

Environmental Register

NUMBER 539

MAY 1999



A PUBLICATION OF THE ILLINOIS POLLUTION CONTROL BOARD

FEDERAL ACTIONS

United States Environmental Protection Agency Proposes "Tier 2" Motor Vehicle Emissions Standards and Gasoline Sulfur Control Requirements to Control Air Pollution from New Motor Vehicles

On May 13, 1999, the United States Environmental Protection Agency (USEPA) proposed air rules designed to significantly reduce the emissions from new passenger cars and light trucks, including pick-up trucks, minivans, and sport utility vehicles. 64 Fed. Reg. 26003 (May 13, 1999). The USEPA maintains that the proposed rules would provide for cleaner air and greater public health protection, by reducing ozone and particulate matter (PM) pollution. The USEPA states that the proposed rules are a part of a comprehensive regulatory initiative that treats vehicles and fuels as a system, combining requirements for much cleaner vehicles with requirements for much lower levels of sulfur in gasoline.

 FEDERAL ACTIONS CONTINUED
ON PAGE FOUR

RULEMAKING UPDATE

Board Adopts Rules in In the Matter of: Hospital/Medical/Infectious Waste Incinerators: Adoption of 35 Ill. Adm. Code 229, R99-10

On May 6, 1999, the Board adopted rules for the control of emissions from the incineration of hospital, medical and infectious waste.

The adoption by the Board of this new part is authorized under Section 28.5 of the Environmental Protection Act (Act) (415 ILCS 5/28.5 (1996)). Section 28.5 provides for "fast track" adoption of certain regulations necessary for compliance with the Clean Air Act Amendments of 1990 (CAAA) (42 U.S.C. §§ 7401 *et seq.* (1990)).

Section 111(d) of the CAAA requires that states submit a plan for the control of emissions from any source for which the United States Environmental Protection Agency (USEPA) has promulgated a performance standard. The USEPA has promulgated new source performance standards (NSPS) and emissions guidelines (EGs) to reduce emissions from hospital, medical, and infectious waste incinerators (HMIWIs). 40 C.F.R. §§ 60.50c-60.58c, 60.30e-60.39e. The NSPSs apply to HMIWIs for which construction began after June 20, 1996, or for which a modification was begun after March 16, 1998. The EGs apply to existing HMIWIs, defined as ones for which construction began on or before June 20, 1996. Unlike the NSPSs,

 RULEMAKING UPDATE CONTINUED ON PAGE TWO

STAFF UPDATE

The Board welcomes Cindy Koskey to the Springfield office. Ms. Koskey joins the Board as an Accountant. Prior to coming to the Board, Ms. Koskey worked for the Illinois Department of Transportation, Illinois Commerce Commission and the Department of Human Services/Office of Rehabilitation Services. She has a total of twenty-eight years of State service.

INSIDE THIS ISSUE

APPELATE UPDATE	P. 3
BOARD ACTIONS	P. 5
NEW CASES	P. 10
BOARD CALENDAR	P. 11

RULEMAKING UPDATE CONTINUED

the EGs do not establish standards for HMIWIs. Rather, EGs direct the states to adopt plans regulating existing HMIWIs and establish minimum elements required in the states' plans.

The adopted regulations contain three principle provisions: (1) the establishment of emissions limits for several categories of HMIWIs; (2) the requirement that HMIWIs subject to the emission limits operate pursuant to a Clean Air Act Permit Program permit; and (3) the requirement that affected HMIWIs create waste management programs.

Pursuant to Section 28.5, the Board is required to proceed within set timeframes toward adoption of the regulations. The Board has no authority to adjust these timeframes under any circumstances. On November 30, 1998, the Illinois Environmental Protection Agency (IEPA) filed a proposal to add 35 Ill. Adm. Code 229. On December 3, 1998, the Board adopted the rules for first-notice publication in the *Illinois Register* (22 Ill. Reg. 22177 (December 28, 1998)). The first hearing on this proposal was held on January 21, 1999, in Chicago; and the second hearing was held on February 3, 1999, in Springfield. The Board received and considered two timely-filed public comments prior to adopting the second-notice opinion and order on March 18, 1999, for review by the Joint Committee on Administrative Rules (JCAR). JCAR issued a certificate of no objection at its April 20, 1999 meeting.

Questions regarding this rulemaking may be directed to Catherine Glenn at 312/814-6923; e-mail address: cglenn@pcb084rl.state.il.us

Board Adopts Proposal for Public Comment in Identical in Substance Rulemaking in *In the Matter of: SDWA Update, USEPA Regulations (July 1, 1998, through December 31, 1998), R99-12*

On May 6, 1999, the Board adopted amendments to the Illinois regulations that are "identical-in-substance" to the National Primary Drinking Water regulations (NPDWRs) adopted by the United States Environmental Protection Agency (USEPA). These regulations implement Sections 1412(b), 1414(c), 1417(a), and 1445(a) of the Safe Drinking Water Act (SDWA) (42 U.S.C. §§ 300g-1(b), 300g-3(c), 300g-6(a), 300j-4(a)). The proposed amendments include SDWA amendments that the USEPA adopted in the period from July 1, 1998, through December 31, 1998. The USEPA took four actions during this period that necessitated Board action. The federal SDWA regulations are found at 40 C.F.R. §§ 141 and 142.

The proposed rule includes major revisions to the program for relief from NPDWRs, including additional mandatory requirements for small system variances; introduction of entirely new requirements for consumer confidence reports, including expansive public notification requirements about potential health

threats; adoption of new maximum contaminant levels to be phased in for disinfection and disinfectant byproducts; and addition of interim enhanced surface water treatment requirements to improve control of microbiological pathogens while addressing risk trade-offs with disinfection by products.

Section 17.5 of the Environmental Protection Act (Act) (415 ILCS 5/17.5 (1996)) provides for quick adoption of regulations that are identical in substance to federal regulations that the USEPA adopts to implement Sections 1412(b), 1414(c), 1417(a), and 1445(a) of the SDWA. Section 17.5 also provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (5 ILCS 100/5-35, 5-40 (1996)) do not apply to the Board's adoption of identical in substance regulations. Therefore, this proposal is not subject to first and second-notice review by the Joint Committee on Administrative Rules.

Upon publication of the proposed rules in the *Illinois Register* a 45-day public comment period will commence. All public comments should be filed with the Clerk of the Board and reference docket R99-12.

Questions regarding this rulemaking may be directed to Steven C. Langhoff at 217/782-2615; e-mail address: slanghoff@pcb084rl.state.il.us

Board Adopts Amendments in *In the Matter of: Nonhazardous Special Waste Hauling and the Uniform Program: Amendments to 35 Ill. Adm. Code 809 (Pursuant to P.A. 90-219), R98-29*

On May 20, 1999, the Board adopted amendments to 35 Ill. Adm. Code 809 regarding nonhazardous special waste hauling. The Illinois Environmental Protection Agency (IEPA) proposed the amendments in response to Public Act 90-219 (Pub. Act 90-219, eff. July 25, 1997). Public Act 90-219 amended Sections 22, 22.01 and 22.2 of the Environmental Protection Act (Act) (415 ILCS 5/22, 22.01, 22.2 (1996)) in response to the federal Uniform State Hazardous Materials Transportation, Registration and Permit Program (Uniform Program). The federal Uniform Program was adopted to implement amendments to the Hazardous Materials Transportation Uniform Safety Act of 1990 and the Hazardous Materials Transportation Authorization Act of 1994 (HMTAA) (49 U.S.C. § 5119 *et seq.* (1994)). The Uniform Program primarily affects Part 809 of the Board's rules, but minor changes were also made to Parts 808, 811 and 855 in order to establish consistency with the revised Part 809.

With regard to changes in nonhazardous special waste permitting, a new Subpart is added at Part 809 to include the Uniform Program, while the remainder of Part 809 is modified slightly to allow for the continued permitting of nonhazardous special waste transporters. The rules include new language in Part

Appellate Update

Third District Appellate Court Affirms Board Decision in CDT Landfill Corp. v. City of Joliet and the Illinois Pollution Control Board (No. 3-98-0248), PCB 98-60

On May 13, 1999, the Third District Appellate Court, in an unpublished order issued pursuant to Illinois Supreme Court Rule 23 (155 Ill. 2d R. 23), affirmed the Board's decision in CDT Landfill Corp. v. City of Joliet (March 5, 1998), PCB 98-60.

In its March 5, 1998 decision, the Board affirmed the City of Joliet's (City) determination that CDT Landfill Corporation (CDT) failed to satisfy two of the statutory criteria required for local siting approval of a proposed expansion of CDT's existing landfill under Section 39.2 of the Environmental Protection Act (Act) (415 ILCS 5/39.2 (1996)). Specifically, the Board found that CDT failed to meet its burden that (1) the proposed expansion was necessary to accommodate the waste needs of the intended service area; and (2) the proposed facility would be located in such a way as to minimize the incompatibility with the character of the surrounding area and to minimize the effect on the value of the surrounding property. CDT Landfill Corp., PCB 98-60, slip op. at 9-10, 17-18. The Board reversed the City's determination on the other three criteria set forth in Section 39.2 of the Act.

The appellate court agreed with the Board's conclusion that the City acted properly when it weighed all of the evidence, including CDT's and, in doing so, made factual determinations that were not against the manifest weight of the evidence. The court agreed with the Board that CDT did not establish that the expansion was necessary to accommodate the wastes of the intended service area. In addition, the court agreed with the Board's conclusion that CDT did not demonstrate that the expansion would minimize incompatibility with the character of the surrounding area. The court found that the City properly weighed the conflicting evidence and determined that "[s]ufficient evidence exists on the record so that the City could find incompatibility with the surrounding area and a negative effect on property values." See CDT Landfill Corp., PCB 98-60, slip op. at 18. Thus, the court found that the Board's decision was not against the manifest weight of the evidence and therefor was not erroneous.

The City filed a cross appeal seeking review of the Board's order reversing the City's determination as to the three additional statutory criteria; however, the court did not address the cross-appeal issues.

809 so that a nonhazardous special waste transporter is afforded due process if a permit is denied, and the IEPA has a procedure to follow if a permit application is incomplete. There are also two new exemptions from the nonhazardous special waste transport rules to avoid duplicate and potentially contradictory transporting requirements for transporters of potentially infectious medical waste and used tires.

With regard to Uniform Program permitting, the amendments provide that transporters of hazardous waste in Illinois must have a Uniform Permit issued by the IEPA. Registration of transporters is a base state system; a transporter applies to its base state for its Uniform Permit and that base state reviews the Uniform Permit applications. The rules provide that the Uniform Permit is valid for three years. The rules also allow the IEPA to enter into agreements with federal agencies, national repositories, and other participating states in order to issue reciprocal Uniform Permits that allow a transporter to operate in all participating states. As a result, an interstate transporter need only fill out one permit application, as opposed to filling out numerous permit applications under the old system. The transporter's base state is responsible for col-

lecting the fees and distributing percentages of those fees to other states participating in the program. The rules provide that the annual fee for the Uniform Permit is \$250 for any company designating Illinois as its base state and establish an annual registration fee of \$20 for each vehicle owned by a company subject to a permit. The Uniform Program mandates that the IEPA conduct audits to ensure that transporters are accurately reporting their activity.

The IEPA previously filed a motion to sever the regulations for used oil transportation and used oil management facilities from the rules on hazardous waste transportation, which were originally a part of this docket. However, to avoid delaying the finalizing of the Uniform Program's rules, the Board moved the used oil rules from this docket. See In the Matter of: Non-hazardous Special Waste Hauling and the Uniform Program: Amendments to 35 Ill. Adm. Code 809 (Pursuant to P.A. 90-219) (December 17, 1998), R98-29. The Board assigned the proposed rules on used oil transportation and used oil management facilities to docket R99-18. The Board adopted the used oil rules for first notice publication in the *Illinois Register* on January 21, 1999. See 22 Ill. Reg. 2489 (February 16, 1999).

Two hearings were held in this matter: the first, in Springfield, on July 21, 1998; and the second, in Chicago, on July 31, 1998. On December 17, 1998, the Board adopted the proposal for first-notice publication in the *Illinois Register* (see 21 Ill. Reg. 78 (January 4, 1999)). An additional hearing was held on February 25, 1999, to discuss the Department of Commerce and Community Affairs' decision not to conduct an economic impact study pursuant to Public Act 90-489 (Pub. Act 90-489, eff. January 1, 1998). No one testified at the February 25, 1999 hearing. No public comments were filed during the first-notice public comment period. On April 15, 1999, the Board adopted the amendments for second-notice review by the Joint Committee on Administrative Rules (JCAR). On May 18, 1999, JCAR issued a certificate of no objection to the proposed amendments.

Any questions regarding this rulemaking may be directed to Joel Sternstein at 312/814-3665; e-mail address: jssternst@pcb084rl.state.il.us



FEDERAL ACTIONS CONTINUED

For the first time, through a phase-in process, the USEPA proposes to apply a single average exhaust emission standard that would cover both passenger cars and all light trucks operated on any fuel. The USEPA believes that the proposed emission levels, or "Tier 2 Standards," are feasible for both types of vehicles, and notes that the miles traveled in light trucks are increasing and the emissions from these vehicles are an increasing problem. The USEPA's approach builds on the recent technological improvements resulting from the National Low-Emission Vehicles program. The USEPA contends it will improve the performance of these vehicles through lower sulfur gasoline.

To generate significant reductions from current vehicles, the USEPA proposes to significantly reduce average gasoline sulfur levels nationwide. Refiners would be required to install refining equipment to remove sulfur, while importers would be required to market only gasoline meeting the proposed sulfur standards. The proposed rules outline an averaging, banking, and trading program to provide flexibility for refiners and to ease implementation.

The proposed rules focus on reducing the passenger car and light truck emissions most responsible for causing ozone and PM problems. At the current rate, the USEPA projects that emissions from these vehicles will represent 30 to 40 percent of the nitrogen oxide and volatile organic material emissions in some cities, and almost 20 percent nationwide by the year 2020. With the implementation of the proposed rules, the USEPA expects a reduction in nitrogen oxides of nearly 800,000 tons per year by 2007, and 1,200,000 by 2010. In addition, the USEPA anticipates that the proposed rules will reduce the contribution of vehicles to other serious public health and environmental problems, including regional visibility problems, toxic air pollutants, acid rain, and nitrogen loading of estuaries.

Public comments regarding the proposed rules must be sent by August 2, 1999, to: Public Docket No. A-97-10, USEPA, Air Docket (6102), Room M-1500, 401 M Street, S.W., Washington, D.C. 20460.

If finalized by the USEPA, the Board anticipates adoption of these rules through a fast-track rulemaking following its receipt of a rulemaking proposal from the Illinois Environmental Protection Agency in accordance with Section 28.5 of the Environmental Protection Act (415 ILCS 5/28.5 (1996)).

United States Department of Justice Reaches Proposed Consent Agreement with the City of Chicago Concerning A "Waste-To-Energy" Trash Incineration Facility, Chicago, Cook County, Illinois

A proposed consent decree in *United States v. City of Chicago*, Civil Action No. 1:97-CV-06897, was reached on April 29, 1999, in the United States District Court for the Northern District of Illinois. 64 Fed. Reg. 26775 (May 17, 1999). In this action the United States sought civil penalties for alleged violations of the Clean Air Act (42 U.S.C. §§ 7401 *et seq.* (1990)) and the Illinois State Implementation Plan resulting from emissions into the atmosphere from a "waste-to-energy" trash incineration facility located at 700 North Kilbourn Avenue, Chicago, Illinois. Under the terms of the proposed consent decree, the City of Chicago (City) will pay a civil penalty of \$200,000 and perform four supplemental environmental projects at a cost of \$700,000 to resolve the United States' claims. The first two projects require the City to spend \$450,000 to remove and dispose of contaminated soils at two abandoned sites near the incinerator. The third project requires the City to spend \$100,000 to construct a lead safe house. The lead safe house will serve as a temporary residence for low income Chicagoans while lead abatement work is being undertaken in their homes. The fourth project requires the City to spend \$150,000 on a lead abatement project in northwest Chicago.

United States Environmental Protection Agency Reaches Proposed Consent Agreement Concerning the Adams County/Quincy Landfills 2 and 3 Hazardous Waste Site Near the City of Quincy, Adams County, Illinois

In accordance with Section 122(i)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1984 (42 U.S.C. § 9622(i)(1) (1984)), the United States Environmental Protection Agency (USEPA) announced that a proposed consent agreement was reached concerning the Adams County/Quincy Landfills 2 and 3 hazardous waste site located on Old Broadway Road approximately 5 miles east of the City of Quincy. 64 Fed. Reg. 27987 (May 24, 1999). The proposed consent agreement has been executed by the USEPA with over fifty *de minimis* parties. Under the proposed agreement, the *de minimis* settling parties will pay a total of approximately \$1,103,362 into an escrow account to be used for present and future response costs at the site. Also under the proposed agreement, seven non-*de minimis* parties will pay \$224,104 in response costs.

BOARD ACTIONS

MAY 6, 1999
SPRINGFIELD, ILLINOIS

RULEMAKINGS

R99-10 In the Matter of: Hospital/Medical/Infectious Waste Incinerators: Adoption of 35 Ill. Adm. Code 229 - The Board adopted a final opinion and order in this rulemaking to amend the Board's air regulations. **Vote: 7-0**

R99-12 In the Matter of: SDWA Update, USEPA Regulations (July 1, 1998 through December 31, 1998) - The Board adopted a proposal for public comment in this "identical-in-substance" rulemaking to amend the Board's public water supply regulations. **Vote: 7-0**

ADJUSTED STANDARDS

AS 99-3 In the Matter of: Petition of Big River Zinc Corporation for an Adjusted Standard from 35 Ill. Adm. Code 720.131(c) The Board granted petitioner's motion to reconsider the April 15, 1999 Board order. The Board granted an amended adjusted standard with conditions to this St. Clair County facility under 35 Ill. Adm. Code Part 720.131(c). The Board determined that certain zinc oxide material recovered from electric arc furnace dust by a high metal recovery process is not a Resource Conservation Recovery Act solid or hazardous waste. **Vote: 7-0**

AS 99-5 In the Matter of: Petition of Abbott Laboratories for an Adjusted Standard from 35 Ill. Adm. Code 302.208 and 304.105 - The Board granted a partial adjusted standard with conditions to this Lake County facility from 35 Ill. Adm. Code Part 304.105. **Vote: 7-0**

ADMINISTRATIVE CITATIONS

AC 99-9 IEPA v. Terry Patrick - The Board granted complainant's motion to modify the April 15, 1999 order to extend the payment date to April 1, 2000. In accepting the previous March 26, 1999 joint stipulation and settlement agreement in this administrative citation action involving a Piatt County facility, the Board found respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (1996)) and ordered respondent to pay a civil penalty of \$500. **Vote: 7-0**

AC 99-31 County of Will v. Leonard Kubinski - The Board granted the complainant's April 27, 1999 motion to withdraw the motion to dismiss filed on March 17, 1999 and the March 25, 1999 motions to withdraw the first and second motions to amend and to substitute with the motion to withdraw count I alleging open dumping. The Board found that this Will County respondent violated Section 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(3)(1996)), and ordered respondent to pay a civil penalty of \$500. **Vote: 7-0**

AC 99-36 County of Will v. Maureen Fee - The Board found that this Will County respondent violated Sections 21(p)(1) and 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(3) (1996)), and ordered respondent to pay a civil penalty of \$1,000. **Vote: 7-0**

AC 99-38 IEPA v. Upper Rock Island County Landfill, Inc. - The Board found that this Rock Island County respondent violated Section 21(o)(5) of the Environmental Protection Act (415 ILCS 5/21(o)(5)(1996)), and ordered respondent to pay a civil penalty of \$500. **Vote: 7-0**

AC 99-39 IEPA v. C&L Tiling, Inc. - The Board found that this Brown County respondent violated Sections 21(p)(1) and 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(3) (1996)), and ordered respondent to pay a civil penalty of \$1,000. **Vote: 7-0**

ADJUDICATORY CASES

DECISIONS

PCB 94-373 People of the State of Illinois v. Wayne Berger and Berger Waste Management, Inc. - The Board found that Wayne Berger had committed the violations alleged in counts I, II, III and V of the first amended complaint, but found that Berger Waste Management, Inc., had not committed any of the violations alleged in the first amended complaint. Wayne Berger was ordered to pay a civil penalty of \$30,000. The Board granted respondents' motion for sanctions. **Vote: 7-0**

PCB 96-208 People of the State of Illinois v. Frank Merkendorfer and Phil Pinello - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act (415 ILCS 5/31(c)(2) (1996)), accepted a stipulation and settlement agreement in this Resource Conservation Recovery Act enforcement action involving a DuPage County facility, ordered respondents to pay a total civil penalty of \$3,500, and to cease and desist from further violations. **Vote: 7-0**

PCB 97-203 People of the State of Illinois v. Spirco Environmental, Inc. - The Board entered an order requiring respondent to pay \$1,920 in attorney fees. This order follows the Board's interim order of April 15, 1999 which found that this respondent had violated Sections 9(a) and 9.1(d) of the Environmental Protection Act (415 ILCS 5/9(a), 9.1(d) (1996)) and Sections 61.145(a), 61.145(b), and 61.145(c) of the asbestos National Emission Standard for Hazardous Air Pollutants (40 C.F.R. §§ 61.145(a), 61.145(b), 61.145(c) (1997)). **Vote: 7-0**

PCB 98-81 Charter Hall Homeowner's Association and Jeff Cohen v. Overland Transportation System, Inc. and D.P. Cartage, Inc. - The Board found that these Cook County respondents violated Section 24 of the Environmental Protection Act (415 ILCS 5/24 (1996)) and 35 Ill. Adm. Code 900.102 of the Board's noise pollution regulations. Respondents were ordered to pay a civil penalty of \$15,000 and to perform certain measures to remedy the noise emitted from their facility. **Vote: 5-0 | McFawn abstained**

PCB 98-90 People of the State of Illinois v. Marathon Oil Company - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act (415 ILCS 5/31(c)(2) (1996)), accepted a stipulation and settlement agreement in this land and water enforcement action involving a Crawford County facility, ordered respondents to pay a total civil penalty of \$28,000, and to cease and desist from further violations. **Vote: 6-0**

PROVISIONAL VARIANCE

PCB 99-157 Department of the Air Force v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted a 3-day provisional variance to this St. Clair County facility from the 90-day limitation on the accumulation of hazardous wastes, as set forth in 35 Ill. Adm. Code 722.134(b). **Vote: 6-0**

MOTIONS AND OTHER MATTERS

PCB 93-193 LTV Steel Company v. IEPA - The Board granted petitioner's motion for voluntary dismissal of this permit appeal involving a Putnam County facility. **Vote: 6-0**

PCB 96-30 Fruit Belt Service Company v. IEPA - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Massac County facility. **Vote: 6-0**

PCB 96-70 Fruit Belt Service Company v. IEPA - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Union County facility. **Vote: 6-0**

PCB 96-73 Fruit Belt Service Company v. IEPA - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Pulaski County facility. **Vote: 6-0**

PCB 97-1 Lawrence Cadillac v. IEPA - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility. **Vote: 6-0**

PCB 98-82 Resurrection Medical Center v. IEPA - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility. **Vote: 6-0**

PCB 98-84 Scott and Shelly Behrmann v. Okawville Farmers Elevator-St. Libory - In response to the consent order filed on March 29, 1999, the Board ordered that this citizens' noise enforcement action involving a St. Clair County facility to proceed to hearing. **Vote: 6-0**

PCB 99-40 QST Environmental, Inc. v. IEPA - The Board granted the Illinois Environmental Protection Agency's motion for summary judgment and affirmed its July 29, 1998 decision denying trade secret protection to certain documents. **Vote: 6-0**

PCB 99-73 People of the State of Illinois v. J.L. Clark, Inc. - Upon receipt of an amended complaint, an amended proposed stipulation and settlement agreement, and an agreed motion to request relief from the hearing requirement in this air enforcement action against a DuPage County facility, the Board ordered publication of the required newspaper notice. In so doing, the Board treated the filing as a motion to reopen this docket, which was closed by its order of January 21, 1999, accepting a stipulated settlement. **Vote: 6-0**

PCB 99-93 People of the State of Illinois v. South Palos Township Sanitary District - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action against a Cook County facility, the Board ordered publication of the required newspaper notice. **Vote: 6-0**

PCB 99-107 Dewey's Service, Inc. v. IEPA - The Board denied petitioner's motion for reconsideration. **Vote: 6-0**

PCB 99-115 General Electric Company v. IEPA - The Board accepted for hearing this air permit appeal involving a LaSalle County facility. **Vote: 6-0**

PCB 99-117 Aramark Services, Inc. v. IEPA - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no underground storage tank appeal was timely filed on behalf of this Kane County facility. **Vote: 6-0**

PCB 99-121 Loewen Group International, Inc. v. IEPA - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no underground storage tank appeal was timely filed on behalf of this Cook County facility. **Vote: 6-0**

PCB 99-126 477, Inc. v. IEPA - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no underground storage tank appeal was timely filed on behalf of this Cook County facility. **Vote: 6-0**

PCB 99-127 Ted Harrison Oil Company v. IEPA - The Board accepted for hearing this underground storage tank appeal involving a Cass County facility. **Vote: 6-0**

PCB 99-134 People of the State of Illinois v. Peabody Coal Company - The Board granted respondent's motion for counsel to appear before the Board *pro hac vice*. **Vote: 6-0**

PCB 99-136 PCB 99-139 PCB 99-140 Sierra Club, Midewin Tallgrass Prairie Alliance, Audubon Council of Illinois, and Illinois Audubon Society v. Will County Board and Waste Management of Illinois, Inc.; Land and Lakes Company v. Will County Board and Waste Management of Illinois, Inc.; Kathleen Konicki v. Will County Board and Waste Management of Illinois, Inc. - The Board granted Will County's motion to make more definite the petition for review of Land and Lakes Company and reserved ruling on other pending motions. **Vote: 4-0 | Girard and McFawn abstained**

PCB 99-142 American National Bank and Trust Company of Chicago a/t/u Trust No. 10357705 v. Robert Dunham individually and d/b/a Dunham Cleaners - The Board granted respondent's motion for extension of time. **Vote: 6-0**

PCB 99-146 Remote Services, 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 a Rock Island County facility. **Vote: 6-0**

PCB 99-147 Remote Services, 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 a McLean County facility. **Vote: 6-0**

PCB 99-148 Remote Services, 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 a Tazewell County facility. **Vote: 6-0**

PCB 99-150 K.B. Oil Company v. IEPA - The Board accepted for hearing this underground storage tank appeal involving a Cook County facility. **Vote: 6-0**

PCB 99-151 Land-O-Sun Dairies, L.L.C. v. IEPA - The Board accepted for hearing this permit appeal involving a St. Clair County facility. **Vote: 6-0**

PCB 99-153 Solutia, 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 a St. Clair County facility. **Vote: 6-0**

PCB 99-154 Remote Services, Inc. (Dairy Mart Store #562) v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Champaign County facility. **Vote: 6-0**

PCB 99-155 Schiller Park Marathon, 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 a Cook County facility. **Vote: 6-0**

PCB 99-156 CGB Waterfront Services, Inc. v. IEPA - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of an Alexander County facility. **Vote: 6-0**

MAY 20, 1999
CHICAGO, ILLINOIS

RULEMAKING

R98-29 In the Matter of: Nonhazardous Special Waste Hauling and the Uniform Program: Amendments to 35 Ill. Adm. Code 809 (Pursuant to P.A. 90-219) - The Board adopted a final opinion and order in this rulemaking to amend the Board's non-hazardous special waste hauling regulations. **Vote: 7-0**

ADJUSTED STANDARD

AS 99-4 In the Matter of: Petition of Sun Chemical Corporation for an Adjusted Standard from 35 Ill. Adm. Code 218.626(b) The Board granted this Cook County facility an adjusted standard, subject to conditions, from the volatile organic material emission control requirements found at 35 Ill. Adm. Code 218.626(b). **Vote: 7-0**

ADMINISTRATIVE CITATIONS

AC 98-41 IEPA v. Bradley G. White - The Board entered an order requiring respondent to pay \$200 in hearing costs and a civil penalty of \$1,000. This order follows the Board's interim order of February 18, 1999 which found that this respondent had violated Sections 21(p)(1) and (p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3) (1996)) at respondent's Cumberland County facility. **Vote: 7-0**

AC 99-40 IEPA v. BFI Waste Systems of North America, Inc. - The Board found that this Rock Island County respondent violated Sections 21(o)(1), 21(o)(5), and 21(o)(12) of the Environmental Protection Act (415 ILCS 5/21(o)(1), 21(o)(5), 21(o)(12) (1996)), and ordered respondent to pay a civil penalty of \$1,500. **Vote: 7-0**

AC 99-41 IEPA v. BFI Waste Systems of North America, Inc. - The Board found that this Rock Island County respondent violated Section 21(o)(5) of the Environmental Protection Act (415 ILCS 5/21(o)(5) (1996)), and ordered respondent to pay a civil penalty of \$500. **Vote: 7-0**

ADJUDICATORY CASES

DECISIONS

PCB 99-66 People of the State of Illinois v. Dale Bennet - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act (415 ILCS 5/31(c)(2) (1996)), accepted a stipulation and settlement agreement in this water enforcement action involving a Stark County facility, ordered respondent to pay a civil penalty of \$5,000, and to cease and desist from further violations. **Vote: 7-0**

PCB 99-143 People of the State of Illinois v. Heritage Environmental Services, L.L.C. - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act (415 ILCS 5/31(c)(2) (1996)), accepted a stipulation and settlement agreement in this Resource Conservation Recovery Act enforcement action involving a Cook County facility, ordered respondent to pay a civil penalty of \$14,765.07, and to cease and desist from further violations. **Vote: 7-0**

PROVISIONAL VARIANCES

PCB 99-168 Mobil Oil Corporation v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted a 30-day provisional variance to this Will County facility from the 90-day limitation on the accumulation of hazardous wastes, as set forth in 35 Ill. Adm. Code 722.134(b). **Vote: 7-0**

PCB 99-169 Equilon Wood River Refining Company v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted a 30-day provisional variance to this Madison County facility from the 90-day limitation on the accumulation of hazardous wastes, as set forth in 35 Ill. Adm. Code 722.134(b). **Vote: 7-0**

MOTIONS AND OTHER MATTERS

PCB 97-55 People of the State of Illinois v. Precision Chrome, Inc. - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this Resource Conservation Recovery Act enforcement action against a Lake County facility, the Board ordered publication of the required newspaper notice. **Vote: 7-0**

PCB 97-192 People of the State of Illinois v. Sundale Sewer Corporation and Howard Spurgeon - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action against a Tazewell County facility, the Board ordered publication of the required newspaper notice. **Vote: 7-0**

PCB 98-102 Panhandle Eastern Pipe Line Company v. IEPA - The Board denied petitioner's motion for reconsideration of its January 21, 1999 order in this air permit appeal involving a facility located in Glenarm, Sangamon County, Illinois. **Vote: 7-0**

PCB 99-31 Cass County Service Company v. IEPA - The Board denied petitioner's motion to consolidate PCB 99-98 with this tax credit appeal involving a Cass County facility, but stated that management of the cases would be coordinated by one hearing officer. **Vote: 7-0**

PCB 99-98 Kendall-Grundy FS, Inc. v. IEPA - The Board denied petitioner's motion to consolidate PCB 99-31 with this tax credit appeal involving a Grundy County facility, but stated that management of the cases would be coordinated by one hearing officer. **Vote: 7-0**

PCB 99-136 PCB 99-139 PCB 99-140 Sierra Club, Midewin Tallgrass Prairie Alliance, Audubon Council of Illinois, and Illinois Audubon Society v. Will County Board and Waste Management of Illinois, Inc.; Land and Lakes Company v. Will County Board and Waste Management of Illinois, Inc.; Kathleen Konicki v. Will County Board and Waste Management of Illinois, Inc. - The Board granted petitioners' motion to amend the petition in PCB 99-136, granted respondent Waste Management of Illinois, Inc.'s motion to dismiss the petition in PCB 99-140, and denied respondent Will County Board's motion to dismiss PCB 99-136. Respondent Will County Board's motion to dismiss and petitioner's motion to amend in PCB 99-140 were denied as moot. **Vote: 6-0 | Girard abstained**

PCB 99-149 Universal Scrap Metals, Inc. v. Flexi-Van Leasing, Inc. - The Board found that the allegations in this matter were not duplicitous or frivolous, and accepted for hearing this citizen's underground storage tank enforcement action involving a Cook County facility. **Vote: 7-0**

PCB 99-158 Clayton Chemical Acquisition Limited Liability Company d/b/a Resource Recovery Group, L.L.C. v. IEPA - The Board accepted for hearing this permit appeal involving a St. Clair County facility, and consolidated it with PCB 98-113 and PCB 99-28 which involve the same facility. **Vote: 7-0**

PCB 99-163 Homewood Disposal Service Company v. IEPA - The Board accepted for hearing this permit appeal involving a Cook County facility. **Vote: 7-0**

PCB 99-165 Formel Industries, Inc. v. IEPA - The Board accepted for hearing this request for an air variance involving a Cook County facility. **Vote: 7-0**

PCB 99-166 Archer Daniels Midland Company v. IEPA - The Board accepted for hearing this trade secret appeal involving a Macon County facility. **Vote: 7-0**

NEW CASES

MAY 6, 1999

99-145 Hovert and Karen Jones, Robert Smith, Jodi and Tim Leeper, Cassandra and Cheryl Vaughn, Anita Rice, Peggy Eberhardt, Matthew Andriola, Matt Miller, Lynn Devlin, Edward Stolinski, and Pete Calzavara v. Heritage Tool and Die Mold - The Board held for a later duplicitous/frivolous determination this citizens' noise enforcement action involving a Cook County facility.

99-146 Remote Services, 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 a Rock Island County facility.

99-147 Remote Services, 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 a McLean County facility.

99-148 Remote Services, 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 a Tazewell County facility.

99-149 Universal Scrap Metals, Inc. v. Flexi-Van Leasing, Inc. The Board held for a later duplicitous/frivolous determination this citizen's underground storage tank enforcement action involving a Cook County facility.

99-150 K.B. Oil Company v. IEPA - The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.

99-151 Land-O-Sun Dairies, L.L.C. v. IEPA - The Board accepted for hearing this permit appeal involving a St. Clair County facility.

99-152 People of the State of Illinois v. Eagle Picher Boge, L.L.C. The Board accepted for hearing this air enforcement action against an Edgar County facility.

99-153 Solutia, 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 a St. Clair County facility.

99-154 Remote Services, Inc. (Dairy Mart Store #562) v. IEPA The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Champaign County facility.

99-155 Schiller Park Marathon, 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 a Cook County facility.

99-156 CGB Waterfront Services, Inc. v. IEPA - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of an Alexander County facility.

99-157 Department of the Air Force v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted a 3-day provisional variance to this St. Clair County facility from the 90-day limitation on the accumulation of hazardous wastes, as set forth in 35 Ill. Adm. Code 722.134(b).

MAY 20, 1999

99-158 Clayton Chemical Acquisition Limited Liability Company d/b/a Resource Recovery Group, L.L.C. v. IEPA - The Board accepted for hearing this permit appeal involving a St. Clair County facility, and consolidated it with PCB 98-113 and PCB 99-28 which involve the same facility.

99-159 Mater Dei High School v. IEPA - No action taken.

99-160 People of the State of Illinois v. Renu Casual Furniture Renovators, Inc. - The Board accepted for hearing this Resource Conservation Recovery Act enforcement action against a Cook County facility.

99-161 Village of Dorchester, Illinois v. IEPA - The Board held for the Illinois Environmental Protection Agency's recommendation this petition for a public water supply variance involving a Macoupin County facility.

99-162 Kelly-Mac Partners v. Robertson-CECO Corporation The Board held for a later duplicitous/frivolous determination this citizens' underground storage tank enforcement action involving a Cook County facility.

99-163 Homewood Disposal Service Company v. IEPA - The Board accepted for hearing this permit appeal involving a Cook County facility.

99-164 Ayers Oil Company v. IEPA - No action taken.

99-165 Formel Industries, Inc. v. IEPA - The Board accepted for hearing this request for an air variance involving a Cook County facility.

99-166 Archer Daniels Midland Company v. IEPA - The Board accepted for hearing this trade secret appeal involving a Macon County facility.

99-168 Mobil Oil Corporation v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted a 30-day provisional variance to this Will County facility from the 90-day limitation on the accumulation of hazardous wastes, as set forth in 35 Ill. Adm. Code 722.134(b).

99-169 Equilon Wood River Refining Company v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted a 30-day provisional variance to this Madison County facility from the 90-day limitation on the accumulation of hazardous wastes, as set forth in 35 Ill. Adm. Code 722.134(b).

AC 99-43 IEPA v. Waste Management of Illinois, Inc. - The Board accepted an administrative citation against this Peoria County respondent.

AC 99-44 IEPA v. County of Knox and Thomas D. Wagher The Board accepted an administrative citation against these Knox County respondents.

AC 99-45 IEPA v. William Clingenpeel - The Board accepted an administrative citation against this Iroquois County respondent.

CALENDAR OF MEETINGS AND HEARINGS

June

17 ❖ 10:30 am
Pollution Control Board Meeting
Chicago, IL

22 ❖ 9:00 am - PCB 96-111
People of the State of Illinois v. John
Chalmers, individually and d/b/a John
Chalmers Hog Farm

Menard County Courthouse
County Commissioner's Room
Petersburg, IL

23 ❖ 9:00 am - PCB 96-111
People of the State of Illinois v. John
Chalmers, individually and d/b/a John
Chalmers Hog Farm

Menard County Courthouse
County Commissioner's Room
Petersburg, IL

24 ❖ 9:00 am - PCB 96-111
People of the State of Illinois v. John
Chalmers, individually and d/b/a John
Chalmers Hog Farm

Menard County Courthouse
County Commissioner's Room
Petersburg, IL

29 ❖ 9:30 am - PCB 99-122
Central C&D Recycling, Inc. v. IEPA

St. Clair County Building
Courtroom 407
10 Public Square
Belleville, IL

30 ❖ 9:30 am - PCB 99-122
Central C&D Recycling, Inc. v. IEPA

St. Clair County Building
Courtroom 407
10 Public Square
Belleville, IL

July

8 ❖ 10:30 am
Pollution Control Board Meeting
Chicago, IL

21 ❖ 9:00 am - PCB 99-31
Cass County Service Company v. IEPA

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

21 ❖ 1:00 pm - PCB 99-98
Kendall-Grundy FS, Inc. v. IEPA

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

22 ❖ 10:30 am
Pollution Control Board Meeting
Chicago, IL

August

10 ❖ 9:30 am - PCB 99-31
Cass County Service Company v. IEPA

Illinois Police Training Board
3rd Floor Conference Room
600 S. Second Street
Springfield, IL

5 ❖ 10:30 am
Pollution Control Board Meeting
State of Illinois Building
160 N. LaSalle Street
Room N-505
Chicago, IL

19 ❖ 11:30 am
Pollution Control Board Meeting
Springfield, IL

September

9 ❖ 10:30 am
Pollution Control Board Meeting
Chicago, IL

23 ❖ 10:30 am
Pollution Control Board Meeting
Chicago, IL

October

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

21 ❖ 10:30 am
Pollution Control Board Meeting
Chicago, IL

November

4 ❖ 11:30 am
Pollution Control Board Meeting
Springfield, IL

8 ❖ 9:30 am - PCB 96-143
People of the State of Illinois v. Michel
Grain Company, Inc., d/b/a Michel
Fertilizer and Caryle Michel

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

9 ❖ 9:30 am - PCB 96-143
People of the State of Illinois v. Michel
Grain Company, Inc., d/b/a Michel
Fertilizer and Caryle Michel

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

10 ❖ 9:30 am - PCB 96-143
People of the State of Illinois v. Michel
Grain Company, Inc., d/b/a Michel
Fertilizer and Caryle Michel

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

18 ❖ 10:30 am
Pollution Control Board Meeting
Chicago, IL

December

2 ❖ 10:30 am
Pollution Control Board Meeting
Chicago, IL

16 ❖ 10:30 am
Pollution Control Board Meeting
Chicago, IL

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

Illinois Pollution Control Board Members:

Claire A. Manning, Chairman
Springfield

Ronald C. Flemal
DeKalb

G. Tanner Girard
Grafton

Kathleen M. Hennessey
Western Springs

Elena Z. Kezelis
Springfield

Marili McFawn
Inverness

Nicholas J. Melas
Chicago

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

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/>