 01-172 | <u>CCL Custom Manufacturing, Inc. v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Vermilion County facility. | 4-0 Johnson abstained P-A, Water |
| PCB 01-174 | <u>People of the State of Illinois v. Lakewood Homes, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Lake County facility, the Board ordered publication of the required newspaper notice. | 4-0 Johnson abstained W-E |
| PCB 02-1 | <u>People of the State of Illinois v. Stein Steel Mill Services, Inc.</u> – The Board accepted for hearing this air enforcement matter involving a Madison County facility. | 4-0 Johnson abstained A-E |
| PCB 02-2 | <u>Barry Amoco, Inc. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a underground storage tank appeal on behalf of this Grundy County facility. | 4-0 Johnson abstained UST-FRD 90-Day Ext. |

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Rulemakings

- R00-17 In the Matter of: Proposed Regulated Recharge Area for Pleasant Valley Public Water District, Proposed Amendments to 35 Ill. Adm. Code Part 617 – The Board adopted a final opinion and order in this rulemaking to amend the Board’s public water supply regulations to establish the first regulated recharge area under Section 17.3 of the Act (415 ILCS 5/17.3 (2000)). 6-0
R, PWS
- R00-19(B) In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (TACO): 35 Ill. Adm. Code 742 – The Board adopted a final opinion and order in this matter to amend the standards for tiered approach to corrective action objectives (35 Ill. Adm. Code 742). 6-0
R, Land

Adjusted Standards

- AS 01-9 In the Matter of: Petition of Rhodia, Inc. and Thorn Creek Basin Sanitary District for an Adjusted Standard from 35 Ill. Adm. Code 302.208 and 304.105 – The Board found the petition deficient in this request for an adjusted standard involving a Cook County facility, and ordered petitioner to file an amended petition to cure deficiencies no later than September 14, 2001, or the petition would be subject to dismissal. 6-0
Water
- AS 01-10 In the Matter of: Petition of Dixon Marquette Cement Company for an Adjusted Standard from 35 Ill. Adm. Code Parts 811 & 814 – The Board granted parties a motion for leave to file a response *instanter* and for extension of time to file a reply to the response. 6-0
Land

Administrative Citations

- AC 00-84 IEPA v. James Day – The Board entered an interim opinion and order finding respondent violated Sections 21(p)(1) and (p)(3) of the Act (415 ILCS 5/21(p)(1), (p)(3) (2000)) and assessing a penalty of \$3,000. 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. 6-0

Decisions

- PCB 98-166 People of the State of Illinois v. Bruszkeiwicz Auto Rebuilders, Inc. – In this land enforcement action concerning a Cook County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (2000)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a total civil penalty of \$20,000, and to cease and desist from further violations. 6-0
L-E

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| PCB 01-120 | <p><u>Plexus Scientific Corporation v. IEPA</u> – The Board issued a supplemental opinion and order to its July 12, 2001 opinion and order in this matter. The previous order granted petitioner a variance from 35 Ill. Adm. Code 237.102, subject to conditions, to allow it to conduct open burning/flashing to decontaminate explosive material on buildings and process equipment and clear vegetation at the Load/Assembly/Package area, and potentially the manufacturing area of the Joliet Army Ammunition Plant site in Will County, Illinois.</p> | <p>5-0 Lawton abstained A-V</p> |
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Motions and Other Matters

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| PCB 97-193 | <p><u>People of the State of Illinois v. Community Landfill Company, Inc.</u> – The Board granted in part and denied it in part respondent’s motion for reconsideration. This matter was ordered to proceed to hearing regarding all other outstanding issues.</p> | <p>6-0 L-E</p> |
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| PCB 00-4 | <p><u>People of the State of Illinois v. American Wood Recycling, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice. The Board granted complainant’s motion to dismiss Steve Berglund as party in this matter.</p> | <p>6-0 L-E</p> |
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| PCB 01-128 | <p><u>B.L.T., Inc. v. Sixth Street Developers Limited Partnership, ORF, Inc., Roland Industries, VT Properties, Inc. and Freesen, Inc.</u> – The Board granted respondents Freesen, Inc. and Sixth Street Developers Limited Partnership’s motions to file a counter-complaint against complainant B.L.T., Inc. and to file a third-party complaint against Fiat Allis. The Board denied respondent Freesen Inc.’s motion to add Anderson Excavating and Wrecking Company as a respondent.</p> | <p>5-0 Kezelis abstained L-E, Citizens</p> |
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| PCB 01-129 | <p><u>Mac Investments d/b/a Olympic Oldsmobile v. Office of the State Fire Marshal</u> – The Board granted respondent’s motion to file the record of decision <i>instanter</i>.</p> | <p>6-0 UST-Appeal</p> |
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| PCB 01-141 | <p><u>Limits, L.L.C. v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Cook County facility.</p> | <p>6-0 UST-FRD</p> |
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| PCB 01-143 | <p><u>Johnson Oil Company v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Jefferson County facility.</p> | <p>6-0 UST-FRD</p> |
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| PCB 01-144 | <u>People of the State of Illinois v. City of Pana, Housing Authority of Christian County, Prairie Land Construction, Inc., and Rich Williams d/b/a C.R. Williams & Associates Architects</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this public water supply enforcement action involving a Christian County facility, the Board ordered publication of the required newspaper notice. | 6-0 PWS-E |
| PCB 01-145 | <u>W.K. Developers v. Office of the State Fire Marshal</u> – The Board dismissed this matter for failure to file an amended petition by June 7, 2001. | 6-0 UST-Appeal |
| PCB 01-150 | <u>People of the State of Illinois v. Marc Development Corporation and Silver Glen Estates Homeowners' Association</u> – the Board granted complainant's motion to strike respondent Silver Glen Estates Homeowners' Association's affirmative defense and ordered this matter to proceed to hearing. | 6-0 W-E |
| PCB 02-3 | <u>People of the State of Illinois v. Texaco Refining & Marketing, Inc.</u> – The Board accepted for hearing this land and water enforcement matter involving a Will County facility. | 6-0 L&W, E |
| PCB 02-5 | <u>People of the State of Illinois v. Environmental Management & Abatement, Inc. and Danny G. Kohrtd individually and as President of Environmental Management & Abatement, Inc.</u> – The Board accepted for hearing this land enforcement matter involving a Will County facility. | 6-0 L-E |
| PCB 02-6 | <u>Gould Electronics, Inc. v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Stephenson County facility. | 6-0 P-A, Land |
| PCB 02-7 | <u>Petro Plus, Inc. f/k/a Gas Stop v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility. | 6-0 UST-Appeal 90-Day Ext. |
| PCB 02-8 | <u>People of the State of Illinois v. Royster-Clark, Inc.</u> – The Board accepted for hearing this water enforcement matter involving a LaSalle County facility. | 6-0 W-E, NPDES |

New Cases

July 12, 2001 Board Meeting

01-172 CCL Custom Manufacturing, Inc. v. IEPA – The Board accepted for hearing this permit appeal involving a Vermilion County facility.

01-173 Cole Taylor Bank under Trust #40323; as Successor Trustee to Michigan Avenue National Bank of Chicago, under Trust #1904 v. Rowe Industries, Inc., Successor to Coleman Cable and Wire Company, and Chapco Carton Company – The Board held for a later duplicitous/frivolous determination this citizen's land enforcement action involving a Cook County facility.

01-174 People of the State of Illinois v. Lakewood Homes, Inc. – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a Lake County facility, the Board ordered publication of the required newspaper notice.

02-01 People of the State of Illinois v. Stein Steel Mill Services, Inc. – The Board accepted for hearing this air enforcement matter involving a Madison County facility.

02-02 Barry Amoco, Inc. v. IEPA – The Board granted this request for a 90-day extension of time to file a underground storage tank appeal on behalf of this Grundy County facility.

R02-01 RCRA Subtitle C (Hazardous Waste) Update, (USEPA Amendments January 1, 2001 through June 30, 2001) – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments that occurred during the period of January 1, 2001 through June 30, 2001.

R02-02 UST Update, (USEPA Amendments January 1, 2001 through June 30, 2001) – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments that occurred during the period of January 1, 2001 through June 30, 2001.

R02-03 Wastewater Pretreatment Update, (USEPA Amendments January 1, 2001 through June 30, 2001) – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments that occurred during the period of January 1, 2001 through June 30, 2001.

R02-04 Definition of VOM Update, (USEPA Amendments January 1, 2001 through June 30, 2001) – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments that occurred during the period of January 1, 2001 through June 30, 2001.

R02-05 SDWA Update, (USEPA Amendments January 1, 2001 through June 30, 2001) – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments that occurred during the period of January 1, 2001 through June 30, 2001.

R02-06 UIC Update, (USEPA Amendments January 1, 2001 through June 30, 2001) – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments that occurred during the period of January 1, 2001 through June 30, 2001.

R02-07 RCRA Subtitle D (Municipal Solid Waste Landfill) Update, (USEPA Amendments January 1, 2001 through June 30, 2001) – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments that occurred during the period of January 1, 2001 through June 30, 2001.

July 26, 2001 Board Meeting

02-3 People of the State of Illinois v. Texaco Refining & Marketing, Inc. – The Board accepted for hearing this land and water enforcement matter involving a Will County facility.

02-4 City of Streator, Illinois v. IEPA – No action taken.

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02-5 People of the State of Illinois v. Environmental Management & Abatement, Inc. and Danny G. Kohrdt Individually and as President of Environmental Management & Abatement, Inc. – The Board accepted for hearing this land enforcement matter involving a Will County facility.

02-06 Gould Electronics Inc. v. IEPA – The Board accepted for hearing this permit appeal involving a Stephenson County facility.

02-07 Petro Plus, Inc. f/k/a Gas Stop v. IEPA – The Board granted this request for a 90-day extension of time to file a underground storage tank appeal on behalf of this Cook County facility.

02-08 People of the State of Illinois v. Royster-Clark, Inc. – The Board accepted for hearing this water enforcement matter involving a LaSalle County facility.

AC 02-01 County of Perry v. William Shrum – The Board accepted this petition for review of an administrative citation against this Perry County respondent.

AC 02-02 IEPA v. Dean and Susan Simon d/b/a Berman Auto Parts – The Board accepted this petition for review of an administrative citation against these Boone County respondents.

AC 02-03 IEPA v. Marvin Hammack and Doris Baker – The Board accepted this petition for review of an administrative citation against these Schuyler County respondents.

Calendar

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|-----------------------|------------|---|---|
| 8/9/2001 11:00 am | | Illinois Pollution Control Board Meeting | James R. Thompson Center 100 West Randolph Street Conference Room 9-040 Chicago |
| 8/14/2001 | AC 01-5 | IEPA V. Billy Hammond, Sr. (West City/Billy Hammond, Sr.) IEPA Docket No. 323-AC | West Frankfort City Hall Counsel Room 201 East Nolen Street West Frankfort |
| 8/16/2001 1:00 pm | PCB 01-159 | American Bottom Conservancy, East St. Louis Community Action Network, Kathy Andria and Jack Norman v. Village of Fairmont City and Waste Management of Illinois, Inc. | St. Clair County Building, Room B-564 (County Board Conference Room) 10 Public Square Belleville |
| 8/23/2001 11:00 am | | Illinois Pollution Control Board Meeting | James R. Thompson Center 100 West Randolph Street Conference Room 9-040 Chicago |
| 8/23/2001 1:00 pm | R01-031 | In the Matter of: Provisional Variances From Water Temperature Standards Proposed new 35 Ill. Adm. Code 301.109 | James R. Thompson Center Suite 11-500 100 West Randolph Street Chicago |
| 8/24/2001 9:30 am | R01-13 | In the Matter of: Revisions to Antidegradation Rules: 35 Ill. Adm. Code, 302.105, 303.205, 303.206, 102.800, 102.810, 102.820, and 102.830 | State of Illinois Building Room N-502, Fifth Floor 160 North LaSalle Street Chicago |
| 9/6/2001 11:00 am | | Illinois Pollution Control Board Meeting | Illinois Pollution Control Board Hearing Room 403 600 South Second Street Springfield |

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| 9/10/2001 9:30 am | PCB 00-122 | People of the State of Illinois v. City of Lawrenceville; John A. Gordon. P.E.; Gordon & Price, Inc., David Guillaum d/b/a D & G Construction; and Wayne Lapington d/b/a Lapington Trucking and Excavating | Lawrenceville City Hall Civic Center 700 East State Street Lawrenceville |
| 9/11/2001 9:30 am | PCB 00-122 | People of the State of Illinois v. City of Lawrenceville, John A. Gordon. P.E.; Gordon & Price, Inc., David Guillaum d/b/a D & G Construction, and Wayne Lapington d/b/a Lapington Trucking and Excavating | Lawrenceville City Hall Civic Center 700 East State Street Lawrenceville |
| 9/11/2001 9:30 am | PCB 00-219 | Stephen G. Brill v. Henry Latoria d/b/a TL Trucking Foodliner | James R. Thompson Center Room 11-512 100 W. Randolph Street Chicago |
| 9/12/2001 9:30 am | PCB 00-122 | People of the State of Illinois v. City of Lawrenceville, John A. Gordon. P.E., Gordon & Price, Inc., David Guillaum d/b/a D & G Construction; and Wayne Lapington d/b/a Lapington Trucking and Excavating | Lawrenceville City Hall Civic Center 700 East State Street Lawrenceville |
| 9/20/2001 11:00 am | | Illinois Pollution Control Board Meeting | James R. Thompson Center 100 West Randolph Street Conference Room 9-040 Chicago |
| 10/4/2001 11:00 am | | Illinois Pollution Control Board Meeting | James R. Thompson Center 100 West Randolph Street Conference Room 9-040 Chicago |
| 10/18/2001 10:00 am | AC 01-37 | IEPA v. Kishwaukee Auto parts (Rockford/Kishwaukee Auto Parts) IEPA Docket No. 141-01-AC | Rockford State Office Building Conference Rooms A and B 4302 North Main Rockford |
| 10/18/2001 11:00 am | | Illinois Pollution Control Board Meeting | James R. Thompson Center 100 West Randolph Street Conference Room 9-040 Chicago |
| 11/1/2001 11:00 am | | Illinois Pollution Control Board Meeting | James R. Thompson Center 100 West Randolph Street Conference Room 9-040 Chicago |
| 11/15/2001 11:00 am | | Illinois Pollution Control Board Meeting | James R. Thompson Center 100 West Randolph Street Conference Room 9-040 Chicago |
| 12/6/2001 11:00 am | | Illinois Pollution Control Board Meeting | Illinois Pollution Control Board Hearing Room 403 600 South Second Street Springfield |
| 12/20/2001 11:00 am | | Illinois Pollution Control Board Meeting | James R. Thompson Center 100 West Randolph Street Conference Room 9-040 Chicago |

IEPA Restricted Status List

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 that 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, 2001.

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> |
|---|------------------------------|--------------------|---------------------------|
| 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 |
| Clearview S.D. | Clearview S.D. | McLean | 0 |
| East Alton | City of East Alton | Madison | 0 |
| Farmington | City of Farmington | Fulton | 0 |
| Hinckley STP | Village of Hinckley | DeKalb | 0 |
| Hurst & Blairville Collection | City of Hurst | Williamson | 0 |
| Maple Lawn Homes STP | Maple Lawn Homes | Woodford | 0 |
| Port Byron STP | Village of Port Byron | Rock Island | 0 |
| Rosewood Heights S.D.- Ninth Street LS | Rosewood Heights S.D. | Madison | 0 |
| South Palos Twp. SD | South Palos Twp. | South Palos Twp. | 0 |
| Streator STP | City of Streator | LaSalle/Livingston | 0 |
| Taylorville-Shawnee Ave. | City of Taylorville | Christian | 0 |
| Utilities Unlimited | Utilities Unlimited | Will | 0 |
| Washington (Rolling Meadows) | City of Washington | Tazewell | 0 |
| Wauconda-Larksdale LS | Village of Wauconda | Lake | 0 |
| Winnebago-SS overflow to Westfield LS; East 4 blocks of Soper St. | Village of Winnebago | Winnebago | 0 |

Deletions from previous quarterly report: 0

IEPA Critical Review List

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 that are on Critical Review. Critical Review is 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, 2001.

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> |
|---|---|---------------|-------------------------------|---|
| Antioch STP | Village of Antioch | Lake | 1,908 | 511 |
| Athens STP | City of Athens | Menard | 72 | 0 |
| Beardstown SD | City of Beardstown | Cass | 1,769 | 0 |
| Benton-Southeast STP | City of Benton | Franklin | 60 | 0 |
| Bethalto (L.S. #1) | Village of Bethalto | Madison | 87 | 0 |
| Bonnie Brae Forest Manor SD STP | Bonnie Brae Forest Manor SD | Will | 0 | 0 |
| Carrier Mills | Village of Carrier Mills | Saline | 836 | 0 |
| Carrollton | City of Carrollton | Greene | 140 | 0 |
| Chester STP | City of Chester | Randolph | 485 | 0 |
| Citizens Utilities Co. of Ill.- Derby Meadows Utility Co. STP | Citizens Utilities Co. of Ill. | Will | 0 | 0 |
| Citizens Utilities Co. of Ill.- River Grange | Citizens Utilities Co. of Ill. | Will | 10 | 0 |
| Dakota | Village of Dakota | Stephenson | 90 | 0 |
| Downers Grove S.D. | Downers Grove S.D. | DuPage | 4,395 | 108 |
| Earlville | City of Earlville | LaSalle | 120 | 7 |
| East Dundee STP | Village of E. Dundee | Kane | 665 | 0 |
| Elkville | Village of Elkville | Jackson | 6 | 0 |
| Ferson Creek Utilities Co. | Utilities, Inc. | Will | 70 | 0 |
| Herscher | Village of Herscher | Kankakee | 281 | 0 |
| LCPWD-Diamond- Sylvan STP | County of Lake Public Works Department | Lake | 0 | 9 |
| Lake Barrington Home Owners Assn. STP | Lake Barrington Home Owners Assn. | Lake | 80 | 0 |
| Lindhurst S.D. | Village of Lindhurst | Lake | 885 | 0 |
| Moline (North Slope) | City of Moline | Rock Island | 1,151 | 0 |

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|--|--------------------------|----------------|-------|-------|
| Morris STP | City of Morris | Grundy | 0 | 0 |
| Mundelein STP | Village of Mundelein | Lake | 0 | 0 |
| Paris STP | City of Paris | Edgar | 1,681 | 0 |
| Plainfield STP | Village of Plainfield | Will | 0 | 1,053 |
| Rock Island (Main) | City of Rock Island | Rock Island | 4,683 | 0 |
| Sandwich | Village of Sandwich | DeKalb/Kendall | 681 | 0 |
| Thompsonville STP | Village of Thompsonville | Franklin | 0 | 0 |
| Wauconda – Remaining Collection System & Lakeview Villa LS | Village of Wauconda | Lake | *** | 0 |

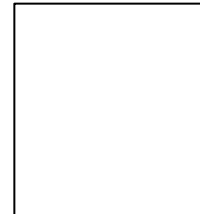
Deletions from previous quarterly report: 0

***Contact IEPA – Permit Section

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

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

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Illinois Pollution Control Board
Environmental Register Coordinator
600 South Second Street, Suite 402
Springfield, Illinois 62704