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# Environmental Register

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## Federal Update

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### **USEPA Adopts Final Rule to Public Notification Provisions of the National Primary Drinking Water Regulations**

On May 4, 2000, the United States Environmental Protection Agency (USEPA) adopted a final rule to revise the general public notification regulations for public water systems (PWSs) to implement the public notification requirements of the 1996 Safe Drinking Water Act amendments. 65 Fed. Reg. 25981 (May 4, 2000). The regulations set the requirements that PWSs must follow regarding the form, manner, frequency, and content of a public notice.

Owners and operators of PWSs are required to notify persons served when they fail to comply with the requirements of the National Primary Drinking Water Regulations; have a variance or exemption from the drinking water regulations; or are facing other situations posing a risk to public health. USEPA also revised the Consumer Confidence Report regulations to be consistent with the final public notification regulation.

The final rule becomes effective June 5, 2000. However, the new regulations under 40 C.F.R. Part 141, Subpart Q, do not apply to PWSs in states (Illinois) with primacy for the PWS supervision program until May 6, 2002, or until the state-adopted rule becomes effective, whichever comes first. For further information contact Carl B. Reeverts at 202/260-7273; e-mail address: [reeverts.carl@epa.gov](mailto:reeverts.carl@epa.gov).

The Board will adopt any necessary amendments in a future identical-in-substance rulemaking.

### **USEPA Proposes Groundwater Rule under National Primary Drinking Water Regulations**

On May 10, 2000, the United States Environmental Protection Agency (USEPA) proposed requirements under the Safe Drinking Water Act (42 U.S.C. §§ 300f *et seq.* (1996)) for a targeted risk-based regulatory strategy for all groundwater systems. 65 Fed. Reg. 30193 (May 10, 2000). The proposed regulations provide a meaningful opportunity to reduce public health risk associated with the consumption of waterborne pathogens from fecal contamination for a substantial number of people served by groundwater sources.

The proposed strategy addresses risks through a multiple-barrier approach that relies on five major components: (1) periodic sanitary surveys of groundwater systems requiring the evaluation of eight elements and the identification of significant deficiencies; (2) hydrogeologic assessments to identify wells sensitive to fecal contamination; (3) source water monitoring for systems drawing from sensitive wells without treatment or with other indications of risk; (4) a requirement for correction of significant deficiencies and fecal contamination (by eliminating the source of contamination, correcting the significant deficiency, providing an alternative source water, or providing a treatment which achieves at least 99.99 percent (4-log) inactivation or removal of viruses); and (5) compliance monitoring to insure disinfection treatment is reliably operated where it is used.

USEPA believes that the combination of these components strikes an appropriate regulatory balance which balances the intensity or burden of protective measures and follow-up actions with the risk being addressed. In addition to proposing requirements for ground water systems, USEPA requests comment on ways to address the problem of transient providers of water who furnish drinking water to large numbers of people for a limited period of time. USEPA believes one possible solution is to adopt alternative definitions for "public water systems," which is currently defined as "one that serves 25 or more people or has 15 or more service connections and operates at least 60 days per year."

USEPA must receive comments on or before July 10, 2000. For further information contact the Safe Drinking Water Hotline at 800/426-4791. For technical inquiries contact the Office of Ground Water and Drinking Water at 202/260-3309.

If adopted, the Board will include any necessary amendments in a future identical-in-substance rulemaking.

### **USEPA Adopts Final Rule Intended to Eliminate Obsolete, Ineffective, or Unduly Burdensome NPDES Regulations**

On May 15, 2000, the United States Environmental Protection Agency (USEPA) adopted a final rule to streamline the regulations under the National Pollutant Discharge Elimination System (NPDES) program. 65 Fed. Reg. 30886 (May 15, 2000). The revision is part of USEPA's effort to respond to a directive issued by the President on February 21, 1995, which directed Federal agencies to review their regulatory programs to eliminate any obsolete, ineffective, or unduly burdensome regulations. In response to that directive, USEPA initiated a detailed review of its regulations to determine which provisions were obsolete, duplicative, or unduly burdensome.

On June 29, 1995, USEPA issued a rule (60 FR 33926) which removed some regulatory provisions in the Office of Water program regulations (including certain NPDES provisions) that were clearly obsolete. 60 Fed. Reg. 33926 (June 29, 1995). The final rule is intended to further streamline NPDES, Resource Conservation and Recovery Act (RCRA), Prevention of Significant Deterioration (PSD), and Underground Injection Control (UIC) permitting procedures, and Clean Water Act (CWA) Section 301(h) variance request procedures, by revising requirements to eliminate redundant regulatory language, provide clarification, and remove or streamline unnecessary procedures which do not provide any environmental benefits.

The final rule becomes effective June 14, 2000. For further information contact Howard Rubin at 202/260-2051 or Thomas Charlton at 202/260-6960.

The Board will adopt any necessary amendments to the Illinois regulations for RCRA and UIC rules in its upcoming identical in substance rulemaking updates. The Board would expect any necessary NPDES, CWA, or PSD amendments to be proposed to the Board by the Illinois Environmental Protection Agency.

### **USEPA Proposes Amendments to Air Rules for Consolidated Emissions Reporting**

On May 23, 2000, the United States Environmental Protection Agency (USEPA) proposed a rule to improve and simplify air emissions reporting. 65 Fed. Reg. 33268 (May 23, 2000). Many state and local agencies asked the USEPA to consolidate reporting requirements, improve reporting efficiency, provide flexibility for data gathering and reporting, and to better explain to program managers and the public the need for a consistent inventory program.

USEPA believes that consolidated reporting should increase the efficiency of the emission inventory program and provide more consistent and uniform data. USEPA is proposing to add reporting requirements for particulate matter less than or equal to 2.5 micrometers (PM  $\leq 2.5$ ) and its precursors, and is proposing to reduce the reporting requirements for other criteria pollutants. USEPA is seeking comment on the addition of reporting requirements for hazardous air pollutants.

Comments must be submitted on or before July 7, 2000. For further information contact William B. Kuykendal at 919/541-5372; email address: kuykendal.bill@epa.gov.

If adopted by the USEPA, the Board would expect the Illinois Environmental Protection Agency to propose a similar State rule for adoption using the Clean Air Act "fast-track" rulemaking procedures in Section 28.5 of the Environmental Protection Act (415 ILCS 5/28.5 (1998)).

## **Rule Update**

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### **Board Adopts Proposal for Public Comment in In The Matter of: Wastewater Pretreatment Update, USEPA Regulations (July 1, 1999 through December 31, 1999), R00-15**

On May 4, 2000, the Board proposed for public comment amendments to the Illinois regulations that are identical in substance to the wastewater pretreatment regulations that the United States Environmental Protection Agency (USEPA) adopted pursuant to Sections 307(b), (c), and (d) and 402(b)(9) of the Federal Water Pollution Control Act (33 U.S.C. §§ 1317(b), (c), (d), and 1342(b)(9) (1996)). Included are amendments that USEPA took during the period of July 1, 1999 through December 31, 1999. USEPA took three actions during this period that necessitated Board action (see 64 Fed. Reg. 42552 (August 4, 1999); 64 Fed. Reg. 48103 (September 2, 1999); and 64 Fed. Reg. 73414 (December 30, 1999)).

The federal actions include amendments to the regulations regarding the land application, surface disposal, and incineration of sewage sludge. USEPA amended its guidelines establishing test procedures for the analysis of pollutants under Section 304(h) of the Clean Water Act (CWA) (33 U.S.C. §§ 1251 *et seq.* (1996)) for the analysis of cyanide for purposes of compliance with the water quality requirements of the CWA, and corrected amendments made in a final rule. 63 Fed. Reg. 50388 (September 21, 1998).

Sections 7.2 and 13.3 of the Environmental Protection Act (Act) (415 ILCS 5/7.2 and 13.3 (1998)) provide for quick adoption of regulations that are identical in substance to federal wastewater pretreatment regulations that USEPA adopts. Section 13.3 of the Act also provides that Title VII of the Act and Section 5 of the

Administrative Procedure Act (5 ILCS 100/5-35 and 5-40 (1998)), do not apply to the Board's adoption of identical in substance regulations. Therefore, the amendments are not subject to first or second-notice review by the Joint Committee on Administrative Rules.

The proposal for public comment was published at 24 Ill. Reg. 7590 (May 26, 2000). The Board will accept written public comment for at least 45 days after the date of publication in the *Illinois Register*.

For additional information contact: Steven C. Langhoff at 217/782-2615; e-mail langhofs@ipcb.state.il.us.

**Board Adopts Identical-in-Substance Amendments in In The Matter of: RCRA Subtitle C Update, USEPA Amendments (July 1, 1999 through December 31, 1999), R00-13**

On May 18, 2000, the Board adopted amendments to the Illinois regulations that are identical in substance to the hazardous waste regulations that the United States Environmental Protection Agency (USEPA) adopted to implement Subtitle C of the federal Resource Conservation and Recovery Act of 1976 (RCRA Subtitle C) (42 U.S.C. §§ 6921 *et seq.* (1998)). The nominal time frame of the rulemaking included federal RCRA Subtitle C amendments that USEPA adopted in the period July 1, 1999 through December 31, 1999. USEPA took four actions during this period that necessitated Board action (see 64 Fed. Reg. 36466 (July 6, 1999); 64 Fed. Reg. 52828 (September 30, 1999); 64 Fed. Reg. 56469 (October 20, 1999); and 64 Fed. Reg. 63209 (November 19, 1999)). The Board also identified and included in this rulemaking two USEPA actions since December 31, 1999, that further amended the RCRA Subtitle C hazardous waste rules (see 65 Fed. Reg. 12378 (March 8, 2000); and 65 Fed. Reg. 14472 (March 17, 2000)).

The federal actions included amendments to the hazardous waste regulations that designated waste lamps as universal waste. This action removed the management of waste lamps from the generally-applicable hazardous waste regulations. The Board had previously designated waste lamps as universal waste in In re Amendments of 35 Ill. Adm. Code 703, 720, 721, 724, 728, and 733 (Standards for Universal Waste Management) (April 2, 1998), R98-12. In adopting the present amendments, the Board chose to retain the provisions that allow crushing waste lamps for volume reduction that it previously adopted in R98-12, instead of adopting the federal prohibition against treatment. After consideration of the public comments received, the Board determined that the State rule protected human health and the environment to the same degree as the federal prohibition against treatment.

The amendments also included the adoption and amendment of final National Emission Standards for Hazardous Air Pollutants that involve hazardous waste combustors, and technical corrections to the Phase IV land disposal restrictions.

Finally, one of the federal actions since December 1999 involved increased accumulation limits and times for wastewater treatment sludge from plating operations that is accumulated for metals recovery. The second involved a withdrawal of the hazardous waste listings for organobromine production wastes. The Board adopted these later amendments in order to give Illinois industry the benefits of the federal actions without delay.

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

**The Board Accepts Proposal for Hearing in In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives, 35 Ill. Adm. Code 742, R00-19**

On May 18, 2000, the Board accepted a proposal from the Illinois Environmental Protection Agency (Agency) for hearing and directed the hearing officer to schedule hearings as required by Title VII of the Environmental Protection Act (Act). On May 15, 2000, the Agency filed a proposal for rulemaking under Section 27 of the Act (415 ILCS 5/27 (1998)) to amend the Board's tiered approach to corrective action (TACO) regulations, 35 Ill. Adm. Code 742. The Agency proposed the amendments "to update and improve

procedures under TACO so that its users can achieve accurate data results that are protective of human health and the environment.”

Hearings on this proposal will be scheduled in the near future. For additional information contact: Amy L. Jackson at 217/524-8507; e-mail: [jacksona@ipcb.state.il.us](mailto:jacksona@ipcb.state.il.us).

## Board Actions

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May 4, 2000  
Chicago, Illinois

### Rulemaking

R00-15	<u>In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (July 1, 1999 through December 31, 1999)</u> - The Board adopted a proposal for public comment in this "identical-in-substance" rulemaking to amend the Board's wastewater pretreatment regulations.	Vote 7-0
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### Adjusted Standard

AS 00-14	<u>In the Matter of: Petition of Heritage Environmental Services, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 702.126(d)(1)</u> - The Board entered an order directing petitioner to file its certificate of publication of the notice of its filing of this petition for an adjusted standard from the Resource Conservation and Recovery Act by May 11, 2000, or this matter will be dismissed.	Vote 7-0
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### Administrative Citation

AC 00-75	<u>IEPA v. Wayne Williams and Zora Williams</u> - The Board accepted for hearing this petition for review of an administrative citation against these Peoria County respondents.	Vote 7-0
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### Adjudicatory Cases

- Decisions

PCB 00-166	<u>People of the State of Illinois v. AutoResearch Laboratories, Inc.</u> - In this air enforcement action concerning two facilities located in Cook County, Illinois, the Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act (415 ILCS 5/31(c)(2) (1998)), accepted a final stipulation and settlement agreement, and ordered the respondent to pay a total payment of \$9,872.76. This payment includes a civil penalty of \$1,043.96 designated to the Environmental Protection Trust Fund; the balance of the payment is designated to the Clean Air Act Permit Fund. Respondent was also ordered to cease and desist from further violations.	Vote 7-0
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## Motions and Other Matters

PCB 89-30	<u>Olin Corporation v. IEPA</u> - The Board granted the parties' joint motion for voluntary dismissal of this Resource Conservation and Recovery Act permit appeal involving a Madison County facility.	Vote 7-0
PCB 95-170	<u>People of the State of Illinois v. Environmental Control and Abatement, Inc.</u> - In response to complainant's motion for reconsideration, the Board vacated the portion of the Board's February 17, 2000 order denying complainant's motion for summary judgment. On reconsideration, the Board granted complainant's motion for summary judgment with respect to alleged violations of Section 61.145(b)(4)(v) and (vi) of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for asbestos (40 C.F.R. 61.145 (b)(4)(v) (vi)) and Section 9.1(d) of the Environmental Protection Act (415 ILCS 5/9.1(d) (1998)) in connection with the Urbana project of this Madison County respondent. The Board reserved ruling on the issue of an appropriate remedy pending a hearing on the alleged violations not resolved in this order or the Board's order of February 17, 2000.	Vote 7-0
PCB 97-87	<u>Commonwealth Edison Company v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this permit appeal involving a Will County facility.	Vote 7-0
PCB 97-234	<u>Antonio D. H. Nam v. Kikon Suh</u> - The Board entered an order directing respondent to file proof of service of the third-party complaint upon the potential third-party respondents pursuant to Section 31 of the Act (415 ILCS 5/31 (1998)) within 30 days, or the pending motion to file the third-party complaint would be denied.	Vote 7-0
PCB 98-59	<u>The Town of Cicero v. National Jockey Club</u> - The Board granted complainant's motion to clarify the Board's March 16, 2000 order. The Board found that the third-party complainant's action against this Cook County respondent was moot and dismissed it without prejudice.	Vote 7-0
PCB 00-1	<u>People of the State of Illinois v. Paul Bergmann d/b/a Paul Bergmann Dairy Farm</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a facility located in Clinton County, the Board ordered publication of the required newspaper notice.	Vote 7-0
PCB 00-134	<u>Schrock Cabinet Company v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this permit appeal involving a Douglas County facility.	Vote 7-0
PCB 00-137	<u>Berwyn Auto Service 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 timely filed on behalf of this Cook County facility.	Vote 7-0
PCB 00-143	<u>Curtis Masterson v. City of Fairfield</u> - The Board entered an order directing complainant to file proof of service of the complaint upon the City of Fairfield pursuant to Section 31 of the Act (415 ILCS 5/31 (1998)) within 30 days, or the complaint will be dismissed.	Vote 7-0



PCB 00-154	<u>Kathryn Cooper v. City of Fairfield</u> - The Board entered an order directing complainant to file proof of service of the complaint upon the City of Fairfield pursuant to Section 31 of the Act (415 ILCS 5/31 (1998)) within 30 days, or the complaint will be dismissed.	Vote 7-0
PCB 00-155	<u>Robert Lichtenberger and Wilma Lichtenberger v. City of Fairfield</u> - The Board entered an order directing complainant to file proof of service of the complaint upon the City of Fairfield pursuant to Section 31 of the Act (415 ILCS 5/31 (1998)) within 30 days, or the complaint will be dismissed.	Vote 7-0
PCB 00-157	<u>Michael R. Pawlowski and Diane K. Pawlowski v. Dave Johansen a/k/a David Johansen, Troy Quinley, and Benchwarmers Pub, Inc.</u> - The Board found that this complaint involving a Livingston County facility was not duplicitous or frivolous, and accepted it for hearing, but also stayed this matter until a final opinion and order is entered in <u>Pawlowski, et al. v. Johansen, et al.</u> , PCB 99-82, involving the same Livingston County facility.	Vote 7-0
PCB 00-163	<u>David &amp; Jacquelyn McDonough v. Gary Robke</u> - The Board found that this complaint involving a Clinton County facility was not duplicitous or frivolous and accepted it for hearing.	Vote 7-0
PCB 00-174	<u>Standard Bank &amp; Trust Company as Trustee and Derk Ball, Sr. v. IEPA</u> - The Board granted respondent's motion to dismiss this underground storage tank appeal involving a Cook County facility.	Vote 7-0
PCB 00-176	<u>People of the State of Illinois v. City of Auburn, Benton &amp; Associates Engineering, Inc., and Petersburg Plumbing and Heating</u> - The Board accepted for hearing this public water supply enforcement action against this Sangamon County facility.	Vote 7-0
PCB 00-178	<u>People of the State of Illinois v. Tom Fato d/b/a Fato Fiberglass</u> - The Board accepted for hearing this air enforcement action against this Kankakee County facility.	Vote 7-0

**May 18, 2000  
Springfield, Illinois**

### **Rulemakings**

R00-13	<u>In the Matter of: RCRA Subtitle C Update, USEPA Amendments (July 1, 1999 through December 31, 1999)</u> - The Board adopted a final opinion and order in this "identical-in-substance" rulemaking to amend the Board's hazardous waste regulations.	Vote 6-0
R00-19	<u>In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742)</u> - The Board accepted for hearing this Illinois Environmental Protection Agency proposal to amend the standards for tiered approach to corrective action objectives.	Vote 6-0

## Administrative Citations

<p>AC 00-3 et al. (Cons.)</p>	<p><u>County of Sangamon v. ESG Watts, Inc.</u> - In response to a joint stipulation and settlement agreement in these consolidated administrative citations involving a Sangamon County facility, the Board dismissed respondent's petitions for review in each action. The Board also granted complainant's motion to dismiss the following administrative citations: AC 00-51 (SCDPH 99-AC-36); AC 00-53 (SCDPH 99-AC-37); AC 00-54 (SCDPH 99-AC-38); AC 00-55 (SCDPH 99-AC-39); AC 00-64 (SCDPH 99-AC-40); AC 00-65 (SCDPH 99-AC-41); and AC 00-66 (SCDPH 99-AC-42), and from each of the remaining administrative citations dismissed the following alleged violations: Section 21(o)(9) of the Environmental Protection Act (Act) and Section 21(o)(6) of the Act from AC 00-50 (SCDPH 99-AC-35). 415 ILCS 5/21(o)(6), (o)(9) (1998). The Board found respondent had violated Sections 21(o)(5) and (o)(6) of the Act (415 ILCS 5/21(o)(5), (o)(6) (1998)), and ordered respondent to pay a civil penalty of \$29,500.</p>	<p>Vote 6-0</p>
<p>AC 00-69</p>	<p><u>IEPA v. Raymond Pollock</u> - In response to a joint stipulation and settlement agreement in this administrative citation action involving a Cumberland County facility, the Board dismissed respondent's petition for review, found respondent had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (1998)), and ordered respondent to pay a civil penalty of \$1,500.</p>	<p>Vote 6-0</p>
<p>AC 00-73</p>	<p><u>IEPA v. Landfill 33, Ltd., and Richard Deibel</u> - The Board found that these Effingham County respondents violated Sections 21(o)(5) and 21(o)(12) of the Environmental Protection Act (415 ILCS 5/21(o)(5), 21(o)(12) (1998)), and ordered respondents to pay a civil penalty of \$3,000.</p>	<p>Vote 6-0</p>
<p>AC 00-74</p>	<p><u>IEPA v. William J. Heap and H&amp;G Construction, Inc.</u> - The Board found that these McDonough County respondents violated Sections 21(p)(1), 21(p)(3), and 21(p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(3), 21(p)(7) (1998)), and ordered respondents to pay a civil penalty of \$4,500.</p>	<p>Vote 6-0</p>
<p>AC 00-81</p>	<p><u>IEPA v. Jesse Lockhart</u> - The Board accepted for hearing this petition for review of an administrative citation against this Kankakee County respondent.</p>	<p>Vote 6-0</p>

## Adjudicatory Cases

- **Decisions**

<p>PCB 96-209</p>	<p><u>People of the State of Illinois v. Macon County Landfill Corporation</u> - In this land enforcement action concerning a facility located in Macon County, Illinois, the Board, after hearing, accepted a final stipulation and settlement agreement, ordered the respondent to pay a civil penalty of \$37,500, and to cease and desist from further violations.</p>	<p>Vote 6-0</p>
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PCB 97-207	<u>People of the State of Illinois v. Inspiration Development Company</u> - In this air and land enforcement action concerning a facility located in Jo Daviess County, Illinois, the Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act (415 ILCS 5/31(c)(2) (1998)); accepted a final stipulation and settlement agreement; ordered the respondent to reimburse the State \$22,531 for its oversight, assistance and guidance of the reclamation, regrading, and revegetation of the site; and to cease and desist from further violations.	Vote 6-0
PCB 98-162	<u>People of the State of Illinois v. Judy Davis</u> - In this land enforcement action concerning a facility located in Henry County, Illinois, the Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act (415 ILCS 5/31(c)(2) (1998)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a civil penalty of \$2,000, and to cease and desist from further violations.	Vote 6-0

- **Provisional Variances**

PCB 00-193	<u>Acme Steel Company v. IEPA</u> - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Cook County facility a 45-day provisional variance, subject to conditions, from 35 Ill. Adm. Code 212.443(c)(1)(A), which prohibits average opacity during pushing operations of greater than 20 percent for four consecutive pushes.	Vote 6-0
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## Motions and Other Matters

PCB 97-103	<u>People of the State of Illinois v. State Oil Company, William Anest, an individual f/d/b/a S&amp;S Petroleum Products, Peter Anest, an individual f/d/b/a S&amp;S Petroleum Products, Charles Abraham, an individual, Josephine Abraham, an individual, and Milstream Service, Inc.</u> - The Board denied complainant's motion to strike the affirmative defense of laches and granted in part and denied in part respondents Anests' motion to strike and dismiss the second amended cross complaint.	Vote 6-0
PCB 97-189	<u>Frederick Cooper Lamps, Inc. v. IEPA</u> - The Board granted the parties' joint motion for voluntary dismissal of this permit appeal involving a Cook County facility.	Vote 6-0
PCB 98-144	<u>People of the State of Illinois v. Edward Van Der Molen and Peter T. Barton d/b/a Shadow Lakes Resort</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a facility located in Will County, the Board ordered publication of the required newspaper notice.	Vote 6-0
PCB 98-169	<u>Union Oil Company of California d/b/a Unocal v. Barge-Way Oil Company, Inc., Barge-Way Systems, Inc., Joseph Kellogg, Nielsen's Barge-Way, Robert Nielsen, Robert F. Atkins, and Mobil Oil Company</u> - The Board granted complainant's motion to voluntarily dismiss the following respondents: Robert F. Atkins, Barge-Way Systems, Inc., and Mobil Oil Company. The Board also granted complainant's attorney's motion to appear <i>pro hac vice</i> .	Vote 6-0

PCB 99-152	<u>People of the State of Illinois v. Eagle-Picher Industries, Inc.</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a facility located in Edgar County, the Board ordered publication of the required newspaper notice.	Vote 6-0
PCB 99-177	<u>Village of Oak Lawn v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility.	Vote 6-0
PCB 00-31	<u>People of the State of Illinois v. Reilly Industries, Inc.</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this Resource Conservation and Recovery Act enforcement action involving a facility located in Madison County, the Board ordered publication of the required newspaper notice.	Vote 6-0
PCB 00-67	<u>People of the State of Illinois v. American Disposal Company and Consolidated Rail Corporation</u> - The Board denied respondent Consolidated Rail Corporation's motion to dismiss this Resource Conservation and Recovery Act enforcement action involving a facility located in Cook County.	Vote 6-0
PCB 00-138	<u>Granite City Sheet Metal v. IEPA</u> - The Board accepted for hearing this underground storage tank appeal involving a Madison County facility.	Vote 6-0
PCB 00-139	<u>L. Wolf Company v. IEPA</u> - The Board accepted for hearing this underground storage tank appeal involving a Madison County facility.	Vote 6-0
PCB 00-144	<u>Federal-Mogul Corporation 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 timely filed on behalf of this Cook County facility.	Vote 6-0
PCB 00-145	<u>Marathon Ashland Petroleum, L.L.C. v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was timely filed on behalf of this DuPage County facility.	Vote 6-0
PCB 00-149	<u>Northwestern Steel and Wire Company v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was timely filed on behalf of this Whiteside County facility.	Vote 6-0
PCB 00-150	<u>AC Humko (Morgan Specialties) v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was timely filed on behalf of this Edgar County facility.	Vote 6-0
PCB 00-180	<u>People of the State of Illinois v. Jacobs Energy Corporation</u> - The Board accepted for hearing this air and land enforcement action against this Rock Island County facility.	Vote 6-0
PCB 00-182	<u>People of the State of Illinois v. Ralph Campbell</u> - The Board dismissed this enforcement action finding that it lacks jurisdiction to hear cases brought pursuant to the Gasoline Storage Act.	Vote 6-0
PCB 00-183	<u>People of the State of Illinois v. Delno E. Smith individually and d/b/a Smitty's Friendly Service</u> - The Board dismissed this enforcement action finding that it lacks jurisdiction to hear cases brought pursuant to the Gasoline Storage Act.	Vote 6-0

PCB 00-184	<u>People of the State of Illinois v. M&amp;R Wrecking, Ltd. and Roderick Enterprises, Inc.</u> - The Board accepted for hearing this air enforcement action against this Cook County facility.	Vote 6-0
PCB 00-185	<u>National Car Rental System, Inc. v. IEPA</u> - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.	Vote 6-0
PCB 00-186	<u>Corn Belt Electric Cooperative 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 McLean County facility.	Vote 6-0
PCB 00-187	<u>Broderick Teaming 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 Cook County facility.	Vote 6-0
PCB 00-188	<u>Ozinga Transportation Services 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.	Vote 6-0
PCB 00-189	<u>People of the State of Illinois v. Fox River Water Reclamation District</u> - The Board accepted for hearing this water enforcement action against this Kane County facility.	Vote 6-0
PCB 00-190	<u>People of the State of Illinois v. Truserv Corporation</u> - The Board accepted for hearing this Resource Conservation and Recovery Act enforcement action against this McHenry County facility.	Vote 6-0
PCB 00-191	<u>Sunburst Energy, 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 Fayette County facility.	Vote 6-0
PCB 00-192	<u>People of the State of Illinois v. Wismarq Corporation</u> - The Board accepted for hearing this air enforcement action against this Cook County facility.	Vote 6-0

# New Cases

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## May 4, 2000 Board Meeting

**00-176** People of the State of Illinois v. City of Auburn, Benton & Associates Engineering, Inc., and Petersburg Plumbing and Heating - The Board accepted for hearing this public water supply enforcement action against this Sangamon County facility.

**00-177** Michael D. Logsdon, Darrell E. Mann, Kathy Mann, Russell Spillman, Marilyn Spillman, Rita Martin, A. Abbott, Kathy Abbott, Diana Collins, Dave Collins v. South Fork Gun Club - The Board held for a later duplicitous/frivolous determination this citizen noise enforcement action involving a Christian County facility.

**00-178** People of the State of Illinois v. Tom Fato d/b/a Fato Fiberglass - The Board accepted for hearing this air enforcement action against this Kankakee County facility.

**00-179** City of Springfield, Illinois v. IEPA - The Board held this request for a water variance on behalf of a Sangamon County facility pending receipt of the Illinois Environmental Protection Agency recommendation.

**AC 00-77** IEPA v. Otis Brymer - The Board accepted an administrative citation against this Williamson County respondent.

**AC 00-78** IEPA v. RCS, Inc. and Rickie Laird - The Board accepted an administrative citation against these Jersey County respondents.

**AC 00-79** IEPA v. John Appelt - The Board accepted an administrative citation against this Carroll County respondent.

**AC 00-80** IEPA v. Ken Edwards - The Board accepted an administrative citation against this Macoupin County respondent.

## May 18, 2000 Board Meeting

**00-180** People of the State of Illinois v. Jacobs Energy Corporation - The Board accepted for hearing this air and land enforcement action against this Rock Island County facility.

**00-181** MDI Limited Partnership #42 v. Regional Board of Trustees for Boone and Winnebago Counties, and Board of Education of Belvidere District 100 - The Board held for a later duplicitous/frivolous determination this citizen underground storage tank enforcement action involving a Boone County facility.

**00-182** People of the State of Illinois v. Ralph Campbell - The Board dismissed this enforcement action finding that it lacks jurisdiction to hear cases brought pursuant to the Gasoline Storage Act.

**00-183** People of the State of Illinois v. Delno E. Smith individually and d/b/a Smitty's Friendly Service - The Board dismissed this enforcement action finding that it lacks jurisdiction to hear cases brought pursuant to the Gasoline Storage Act.

**00-184** People of the State of Illinois v. M&R Wrecking, Ltd. and Roderick Enterprises, Inc. - The Board accepted for hearing this air enforcement action against this Cook County facility.

**00-185** National Car Rental System, Inc. v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.

**00-186** Corn Belt Electric Cooperative 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 McLean County facility.

**00-187** Broderick Teaming 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 Cook County facility.

**00-188** Ozinga Transportation Services 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.

**00-189** People of the State of Illinois v. Fox River Water Reclamation District - The Board accepted for hearing this water enforcement action against this Kane County facility.

**00-190** People of the State of Illinois v. Truserv Corporation - The Board accepted for hearing this Resource Conservation and Recovery Act enforcement action against this McHenry County facility.

**00-191** Sunburst Energy, 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 Fayette County facility.

**00-192** People of the State of Illinois v. Wismarq Corporation - The Board accepted for hearing this air enforcement action against this Cook County facility.

**00-193** Acme Steel Company v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Cook County facility a 45-day provisional variance, subject to conditions, from 35 Ill. Adm. Code 212.443(c)(1)(A), which prohibits average opacity during pushing operations of greater than 20 percent for four consecutive pushes.

**AC 00-81** IEPA v. Jesse Lockhart - The Board accepted for hearing this petition for review of an administrative citation against this Kankakee County respondent.

**R00-19** In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742) - The Board accepted for hearing this Illinois Environmental Protection Agency proposal to amend the standards for tiered approach to corrective action objectives.

## Calendar

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6/1/2000 9:30 am	PCB 99-27	People of the State of Illinois v. James & Carol Gilmer	Villa Grove City Hall City Council Room 612 Front Street Villa Grove, IL
6/6/2000 9:30 am	PCB 99-72	People of the State of Illinois v. Lake of Egypt Water District, Willis Dale Shadowens and Gary R. Rhodes	State Office Building Main Conference Room 2309 West Main Street Marion, IL
6/7/2000 9:30 am	PCB 99-72	People of the State of Illinois v. Lake of Egypt Water District, Willis Dale Shadowens and Gary R. Rhodes	State Office Building Main Conference Room 2309 West Main Street Marion, IL
6/8/2000 9:30 am	PCB 99-72	People of the State of Illinois v. Lake of Egypt Water District, Willis Dale Shadowens and Gary R. Rhodes	State Office Building Main Conference Room 2309 West Main Street Marion, IL





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

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

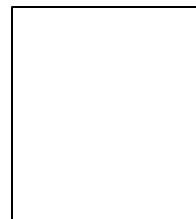
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