
Environmental Register

December 2002 - Number 582

The Environmental Register is a Publication of the Illinois Pollution Control Board

Thomas E. Johnson, Chairman

Board Members:

G. Tanner Girard, William A. Marovitz,
Nicholas J. Melas, Michael E. Tristano

Illinois Pollution Control Board
James R. Thompson Center
100 W. Randolph, Suite 11-500
Chicago, Illinois 60601
(312) 814-3620
(312) 814-6032 TDD

Illinois Pollution Control Board
600 South Second Street
Suite 402
Springfield, Illinois 62704
(217) 524-8500

Web Site: <http://www.ipcb.state.il.us>

Letter from the Chairman

I was recently privileged to be appointed Chairman of the Pollution Control Board. I am well aware of the importance of this position, and will endeavor to lead the Board to the best of my ability. Regretfully, this appointment was made necessary by the retirement of former Chairman Claire Manning.

Ms. Manning served as the Chairman of the Illinois Pollution Control Board for approximately ten years. Her last day as Chairman was December 31, 2002. I served with Ms. Manning for a year and a half. During that time, I was always impressed with the enthusiasm and dedication she brought to the job. That the Board has prospered during her tenure is in no small part due to Ms. Manning's leadership skills.



Ms. Manning has had a long and distinguished career with the State of Illinois. She earned her bachelor's degree from Bradley University in Peoria. She received her law degree from Loyola University's Chicago School of Law. In 1980, she worked as labor relations counsel for the Illinois Department of Central Management Services. In 1984, Ms. Manning joined the Illinois Labor Relations Board as an original member. She left the Labor Relations Board for the Illinois Pollution Control Board in 1993.

Ms. Manning will be missed. She has been a constant and valuable member of the Board for a decade. The Board recognizes her contributions both as Chairman and Board Member during this time. We wish Ms. Manning well in all her future efforts.

Although I am sorry to see her leave, I am confident that the Board will continue to serve the public with professionalism and efficiency. I want to assure the public, my fellow Board Members and Board staff that the Board will continue to timely and faithfully fulfill its statutory mission during this transition period. I want to thank all those involved with the Board for their valuable contributions, and I look forward to working with you in the future. Working together, I am sure we will continue to improve the Board's high level of professionalism and public service.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized initial 'T' followed by a horizontal line extending to the right.

Thomas E. Johnson, Chairman

Inside This Issue:

FEDERAL UPDATE	P. 1
APPELLATE UPDATE	P. 5
RULE UPDATE	P. 6
BOARD ACTIONS	P. 8
NEW CASES	P. 14
BOARD CALENDAR	P. 15
IEPA RESTRICTED STATUS LIST	P. 17
IEPA CRITICAL REVIEW LIST	P. 18

Federal Update

United States Environmental Protection Agency Adopts National Emission Standards for Hazardous Air Pollutants for the Paper and Other Web Coating Categories Under the Clean Air Act

On December 4, 2002 (67 Fed. Reg. 72329), the United States Environmental Protection Agency (USEPA) adopted national emission standards for hazardous air pollutants (NESHAP) for facilities that coat paper and other web substrates and are major sources of hazardous air pollutants (HAP) emissions. The standards implement section 112(d) of the Clean Air Act (CAA) to protect public health and the environment by reducing HAP emissions from new and existing facilities. The CAA requires these sources to achieve the maximum degree of reduction in HAP emissions that is achievable. The final standards will eliminate approximately 80 percent of nationwide HAP emissions from facilities that coat paper and other web substrates.

These amendments are effective on December 4, 2002.

For further information contact Mr. Paul Almodovar, Coating and Consumer Products Group (C539-03), Emission Standards Division, U.S. EPA, Research Triangle Park, NC 27711, telephone number (919) 541-0283, e-mail address: almodovar.paul@epa.gov

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

United States Environmental Protection Agency Withdraws Revisions to the Water Quality Planning and Management Regulation and Revisions to the National Pollutant Discharge Elimination System Program

On December 27, 2002 (67 Fed. Reg. 79020), the United States Environmental Protection Agency (USEPA) published a proposal to withdraw the final rule entitled “Revisions to the Water Quality Planning and Management Regulation and Revisions to the National Pollutant Discharge Elimination System (NPDES) Program in Support of Revisions to the Water Quality Planning and Management Regulation” (the July 2000 rule) published in the Federal Register on July 13, 2000. The July 2000 rule has never become effective; it is currently scheduled to take effect on April 30, 2003.

The July 2000 rule amended and clarified existing regulations implementing a section of the Clean Water Act (CWA) which requires States to identify waters that are not meeting applicable water quality standards and to establish pollutant budgets, called Total Maximum Daily Loads (TMDLs), to restore the quality of those waters. The July 2000 rule also amended USEPA's NPDES regulations to include provisions addressing implementation of TMDLs through NPDES permits. Regulations that USEPA promulgated in 1985 and amended in 1992 remain the regulations in effect for implementing the TMDL Program. Therefore, in this action, USEPA is proposing to withdraw the July 2000 rule, rather than allow it to go into effect April 30, 2003 as scheduled. In its notice, USEPA

Environmental Register – December 2002

stated that significant changes would need to be made to the July 2000 rule before it could serve as the blueprint for an efficient and effective TMDL Program. Furthermore, USEPA stated that it needed additional time beyond April 2003 to decide whether and how to revise the currently effective regulations implementing the TMDL Program in a way that will best achieve the goals of the CWA.

Written comments on this proposed rule should be submitted by January 27, 2003.

For further information contact Francoise M. Brasier, U.S. EPA Office of Wetlands, Oceans and Watersheds (4503T), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, phone (202) 566-2385.

If USEPA adopts these rules, the Board would anticipate that the Illinois Environmental Protection Agency (IEPA) would determine, as part of the triennial review of the state's water rules required by the Clean Water Act, whether any amendments to the state's water rules are necessary. If so, the Board would expect to receive a regulatory proposal from IEPA under Section 27 or 28.2 of the Environmental Protection Act (415 ILCS 5/27, 28.2 (2000)).

United States Environmental Protection Agency Adopts National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production Under the Clean Air Act

On December 30, 2002 (67 79807), the United States Environmental Protection Agency (USEPA) adopted national emission standards for hazardous air pollutants (NESHAP) for secondary aluminum production facilities under section 112 of the Clean Air Act (CAA).

The adopted rules amended the applicability provisions for aluminum die casters, foundries, and extruders that were adopted on March 23, 2000. The amendments also add new provisions governing control of commonly-ducted units; revise the procedures for adoption of operation, maintenance, and monitoring plans; revise the criteria concerning testing of representative emission units; revise the standard for unvented in-line flux boxes; and clarify the control requirements for sidewall furnaces.

These changes are being made pursuant to settlement agreements in two cases seeking judicial review of the NESHAP for secondary aluminum production. A separate rule to clarify compliance dates and defer certain early compliance obligations, which might have otherwise come due before completion of this rulemaking, was published on September 24, 2002.

The adopted amendments are effective December 30, 2002.

For further information contact Mr. John Schaefer, U.S. EPA, Minerals and Inorganic Chemicals Group, Emission Standards Division (C504-05), Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711, telephone number (919) 541-0296, email address, schaefer.john@epa.gov.

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

United States Environmental Protection Agency Proposes Amendments to the National Pollutant Discharge Elimination System Permit Regulations for Stormwater Discharges Under the Clean Water Act

On December 30, 2002 (67 Fed. Reg. 79827), the United States Environmental Protection Agency (USEPA) proposed modifications to the National Pollutant Discharge Elimination System (NPDES) permit deadline for storm water discharges for oil and gas construction activity.

The amendments propose a two-year postponement, until March 10, 2005, of the permit authorization deadline for NPDES storm water permits for oil and gas construction activity that disturbs one to five acres of land.

Environmental Register – December 2002

On December 8, 1999 (64 FR 68722), USEPA published a final rule expanding the then-existing NPDES permitting program to require permit coverage by March 10, 2003 for, among other things, construction sites that disturb one to five acres. USEPA assumed that few, if any, oil and gas exploration, production, processing, or treatment operations or transmission facilities would be affected by the rule. However, USEPA stated that information has become available indicating that close to 30,000 oil and gas sites per year may be affected by the December 8, 1999, storm water regulations. The proposed two-year postponement of the deadline from March 10, 2003, to March 10, 2005, will allow time for USEPA to analyze and evaluate 1) the impact of the permit requirements on the oil and gas industry, 2) the appropriate best management practices for preventing contamination of storm water runoff resulting from construction associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities, and 3) the scope and effect of 33 U.S.C. 1342 (1)(2) and other storm water provisions of the Clean Water Act.

Comments on the proposed rule must be received on or before January 29, 2003. Comments may be submitted electronically, by mail, or through hand delivery/courier. Send written comments to: Water Docket, Environmental Protection Agency, Mail Code 4101T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attention Docket ID No. OW-2002-0068.

For further information contact Wendy Bell, Office of Wastewater Management, Office of Water, Environmental Protection Agency, at 202-564-0746 or e-mail: bell.wendy@epa.gov.

If USEPA adopts these rules, the Board would anticipate that the Illinois Environmental Protection Agency (IEPA) would determine, as part of the triennial review of the state's water rules required by the Clean Water Act, whether any amendments to the state's water rules are necessary. If so, the Board would expect to receive a regulatory proposal from IEPA under Section 27 or 28.2 of the Environmental Protection Act (415 ILCS 5/27, 28.2 (2000)).

United States Environmental Protection Agency Adopts Amendments to the Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR) Regulations Under the Clean Air Act

On December 31, 2002 (67 Fed. Reg. 80185), the United States Environmental Protection Agency (USEPA) adopted amendments to the Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR) regulations under the Clean Air Act (CAA). The rules amend the baseline emissions determination, actual-to-future-actual methodology, plantwide applicability limitations (PAL), "clean units", and pollution control project regulations.

USEPA stated that the revisions to the NSR regulations mandated by parts C and D of title I of the CAA include changes in NSR applicability requirements for modifications. These are intended to allow sources more flexibility to respond to rapidly changing markets and to plan for future investments in pollution control and prevention technologies.

The new rules reflect USEPA's consideration of discussions and recommendations of the Clean Air Act Advisory Committee's (CAAAC) Subcommittee on NSR, Permits and Toxics, comments filed by the public, and meetings and discussions with interested stakeholders.

The changes that were adopted include a new procedure for determining "baseline actual emissions" which replace the pre-change "actual emissions" for most applications. The amendments allow for the use of any consecutive 24-month period in the past 10 years to determine baseline actual emissions. Additionally, USEPA supplemented the existing actual-to-potential applicability test with an actual-to-projected-actual applicability test for determining if a physical or operational change at an existing emissions unit will result in an emissions increase.

Changes to the PAL regulations implement a program based on plantwide actual emissions. If emissions from a facility are kept below a plantwide actual emissions cap (that is, an actual PAL), then these regulations will allow permittees to avoid the major NSR permitting process when making alterations to the facility or individual emissions units. In return for this flexibility, the rules require monitoring of emissions from all of the emissions units under the PAL. However, participating in the PAL program allows for modifications to a plant without NSR.

Environmental Register – December 2002

USEPA also promulgated a new type of applicability test for emissions units that are designated as Clean Units. This new applicability test will measure whether an emissions increase occurs based on whether the physical change or change in the method of operation affects the Clean Unit status of the unit. This new applicability test provides that when emission limitations are met based on installing state-of-the-art emissions control technologies (add-on control technology, pollution prevention techniques, or work practices) that are determined to be BACT or LAER, physical or operational changes may usually be made to the Clean Unit without triggering major NSR. However, major NSR is still triggered if the change causes 1) the need for a revision in the emission limitations or work practice requirements in the permit for the unit adopted in conjunction with BACT, LAER, or Clean Unit determinations, or 2) would alter any physical or operational characteristics that formed the basis for the BACT, LAER, or Clean Unit determination for a particular unit. Clean Unit status will be valid for up to a 10-year period.

Finally, this rule contains a new list of environmentally beneficial technologies that qualify as Pollution Control Projects (PCP) for all types of sources. Installation of a PCP is not subject to the major modification provisions. An owner or operator installing a listed PCP automatically qualifies for the exclusion if there is no adverse air quality impact. PCPs that are not listed in these rules may also qualify for the PCP exclusion if the reviewing authority determines on a case-specific basis that a non-listed PCP is environmentally beneficial when used for a particular application. Also, in the future, USEPA stated that it may add to the listed PCPs through a rulemaking that provides for public notice and opportunity for comment

This final rule is effective on March 3, 2003.

For further information contact Ms. Lynn Hutchinson, Information Transfer and Program Integration Division (C339-03), U.S. EPA Office of Air Quality Planning and Standards, Research Triangle Park, North Carolina 27711, telephone 919-541-5795, or email at hutchinson.lynn@epa.gov, for general questions on this rule.

If any 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), as amended by P.A. 92-0574, eff. June 26, 2002).

United States Environmental Protection Agency Proposes Amendments to the Prevention of Significant Deterioration (PSD) and Non-attainment New Source Review (NSR) Regulations Under the Clean Air Act

On December 31, 2002 (67 Fed. Reg. 80290), the United States Environmental Protection Agency (USEPA) proposed amendments to the Prevention of Significant Deterioration (PSD) and Non-attainment New Source Review (NSR) regulations governing routine maintenance, repair and replacement (RMRR) under the NSR program.

These proposed changes reflect the USEPA's consideration of the President's National Energy Policy (NEP), USEPA's Report to the President on the impact of NSR pursuant to the NEP, and USEPA's recommended changes to NSR based on the report findings and discussions with various stakeholders including representatives from industry, State and local governments, and environmental groups. USEPA has stated that the proposed RMRR provisions are intended to provide greater regulatory certainty without sacrificing the current level of environmental protection and benefit derived from the program.

The proposed amendments are based on provisions in amendments that were adopted by USEPA on December 31, 2002 (67 Fed. Reg. 80185) (see above for description). The final amendments adopted in that action address the issue of “major modifications” made at a source, and how those modifications trigger NSR. These proposed amendments include RMRR as activities that are excluded from the category of “major modification.” The regulations do not define this term. (See 40 CFR 51.165(a)(1)(v)(C)(1), 51.166(b)(2)(iii)(a), 52.21(b)(2)(iii)(a) and 52.24(f)(5)(iii)(a)). Under USEPA's proposed approach, the RMRR exclusion is applied on a case-by-case basis by weighing the nature, extent, purpose, frequency, and the cost of the work as well as other relevant factors to arrive at a common sense finding.

USEPA is proposing two categories of activities that will in the future be considered RMRR activities: 1) activities within an annual maintenance, repair and replacement allowance and 2) replacements that meet USEPA equipment

Environmental Register – December 2002

replacement provision criteria. Under the proposal, when an activity falls within either of these categories, it would be considered RMRR and a source's owners or operators would know that the activity was excluded from NSR without regard to other considerations. When an activity did not fall within one of these categories, then it still could qualify as routine maintenance, repair, and replacement under the case-by-case test.

Comments must be received on or before March 3, 2003.

For further information contact Mr. Dave Svendsgaard, Information Transfer and Program Integration Division (C339-03), U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, telephone (919) 541-2380, or email at svendsgaard.dave@epa.gov.

If any 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), as amended by P.A. 92-0574, eff. June 26, 2002).

Appellate Update

Fourth District Affirms The Board In *Illinois Environmental Protection Agency v. The Illinois Pollution Control Board*, No. 4-02-0560 (Dec. 11, 2002) (PCB 01-139)

In its December 11, 2002 decision in *Illinois Environmental Protection Agency v. The Illinois Pollution Control Board*, No. 4-02-0560 (Dec. 11, 2002), the Fourth District Appellate Court affirmed the Board's decision on an important procedural point: whether the Board must hear a motion to reconsider an order after the order had been appealed to the appellate court.

In an unpublished order under Supreme Court Rule 23 (155 Ill.2d R. 23), the court determined that the filing of the appeal deprived the Board of jurisdiction to reconsider the appealed order.

The underlying Board case is *ESG Watts, Inc. v. Illinois Environmental Protection Agency*, PCB 01-139 (Apr. 4, 2002). ESG Watts, a landfill operator, had requested the Illinois Environmental Protection Agency (IEPA) to accept substitute financial assurances for three landfills and to release funds that ESG Watts believed were excess financial assurance. The IEPA denied the request and the Board affirmed the IEPA's determination.

The Environmental Protection Act (415 ILCS 5/41(a) (West 2000) states that a petition for judicial review must be filed within 35 days of receipt of the Board's final ruling. Also, a party seeking reconsideration must file a motion within 35 days of receipt of the Board's final ruling. 35 Ill. Adm. Code 101.520(a).

On May 8, 2002, ESG Watts appealed the Board's decision to the appellate court. *ESG Watts, Inc. v. Illinois Pollution Control Board and Illinois Environmental Protection Agency*, No. 4-02-0387 (4th Dist.). On May 15, 2002, IEPA filed a motion asking the Board to reconsider its April 4, 2002 order. On June 6, 2002, the Board denied IEPA's motion for reconsideration because ESG Watts had already appealed the matter. The IEPA appealed the Board's June 6, 2002 denial of its motion for reconsideration. The court's affirmance of the Board's June 6, 2002 order does not resolve ESG Watts' appeal in No.4-02-0560, which is still pending.

On appeal, the parties did not dispute that the Board's April 4, 2002 order was a final order for purposes of appeal. Likewise, the parties conceded that the Board and the appellate court could not exercise simultaneous jurisdiction. However, IEPA argued that the Board incorrectly determined that it lacked jurisdiction to reconsider its April 4 order. The IEPA contended that ESG Watt's appeal was premature and that the appellate court lacked jurisdiction rather than the Board, as a result of its filing of the motion to reconsider with the Board after Watts had filed its appeal.

The Fourth District Appellate Court affirmed the Board. The Court found that:

Once a party files a proper notice of appeal of a trial court's ruling, our jurisdiction

Environmental Register – December 2002

deprives the trial court of jurisdiction to modify its judgment. [citing Cain v. Sukar, 167 Ill. App. 3d 941, 945, 521 N. E. 3d 1292, 1292 (4th Dist.1988)] Likewise, if our jurisdiction to hear Watts' appeal is proper, the [Board] no longer has jurisdiction to consider motions to reconsider the matter. (slip op. at 6-7).

In so holding, the court distinguished a case relied on by the IEPA: Clean Air Coordinating Committee v. Environmental Protection Agency, 42 Ill. App. 3d 124, 355 N.E. 2d 573 (1st Dist. 1976). In that case, the appeal was filed while both parties' motions for reconsideration were pending before the Board, one day before the Board issued a final modified order in response to both motions. The Clean Air court determined that the modified order was the only final and appealable order. The Fourth District concluded that this holding did not contradict its conclusion that its jurisdiction attached when Watts filed its petition May 8, removing the Board's jurisdiction to hear the IEPA's later-filed motion.

Rule Update

Board Adopts Second Notice Opinion and Order in Proposed Horween Leather Company Site-Specific Air Rule, 35 Ill. Adm.Code 218.112 and 218.929 R02-20

On December 5, 2002, the Board adopted a second notice opinion and order in Proposed Horween Leather Company Site-Specific Air Rule, 35 Ill. Adm.Code 218.112 and 218.929, R02-20. The Board did not make any changes to the rules it proposed at first notice, and which were published at 38 *Illinois Register* 13772 (September 20, 2002). Pursuant to the Illinois Administrative Procedure Act (5 ILCS 100/1-1 *et seq.* (2000)), the Joint Committee on Administrative Rules (JCAR) will review and consider the rules at its February 4, 2003 meeting.

The Board's second notice order proposes to amend 35 Ill. Adm. Code 218, "Organic Material Emission Standards and Limitations for the Chicago Area" by adding a new Section 218. 929 and amending Section 218.112. The proposal would change the volatile organic material (VOM) control requirements as applied to a small amount of new specialty leathers that the Horween Leather Company (Horween) of Chicago, Illinois plans to produce at its facility at 2015 North Elston Avenue in Chicago.

The new Section 218.929 proposes to limit Horween's VOM emissions to 24 lbs. VOM per 1000 square feet for waterproof leather (12 month rolling average) and 14 lbs. for non-waterproof leather with an annual cap of the total emissions at 20 tons. The proposal also includes definitions of the specialty leathers covered by this rulemaking, standard operating and maintenance procedures, and reporting and record keeping requirements. The amendment to Section 218.112 incorporates by reference an ASTM test method, "Standard Test Method for Dynamic Water Resistance of Shoe Upper Leather by the Maeser Water Penetration Tester."

The Board held a hearing concerning the proposal June 26, 2002 in Chicago. No public comments were filed during the first notice comment period.

For additional information contact William Murphy at 312/814-6062; e-mail address: murphym@ipcb.state.il.us

Board Adopts First Notice Opinion and Order in Noise Rule Update: Amendments to 35 Ill. Adm. Code 900-903 (R03-08)

On December 19, 2002, the Board adopted a first notice opinion and order in Noise Rule Update: Amendments to 35 Ill. Adm. Code 900-903 (R03-08) to amend the Board's noise regulations. The Board will accept public comments on the amendments for 45 days following the Secretary of State's publication of the proposal in the *Illinois Register*.

The noise rules being amended are 35 Ill. Adm. Code Parts 900 and 903. These are general provisions dealing with the definitions of acoustical terminology, prohibition against noise pollution, and sound measurement procedures. The proposed changes involve the updating of definitions and sound measurement procedures. These definitions

Environmental Register – December 2002

and measurement procedures were adopted in 1973 and have not been amended or changed since then. The basis for these changes is the American National Standards Institute updates from the years 1998-2001.

The Board is also proposing to repeal Part 903, which specifies rules and regulations for the control of noise from motor racing facilities, in response to legislative changes since the Part was adopted.

The Board has held two hearings in this rulemaking in Chicago on November 7, 2002 and in Springfield on November 21, 2002. Copies of the Board's opinion and order may be obtained by calling Dorothy Gunn at 312-814-3620, or by downloading copies from the Board's Web site at www.ipcb.state.il.us.

For additional information contact William Murphy at 312/814-6062; e-mail address murphyw@ipcb.state.il.us

Board Adopts Final Opinion and Order in Water Quality Triennial Review: Amendments to 35 Ill. Adm. Code 302.105, 302.208(e)-(g), 302.504(a), 302.575(d), 309.141(h); and Proposed 35 Ill. Adm. Code 301.267, 301.313, 301.413, 304.120, and 309.157 (R02-11)

On December 19, 2002, the Board adopted a final opinion and order in Water Quality Triennial Review: Amendments to 35 Ill. Adm. Code 302.105, 302.208(e)-(g), 302.504(a), 302.575(d), 309.141(h); and Proposed 35 Ill. Adm. Code 301.267, 301.313, 301.413, 304.120, and 309.157 (R02-11). The Board only minor nonsubstantive changes to its second notice proposal issued on November 17, 2002. The adopted amendments were filed with the Secretary of State's Index department and have a December 20, 2002 effective date. The final rules were published in *27 Illinois Register* 158 (January 3, 2003).

This rulemaking began with the Illinois Environmental Protection Agency's (IEPA's) November 9, 2001 proposal as a result of the triennial review of the Board's water regulations to fulfill the requirements of Section 303(c) of the Clean Water Act (CWA) (33 U.S.C. 1313(c)). The CWA requires that, at least once every three years, states must "review water quality standards to ensure that the standards are based on the most current information and are protective of the designated uses of the state."

The adopted amendments include: 1) new acute and chronic numeric standards for benzene, ethyl benzene, toluene, and xylene (BETX) to replace existing 35 Ill. Adm. Code 302.210, entitled "Other Toxic Substances;" 2) revised water quality standards using a dissolved metal standard for zinc and nickel; 3) corrections to an IEPA error in certain rules it proposed and the Board adopted in: Conforming Amendments for the Great Lakes Initiative, 35 Ill. Adm. Code Part 302.101; 302.105; 302.Subpart E; 303.443, and 304.222, R97-25 (December 18, 1997); and 4) the use of CBOD₅ rather than BOD₅ in NPDES permits regulating domestic and municipal waste.

The Board held hearings in this rulemaking in Chicago on January 29, 2002, and in Springfield on March 6, 2002. The first notice proposal, adopted by the Board on June 20, 2002, was published in the *Illinois Register* on July 5, 2002 at 26 Ill. Reg. 9573. During the first notice period, the Board held a third hearing on July 25, 2002 solely to address economic impact study issues.

For additional information contact Marie Tipsord at 312/814-4925; e-mail address: tipsordm@ipcb.state.il.us

Board Adopts Final Opinion and Order in SDWA Update, USEPA Amendments (January 1, 2002 through June 30, 2002; LTIESWTR) (R03-4)

On December 12, 2002, the Board adopted a final opinion and order in SDWA Update, USEPA Amendments (January 1, 2002 through June 30, 2002; LTIESWTR) (R03-4). This rulemaking amends the Board's public water supply regulations that are "identical in substance" to drinking water regulations adopted by the United States Environmental Protection Agency (USEPA). The USEPA rules implement Sections 1412(b), 1414(c), 1417(a), and 1445(a) of the federal Safe Drinking Water Act (SDWA) (42 U.S.C. §§ 300g-1(a), 300g-3(c), 300g-6(a), and 300j-4(a) (1994)). This docket includes federal SDWA amendments that USEPA adopted in the period January 1, 2002 through June 30, 2002. The final amendments have a January 10, 2003 effective date and will be published in the *Illinois Register* on January 24, 2003.

Environmental Register – December 2002

The Board's rulemaking is based on a January 14, 2002 (67 Fed. Reg. 1812), federal action where the USEPA adopted the Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR). The goals of the LT1ESWTR are to improve control of risks to human health posed by microbial pathogens and to balance the risks posed by disinfection byproducts.

The recent LT1SWTR is a companion to the December 16, 1998 (63 Fed. Reg. 69478) interim enhanced surface water rule (IESWTR). The 1998 IESWTR imposed requirements on larger water systems (those providing water to 10,000 persons or more) that use surface water or groundwater under the direct influence of surface water. USEPA established the filtration and disinfection requirements of the 1998 IESWTR in a new subpart P to 40 C.F.R. 141 (40 C.F.R. 141.170 through 141.75, corresponding with Subpart R to 35 Ill. Adm. Code 611; Sections 611.740 through 611.745). The 2002 LT1ESWTR that was the basis of the Board's rulemaking extends enhanced filtration and disinfection requirements to smaller public water supplies (those serving fewer than 10,000 persons). USEPA adopted the 2002 LT1ESWTR as a new subpart T to 40 C.F.R. 141 (40 C.F.R. 141.500 through 141.571, corresponding with new Subpart X to 35 Ill. Adm. Code 611; Sections 611.950 through 611.957). The Board incorporated the January 14, 2002 federal amendments into the Illinois drinking water regulations with only minimal structural changes to the text.

Sections 7.2 and 17.5 of the Environmental Protection Act (Act) (415 ILCS 5/7.2 and 17.5 (2000)) provide for quick adoption by the Board of regulations that are identical in substance to federal regulations that USEPA adopts to implement Sections 1412(b), 1414(c), 1417(a), and 1445(a) of the federal SDWA. Section 17.5 also provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) (5 ILCS 100/5-35 and 5-40 (2000)) do not apply to the Board's adoption of identical-in-substance regulations. The federal SDWA regulations are found at 40 C.F.R. 141 through 143. The Board's proposal for public comment was published at 27 Illinois Register 158 (January 3, 2003).

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

Board Actions

December 5, 2002
Springfield, Illinois

Rulemakings

R02-20	<u>In the Matter of: Proposed Horween Leather Company Site-Specific Air Rule, 35 Ill. Adm. Code 218.112 and 218.929</u> – The Board adopted a second notice opinion and order in this matter to amend the Board's air regulations.	6-0 R, Air
--------	--	---------------

Administrative Citations

AC 03-11	<u>City of Chicago Department of Environment v. City Wide Disposal, Inc.</u> – The Board accepted for hearing this petition for review of an administrative citation against this Cook County respondent.	6-0
----------	---	-----

Environmental Register – December 2002

Provisional Variance

PCB 03-78	<u>City of Benton v. IEPA</u> – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Grundy County facility a 45-day provisional variance, subject to conditions, from the monthly average chlorine residual, total suspended solids, and carbonaceous biochemical oxygen demand effluent limits in its National Pollutant Discharge Elimination System permit number IL0022365, and 35 Ill. Adm. Code 304.120(b) and 304.141(a).	6-0 W-V
-----------	---	------------

Motions and Other Matters

PCB 95-78	<u>Vogue Tyre & Rubber Company v. Office of the State Fire Marshal</u> – The Board affirmed the Office of State Fire Marshal’s February 1, 1995 denial of eligibility.	6-0 UST Fund
PCB 99-103	<u>Dynachem, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Vermilion County facility.	6-0 P-A RCRA
PCB 01-60	<u>Anthony J. Schlax v. Evanston Hospital</u> – The Board granted complainant’s motion for voluntary dismissal of this noise enforcement action involving a Cook County facility.	6-0 Citizens N-E
PCB 02-9	<u>Mahanbir Dhillon d/b/a Express Food and Gas v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility.	6-0 UST Fund
PCB 02-18	<u>People of the State of Illinois v. Williamsburg Place of Crete</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 Will County facility, the Board ordered publication of the required newspaper notice.	6-0 W-E
PCB 02-160	<u>Rockford Stop-N-Go, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Boone County facility.	6-0 UST Fund
PCB 02-208	<u>Brian Finley, individually, Local 3315 of the American Federation of State County and Municipal Employees (Cook County Public Defenders Association) and named others v. IFCO ICS-Chicago, Inc.</u> – The Board denied the parties’ joint motion to dismiss the complaint and to accept the proposed stipulation and settlement agreement without hearing. This matter shall proceed to hearing on the proposed settlement.	4-2 Manning and Tristano dissented Citizens A-E
PCB 03-3	<u>Akzo Nobel Surface Chemistry L.L.C. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this variance request involving a Grundy County facility.	6-0 W-V NPDES

Environmental Register – December 2002

PCB 03-15	<u>Rash, 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 Gallatin County facility.	6-0 UST Appeal
PCB 03-18	<u>Whole Sale 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 Cook County facility.	6-0 UST Appeal
PCB 03-24	<u>Hannel Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Scott County facility and granted petitioner’s motion to consolidate this matter with PCB 03-25.	6-0 UST Fund
PCB 03-25	<u>Hannel Oil Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Scott County facility and granted petitioner’s motion to consolidate this matter with PCB 03-24.	6-0 UST Fund
PCB 03-26	<u>Lake Shore National Bank Trust No. 2921 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 Lake County facility.	6-0 UST Fund
PCB 03-55	<u>2222 Elston L.L.C. v. Purex Industries, Inc., Federal Die Casting Co., Federal Chicago Corp., Raymond E. Cross, Beverly Bank Trust No. 8-7611, and Lakeside Bank Trust Nos. 10-1087 & 10-1343</u> – The Board granted complainant’s counsel’s corrected motions to appear <i>pro hac vice</i> . Complainant’s October 25, 2002 motion to appear <i>pro hac vice</i> was denied as moot.	6-0 Citizens UST-E
PCB 03-72	<u>Wabash Valley Service 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 Gallatin County facility.	6-0 UST Appeal
PCB 03-73	<u>People of the State of Illinois v. Riverdale Recycling, Inc., and Tri-State Disposal, Inc.</u> – The Board accepted for hearing this land enforcement action involving a Cook County facility.	6-0 L-E
PCB 03-74	<u>People of the State of Illinois v. City of Georgetown, and T.K. Fleming Construction, Inc.</u> – The Board accepted for hearing this public water supply enforcement action involving a Vermilion County facility.	6-0 PWS-E
PCB 03-75	<u>Clinton County Oil Company, Inc. 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 Madison County facility.	6-0 UST Fund

Environmental Register – December 2002

December 19, 2002
Chicago, Illinois

Rulemakings

- R02-11 In the Matter of: Water Quality Triennial Review: Amendments to 35 Ill. Adm. Code 302.105, 302.208(e)-(g), 302.504(a), 302.575(d), 309.141(h); and Proposed 35 Ill. Adm. Code 301.267, 301.313, 301.413, 304.120, and 309.157 – The Board adopted final opinion and order in this matter to amend the Board’s water regulations. 6-0
R, Water
- R03-4 In the Matter of: SDWA Update, USEPA Amendments (January 1, 2002 through June 30, 2002; LTIESWTR) – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking to amend the Board’s public water supply regulations. 6-0
R, PWS
- R03-8 In the Matter of: Noise Rule Update: Amendments to 35 Ill. Adm. Code 900 and 903 – The Board adopted a first notice opinion and order in this matter to amend the Board’s noise regulations. 6-0
R, Noise

Administrative Citations

- AC 03-12 Ogle County v. Merle and Joanne Cornelius, and Dennis Borgmann – In response to a joint stipulation and settlement agreement in this administrative citation action involving an Ogle County facility, the Board found respondents violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002) and ordered respondents to pay a civil penalty of \$1,500. The Board also dismissed the alleged violations of Sections 21(p)(3) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002). 6-0

Decisions

- PCB 00-108 People of the State of Illinois v. BFI Waste Systems of North America, Inc. as successor-by merger to E&E Hauling, Inc. – In this land enforcement action concerning a DuPage County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2000) *amended by* P.A. 92-0574, eff. June 26, 2002), accepted a final stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$94,000, and to cease and desist from further violations. 5-0
Manning
abstained
L-E
- PCB 00-177 Michael D. Logsdon, Darrell E. Mann, Kathy Mann, Russell Spillman, Marilyn Spillman, Rita Marti, Alvin W. Abbott, Kathy Abbott, Diana Collins, Dave Collins v. South Fork Gun Club – The Board found that respondent violated Section 24 of the Environmental Protection Act (Act) (415 ILCS 5/24 (2000), *amended by* P.A. 92-0574, eff. June 26, 2002), and 35 Ill. Adm. Code 900.102 of the Board’s noise pollution regulations. The Board ordered the respondent to pay a total civil penalty of \$3,000 and to cease and desist from further violations of the Act. 5-1
Marovitz
dissented
Citizens
N-E

Environmental Register – December 2002

PCB 01-29	<u>People of the State of Illinois v. Kiehl Engineering Company, Inc. d/b/a Thomas Foster Group, Inc. and United Plastics Group, Inc.</u> – In this air enforcement action concerning a DuPage County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2000), <i>amended by</i> P.A. 92-0574, eff. June 26, 2002), accepted a final stipulation and settlement agreement, ordered the respondents to pay a total civil penalty of \$175,000, and to cease and desist from further violations.	6-0 A-E
PCB 01-129	<u>Mac Investments d/b/a Olympic Oldsmobile v. Office of the State Fire Marshal</u> – The Board reversed the Office of the State Fire Marshal’s determination assessing of a second \$15,000 deductible for the site and found that there should be no second deductible charged for or in connection with the sixth tank located on the site.	6-0 UST Appeal

Motions and Other Matters

PCB 97-89	<u>People of the State of Illinois v. API Industries, 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.	6-0 A-E
PCB 00-133	<u>John M. Giertych v. 4T’s Management, L.L.C.</u> – The Board accepted the parties’ agreed stipulation of dismissal and dismissed this citizen noise enforcement action involving a Kankakee County facility.	6-0 Citizens N-E
PCB 02-164	<u>Barbara and Ronald Stuart v. Franklin Fisher</u> – The Board granted complainants’ motion to file an amended complaint and accepted the amended complaint for hearing. No action was taken on the County of Will’s motion to intervene.	6-0 Citizens N-E
PCB 02-225	<u>Janet Wagner v. Lisa Parenchio and Jim Weihsmantel</u> – The Board granted complainant’s motion to dismiss this citizen noise enforcement action involving a Cook County facility.	6-0 Citizens N-E
PCB 03-19	<u>Shearon, 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 McHenry County facility.	6-0 UST Fund
PCB 03-28	<u>Premcor Refining Group 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 Jackson County facility.	6-0 UST Fund
PCB 03-30	<u>Jim Siddiqui Property 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.	6-0 UST Appeal

Environmental Register – December 2002

PCB 03-74	<u>People of the State of Illinois v. City of Georgetown and T.K. Fleming Construction, Inc.</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 Vermilion County facility, the Board ordered publication of the required newspaper notice.	6-0 PWS-E
PCB 03-76	<u>Thornton Oil Corporation #17 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 DuPage County facility.	6-0 UST Fund
PCB 03-77	<u>Chrisman Farm Center 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 Edgar County facility.	6-0 UST Fund
PCB 03-79	<u>Carter Convenience Store 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 White County facility.	6-0 UST Fund
PCB 03-80	<u>Hamland Acres, Inc. v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Hamland Acres, Inc. located in Effingham County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	6-0 T-C
PCB 03-81	<u>Lloyd Milles Farm, Inc. v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Lloyd Milles Farms, Inc. located in Lee County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	6-0 T-C
PCB 03-82	<u>PPG Industries, Inc. v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Macon County facility.	6-0 P-A, Air
PCB 03-83	<u>Tri-Town Service, Inc. 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 03-84	<u>Mac’s Convenience Stores, L.L.C. 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 Kankakee County facility.	6-0 UST Appeal 90-Day Ext.

Environmental Register – December 2002

PCB 03-85 Biggs Brothers Service v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Madison County facility. 6-0
UST Appeal
90-Day Ext.

New Cases

December 5, 2002 Board Meeting

03-072 Wabash Valley Service v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Gallatin County facility.

03-073 People of the State of Illinois v. Riverdale Recycling, Inc., and Tri-State Disposal, Inc. – The Board accepted for hearing this land enforcement action involving a Cook County facility.

03-074 People of the State of Illinois v. City of Georgetown, and T.K. Fleming Construction, Inc. – The Board accepted for hearing this public water supply enforcement action involving a Vermilion County facility.

03-075 Clinton County Oil Company, Inc. v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Madison County facility.

03-078 City of Benton v. IEPA – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Grundy County facility a 45-day provisional variance, subject to conditions, from the monthly average chlorine residual, total suspended solids, and carbonaceous biochemical oxygen demand effluent limits in its National Pollutant Discharge Elimination System permit number IL0022365, and 35 Ill. Adm. Code 304.120(b) and 304.141(a).

December 19, 2002 Board Meeting

03-076 Thornton Oil Corporation #17 v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this DuPage County facility.

03-077 Chrisman Farm Center v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Edgar County facility.

03-079 Carter Convenience Store v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this White County facility.

03-080 Hamland Acres, Inc. v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Hamland Acres, Inc. located in Effingham County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

03-081 Lloyd Milles Farm, Inc. v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Lloyd Milles Farms, Inc. located in Lee County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

03-082 PPG Industries, Inc. v. IEPA – The Board accepted for hearing this permit appeal involving a Macon County facility.

03-083 Tri-Town Service, Inc. v. IEPA – 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.

03-084 Mac’s Convenience Stores, L.L.C. v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Kankakee County facility.

Environmental Register – December 2002

03-085 Biggs Brothers Service v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Madison County facility.

Calendar

12/09/02 9:00 AM	PCB 03-39	Mineral Solutions, Inc. v. IEPA	Conference Room 403 600 South Second Street Springfield
12/09/02 10:00 AM	PCB 99-19	Anthony and Karen Roti, Paul Rosenstock, and Leslie Weber v. LTD Commodities	Village Hall 118 West Cook 2nd Floor Board Room Libertyville
12/10/02 10:00 AM	PCB 98-148	People v. Doren Poland, Lloyd Yoho, and Briggs Industries, Inc. a/k/a Briggs Plumbing Products, Inc.; Briggs Industries, Inc.; Third-Party Complainant v. Loren West and Abingdon Salvage Company, Inc., Third-Party Respondents	Knox County Courthouse Second Floor 200 South Cherry Street Galesburg
12/10/02 9:00 AM	PCB 03-42	Rantoul Township High School District No. 193 v. IEPA	Conference Room 403 600 South Second Street Springfield
12/12/02 1:00 PM	R03-10	Revision of the Board's Procedural Rules: 35 Ill. Adm. Code 101-130	Conference Room 403 600 South Second Street Springfield
12/18/02 9:00 AM	PCB 02-91 PCB 02-116	Rezmar Corporation v. IEPA (Consolidated)	James R. Thompson Center Conference Room 11-512 100 West Randolph Street Chicago
12/19/02 9:00 AM	PCB 03-43 PCB 03-52	Landfill 33, LTD., & Stock & Company, LLC, v. Effingham County Board and Sutter Sanitation Services (Consolidated)	County Building 101 N. Fourth Street County Board Room Effingham
12/19/02 1:00 PM	R03-10	Revision of the Board's Procedural Rules: 35 Ill. Adm. Code 101-130	James R. Thompson Center Conference Room 11-512 100 West Randolph Street Chicago
12/19/2002 11:00 AM	<u>ILLINOIS POLLUTION CONTROL BOARD MEETING</u>		James R. Thompson Center Conference Room 11-512 100 West Randolph Street Chicago
12/20/02 9:00 AM	PCB 03-43 PCB 03-52	Landfill 33, LTD., v. Effingham County Board and Sutter Sanitation Services	County Building 101 N. Fourth Street County Board Room Effingham

Environmental Register – December 2002

<p>1/9/2003 11:00 AM</p>	<p><u>ILLINOIS POLLUTION</u> <u>CONTROL BOARD MEETING</u></p>	<p>VIDEOCONFERENCE— Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 West Randolph St./Chicago Hearing Room 403 600 South Second St./Springfield</p>	
<p>1/23/2003 11:00 AM</p>	<p><u>ILLINOIS POLLUTION</u> <u>CONTROL BOARD MEETING</u></p>	<p>James R. Thompson Center Conference Room 2-025 100 West Randolph St. Chicago</p>	
<p>1/30/03 9:00 AM</p>	<p>PCB 02-208</p>	<p><u>Brian Finley, Local 3315 of the American Federation of State County and Municipal Employees (Cook County Public Defenders Assn.) and named others v. Acme Barrel Company, Inc. a/k/a Acme Barrel Company, a/k/a IFCO Systems Chicago, Inc. and others.</u></p>	<p>James R. Thompson Center Conference Room 11-512 100 West Randolph Street Chicago</p>
<p>2/06/2003 11:00 AM</p>	<p><u>ILLINOIS POLLUTION</u> <u>CONTROL BOARD MEETING</u></p>	<p>VIDEOCONFERENCE— Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 West Randolph St./Chicago Hearing Room 403 600 South Second St./Springfield</p>	
<p>2/18/03 9:00 AM</p>	<p>PCB 03-42</p>	<p>Rantoul Township High School District No. 193 v. IEPA</p>	<p>Conference Room 403 600 South Second Street Springfield</p>
<p>2/19/03 9:00 AM</p>	<p>PCB 01-167</p>	<p>People of the State of Illinois v. ESG Watts, Inc. (Taylor Ridge Landfill)</p>	<p>Conference Room 403 600 South Second Street Springfield</p>
<p>2/20/03 9:00 AM</p>	<p>PCB 01-167</p>	<p>People of the State of Illinois v. ESG Watts, Inc. (Taylor Ridge Landfill)</p>	<p>Conference Room 403 600 South Second Street Springfield</p>
<p>2/20/2003 11:00 AM</p>	<p><u>ILLINOIS POLLUTION</u> <u>CONTROL BOARD MEETING</u></p>	<p>James R. Thompson Center Conference Room 9-040 100 West Randolph Street Chicago</p>	

Environmental Register – December 2002

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

DIVISION OF WATER POLLUTION CONTROL

RESTRICTED STATUS LIST

In order to comply with 35 Illinois Administrative Code Section 306.401, Illinois Pollution Control Board Regulations, the Illinois EPA has prepared the following list of facilities which are on Restricted Status. Restricted Status is defined as the Agency determination that a sewer or lift station has reached hydraulic capacity or that a sewage treatment plant has reached design capacity, such that additional sewer connection permits may no longer be issued without causing a violation of the Act or Regulations. Please note that the list is continually being revised to reflect the current situation. Therefore, if you have any questions on the capability of a treatment facility or transport system, please contact this Agency for a final determination. This listing reflects the status as of December 31, 2002.

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>
Bonnie Brae Forest Manor SD STP	Bonnie Brae Forest Manor SD	Will	0
Bourbonnais (Belle Aire Subd.) Camelot Utilities Wastewater Collection System	Village of Bourbonnais Camelot Utilities	Kankakee Will	0 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 SYSTEM	City of Hurst	Williamson	0
Lockport Heights SD STP	City of Lockport	Will	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
Taylorville-Shawnee Ave. PUMP STATION	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

Environmental Register – December 2002

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

DIVISION OF WATER POLLUTION CONTROL

CRITICAL REVIEW LIST

In order to comply with 35 Illinois Administrative Code Section 306.401, Illinois Pollution Control Board Regulations, the Illinois Environmental Protection Agency has prepared the following list of facilities which are on Critical Review. Critical Review as defined as the Agency determination that a sewer or lift station is approaching hydraulic capacity or that a sewage treatment plant is approaching design capacity such that additional sewer connection permit applications will require close scrutiny to determine whether issuance would result in a violation of the Act or Regulations. Please note that these lists are continually being revised to reflect the current situation. Therefore, if you have any questions on the capability of a treatment facility or transport system, please contact the Agency for a final determination. This listing reflects the status as of December 31, 2002.

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	1,539	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
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.- 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	3,664	187
Earlville	City of Earlville	LaSalle	120	0
East Dundee STP	Village of E. Dundee	Kane	556	0
Elkville	Village of Elkville	Jackson	6	0
Ferson Creek Utilities Co.	Utilities, Inc.	Will	70	0
LCPWD-Diamond- Sylvan STP	County of Lake Public Works Department	Lake	0	0
Lake Barrington Home Owners Assn. STP	Lake Barrington Home Owners Assn.	Lake	80	0
Lindenhurst S.D.	Village of Lindenhurst	Lake	785	84
Lockport	City of Lockport	Will County	1,250	0
Moline (North Slope)	City of Moline	Rock Island	1,151	0
Morris STP	City of Morris	Grundy	0	20
New Lenox STP 1**	Village of New Lenox	Will	2,401	0
Paris STP	City of Paris	Edgar	0	0
Plainfield STP	Village of Plainfield	Will	0	759
Rock Island (Main)	City of Rock Island	Rock Island	4,644	39
Sandwich	Village of Sandwich	DeKalb/Kendall	401	0
Streator	City of Streator	LaSalle/ Livingston	1,100	0
Thompsonville STP	Village of Thompsonville	Franklin	0	0
Wauconda – Remaining Collection System & Lakeview Villa LS	Village of Wauconda	Lake	***	452

Environmental Register – December 2002

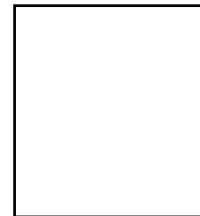
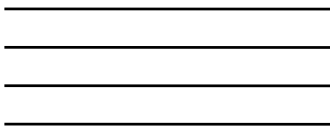
Deletions from previous quarterly report: Athens STP; Mundelein STP

***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.

-----CUT HERE-----



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