
Environmental Register

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J. Philip Novak, Chairman

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Letter from the Chairman

The summer months are occupying the Illinois Pollution Control Board with significant rulemaking activity. Although the Board has approximately 25 rulemaking dockets either open or reserved, the following three have recently generated particular interest or activity.

By the time you receive this issue of the *Environmental Register*, the Board will already have completed several days of public hearings in the consolidated cases R04-22 and R04-23, which address leaking underground storage tanks (USTs). At least one more hearing will take place August 9th in Springfield. The Illinois Environmental Protection Agency (IEPA) initiated these rulemakings in order to implement the requirements of P.A. 92-554 and P.A. 92-735. In addition, IEPA proposes maximum rates for the reimbursement of remediation activities. In the course of its hearings, the Board has heard a great deal of testimony from the IEPA, the regulated community, and entities that remedy contamination caused by USTs. Specific information about the progress of this rulemaking can be found on the Board's Web site at www.ipcb.state.il.us.



In April, the Illinois Association of Wastewater Agencies (IAWA) filed a proposed rule docketed by the Board as R04-25. Based on the U.S. Environmental Protection Agency's National Criteria Document, IAWA proposes to change regulations governing the general use standard for dissolved oxygen. The current standard provides that dissolved oxygen shall not be less than 6.0 mg/l during at least 16 hours of any 24-hour period and not less than 5.0 mg/l at any time. The IAWA proposal, during the months of July through February, sets a one-day minimum concentration of 3.5 mg/l and a seven day mean minimum of 4.0 mg/l. From March through June, the proposal would set a one-day minimum concentration of 5.0 mg/l and a seven-day mean minimum of 6.0 mg/l. The Board held its first hearing on this proposal on June 29 and will hold a second on August 12 in Springfield. More information about this rulemaking, including IAWA's Statement of Reasons, can be read on the Board's Web site.

In May, the IEPA filed a proposed rule, docketed by the Board as R04-26, that would establish an interim phosphorus effluent standard. Generally, the standard would apply to new or expanded discharges from specified treatment works but would not apply to existing sources. The IEPA states that it seeks "to limit higher concentration of phosphorus that may result in detrimental levels of plant and algae growth." By 2007, IEPA expects to develop State numeric water quality nutrient standards and to file a proposal with the Board that reflects them. More information about this rulemaking, including IEPA's Statement of Reasons and any scheduled public hearings, can be read on the Board's Web site.

While the Board will certainly continue to decide the contested cases before it, these and other rulemakings will be a significant part of our workload. As always, we invite public participation in these proceedings.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. Philip Novak". The signature is fluid and cursive.

J. Philip Novak
Chairman

Inside This Issue:

FEDERAL UPDATE	P. 1
RULE UPDATE	P. 3
BOARD ACTIONS	P. 7
NEW CASES	P. 16
BOARD CALENDAR	P. 18
IEPA RESTRICTED STATUS LIST	P. 20
IEPA CRITICAL REVIEW LIST	P. 22

Federal Update

United States Environmental Protection Agency Proposes Amendments Under the Clean Air Act to the Emissions Testing Regulations

On June 10, 2004 (69 Fed. Reg. 32803), the United States Environmental Protection Agency (USEPA) proposed amendments to control emissions of air pollution from new motor vehicles through in-use testing for heavy-duty diesel engines and vehicles.

The proposal would establish a manufacturer-run, in-use emissions testing program for 2007 and later model year heavy-duty diesel vehicles. The in-use test program will require the engine manufacturers to measure exhaust emissions from their diesel engines using portable emissions measurement systems. Also, all manufacturers will be required to regularly provide USEPA with a significant quantity of emissions data generated from engines used in regular service, which USEPA will evaluate to ensure the engines comply with specified emissions requirements.

The proposed rule is a result of an agreement between USEPA and the Engine Manufacturers Association. USEPA stated that this proposal would further clean diesel activities by helping to ensure that the benefits of more stringent emission standards are realized under real-world driving conditions.

Comments must be received on or before August 16, 2004. Comments may be submitted by one of the following methods: 1. Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the on-line instructions for submitting comments. 2. USEPA Web site: <http://www.epa.gov/edocket>. EDOCKET, USEPA's electronic public docket and comment system, is USEPA's preferred method for receiving comments. Follow the on-line instructions for submitting comments. 3. Mail: Air Docket, Environmental Protection Agency, Mailcode: 6102T, 1200 Pennsylvania Ave., NW., Washington, DC, 20460, Attention Docket ID No. OAR-2004-0072. Also send your comments to: Carol Connell, U.S. Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, Michigan, 48130, Attention Docket ID No. OAR-2004-0072.

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 (2002)).

United States Environmental Protection Agency Adopts Amendments Under the Clean Air Act to Control Emissions of Air Pollution From Nonroad Diesel Engines and Fuel

On June 29, 2004 (69 Fed. Reg. 38957), the United States Environmental Protection Agency (USEPA) adopted new emission standards for nonroad diesel engines and sulfur reductions in nonroad diesel fuel that is intended to reduce harmful emissions and help States and local areas recently designated as 8-hour ozone nonattainment areas to improve their air quality.

Environmental Register – June 2004

This program regulates nonroad diesel engines and diesel fuel as a system. New engine standards will begin to take effect in the 2008 model year, phasing in over a number of years. The standards are based on the use of advanced exhaust emission control devices. USEPA estimates particulate matter reductions of 95 percent, nitrogen oxides reductions of 90 percent, and the virtual elimination of sulfur oxides from nonroad engines meeting the new standards. Nonroad diesel fuel sulfur reductions of more than 99 percent from existing levels will provide significant health benefits as well as facilitate the introduction of high-efficiency catalytic exhaust emission control devices as these devices are damaged by sulfur. These fuel controls will be phased-in starting in mid-2007. The nonroad final rule is largely based on the USEPA's 2007 highway diesel program.

USEPA also adopted new test procedures, including not-to-exceed requirements, and related certification requirements. The rule also includes provisions to facilitate the transition to the new engine and fuel standards and to encourage the early introduction of clean technologies and clean nonroad diesel fuel. The final rule includes provisions for both the engine and fuel programs designed to address small business considerations.

The USEPA rulemaking adopts Tier 4 standards for nonroad diesel engines of all horsepower ratings. These standards are technology-neutral in the sense that manufacturers are the responsible party in determining which emission control technologies will be needed to meet the requirements. Applicable emissions standards are determined by model year for each of five engine power band categories:

- 1) For engines less than 25 hp, USEPA adopted a new engine standard for PM of 0.30 g/bhp-hr (grams per brake-horsepower-hour) beginning in 2008, and leaving the previously-set 5.6 g/bhp-hr combined standard for NMHC+NO_x in place.
- 2) For engines of 25 to 75 hp, USEPA adopted standards reflecting approximately 50 percent reductions in PM control from today's engines, again applicable beginning in 2008. Then, starting in 2013, standards of 0.02 g/bhp-hr for PM and 3.5 g/bhp-hr for NMHC+NO_x will apply for this power category.
- 3) For engines of 75 to 175 hp, the standards will be 0.01 g/bhp-hr for PM, 0.30 g/bhp-hr for NO_x and 0.14 g/bhp-hr for NMHC starting in 2012, with the NO_x and NMHC standards phased in over a period of three to four years in order to address lead time, workload, and feasibility considerations.
- 4) The above standards will apply to engines of 175 to 750 hp as well starting in 2011, with a similar phase-in. These PM, NO_x, and NMHC standards and phase-in schedules are similar in stringency to the 2007 highway diesel standards and are expected to require the use of high-efficiency after treatment systems to ensure compliance.
- 5) For engines above 750 hp, USEPA adopted PM and NMHC control to 0.075 g/bhp-hr and 0.30 g/bhp-hr, respectively, starting in 2011. More stringent standards take effect in 2015 with PM standards of 0.02 g/bhp-hr (for engines used in generator sets) and 0.03 g/bhp-hr (for non-generator set engines), and an NMHC standard of 0.14 g/bhp-hr. The NO_x standard in 2011 will be 0.50 g/bhp-hr for generator set engines above 1200 hp, and 2.6 g/bhp-hr for all other engines in the above 750 hp category. In 2015, the 750-1200 hp generator set engines will be added to the stringent 0.50 g/bhp-hr NO_x requirement as well.

The long-term NO_x standard for engines not used in generator sets (mobile machinery) will be addressed in a future action (USEPA stated that it is currently considering such an action in the 2007 time frame). USEPA is also continuing the averaging, banking, and trading provisions engine manufacturers can use to demonstrate compliance with the standards.

The nonroad, locomotive, and marine diesel fuel quality standards requirements involve a two-step approach to sulfur control, with all land-based nonroad, locomotive, and marine diesel fuel going from uncontrolled sulfur levels of approximately 3,000 ppm sulfur to 500 ppm in June, 2007. The interim step will by itself achieve significant PM and SO_x emission reductions with associated important health benefits as early as is practicable. Then, in June 2010, the sulfur cap for land-based nonroad engine diesel fuel will be reduced to the final standard of 15 ppm. Two years later, in 2012, the 15 ppm cap for locomotive and marine engine diesel fuel will go into effect. The reduction to 15 ppm sulfur provides additional direct control of PM and SO_x emissions and is an enabling technology for the application of advanced catalyst-based emission control technologies.

This final rule is effective on August 30, 2004.

For further information contact Carol Connell, Assessment and Standards Division, Office of Transportation and Air Quality, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number: (734) 214-4349; fax number: (734) 214-4050; e-mail address: connell.carol@epa.gov, or Assessment and Standards Division Hotline; telephone number: (734) 214-4636; e-mail address: asinfo@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 (2002)).

United States Environmental Protection Agency Adopts Amendments Under the Safe Drinking Water Act to the National Primary Drinking Water Regulations For Lead and Copper

On June 29, 2004 (69 Fed. Reg. 38850), the United States Environmental Protection Agency (USEPA) adopted minor corrections and clarification to the drinking water regulations for lead and copper.

The adopted amendments made minor changes to clarify and correct USEPA's drinking water regulations. The rule clarified typographical errors, inadvertent omissions, editorial errors, and outdated language in the final Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR), the Surface Water Treatment Rule, and other rules. In addition to these clarifications, USEPA added optional monitoring for disinfection profiling and an earlier compliance date for some requirements in the LT1ESWTR, and a detection limit for the Uranium Methods. Additionally, USEPA reinstated text that was inadvertently dropped from the Lead and Copper Rule which listed the facilities that must be sent public education brochures by a public water system that has exceeded the action level for lead or copper.

The final rule is effective on July 29, 2004, except for the amendment to Sec. 141.85(c)(2)(iii) which is effective June 29, 2004.

For general information, contact the Safe Drinking Water Hotline at (800) 426-4791. The Safe Drinking Water Hotline is open Monday through Friday, excluding legal holidays, from 9 a.m. to 5:30 p.m., eastern time. For technical inquiries, contact Tracy Bone, Office of Ground Water and Drinking Water, U. S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone: (202) 564-5257; fax: (202) 564-3767; e-mail address: bone.tracy@epa.gov.

The Board will include any necessary amendments to Board rules resulting from this federal action in a future SDWA identical in substance rulemaking pursuant to Sections 7.2 and 17.5 of the Environmental Protection Act (415 ILCS 5/7.2, 22.4 (2002)).

Rule Update

Board Adopts Second Notice Opinion and Order in Proposed Site Specific Regulation Applicable to Ameren Energy Generating Company, Elgin, Amending 35 Ill. Adm. Code Part 901 (R04-11)

On June 3, 2004, the Board adopted a second notice opinion and order in Proposed Site Specific Regulation Applicable to Ameren Energy Generating Company, Elgin, Amending 35 Ill. Adm. Code Part 901 (R04-11). The Board has sent the rulemaking, pursuant to the Illinois Administrative Procedure Act (5 ILCS 100/1-1 *et seq.* (2002)), to the Joint Committee on Administrative Rules (JCAR) for its review and approval. The proposed amendments will be considered at the July 13, 2004 JCAR meeting. The Board did not make any substantive changes to the proposal it adopted for first notice on November 6, 2003 (published in the *Illinois Register* on November 21, 2003 at 27 Ill Reg. 17349).

This rulemaking is based on a proposal filed by the Ameren Energy Generating Company (Ameren) on October 28, 2003, to amend the Board's noise regulations with respect to the operation of Ameren's electric generating facility in Elgin, Cook County. Ameren filed this rulemaking with the Board to address the changes in land use

Environmental Register – June 2004

designations for property that is adjacent to its facility. The land immediately to the west of the facility is vacant, and until very recently was located within unincorporated Cook County and zoned Industrial. On June 3, 2003, the Village of Bartlett annexed and rezoned this land for residential use at the request of Realen Homes, a residential development corporation. Ameren has concluded that although its facility is in compliance with the Board's regulations for Class C land uses (industrial, agricultural, mining and excavation), it will not be able to meet the Class A noise limitation at 35 Ill. Adm. Code 901.102 (applicable to residential properties). The site-specific proposal seeks adjusted noise levels for Ameren's facility.

The Board received comments during the first notice period in this rulemaking from the Attorney General's office (AGO), Ameren, the Village of Bartlett, Realen Homes, and the City of Elgin. Comments filed by Ameren addressed issues that were raised by the AGO at the hearing in this rulemaking. Ameren's comments focused primarily on the following points: (1) that the area surrounding the Elgin facility is predominately industrial in nature; (2) scheduling additional noise level tests to satisfy the AGO's criteria would be expensive and difficult to arrange; and (3) the facility is equipped with state of the art noise control equipment and to add additional equipment would not be economically reasonable or technologically feasible.

The comments filed by the AGO argued that the Board should deny the site-specific rule sought by Ameren. Reasons for this denial included: (1) the AGO questioned the reliability and accuracy of the technological and economic studies provided by Ameren; (2) the AGO stated that Ameren had not demonstrated that the Elgin facility was significantly different than other facilities, or that it could not be modified to meet the current noise regulations; (3) the AGO believed the noise measurements from the Elgin facility were not taken appropriately; and (4) the AGO feared that adopting a site-specific rule for this peaker plant might set a precedent for other peaker plants, leading them to petition the Board to be exempted from the noise regulations.

The Board found that Ameren had provided testimony and documentation on the inability of its facility to meet the Board's emission limitations for receiving Class A and Class B lands. The results of the noise tests submitted by Ameren conclusively showed that the peaker plant cannot meet those limitations. The Board noted that Ameren has spent over \$11,000,000 on noise abatement measures, and that additional reductions would require the use of experimental technology that may not result in significant reductions.

Additionally, the Board found that the facility is appropriately located in an industrial area, and that any future residents of the yet-to-be-developed residential area should be aware of the nature of the surrounding area. Also, noise easements in Ameren's favor will be recorded on the titles to adjoining property as ordered by the local circuit court, so that any noise impacts will be considered during the negotiations for the purchase price of adjoining homes.

Accordingly, the Board did not make any changes to the first notice proposal.

Copies of the Board's opinion and order in R04-11 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 more information contact John Knittle at (217) 278-3110 or email at knittlej@ipcb.state.il.us.

Board Accepts Proposal for Hearing in Interim Phosphorus Effluent Standard, Proposed 35 Ill. Adm. Code 304.123(g-k) (R04-26)

On June 3, 2004, the Board accepted for hearing a proposal filed by the Illinois Environmental Protection Agency (IEPA) on May 14, 2004 to set an interim phosphorus effluent standard by adding five new subsections (g-k) to existing 35 Ill. Adm. Code 304.123.

The phosphorus effluent limit proposed by the IEPA of 1.0 milligrams per liter (mg/l) as a monthly average would apply to new or expanded discharges from treatment works with a design average flow greater than 1.0 million gallons per day (mgd) receiving municipal or domestic wastewater, or a total phosphorus effluent load of 25 lbs/day or more. However, if the source can demonstrate that phosphorus is not limiting nutrient in the receiving water or that alternative phosphorus effluent limits are warranted by the aquatic environment in the receiving water, the 1.0

Environmental Register – June 2004

mg/l limit would not apply. Since these standards apply only to new or expanded discharges, existing facilities are “grandfathered in,” and would not have to meet the proposed interim standard.

In its statement of reasons, the IEPA asserts that it is in the process of developing the State numeric nutrient standards pursuant to its triennial water quality standards review, and that a final effluent level would be included as part of the nutrient standards rulemaking that IEPA plans to file with the Board in early 2007. In the interim, the IEPA is proposing the 1.0 mg/l effluent standard for phosphorus to limit higher concentrations of phosphorus that may result in detrimental levels of plant and algae growth. The IEPA requested that the interim effluent standard apply until the Board adopts a numeric water quality standard for phosphorus.

Copies of the Board’s opinion and order in R04-26 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.

The Board hearing officer is in the process of scheduling hearings on this proposal. For additional information contact John Knittle at 217/278-3111; email address knittlej@ipcb.state.il.us.

Board Adopts Final Rules in RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (January 1, 2003 through June 30, 2003); RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2003 through December 31, 2003) R04-05 and R04-15 (consolidated)

On June 17, 2004, the Board adopted final amendments in the consolidated rulemaking RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (January 1, 2003 through June 30, 2003); RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (July 1, 2003 through December 31, 2003) R04-05 and R04-15 (cons.). The rulemaking adopted amendments to the Illinois regulations that are “identical-in-substance” to municipal solid waste landfill (MSWLF) regulations adopted by the United States Environmental Protection Agency (USEPA). This docket includes federal MSWLF amendments that USEPA adopted in the update periods January 1, 2003 through June 30, 2003 and July 1, 2003 through December 31, 2003. These USEPA rules implement Subtitle D of the Resource Conservation and Recovery Act of 1976, 42 U.S.C §§ 6941-6949, (RCRA Subtitle D).

The Board received comments related to the substantive changes in this rulemaking from the Illinois Environmental Protection Agency (IEPA) and from the Marion Ridge Landfill. The Board made some changes to the proposal it adopted on March 18, 2004 (published in the *Illinois Register* at 28 Ill. Reg. 5577 and 5594). The Board filed the final amendments with the Secretary of State’s Index Department. The final amendments were published in the *Illinois Register* on July 2, 2004 at 28 Ill. Reg. 9090 and 9107.

Residential Lead-based Paint Disposal Rules. USEPA amended the federal RCRA Subtitle D MSWLF regulations once during the January 1, 2003 through June 30, 2003 period of docket R04-5. On June 18, 2003 (68 Fed. Reg. 36487) USEPA amended key definitions to allow disposal of residential lead-based paint waste that is not hazardous waste in a construction and demolition landfill that does not accept other household waste. Residential lead-based paint waste is defined as waste that contains lead-based paint that was generated in the course of abatement, rehabilitation, renovation, and remodeling activities in homes or other residential units. The term includes lead-based paint debris, chips, dust, and sludges.

The IEPA public comment requested that the Board either decline to incorporate the federal amendments into the Illinois regulations, or append a cautionary Board note to the definition of “C & D landfill.” The IEPA opposed adoption of the federal amendments of June 18, 2003 and stated that the regulatory structure contemplated by USEPA does not exist in the Illinois landfill regulations. The IEPA maintained that addition of the definition of “C & D landfill” would “create legal conflicts with existing landfill provisions and unnecessary confusion” and might even “create legal inferences disruptive to the Agency’s administration of the non-hazardous landfill rules.”

The Board agreed that the federal and Illinois regulatory schemes for solid waste landfills are different. The distinctions made between the various types of facilities are not the same under the Illinois regulations as those made under the federal rules. However, the Board found that the June 18, 2003 federal amendments did not alter the federal regulatory scheme and create a new class of land disposal facility standards. USEPA chose to define a

new class of landfills to implement the residential lead-based paint waste exception. The Board did not find any fundamental inconsistency between the incorporation of the federal exception for residential lead-based paint waste and the existing Illinois landfill regulations. Incorporation of an exception for residential lead-based paint waste from the federally-derived MSWLF requirements does not relax otherwise-applicable Illinois standards that are more stringent than the federal standards of 40 C.F.R. 257.3 (or Subpart B of 40 C.F.R. 257 for CESQG waste).

The Board explained that the federal use of the term “C & D landfill” is intended only to limit the defined universe of household waste in terms identical to those chosen by USEPA, and drafted the exception without use of the term “C & D landfill.” The Board added the definition of “residential lead-based paint waste” and exempted facilities disposing of this material and no other household waste from the definition of “municipal solid waste landfill.” The Board added a Board note explaining this difference between the state and federal definitions. The definition of “residential lead-base paint waste” remains unchanged from the proposed version.

Ford Act’s Location Restrictions on Landfills Near Public Airports. USEPA amended the federal RCRA Subtitle D MSWLF regulations once during the July 1, 2003 through December 31, 2003 period of docket R04-15. On October 15, 2003 (68 Fed. Reg. 59333) USEPA amended the rules to add a note referencing the adoption of the Wendell H. Ford Aviation Investment Act (Ford Act)(Pub. L. 106–181, effective April 5, 2000, amended 49 U.S.C. 44718(d)) prohibiting location of a new landfill within six miles of a certain public airports.

USEPA added a note to its 40 C.F.R. 258.10 provision relating to location of a MSWLF in proximity to an airport. USEPA deliberately chose not to amend the language of its location restriction provisions. USEPA instead chose to append a note to its location restrictions that referenced the federal statutory change that instituted a new restriction. The amended provision now prohibits establishing a new MSWLF within six miles of a federally-funded public airport served by general aviation aircraft and regularly scheduled flights of aircraft designed for 60 or fewer passengers, unless the FAA determines at the request of the state that the location would have no adverse impact on aviation safety.

The comments filed by Marion Ridge Landfill requested further clarification that the Board note relative to the Ford Act “is not intended to give the Agency any new authority or responsibility to regulate concerning the standards set forth in the Ford Act.” Marion Ridge Landfill requested that the Board alter the note by changing its restructure and adding explanatory language.

The Board found that adding a reference to federally approved exceptions to the Ford Act location restriction would add clarity to the description of the Ford Act requirements. In the adopted rules, the Board added language to the Board note in Section 811.302(f).

Copies of the Board’s opinion and order in R04-5/15 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 Michael J. McCambridge at 312-814-6924; e-mail address mccambm@ipcb.state.il.us

Board Adopts Final Amendments in RCRA Subtitle C Update, USEPA Amendments (July 1, 2003 through December 31, 2003) (R04-16)

On June 17, 2004, the Board adopted a final opinion and order in RCRA Subtitle C Update, USEPA Amendments (July 1, 2003 through December 31, 2003) (R04-16). The rulemaking adopts amendments to the Illinois regulations that are “identical in substance” to hazardous waste regulations adopted by the United States Environmental Protection Agency (USEPA). The USEPA rules implement Subtitle C of the federal Resource Conservation and Recovery Act of 1976 (RCRA Subtitle C) (42 U.S.C. §§ 6921 *et seq.* (2002)).

This docket includes federal hazardous waste amendments that USEPA adopted in the period July 1, 2003 through December 31, 2003. The final amendments made no substantive changes to the proposal adopted by the Board on April 1, 2004 that was published in the April 23, 2004 issue of the *Illinois Register* at 28 Ill. Reg. 6300 and 6313.

Environmental Register – June 2004

The Board will file the adopted amendments with the Secretary of State's Index Department at the conclusion of a thirty-day USEPA review period, which ends on July 17, 2004.

The substantive amendments in this update deal with the USEPA action of July 30, 2003 (68 Fed. Reg. 44659) related to the used oil management rule. USEPA stated that the amendments eliminated drafting errors and ambiguities in the rule. The amendments reinstated three provisions adopted by a direct final rule adopted by USEPA on May 6, 1998 (63 Fed. Reg. 24963), but withdrawn by USEPA on July 14, 1998 (63 Fed. Reg. 37780) in response to adverse public comments. USEPA stated that the amendments clarify that 1) mixtures of used oil and conditionally exempt small quantity generator waste are subject to the used oil management standards without regard to how the mixture is to be recycled, and 2) the initial marketer of used oil that meets the used oil fuel specification needs only to keep a record of the shipment to the facility to which the marketer delivers the used oil. Persons interested in the details of the federal amendments should consult the July 30, 2003 *Federal Register* notice.

The Board adopted the used oil management rules. The Board also made additional, nonsubstantive, amendments to Part 721 and 739 regulations in this rulemaking to correct sections of the rules not affected by the underlying federal amendments.

Copies of the Board's opinion and order in R04-16 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 Michael J. McCambridge at 312-814-6924; e-mail address mccambm@ipcb.state.il.us

Board Actions

June 3, 2004

Via Videoconference

Springfield and Chicago, Illinois

Rulemakings

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|--------|--|-----------------|
| R04-11 | <u>In the Matter of: Proposed Site-Specific Rulemaking Ameren Energy Generating Company Amending 35 Ill. Adm. Code 901</u> – The Board adopted a second notice opinion and order to grant the requested site specific amendments to the Board's noise pollution control regulations. The Board also granted the Howard Chinn's motion to file comments. | 5-0
R, Noise |
| R04-22 | <u>In the Matter of: Proposed Amendments to Regulation of Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 732); In the Matter of Proposed Amendments to Regulation of Petroleum Underground Storage Tanks (35 Ill. Adm. Code 734)</u> – The Board denied the Illinois Environmental Protection Agency's motions for adoption of emergency rules, finding there was no emergency within the meaning of the Administrative Procedure Act. Hearings in this docket will continue as scheduled beginning June 21, 2004. | 5-0
R, Land |
| R04-23 | | |
| R04-26 | <u>In the Matter of: Interim Phosphorus Effluent Standard, Proposed 35 Ill. Adm. Code 304.123(g-k)</u> – The Board accepted for hearing the Illinois Environmental Protection Agency's May 14, 2004 proposal to amend the Board's water pollution control regulations. | 5-0
R, Water |

Environmental Register – June 2004

Adjusted Standards

AS 04-3	<u>In the Matter of: Petition by Hayden Wrecking Corporation for an Adjusted Standard from 35 Ill. Adm. Code Section 620.410(a)</u> – The Board ordered petitioner file an amended petition to cure deficiencies found in the original petition.	5-0 Water
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Administrative Citations

AC 04-4	<u>IEPA v. Edward Sapp</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Logan County facility, the Board found respondent violated Section 21(p)(1) and (3) of the Environmental Protection Act (415 ILCS 5/21(p)(1) and (3) (2002)) and ordered respondent to pay a civil penalty of \$3,000. The Board also granted the parties' joint motion to dismiss respondent's petition for review.	5-0
AC 04-51	<u>IEPA v. Michael Moreton</u> – The Board accepted for hearing respondent's amended petition for review.	5-0
AC 04-58	<u>IEPA v. Terry Wilkerson</u> – The Board found that this Woodford County respondent violated Section 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$3,000.	5-0
AC 04-65	<u>IEPA v. Knox County Landfill Committee and Greg Ingles</u> – The Board found that these Knox County respondents violated Section 21(o)(5) and (o)(12) of the Act (415 ILCS 5/21(o)(5), (o)(12) (2002)), and ordered respondents to pay a civil penalty of \$1,000.	5-0
AC 04-66	<u>IEPA v. Curry Ice & Coal of Springfield, Inc. and Curry Ready-Mix & Builder's Supply, Inc.</u> – The Board found that these Sangamon County respondents violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (2002)), and ordered respondents to pay a civil penalty of \$1,500.	5-0
AC 04-67	<u>City of Chicago Department of Environment v. Kenneth Harris (329 N. Pulaski Road)</u> – The Board found that this Cook County respondent violated Section 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$3,000.	5-0
AC 04-68	<u>City of Chicago Department of Environment v. Kenneth Harris 4802 W. Chicago Avenue</u> – The Board found that this Cook County respondent violated Section 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$3,000.	5-0

Environmental Register – June 2004

AC 04-69	<u>City of Chicago Department of Environment v. Kenneth Harris (4801 W. Washington Avenue)</u> – The Board found that this Cook County respondent violated Section 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$3,000.	5-0
AC 04-70	<u>City of Chicago Department of Environment v. K. Harris Trucking & Excavating Company (329 N. Pulaski Road)</u> – The Board found that this Cook County respondent violated Section 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$3,000.	5-0
AC 04-71	<u>City of Chicago Department of Environment v. K. Harris Trucking & Excavating Company (4802 W. Chicago Avenue)</u> – The Board found that this Cook County respondent violated Section 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$3,000.	5-0
AC 04-72	<u>City of Chicago Department of Environment v. K. Harris Trucking & Excavating Company (4801 W. Washington Avenue)</u> – The Board found that this Cook County respondent violated Section 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$3,000.	5-0
AC 04-73	<u>City of Chicago Department of Environment v. Zepeda Construction Services, Inc.</u> – The Board found that this Cook County respondent violated Section 21(p)(1), (p)(4), (p)(5), and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(4), (p)(5), and (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$6,000.	5-0
AC 04-74	<u>City of Chicago Department of Environment v. Samuel Zepeda, Sr.</u> – The Board found that this Cook County respondent violated Section 21(p)(1), (p)(4), (p)(5), and (p)(7) of the Act (415 ILCS 5/21(p)(1), (p)(4), (p)(5), and (p)(7) (2002)), and ordered respondent to pay a civil penalty of \$6,000.	5-0

Motions and Other Matters

PCB 02-3	<u>People of the State of Illinois v. Chevron Environmental Services Company (as successor to Texaco Refining & Marketing, Inc.)</u> – The Board granted complainant’s motion for leave to supplement the stipulation and proposal for settlement.	5-0 L&W-E
PCB 04-98	<u>People of the State of Illinois v. Aura II, Inc.</u> – Upon receipt of two separate proposed stipulation and settlement agreements and an agreed motion to request relief from the hearing requirement in this air, land, and water enforcement action involving a Lake County facility, the Board ordered publication of the required newspaper notice.	5-0 A,L,W-E
PCB 04-100	<u>People of the State of Illinois v. Marc Realty, Inc., 11 East Adams, L.L.C., and</u>	5-0

Environmental Register – June 2004

	<u>Roberts Environmental Control, 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.	A-E
PCB 04-117	<u>Saline County Landfill, Inc. v. IEPA and Saline County</u> – The Board denied the County of Saline’s motion for stay of the Board’s May 6, 2004 opinion and order during the pendency of appeal.	5-0 P-A, Land
PCB 04-144	<u>Bryant Automotive 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.	5-0 UST Appeal
PCB 04-201	<u>People of the State of Illinois v. Southern Illinois Power Cooperative</u> – The Board accepted for hearing this air enforcement action involving a site located in Williamson County.	5-0 A-E
PCB 04-202	<u>Auburn Realty 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 Christian County facility.	5-0 UST Appeal 90-Day Ext.
PCB 04-203	<u>2F, 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 Williamson County facility.	5-0 UST Appeal 90-Day Ext.
PCB 04-204	<u>Daniel J. Beers v. Dave Calhone (Let It Shine Car Wash)</u> – The Board held for a later duplicative/frivolous determination this citizen’s noise enforcement action involving a Tazewell County facility.	5-0 Citizens N-E
PCB 04-205	<u>People of the State of Illinois v. All States Painting, Inc.</u> – The Board accepted for hearing this air and water enforcement action involving a site located in Morgan County.	5-0 A&W-E
PCB 04-206	<u>People of the State of Illinois v. Medical Waste Solutions, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this special waste hauling enforcement action involving a Lake County facility, the Board ordered publication of the required newspaper notice.	5-0 SWH-E
PCB 04-207	<u>People of the State of Illinois v. Edward Pruiem, an individual and Robert Pruiem, an individual</u> – The Board accepted for hearing this land enforcement action involving the Morris Community Landfill located in Grundy County.	5-0 L-E

Environmental Register – June 2004

PCB 04-208	<u>Yesley Service Company 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 Randolph County facility.	5-0 UST Appeal 90-Day Ext.
PCB 04-209	<u>Dimucci Development Corporation 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.	5-0 UST Appeal 90-Day Ext.
PCB 04-210	<u>Aylsworth Oil Company 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.	5-0 UST Appeal 90-Day Ext.
PCB 04-211	<u>People of the State of Illinois v. Clinton Landfill, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Lake County facility, the Board ordered publication of the required newspaper notice.	5-0 L-E
PCB 04-212	<u>Grass Man Lawn Care (Property Identification Number 07-13-400-004-006) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified equipment of Grass Man Lawn Care located in Monroe County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).	5-0 T-C

June 17, 2004 Chicago, Illinois

Rulemakings

R04-5 R04-15 Cons.	<u>In the Matter of: RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Regulations (January 1, 2003 through June 30, 2003); In the Matter of: RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Regulations (July 1, 2003 through December 31, 2003)</u> – The Board adopted a final opinion and order in these “identical-in-substance” rulemakings amending the Board’s Municipal Solid Waste Landfill regulations.	5-0 R, Land
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Environmental Register – June 2004

and ordered the respondent to pay a total civil penalty of \$25,000 and to cease and desist from further violations.

Motions and Other Matters

PCB 03-88	<u>R.W. Sheridan Oil Co., Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of these underground storage tank appeals involving a	5-0
PCB 04-109	McLean County facility.	UST Appeal
PCB 03-124	<u>Consumers Illinois Water Company v. IEPA</u> – The Board granted petitioner’s motion to amend caption.	5-0 T-C- Appeal
PCB 03-211	<u>Mark and Cynthia Heywood v. Dan and Darleen Sheehan</u> – The Board granted complainants’ motion for voluntary dismissal of this enforcement action involving a Cook County facility.	5-0 Citizens N-E
PCB 03-235	<u>United Disposal of Bradley, Inc. and Municipal Trust & Savings Bank as Trustee Under Trust 0799 v. IEPA</u> – The Board affirmed the respondent’s May 15, 2003 denial of a permit modification requested by petitioner, granted the respondent’s motion for summary judgment, and denied petitioners’ motion for summary judgment.	4-0 Novak abstained P-A, Land
PCB 04-52	<u>Kramer Service Station v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Vermillion County facility.	5-0 UST Appeal
PCB 04-81	<u>People of the State of Illinois v. Emmett Utilities, Inc. and Russell D. Thorell individually and as president of Emmett Utilities, Inc.</u> – The Board denied respondent Thorell’s motion to dismiss the complaint.	5-0 PWS-E
PCB 04-83	<u>Wei Enterprises v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a St. Clair County facility.	5-0 UST Appeal
PCB 04-111	<u>City of Charleston, Illinois v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this public water supply variance request involving a Coles County facility.	5-0 PWS-V
PCB 04-132	<u>Granite City Fire Department 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 Madison County facility.	5-0 UST Appeal
PCB 04-140	<u>People of the State of Illinois v. Whiteway Sanitation, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request	5-0

Environmental Register – June 2004

	relief from the hearing requirement in this land enforcement action involving a Jersey County facility, the Board ordered publication of the required newspaper notice.	L-E
PCB 04-141	<u>Illinois State Toll Highway Authority (Lincoln South HPCAP/B) v. IEPA</u> – The Board granted petitioner’s motion to file an amended petition and accepted the amended petition for hearing.	5-0 UST Appeal
PCB 04-142	<u>People of the State of Illinois v. Village of Poplar Grove and R.H. Batterman & Company, 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 Boone County facility, the Board ordered publication of the required newspaper notice.	5-0 PWS-E
PCB 04-147	<u>Cooper Oil Company (October 1, 2001 to April 30, 2003) 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 Clay County facility.	5-0 UST Appeal
PCB 04-148	<u>Illiopolis Grain Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Sangamon County facility.	5-0 UST Appeal
PCB 04-149	<u>Hortense Singer v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a DuPage County facility.	5-0 UST Appeal
PCB 04-150	<u>Pontiac Casey’s, 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 Livingston County facility.	5-0 UST Appeal
PCB 04-159	<u>Biggs Brothers Service Center 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 St. Clair County facility.	5-0 UST Appeal
PCB 04-186	<u>Waste Management of Illinois, Inc. v. County Board of Kankakee County</u> – Respondent’s motion for extension of time and for leave to file reduced number of copies was referred to the hearing officer for disposition.	P-C-F-S-R
PCB 04-214	<u>Conocophillips Company (Low Sulfur Gasoline Project – Wood River Refinery) (Property Identification Number 19-1-08-35-00-000-001) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Conocophillips Company located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).	5-0 T-C

Environmental Register – June 2004

PCB 04-215	<u>Commonwealth Edison Company v. IEPA</u> – The Board accepted for hearing this trade secret appeal. The Board also directed the parties to address whether this appeal should be consolidated for purposes of hearing and decision with Midwest Generation EME, L.L.C. v. IEPA, PCB 04-216.	5-0 T-S Appeal
PCB 04-216	<u>Midwest Generation EME, L.L.C. v. IEPA</u> – The Board accepted for hearing this trade secret appeal. The Board also directed the parties to address whether this appeal should be consolidated for purposes of hearing and decision with Commonwealth Edison Company v. IEPA, PCB 04-215.	5-0 T-S Appeal
PCB 04-217	<u>Telzrow Oil Company 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 Calhoun County facility.	5-0 UST Appeal 90-Day Ext.
PCB 04-218	<u>People of the State of Illinois v. Brickyard Disposal and Recycling, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Vermilion County facility, the Board ordered publication of the required newspaper notice.	5-0 RCRA-E
PCB 04-219	<u>Commonwealth Edison 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 LaSalle County facility.	5-0 UST Appeal 90-Day Ext.
PCB 04-220	<u>Jim’s Mobil 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.	5-0 UST Appeal 90-Day Ext.
PCB 04-221	<u>Holland Energy, L.L.C.-Beecher City (Property Identification Numbers 0524-01-00-100-004, 085-16-00-100-004, 085-16-00-300-002, 0825-16-00-300-003, 0825-16-00-200-002) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Holland Energy, L.L.C. located in Shelby County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).	5-0 T-C
PCB 04-222	<u>Holland Energy, L.L.C.-Beecher City (Property Identification Numbers 0524-01-00-100-004, 085-16-00-100-004, 085-16-00-300-002, 0825-16-00-300-003, 0825-16-00-200-002) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that	5-0 T-C

specified facilities of Holland Energy, L.L.C. located in Shelby County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

New Cases

June 3, 2004 Board Meeting

04-201 People of the State of Illinois v. Southern Illinois Power Cooperative – The Board accepted for hearing this air enforcement action involving a site located in Williamson County.

04-202 Auburn Realty 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 Christian County facility.

04-203 2F, 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 Williamson County facility.

04-204 Daniel J. Beers v. Dave Calhone (Let It Shine Car Wash) – The Board held for a later duplicative/frivolous determination this citizen's noise enforcement action involving a Tazewell County facility.

04-205 People of the State of Illinois v. All States Painting, Inc. – The Board accepted for hearing this air and water enforcement action involving a site located in Morgan County.

04-206 People of the State of Illinois v. Medical Waste Solutions, Inc. – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this special waste hauling enforcement action involving a Lake County facility, the Board ordered publication of the required newspaper notice.

04-207 People of the State of Illinois v. Edward Pruium, an individual and Robert Pruium, an individual – The Board accepted for hearing this land enforcement action involving the Morris Community Landfill located in Grundy County.

04-208 Yesley Service Company 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 Randolph County facility.

04-209 Dimucci Development Corporation 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.

04-210 Clark Oil Station #271 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.

04-211 People of the State of Illinois v. Clinton Landfill, Inc. – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Lake County facility, the Board ordered publication of the required newspaper notice.

04-212 Grass Man Lawn Care (Property Identification Number 07-13-400-004-006) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified equipment of Grass Man Lawn Care located in Monroe County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

AC 04-079 City of Chicago Department of Environment v. National Material Limited Partnership – The Board accepted an administrative citation against this Cook County respondent.

AC 04-080 IEPA v. Joseph Luparell and Troy Curley – The Board accepted an administrative citation against these Sangamon County respondents.

AC 04-081 IEPA v. Ralph and Lois Williams – The Board accepted an administrative citation against these Knox County respondents.

June 17, 2004 Board Meeting

04-213 The Village of Lombard, Illinois v. Bill's Auto Center, Bill's Standard Service and William Kovar – The Board held for a later duplicative/frivolous determination this citizen's underground storage tank enforcement action involving a DuPage County facility.

04-214 Conocophillips Company (Low Sulfur Gasoline Project – Wood River Refinery) (Property Identification Number 19-1-08-35-00-000-001) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Conocophillips Company located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

04-215 Commonwealth Edison Company v. IEPA – The Board accepted for hearing this trade secret appeal. The Board also directed the parties to address whether this appeal should be consolidated for purposes of hearing and decision with Midwest Generation EME, L.L.C. v. IEPA, PCB 04-216.

04-216 Midwest Generation EME, L.L.C. v. IEPA – The Board accepted for hearing this trade secret appeal. The Board also directed the parties to address whether this appeal should be consolidated for purposes of hearing and decision with Commonwealth Edison Company v. IEPA, PCB 04-215.

04-217 Telzrow Oil Company 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 Calhoun County facility.

04-218 People of the State of Illinois v. Brickyard Disposal and Recycling, Inc. – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Vermilion County facility, the Board ordered publication of the required newspaper notice.

04-219 Commonwealth Edison 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 LaSalle County facility.

04-220 Jim's Mobil 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.

04-221 Holland Energy, L.L.C.-Beecher City (Property Identification Numbers 0524-01-00-100-004, 085-16-00-100-004, 085-16-00-300-002, 0825-16-00-300-003, 0825-16-00-200-002) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Holland Energy, L.L.C. located in Shelby County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

04-222 Holland Energy, L.L.C.-Beecher City (Property Identification Numbers 0524-01-00-100-004, 085-16-00-100-004, 085-16-00-300-002, 0825-16-00-300-003, 0825-16-00-200-002) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency's recommendation, the Board found and certified that specified facilities of Holland Energy, L.L.C. located in Shelby County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2002)).

AC 04-082 IEPA v. John Brown d/b/a John Brown Painting – The Board accepted an administrative citation against this Massac County respondent.

AC 04-083 IEPA v. Giufree II, L.L.C. and Reload, Inc. – The Board accepted an administrative citation against these Winnebago County respondents.

AC 04-084 IEPA v. City of Salem, Roger Kinney, Dick Brown and Jason Bruce - The Board accepted an administrative citation against these Marion County respondents.

AC 04-085 IEPA v. Michael Lee Schenck - The Board accepted an administrative citation against this Peoria County respondent.

AC 04-086 IEPA v. Bill Weis - The Board accepted an administrative citation against this St. Clair County respondent.

AC 04-087 IEPA v. Herman Krohe - The Board accepted an administrative citation against this Cass County respondent.

Environmental Register – June 2004

R05-001 RCRA Subtitle D (Municipal Solid Waste Landfill) Update, USEPA Amendments (January 1, 2004 through June 30, 2004) – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 2004 through June 30, 2004.

R05-002 RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2004 through June 30, 2004) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 2004 through June 30, 2004.

R05-003 UST Update, USEPA Amendments (January 1, 2004 through June 30, 2004) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 2004 through June 30, 2004.

R05-004 Wastewater Pretreatment Update, USEPA Amendments (January 1, 2004 through June 30, 2004) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 2004 through June 30, 2004.

R05-005 Definition of VOM Update, USEPA Amendments (January 1, 2004 through June 30, 2004) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 2004 through June 30, 2004.

R05-006 SDWA Update, USEPA Amendments (January 1, 2004 through June 30, 2004) - The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments which occurred during the period of January 1, 2004 through June 30, 2004.

Calendar

7/6/04 10:00AM	R04-22 R04-23	In the Matter of: Proposed Amendments to Regulation of Petroleum Leaking Underground Storage Tanks (35 Ill. Adm. Code 732) (Consolidated: R04-22 and R04-23)	IEPA Office Building Training Room, 1214 West 1021 North Grand Avenue East North Entrance Springfield
7/7/04 10:00AM	PCB 04-87	Knapp Oil Company (Amended High Priority Corrective Action Plan Budget) v. IEPA	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, North Entrance Springfield
7/7/04 10:00AM	PCB 04-91	Thomeczek Oil Company v. IEPA	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, North Entrance Springfield
7/7/04 10:00AM	PCB 04-92	Sather Enterprises, Ltd. (High Priority Corrective Action Plan Budget dated July 3, 2003) v. IEPA	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, North Entrance Springfield
7/7/04 10:00AM	PCB 04-99	Simpson Auto Service v. IEPA	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, North Entrance Springfield
7/8/04 10:00AM	PCB 04-87	Knapp Oil Company (Amended High Priority Corrective Action Plan Budget) v. IEPA	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, North Entrance Springfield

Environmental Register – June 2004

7/8/04 10:00AM	PCB 04-91	Thomeczek Oil Company v. IEPA	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, North Entrance Springfield
7/8/04 10:00AM	PCB 04-92	Sather Enterprises, Ltd. (High Priority Corrective Action Plan Budget dated July 3, 2003) v. IEPA	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, North Entrance Springfield
7/8/04 10:00AM	PCB 04-99	Simpson Auto Service v. IEPA	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, North Entrance Springfield
7/08/04 11:00AM	Illinois Pollution Control Board Meeting		Videoconference Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago and 1021 N. Grand Avenue East Oliver Holmes Conference Room 2012 N Springfield
7/9/04 10:00AM	PCB 04-87	Knapp Oil Company (Amended High Priority Corrective Action Plan Budget) v. IEPA	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, North Entrance Springfield
7/9/04 10:00AM	PCB 04-91	Thomeczek Oil Company v. IEPA	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, North Entrance Springfield
7/9/04 10:00AM	PCB 04-92	Sather Enterprises, Ltd. (High Priority Corrective Action Plan Budget dated July 3, 2003) v. IEPA	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, North Entrance Springfield
7/9/04 10:00AM	PCB 04-99	Simpson Auto Service v. IEPA	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East, North Entrance Springfield
7/22/04	Illinois Pollution Control Board Meeting		Videoconference Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago and 1021 N. Grand Avenue East Oliver Holmes Conference Room 2012 N Springfield

Environmental Register – June 2004

8/5/04	Illinois Pollution Control Board Meeting		Videoconference Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph Street Chicago and 1021 N. Grand Avenue East Oliver Holmes Conference Room 2012 N Springfield
8/12/04 1:00PM	R04-25	In the Matter of: Proposed Amendments to Dissolved Oxygen Standard 35 Ill. Adm. Code 302.206	Illinois Pollution Control Board Hearing Room 1021 North Grand Avenue East North Entrance Springfield
8/19/04	Illinois Pollution Control Board Meeting		Illinois Pollution Control Board James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago

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 June 30, 2004.

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

Environmental Register – June 2004

<u>FACILITY NAME</u>	<u>RESPONSIBLE AUTHORITY</u>	<u>COUNTY</u>	<u>REMAINING CAPACITY</u>
Bourbonnais (Belle Aire Subd.)	Village of Bourbonnais	Kankakee	0
Camelot Utilities Wastewater Collection System	Camelot Utilities	Will	0
Camp Point (a portion mh 60-68)	Village of Camp Point	Adams	0
Clearview S.D.	Clearview S.D.	McLean	0
East Alton	City of East Alton	Madison	0
Farmington	City of Farmington	Fulton	0
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
Poplar Grove South STP	Village of Poplar Grove	Boone	0
Port Byron STP	Village of Port Byron	Rock Island	0
Rosewood Heights S.D.- Ninth Street LS	Rosewood Heights S.D.	Madison	0
Saint Elmo	City of Saint Elmo	Fayette	0
South Palos Twp. SD	South Palos Twp.	South Palos Twp.	0
Sundale Utilities – Washington Estates STP	Sundale Utilities Corporation	Tazewell	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

Deletions from previous quarterly report: Poplar Grove North

Additions from previous quarterly report: None

Environmental Register – June 2004

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 June 30, 2004.

Facility names followed by a double asterisk (**) are additions to the list.

FACILITY <u>NAME</u>	RESPONSIBLE <u>AUTHORITY</u>	COUNTY	REMAINING <u>CAPACITY</u>	PE ADDED SINCE <u>LAST LIST</u>
Antioch STP	Village of Antioch	Lake	704	27
Beardstown SD	City of Beardstown	Cass	1,731	
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
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	2,999	340
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	0	82
Lockport	City of Lockport	Will County	0	1883
Moline (North Slope)	City of Moline	Rock Island	1,151	0
Morris STP	City of Morris	Grundy	0	955
New Lenox STP 1**	Village of New Lenox	Will	1,890	150
Paris STP	City of Paris	Edgar	1300	91
Plainfield South STP	Village of Plainfield	Will	0	0
Rock Island (Main)	City of Rock Island	Rock Island	4,570	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	***	921
Wauconda WWTP	Village of Wauconda	Lake		

Deletions from previous quarterly report: Plainfield STP

Environmental Register – June 2004

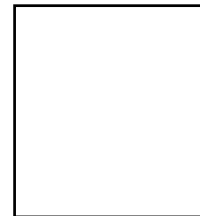
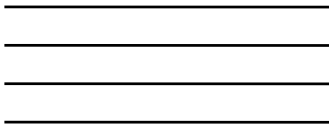
Additions from previous quarterly report: None

***Contact IEPA – Permit Section

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

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

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