

**POLLUTION CONTROL BOARD  
TENTH YEAR  
ANNUAL REPORT**

**July 1, 1979 - June 30, 1980**



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ILLINOIS POLLUTION CONTROL BOARD  
TENTH YEAR ANNUAL REPORT

by

Jacob D. Dumelle, Chairman

INTRODUCTION

Presented in this Tenth Year Annual Report are highlights of the Pollution Control Board's activities during the fiscal year from July 1, 1979 to June 30, 1980. Where space permits, comparative data on Board operations are given for each of the past 10 years since the Board's creation by the Illinois General Assembly effective July 1, 1970.

FUNCTIONS OF THE BOARD, THE AGENCY, AND THE INSTITUTE

The distribution of functions between the Pollution Control Board ("Board"); the Illinois Environmental Protection Agency ("Agency"); and the Institute of Natural Resources ("Institute") are delineated in the Environmental Protection Act which became effective July 1, 1970 and later amendments to it. Readers who wish to know something of the early history of these agencies are referred to the comprehensive treatment by Elizabeth H. Haskell and Victoria S. Price in their book State Environmental Management: Case Studies, Praeger Publishers, 1973.

Briefly, the Board has been delegated both quasi-judicial powers and quasi-legislative powers. It exercises the first when it adjudicates enforcement, variance, permit denial appeal, and hazardous waste disposal site permit grant appeal cases. It exercises the second when it engages in rulemaking. Appeals from Board decisions are directly to the cognizant district Illinois Appellate Court. The Board also has to concur in permits issued by the Illinois Department of Transportation for construction of structures in Lake Michigan.

Board Members are full time and may not engage in any other activity except that permitted for judges, such as writing, lecturing, or teaching. They are nominated by the Governor of Illinois and must be confirmed by the Illinois State Senate. A Board Member's term is for three years. Reappointment is permitted.

The staff of the Board numbers 19 plus a part time law student. Each Board Member has an assistant who is usually a lawyer and who assists in drafting opinions on cases, motions and regulations assigned. The assistant, if a licensed lawyer in Illinois, functions as a hearing officer for the pending regulations assigned to that Board Member.

The Agency has more than 800 employes and operates from its Springfield headquarters and from regional offices around Illinois. It conducts field surveillance, site inspections, monitoring, permit review and issuance, processing of grant applications, and preparation of special reports and studies.

Because many rulemaking proceedings are required by Federal law, the Agency is often the proponent. Regulatory proceedings can also be initiated by the Board or by the Institute or by any person who obtains 200 signatures in favor of the petition.

Most enforcement cases are initiated by the Agency through the Attorney General's office. Citizens may also bring enforcement cases under Illinois law but must act as prosecutor if they do so. The Attorney General also does file enforcement cases before the Board in the name of the People of the State of Illinois.

The Agency is by law an automatically named party to all variance or permit denial appeal cases. In variance cases it files a recommendation with the Board as to disposition of the petition.

The Institute of Natural Resources is a fairly new agency formed by the recent consolidation of the predecessor Institute for Environmental Quality with the State Natural History Survey, State Water Survey, State Geological Survey and the State Museum.

Within the Institute, its Division of Environmental Management contracts for applied research on environmental problems in Illinois. It also has consultants prepare economic impact studies which must be presented to the Board and at public hearings before permanent rulemaking can be done.

#### BOARD MEMBERSHIP

During Fiscal Year 1980 the vacancy created by the resignation of Mr. James L. Young was filled by Governor James R. Thompson in the appointment of Joan G. Anderson of Western Springs. Mrs. Anderson is the former Director of the Illinois Department of Registration and Education and is a microbiologist.

Governor Thompson named Messrs. Jacob D. Dumelle and Irvin G. Goodman to additional three-year terms on the Board. Mr. Dumelle is a mechanical engineer and a former city manager. He has served on the Board since it began on August 1, 1970. Mr. Goodman is a lawyer and chemical engineer. He was first appointed to the Board in April 1976. All three nominees were confirmed by the Illinois State Senate on April 9, 1980. Mr. Dumelle was named Chairman. The Chairman has no fixed term and serves at the Governor's pleasure.

The present membership of the Board and the date of term expiration is as follows:

Mr. Nels E. Werner, Chicago, June 30, 1980  
Ms. Joan G. Anderson, Western Springs, June 30, 1981  
Dr. Donald P. Satchell, Carbondale, June 30, 1981  
Mr. Jacob D. Dumelle, Oak Park, June 30, 1982  
Mr. Irvin G. Goodman, Oakbrook, June 30, 1982

#### CASE ACTIONS

The total number of cases filed before the Board during FY80 was practically the same, 264, as in the previous year, 265. Enforcement cases continued to decrease. Only 70 were filed compared to 115 cases in FY79. Variances increased to 148 compared to 111 in the previous year. Permit denial appeals were about constant at 34 compared to 36 for the preceding year.

Appendix A gives the distribution of all cases filed before the Board by fiscal years. A total of 3,899 cases have been filed with the Board in 10 years or about 390 cases per year on the average.

Each new regulation generates some variance cases when deadlines pass. Eventually, as compliance occurs, the need for variances decreases. Enforcement case activity is partially a function of the state of compliance or lack of it and prosecutorial resources available.

Appendix B gives the distribution of enforcement cases from "citizens" (meaning someone other than the Illinois Environmental Protection Agency). In FY80 there were 17 cases filed by parties other than the Attorney General (who filed two cases). In 10 years a total of 166 cases have been filed by persons not connected with the Agency or the Attorney General's office. This is 12.5% of all 1,328 enforcement cases filed in the same decade. The "citizen suit" provision is a valuable safety valve in the Environmental Protection Act. It insures a citizen's right to have an environmental dispute adjudicated when official agencies can not or will not prosecute.

During FY80 the Board assessed \$198,812.50 in penalties (including some actions by circuit courts in Board cases) compared to \$164,117.71 for the preceding year. The total of all Board penalties (including adjustments by the courts) for the past 10 years is \$2,324,625.57. Appendix F lists the penalties levied in FY80.

#### RULEMAKING ACTIONS

In Fiscal Year 1980 the Board took final action on 16 regulatory proceedings compared to 12 such actions in FY79.

Its first three actions dealt with regulations which were part of the important revisions to the State Implementation Plan (SIP) for air. On July 12, 1979 revisions to volatile organic emissions were enacted (R78-3,4). On September 6, 1979 steel mill particulate regulations were adopted (R78-10) followed on October 4, 1979 by passage of a fugitive particulate rule (R78-11).

These efforts for timely passage were aided by excellent cooperation from the Agency and Institute. The Agency submitted eight volumes of studies, data and the new and old Board rules to the U.S. Environmental Protection Agency. On February 21, 1980 the Federal approval of the SIP, with some conditions, appeared in the Federal Register. Illinois became the first, state in the Midwest and one of the first large industrial states to have its SIP approved. The consequences of this approval were that permits could again be issued in Illinois for new industries or for industrial expansion in "non-attainment" (polluted) areas. The approval also meant that Illinois highway and sewage treatment plant construction grant funds and program funds all totalling about \$600 million per year were no longer in danger of revocation.

On October 18, 1979 the Board dismissed its own initiated proceeding dealing with a new definition of an artificial cooling lake. At the same meeting it dismissed R78-13, a site-specific proposal involving chloride and dissolved solids levels in water because of lack of action by the proponent.

A proposal deleting Rule 206(d) which had limited carbon monoxide emissions from blast furnaces, sinter plants and basic oxygen furnaces was adopted on November 1, 1979. At the same meeting, R79-4, which had to do with dust emissions while loading grain into watercraft, was dismissed because of lack of action by the proponent.

On November 15, 1979 in R79-12 additional NSPS/NESHAPS Federal standards were adopted under the "pass-through" statute.

At the November 29, 1979 meeting the Board adopted R78-2 which amended disaster burning regulations to allow emergencies to be declared by the Governor as well as the President.

Procedural rules pertaining to sulfur dioxide emission limitations were enacted in R78-6 on December 13, 1979.

On March 20, 1980 the Board dismissed R75-8 which would have allowed an increase in the sulfur content of fuel oil. On the same date it enacted R80-4 which were additional NSPS matters.

Part of R77-12 (Docket-C) was enacted on May 1, 1980. This action deleted Rule 404(f) from Chapter 3: Water Pollution which was the 4 mg/l BOD<sub>5</sub> and 5 mg/l suspended solids effluent requirement for sewage treatment plants discharging to low dilution streams.

On May 15, 1980 another NSPS standard was enacted in R80-8. On May 25, 1980 a site-specific standard for an explosive waste incinerator in Williamson County was adopted.

The last regulatory final action of FY80 took place on June 12, 1980 when R75-5 and R74-2 were clarified by adding an appendix to Rule 204 dealing with sulfur dioxide emissions.

During FY80 some 15 new regulations were filed with the Board compared to 16 filed in FY79. Appendix C gives the distribution by the type of the 183 regulations filed with the Board since 1979. Appendix D lists the filings during FY80.

#### ADMINISTRATIVE AND FINANCIAL

During Fiscal Year 1980 the Board expended \$612,848 compared to its appropriation of \$707,200. The expenditure figure is subject to final audit. The FY81 appropriation for the Board is \$698,900. The funds for Board Member salaries and related items (pensions and health benefits) are not contained in the Board appropriation but appear in the State Officers appropriation.

The Board continued to use part-time personnel wherever possible in lieu of full-time employes. An in-house study resulted in economies by changing the type of duplicating equipment. During FY81 it is anticipated that direct-dial telephones will be installed for further savings.

Appendix E gives Board expenditures by category over past years and appropriations for FY81.

#### THE YEAR AHEAD

In last year's report mention was made of the high priority being given by the Board to timely revision of the SIP. As mentioned in the Regulatory Actions section above the SIP revision was Federally accepted on February 21, 1980 and sanctions potentially harmful to Illinois were avoided. The Illinois Department of Commerce and Community Affairs used the fact of Federal SIP approval in an industrial development ad placed in Fortune magazine. Permits can be promptly obtained in Illinois at the state level without the need for also securing Federal permits.

During the coming year it will be necessary for further revisions to be made to the SIP in order to fulfill some of the conditions imposed in the Federal approval. The Board will do its best to have these revisions done in a timely fashion in order that industrial development or expansion in Illinois is not hindered.

At year's end some 26 regulations were pending before the Board. Many of these regulations were awaiting mandatory economic impact studies which must be prepared by the Institute of Natural Resources. The Institute has revamped its procedures and has promised delivery of these studies within a 9-month period after filing of the regulatory proposal unless extraordinary circumstances occur.

Revisions to many of the entire chapters of Board Rules are pending. Regular revision is desirable in order to remove obsolete or unnecessarily expensive regulations. And the latest scientific findings can be considered as well as any recent court decisions. Chapter 2 (air), 3 (water), 4 (mine-waste), and 7 (solid waste) are before the Board, or shortly will be, for revision and updating. It is important that the interested public and business and industrial community participate in these revisions by testifying or by submitting comments.

In 1970, when the Board began, the major air pollution problem was that of high sulfur dioxide levels. This has been solved. Now suspended particulate and ozone are the current air pollution problems and these are gradually being solved. In water, sediment and its effect upon visibility and bottom conditions, is still the most important problem.

New problems in the Illinois environment have appeared. Hazardous wastes and their potential for ground water contamination are prominent subjects in the press and literature. The Board's enactment of the special waste handling regulations on March 15, 1979 set up a system of manifests to track such wastes to their ultimate and proper disposal site. During FY80 the manifest system went into effect and is being administered by the Agency.

The Board and its staff try to keep abreast of environmental developments so that problems of contamination or dangers to public health can be avoided. Public input is always welcome.



## JUDICIAL REVIEW

During the last year, the Courts have reviewed several cases which have an impact on the state's environmental regulatory process. These cases have touched three major areas of pollution: air, water, and noise.

### Air Pollution

The Board's air pollution regulations have continued to be a major source of judicial controversy during the last year. To put these cases in context, the following history is important. The Board adopted particulate and sulfur dioxide emission regulations for power plants and industrial boilers in 1972. In 1976 the Illinois Supreme Court remanded the regulations to the Board to consider new evidence. In 1977 the Board revalidated Rules 203(g)(1), 204(c)(1)(A) and 204(c)(1)(D). In 1978 both the Illinois First and Third District Appellate Courts held that the revalidation was improper because the Board did not hold additional hearings and did not receive an economic impact study as was required by a 1975 law. The Board appealed the First District's decision, but not the Third District's.

In December of 1979, the Illinois Supreme Court held that the Board was estopped from appealing the First District's decision since it had not appealed the other decision and since both cases involved the same issues. The Court found that mutuality of estoppel would traditionally require the same parties in both appeals, but found that mutuality was not needed here. The Court noted a modern trend that only one party, the one against whom estoppel is attempted, need be identical in the two actions. (Illinois State Chamber of Commerce, et al. v. PCB, No. 51671, December 3, 1979).

This decision created an unfortunate problem in the state/federal regulatory scheme in that the rules had been approved by the USEPA in 1972 as part of Illinois' State Implementation Plan (SIP). A question arose as to whether rules which had been struck down by the State courts could still be enforced as part of the SIP. This question was examined in two cases involving Commonwealth Edison.

Federal Judge George Leighton of the Northern District of Illinois had occasion to consider this question in a case concerning the enforceability of Rule 203(g)(1). Rule 203(g)(1) regulates particulate emissions from coal-fired boilers in the Chicago area. This rule was among those remanded to the Board by the Illinois Supreme Court in 1976 and vacated again by the same court in December, 1979. This rule was approved by USEPA and became a part of the Illinois SIP in 1972. Even though the rule was invalidated in the Illinois courts, the SIP was never amended to reflect this change. Consequently, Judge Leighton held that Rule 203(g)(1) could still be enforced by the Illinois Attorney General through Section 304 of the Clean Air Act. (People v. Commonwealth Edison, Nos. 78C2675 and 79C311, February 19, 1980).

The decision in this case, however, must be viewed in conjunction with the other Edison case. The First District Appellate Court followed the Illinois Supreme Court's decision in Illinois State Chamber of Commerce, et al. v. PCB, above, in remanding the particulate and sulfur dioxide emission rules for coal-fired boilers. The Court then vacated the compliance date, May 30, 1975, for these rules (Commonwealth Edison Co. v. PCB, No.77-1447). However, given Judge Leighton's decision, this ruling appears to have little practical effect.

The relationship between state and federal rules remains unsettled, but this much seems clear. There is a dual enforcement system on the state and federal levels which appears to be somewhat inconsistent. As a result, there will certainly be more cases examining the workings of this system.

The only other case involving Air Pollution Regulations concerned a permit appeal. On May 30, 1980 the Third District Appellate Court reversed the Board in the case of Marquette Cement v. IEPA and IPCB, First District No. 79-851. Marquette had appealed the Agency's denial of an operating permit to the Board. The Board dismissed the appeal on the basis that no hearing had been held and that the petition was deficient. The Court found that the hearing had not been held because the hearing officer had set the hearing on a date beyond the statutory 90-day decision period, which Marquette had not waived. The Court further found that the Board's actions punished Marquette for failure to waive its rights. Such action was held to be arbitrary and capricious since the lack of a timely hearing resulted from the actions of the Board, rather than from delay on the part of Marquette or from extraordinary circumstances.

The Court also found that the finding of the Board concerning the sufficiency of allegations supporting the petition was a finding on the merits. Therefore, that issue could not properly be reached until a hearing had been held. Finally, the Court held that under the circumstances Marquette did not waive its right to a hearing within 90 days by filing a motion for summary judgment.

### Water Pollution

The bulk of the cases affecting the Board during the last year concern the water pollution regulations. Two cases consider the proper interpretation of Board rules.

The Third District Appellate Court construed Rule 951(b)(2) of Chapter 3: Water Pollution. That rule states that construction permits are not required for sewers which serve a single building and discharge less than 1500 gallons of domestic sewage per day. A grocery store in Farmington constructed an eight-inch sewer line which tapped into the city's sewer system. The line did not need a permit because it had been designed to serve a single building with a discharge of less than 1500 gallons per day. Later more retail outlets tapped onto the grocery store line claiming the same permit exemption. The Board

found that the additional connections made the initial line a sewer extension requiring permits. The Court reversed on the basis that Rule 951(b)(2) was not specific enough to support the Board's interpretation. One dissenting Justice found a violation, and went on to find Rule 951(b)(2) to be constitutionally valid. (Starcevich, et al. v. IEPA, Third District No. 78-28).

In another case the Fifth District Appellate Court was asked to overrule the holding of Olin Corporation v. IEPA (5th Dist. 1977, 54 Ill. App. 3d 480, 370 N.E. 2d 3, leave to appeal denied). In Olin, the Court had construed Rule 302(k) of Chapter 3: Water Pollution, pertaining to the classification of bodies of water for purposes of establishing permissible pollution limitations. Citing the doctrine of stare decisis, the court affirmed its holding in Olin that no stream can be added to Rule 302 without a rulemaking proceeding before the Board. Rule 302 lists those waters which are suitable only for secondary contact and indigenous aquatic life. (Marathon Oil Co. v. Briceland, et al., No. 78-436).

Two other water pollution cases resulted in the courts interpreting the Board's Procedural Rules. The first concerned the scope of discovery in a permit appeal proceeding.

The operators of a rendering plant appealed the IEPA's denial of a permit to construct water pollution control facilities. The operator filed interrogatories requesting the names of IEPA personnel who had reviewed the application and the information they had relied on. IEPA objected to the interrogatories on the basis that they did not relate to information already contained in the record and were, therefore, irrelevant; the Board's hearing officer sustained the objections; and the case proceeded to a hearing over the operator's continuing objection. The Court, citing Procedural Rule 313, rejected the Agency's argument and held that the failure of an interrogatory to relate directly to the record is an insufficient basis for an objection to it. (Fox Valley Grease Co. v. PCB & EPA, Second District No. 78-363, September 17, 1979).

A second case held that a Board regulation can be challenged in a variance proceeding. The Second District Appellate Court vacated and remanded a 6-month variance granted by the Board to the Village of Cary in a case involving barium levels in drinking water in excess of federal and state standards. Cary contended that the standard was unsupported by any competent medical or scientific evidence. Since this challenge came considerably later than the 35-day appeal period provided for a regulatory enactment, the Board did not reevaluate the barium standard, granted a 6-month variance, and required progress toward compliance. The Court found that even though Cary was granted a variance, it did not get the relief it requested. Consequently, it was adversely affected by the Board's decision and entitled to administrative review. Cary was not required to exhaust administrative remedies through a new variance request or a petition to change the barium standard. The Court held that the

Board should have determined whether the barium standard was arbitrary, unreasonable or capricious as applied to Cary and remanded the case. (Village of Cary v. PCB & EPA, Second District No. 79-314, April 1, 1980).

Two federal cases looked at the relationship of the state and federal governments in controlling water pollution. The first involved the necessity for the state to consider economic factors when setting water quality standards.

In 1977 South Dakota revised its water quality standards without considering social or economic factors because it was prohibited by state law from doing so. When these revisions were approved by U.S. EPA, an NPDES permittee appealed, claiming that the Clean Water Act required a review of economic factors. The Court disagreed holding that the state could decide the amount of weight to be given each factor listed in the Clean Water Act. (Homestake Mining Co. v. EPA, Eighth Circuit No. 78-5027, October 16, 1979).

A second case looked at the state/federal relationship in the context of the state's standing to intervene in a federal case. The Illinois Attorney General brought a federal common law nuisance action against Outboard Marine Corporation for the discharge of polychlorinated biphenyls (PCB's) into Waukegan Harbor on Lake Michigan. The case was dismissed for a lack of interstate effect. Later the federal government filed suit for the same pollution. When the Attorney General moved to intervene, the district judge denied the motion. The Appellate Court reversed both decisions, holding that the federal interest in navigable waters rendered interstate effect unnecessary for a state to bring a federal action. Illinois had a right to intervene under the Clean Water Act, and the State's presence was deemed desirable to resolve all questions of how the cleanup should proceed. (People v. Outboard Marine Corp. & U.S. v. Outboard Marine Corp., Seventh Circuit No. 79-1341 and 79-1725, March 28, 1980).

### Noise Pollution

During the last year, only one case involving noise pollution was decided by the appellate courts. In that case, Motor Racing Exemptions from Noise Regulations were held to be unconstitutional. On April 10, 1980, Mr. Justice Jiganti for the Fourth Division of the Appellate Court for the First District reversed the Board's dismissal of a motor racing noise enforcement action (PCB 76-84) and remanded it to the Board for further proceedings.

The Illinois Attorney General had filed a complaint with the Board alleging noise pollution caused by a motor racing facility. While the case was pending, Section 25 of the Environmental Protection Act was amended to exempt sanctioned motor races from coverage of applicable Board regulations.

The sanctioning was left up to a private organization. After the amendments, the Board dismissed the complaint holding that it lacked authority to rule on the validity of the amendments. After holding that the Attorney General had not only standing, but a duty to challenge statutes which may be constitutionally infirm, the First District Appellate Court addressed the amendment. The Court rejected the amendment because the sanctioning organizations were not accountable to the public and do not substantially represent the populace of the areas affected by the amendment. This constituted improper delegation of legislative authority. (People v. Santa Fe Park Enterprises, Inc. and PCB, No. 79-884, April 10, 1980).

### Combined Pollution

The two remaining cases involve all three types of pollution: air, noise and water. The first was a citizen suit to stop the construction of a highway.

Three citizens filed a complaint before the Board to stop some highway construction. They claimed that the highway would cause increased air, noise and water pollution. The Court found that future pollution had to be supported with sufficient facts to show a definite danger from prior conduct. The Court held that a storm sewer under construction would not need an NPDES permit, therefore, no violation would occur from discharging without one. The complaint was found to be duplicitous because the same citizens had already filed two similar lawsuits in a circuit court. The same appellate court had already affirmed a denial of relief. (Verva Rocke, et al. v. PCB, et al., First District No. 78-579, October 18, 1979).

The second case involved the Village of Wilsonville. On September 21, 1979, the Fourth District Appellate Court affirmed a circuit court ruling which found that a hazardous waste disposal site constituted a nuisance, ordered it closed, and ordered that all contaminated soil be removed. The landfill had received all the necessary permits. The Court found that the circuit court had jurisdiction to hear the case and that administrative remedies before the Pollution Control Board need not be exhausted. The trial court had found that the site emitted odors and dust which damaged the well-being of the local residents and that transportation of waste through the town of Wilsonville presented some hazard. After reviewing the evidence on the issues of whether the hazardous substances might migrate through the soil or ignite, the Appellate Court held that an injunction was a proper remedy. The potential damage was substantial; there was a reasonable likelihood that some of the wastes might escape the site in the future; and there was no feasible way to protect the population if the wastes escaped. The Appellate Court also found that the trial court could have determined that the danger from escape was so serious that no justification existed to deny the injunction even though the harm was uncertain or unlikely to occur in the near future. The trial

court was not required to balance the social value of the landfill against its potential for pollution. (Village of Wilsonville, et al. v. SCA Services, Inc., Fourth District No. 79-218, September 21, 1979, 13 ERC 1809).

APPENDIX A  
ILLINOIS POLLUTION CONTROL BOARD  
FY CASE DISTRIBUTION

	FY71	FY72	FY73	FY74	FY75	FY76	FY77	FY78	FY79	FY80
<u>VARIANCES:</u>										
Water:	56	126	168	126	102	103	155	103	65	93
Air:	101	144	145	217	185	81	20	30	35	26
Land:	2	12	18	12	12	9	6	9	1	4
Public Water Supply:	2	5	30	22	17	5	3	9	2	16
Noise:	0	0	0	0	1	5	3	4	4	1
Special Waste Hauling	0	0	0	0	0	0	0	0	4	8
Total:	161	287	361	377	317	203	187	155	111	148
<u>ENFORCEMENT CASES:</u>										
Water:	25	52	36	35	42	43	29	46	69	32
Air:	26	100	68	79	49	52	21	16	5	10
Land:	12	53	35	13	57	63	22	61	20	10
Public Water Supply:	1	4	1	4	14	27	8	10	14	12
Noise:	0	0	0	1	11	10	9	8	7	5
Special Waste Hauling:	0	0	0	0	0	0	0	0	0	1
Total:	64	209	140	132	173	195	89	141	115	70
<u>PERMIT APPEALS:</u>										
	0	0	12	21	15	29	21	28	36	34
<u>OTHER:</u>	2	3	0	0	0	9	20	19	3	12
GRAND TOTAL:	227	499	513	530	505	436	317	343	265	264

APPENDIX B  
ILLINOIS POLLUTION CONTROL BOARD  
CITIZEN ENFORCEMENT - FY DISTRIBUTION

	FY71	FY72	FY73	FY74	FY75	FY76	FY77	FY78	FY79	FY80
FILED BY:										
<u>CITIZENS</u>										
Water:	7	6	17	15	5	4	3	5	10	3
Air:	4	6	7	9	4	5	3	1	0	6
Land:	1	0	4	4	1	3	6	4	0	1
Public Water Supply:	0	0	0	0	3	0	0	0	0	3
Noise	0	0	1	1	3	3	2	1	1	4
Special Waste Hauling:	0	0	0	0	0	0	0	0	0	0
Total:	12	12	29	29	16	15	14	11	11	17
FILED BY:										
ATTORNEY GENERAL (PEOPLE OF THE STATE OF ILLINOIS)										
Water:	0	0	0	1	7	2	10	3	0	1
Air:	0	0	2	7	18	8	9	4	0	0
Land:	0	0	0	0	2	4	6	4	0	0
Public Water Supply:	0	0	0	0	3	0	0	0	0	0
Noise:	0	0	0	0	0	1	1	0	0	1
Special Waste Hauling:	0	0	0	0	0	0	0	0	0	0
Total:	0	0	2	8	30	15	26	11	0	2
GRAND TOTAL:	12	12	31	37	46	30	40	22	11	19



APPENDIX C  
ILLINOIS POLLUTION CONTROL BOARD  
REGULATIONS FILED BY FISCAL YEARS

	<u>FY71</u>	<u>FY72</u>	<u>FY73</u>	<u>FY74</u>	<u>FY75</u>	<u>FY76</u>	<u>FY77</u>	<u>FY78</u>	<u>FY79</u>	<u>FY80</u>	<u>TOTAL</u>
Water	20	5	5	5	9	8	8	1	4	2	67
Air	9	7	8	7	9	8	4	4	8	6	70
Land	0	1	0	0	0	1	0	1	0	0	3
Public Water Supply	0	0	0	1	0	0	0	1	0	0	2
Noise	1	1	1	0	2	1	4	0	1	2	13
Other (Procedural Rules, etc.)	3	8	1	1	1	1	4	1	3	5	28
<b>Total:</b>	<b>33</b>	<b>22</b>	<b>15</b>	<b>14</b>	<b>21</b>	<b>19</b>	<b>20</b>	<b>8</b>	<b>16</b>	<b>15</b>	<b>183</b>

APPENDIX D  
REGULATIONS PROPOSED IN FY80

<u>NUMBER</u>	<u>TITLE</u>	<u>DATE PROPOSED</u>	<u>DATE OF BOARD ACTION</u>
R79-9	Amendments to Procedural Rules, Rules 405 and 401	June 22, 1979	Pending
R79-10	Proposed Snowmobile Noise Pollution Regulations	June 25, 1979	Pending
R79-11	Proposed Amendments to Air Regulations, Part 2, Rule 203(q) Stationary Sources #200	September 5, 1979	Pending
R79-12	Standards of Performance for New Stationary Sources and National Emission Standards for Hazardous Air Pollutants	November 15, 1979	November 15, 1979
R79-13	Amendments to Rule 902 of Chapter 3: Water Pollution	December 13, 1979	Pending
R79-14	Regulatory Proposal for Revisions of Chapter 2 by EPA	December 24, 1979	Pending
R80-1	Proposed Rules Under Section 25(a) of the Environmental Protection Act (Nuclear)	January 10, 1980	Pending
R80-2	Proposed Amendments to Rule 311, Procedural Rules	February 21, 1980	Pending
R80-3	Proposed Amendments to Chapter 4: Mine Related Pollution	February 6, 1980	Pending
R80-4	Standards of Performance for New Stationary Sources	March 4, 1980	March 20, 1980
R80-5	AQS Amendments, Emissions of Volatile Organic Material	March 26, 1980	Pending
R80-6	WQS Amendments, Rule 104,951	April 7, 1980	Pending
R80-7	Proposed Amendment to Rule 502(q) and 503(a) of Chapter 1, Procedural Rules	April 24, 1980	Pending
R80-8	Amendments to New Source Performance Standards, Subpart A,K,KA	May 9, 1980	May 15, 1980
R80-9	Blasting Noise Amendment, Chapter 8 Rule 209(f)	May 15, 1980	Pending

APPENDIX E  
ILLINOIS POLLUTION CONTROL BOARD  
OPERATIONS (000 omitted)

	<u>FY73</u> (a)	<u>FY74</u>	<u>FY75</u>	<u>FY76</u>	<u>FY77</u>	<u>FY78</u>	<u>FY79</u>	<u>FY80</u>	<u>FY81</u>
Appropriated:	\$952.3	\$811.7	\$734.6	\$706.2	\$687.3	\$703.3	\$693.6	\$707.2	\$698.9
EXPENDITURES:	668.7	579.9	638.5	624.4	574.9	624.7	658.3	612.8	
Personal Services	201.4	220.7	260.0	250.3	243.4	265.6	295.1	292.7	308.3
Retirement	11.8	13.1	16.2	16.2	15.7	19.0	22.9	23.4	23.1
Social Security	10.1	11.9	13.6	13.4	13.5	15.5	17.2	17.8	18.9
Contractual Services	100.0	112.3	110.4	109.1	108.1	119.4	110.4	120.5	131.8
Travel	8.6	13.9	14.8	16.6	18.8	19.5	16.8	18.2	19.0
Commodities	9.1	6.3	8.6	7.4	4.6	5.6	2.5	3.7	5.9
Printing	35.6	41.5	33.4	36.1	40.4	26.4	49.6	34.0	46.8
Equipment	6.5	4.1	0.8	0.8	2.0	1.0	1.0	1.2	2.0
Telecommunications	8.5	9.9	9.6	8.5	10.3	10.1	10.2	9.6	11.1
Hearing Officers	80.8	50.1	48.4	61.2	36.0	53.8	48.2	39.4	57.0
Court Reporting	196.3	96.1	122.7	107.9	82.3	88.8	84.5	52.3	75.0

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(a) FY 71 and FY 72 figures available in previous Annual Reports.

(b) Board Member salaries and pension contributions appear in the Office of the Governor budget and are not reflected above.

APPENDIX F  
STATE OF ILLINOIS  
ENVIRONMENTAL PROTECTION AGENCY  
SUMMARY PENALTIES ASSESSED BY POLLUTION CONTROL BOARD  
JULY 1, 1970 TO JUNE 30, 1980

	<u>7/1/70 To</u> <u>6/30/78</u>	<u>7/1/78 To</u> <u>6/30/79</u>	<u>7/1/79 To</u> <u>6/30/80</u>	
Penalties Assessed By Pollution Control Board	1,960,694.63	164,117.71	198,812.50	
Interest Assessed By Judgement	<u>990.73</u>	_____	_____	
Total Penalties	<u>1,961,685.36</u>	<u>164,117.71</u>	<u>198,812.50</u>	
Penalties Paid, Vacated or Declared Uncollectable	1,919,260.36	150,500.97	144,837.50	
Penalties Appealed	2,250.00		4,000.00	
Penalties Receivable	<u>40,175.00</u>	<u>13,616.74</u>	<u>49,975.00</u>	
	<u>1,961,685.36</u>	<u>164,117.71</u>	<u>198,812.50</u>	<u>2,324,615.57</u>

MJH:0395B/sd/1

APPENDIX F  
STATE OF ILLINOIS  
POLLUTION CONTROL BOARD  
PENALTIES ASSESSED  
12 MONTHS ENDED JUNE 30, 1980

Order Date	PCB NO.	Name	Total Penalty	RECEIVABLES			
				PAID & VACATED	APPEALED	PAST DUE	CURRENT
7/12/79	79-19	Chase, Jack, d/b/a Abcoa Thinners & Chase, Michael	800	800			
7/12/79	79-1	Borden Chemical	4,000	4,000			
7/12/79	78-163	Greulich, Jeff	200			200	
7/12/79	78-130	Joliet, City of	500	500			
7/12/79	78-290	Morris Coal, Inc.	2,000	2,000			
7/12/79	78-134	Northern Petrochemical Co.	16,000	16,000			
7/12/79	77-162	Watts Trucking Service	3,000	3,000			
7/12/79	78-107	Zahradka, Gene	300	300			
7/15/79	77-CH-94	Peru, City of *	1,000 *	1,000			
7/26/79	79-13	Athans, James & Bradenburg Demolition, Inc.	500	500			
7/26/79	79-16	Millas, William	100	100			
7/26/79	79-16	Centerville, City of	200	200			
7/26/79	79-16	So. Ill. Black Truckers, Inc.	500			500	
7/26/79	77-254	Tabbert, Robert (Dr.) and Tabbert, Marguerite G.	1,000	1,000			
8/9/79	78-235	Alumax Extrusions, Inc.	1,000	1,000			
8/9/79	77-60	Commans, Cecil M. and Joanne Haynes, Floyd d/b/a	300			300	
8/9/79	77-60	Haynes Construction & Concrete Co.	500	500			
8/23/79	78-150	Hicks, Maggie Bell & Terry	100	100 **			
8/23/79	79-48	Chester, City of	1,750	1,750			
8/23/79	78-170	Boast, John M., Inc. Barr, John, d/b/a	500	500			
8/23/79	79-57	Bi-County Disposal	1,000	1,000			
9/6/79	78-188	Raymond, Village of	100	100			
9/6/79	76-80	Allaert Rendering, Inc.	3,000		3,000		
9/20/79	78-133	Murale Water Dist. et. al.	200	200			
9/20/79	79-25	W. W. Sanitation, Inc.	1,000	1,000			

\* Levied by Circuit Court - LaSalle County

\*\* Penalty Suspended

MJH:0395B/sd/8

APPENDIX F  
STATE OF ILLINOIS  
POLLUTION CONTROL BOARD  
PENALTIES ASSESSED  
12 MONTHS ENDED JUNE 30, 1980

Order Date	PCB NO.	Name	Total Penalty	RECEIVABLES			
				PAID & VACATED	APPEALED	PAST DUE	CURRENT
10/4/79	78-266	Kerr Glass Manufacturing Co.	3,000	3,000			
11/1/79	78-149	Browning-Ferris Industries of Rockford, Inc.	1,000	1,000			
11/15/79	78-152	Atlantic-Richfield Co.	3,500	3,500			
11/15/79	78-300	Archer-Daniels-Midland Co.	5,000	5,000			
11/29/79	78-203	Jewett, Village of	100	100			
12/29/79	79-68	Maryville Colonial Nursing Home Inc.	1,000	1,000			
12/13/79	78-327	Lennon Wall Paper Co.	3,000	3,000			
1/10/80	77-311	Vander, John	1,000	1,000			
1/10/80	78-297	Einsweiller, John C. & Lemfco, Inc.	1,000	1,000			
1/24/80	79-15	Western Utilities, Inc.	1,000	1,000			
1/24/80	78-102	Dougherty, Dennis M.; Ridgewood Arcade; & Arcade Enterprises	1,000	300			700
1/24/80	79-29	Hale, Clifford	1,000				1,000
1/24/80	79-76	Henderson, John C.	500	500			
1/24/80	79-76	Rinne, Roger L.	1,000				1,000
2/7/80	79-152	Bina, Dale C.	25				25
2/7/80	79-4	Evergreen Bath & Tennis, Inc.	750	750			
2/7/80	78-129	Itasca, Village of	500	500			
2/7/80	79-3	Ridgeway, Village of	750	250			500
2/7/80	79-194	St. Marie, Village of	300	300			
2/7/80	78-28	Slager, Darrell, d/b/a Rapid Liquid Waste & Rubbish Removal	1,000		1,000		
2/21/80	79-53	Triple T Inn of Edwardsville, Inc.	1,000	1,000			
3/6/80	79-216	Stonefort, Village of	150	150			

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APPENDIX F  
STATE OF ILLINOIS  
POLLUTION CONTROL BOARD  
PENALTIES ASSESSED  
12 MONTHS ENDED JUNE 30, 1980

Order Date	PCB NO.	Name	Total Penalty	RECEIVABLES			
				PAID & VACATED	APPEALED	PAST DUE	CURRENT
3/6/80	77-232	Lake In The Hills Sanitary District	500	500			
3/6/80	79-217	Watson, Donald	250	250			
3/6/80	79-59	Ralston, James	300	300			
3/6/80	77-157	Staley, A.E., Manufacturing Co.	3,000	3,000			
3/6/80	77-157	Archer-Daniels-Midland Co.	3,000	3,000			
3/6/80	79-77	Randolph County Landfill & Salvage, Inc.	250	250			
3/6/80	79-77	Henderson, John G.	250	250			
3/6/80	79-77	Henderson, Larry G.	100	100			
3/6/80	79-77	Rinne, Roger L.	500			500	
3/20/80	78-298	Jersey County Farm Supply Co.	1,500	1,500			
3/20/80	79-17	Mahomet, Village of	500	500			
3/20/80	79-58	Minerals Management Corp.; Nestler, Irwin; & Smith, Bromeley K. **	4,000			4,000	
3/25/80	W79G-2996-CH	Ryan, D.W. *	950	450		500	
4/3/80	78-295	East St. Louis, City of	1,000			1,000	
4/3/80	75-13	Interlake Inc.	14,500	14,500			
4/3/80	78-135	Palos Park, Village of	200	200			
4/3/80	78-131	Prestcrete Corp.	250			250	
4/17/80	78-238	Plano, City of	1,000	1,000			
4/17/80	79-241	Earlville, City of	300	300			
4/17/80	79-60	Illinois Tank & Truck Wash Inc.	500	500			
5/1/80	79-208	Springerton, Village of Glen's Restaurant Inc.	400	400			
5/15/80	78-305	d/b/a Glen's Truck Stop	100	100			
5/15/80	79-44	Mount Carmel, City of	200			200	
5/29/80	78-232	Wyanet, Village of	337.50	337.50			

APPENDIX F  
 STATE OF ILLINOIS  
 POLLUTION CONTROL BOARD  
 PENALTIES ASSESSED  
 12 MONTHS ENDED JUNE 30, 1980 (CONTINUED)

Order Date	PCB NO.	Name	Total Penalty	RECEIVABLES			
				PAID & VACATED	APPEALED	PAST DUE	CURRENT
5/29/80	77-345	Panozzo, John	7,500			7,500	
6/12/80	79-5	Crossroads U.S.A., Inc	1,500				1,500
6/12/80	79-214	Ogle Country View Home Owners Assoc.	300				300
6/12/80	78-239 & 79-96	SCM Corp.	30,000				30,000
6/12/80	79-220	Thorton, Village of	500	500			
6/12/80	78-233	Granite City Steel	10,000	10,000			
6/23/80	80-CH-107	Granite City Steel	48,000	48,000			
			<u>198,812.50</u>	<u>144,837.50</u>	<u>4,000</u>	<u>18,175</u>	<u>31,800</u>

\* Levied by Circuit Court

\*\* Modified order of 4/17/80 reduced penalty to \$4,000

MJH:0395B/sd/10-11



APPENDIX G  
NUMBER OF OPINION AND ORDERS ISSUED BY  
POLLUTION CONTROL BOARD

<u>CASES</u>	<u>FY71</u>	<u>FY72</u>	<u>FY73</u>	<u>FY74</u>	<u>FY75</u>	<u>FY76</u>	<u>FY77</u>	<u>FY78</u>	<u>FY79</u>	<u>FY80</u>	<u>TOTAL</u>
OPINION & ORDERS	109	369	456	417	354	374	276	192	227	188	2962
ORDERS	14	109	351	550	516	534	462	477	413	321	3747
DISSENTING	12	20	7	8	23	8	24	11	2	7	122
CONCURRING	5	6	3	2	2	17	11	8	1	9	64
SUPPLEMENTAL STATEMENTS	5	10	5	5	5	5	6	1	0	1	43
TOTAL	115	514	822	982	905	938	779	689	643	526	6943
<u>REGULATIONS</u>											
OPINIONS & ORDERS	15	15	6	10	11	11	4	14	11	23	120
ORDERS	9	2	19	26	38	36	35	36	45	45	291
DISSENTING	0	2	0	3	6	0	4	3	0	2	20
CONCURRING	0	2	0	0	1	2	0	0	1	0	6
SUPPLEMENTAL STATEMENTS	2	3	0	0	0	1	0	1	0	1	8
TOTAL	26	24	25	39	56	50	43	54	57	71	445
GRAND TOTAL	171	538	847	1021	961	988	822	743	700	597	7388