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# Environmental Register

November 2000 - Number 557

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Claire A. Manning, Chairman

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# Letter From the Chairman

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The Illinois Pollution Control Board has had a busy rulemaking docket. The Board has four rulemakings that will be reviewed by the Joint Committee on Administrative Rules at its December 12, 2000 meeting. The proposed rules are:

- Procedural Rules R00-20 (35 Ill. Adm. Code Subtitle A)
- Diesel Opacity R01-8 (35 Ill. Adm. Code 240)
- NOx Emissions R01-9 (35 Ill. Adm. Code 217 & 211)
- TACO R00-19(A) (35 Ill. Adm. Code 742)

The Board plans to adopt these rules at its December 21, 2000 meeting.

The Board plans to move two rulemakings to second notice in December. These rulemakings are:

- TACO R00-19(B) (35 Ill. Adm. Code 742)
- NOx Emissions R01-11 (35 Ill. Adm. Code 217 & 211)

Three rulemakings are in the first notice - still in public comment phase. They are:

- Regulated Recharge R00-17 (35 Ill. Adm. Code 617)
- NOx Emissions R01-16 (35 Ill. Adm. Code 217)
- NOx Emissions R01-17 (35 Ill. Adm. Code 217 & 211)

The Board also has two rulemakings that have not yet been published for first notice - public comments, but hearings are being held:

- Antidegradation Rules R01-13 (35 Ill. Adm. Code 302, 303, & 106)
- Proposed MTBE Groundwater Quality Standards R01-14 (35 Ill. Adm. Code 620)

We encourage participation in any of the rulemakings. Details on how to participate in the process are located on the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us). The Rules & Regulations area of the Board's Web site includes hearing officer orders, hearing schedules, and transcripts of hearings.

In addition to the busy rulemaking docket, the Board anticipates issuing an informational order in the peaker plant Inquiry Hearing matter. More than 80 persons testified before the Board during seven days of hearings in Chicago, Naperville, Joliet, Grayslake and Springfield. The Board also received 195 written public comments. The Board expects to take final action on the informational order at its December 21, 2000 meeting. The informational order will also be placed on the Board's Web site.

Sincerely,



Claire A. Manning, Chairman



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## Federal Update

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### **United States Environmental Protection Agency Identifies Approved and Disapproved Elements of the Great Lakes Guidance Submission from the State of Wisconsin and Implements Final Rule**

On November 6, 2000, USEPA identified approved and disapproved elements of the Great Lakes Guidance Submission from the State of Wisconsin. USEPA also implemented a separate final rule. 65 Fed. Reg. 66502.

USEPA published the final Water Quality Guidance for the Great Lakes System (the Guidance) on March 23, 1995. Section 118(c) of the Clean Water Act (33 U.S.C. § 1268(c) (1996)) requires the Great Lakes States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin to adopt by March 23, 1997, minimum water quality standards, antidegradation policies and implementation procedures that are consistent with the Guidance, and to submit them to USEPA for review and approval. Each of the Great Lakes States made the submissions.

USEPA took final action on the Guidance submission of Wisconsin. USEPA's final action consists of approving those elements of Wisconsin's submission that are consistent with the Guidance; disapproving those elements that are not consistent with the Guidance; and specifying in a final rule the elements of the Guidance that Wisconsin either failed to adopt required elements or adopted elements that are inconsistent with the Guidance.

The final rule became effective on December 6, 2000. For further information, contact Mark Morris at 202/260-0312 or Mery Jackson-Willis at 312/353-3717.

### **United States Environmental Protection Agency Proposes National Emission Standards for Hazardous Air Pollutants for Municipal Solid Waste Landfills**

On November 7, 2000, USEPA proposed national emission standards for hazardous air pollutants (NESHAP) for municipal solid waste (MSW) landfills. 65 Fed. Reg. 66672. The proposed rule is applicable to both major and area landfill sources, and contains the same requirements as the Emission Guidelines and New Source Performance Standards for MSW landfills.

The proposed rule adds startup, shutdown, and malfunction requirements, adds operating condition deviations for out-of-bounds monitoring parameters, and changes the reporting frequency for one type of report. The proposed rule implements Section 112(d) of the Clean Air Act (42 U.S.C. §§ 7401 *et seq.* (1996)) by requiring new and existing sources to control emissions of hazardous air pollutants (HAP) to the level reflecting the maximum achievable control technology. The HAP emitted by MSW landfills include, but are not limited to, vinyl chloride, ethyl benzene, toluene, and benzene.

Comments must be received by January 8, 2001. For further information contact Ms. Michele Laur at 919/541-5256; e-mail address: [laur.michele@epa.gov](mailto:laur.michele@epa.gov).

Pursuant to Section 9.1(b) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(b) (1998)), once adopted by the USEPA, NESHAP rules are applicable and enforceable under the Act without further action by the Board.

## **United States Environmental Protection Agency Adopts Identification and Listing of Hazardous Waste; Chlorinated Aliphatic Production Wastes; Land Disposal Restrictions for Newly Identified Wastes; CERCLA Hazardous Substance Designation and Reportable Quantities in Final Rule**

On November 8, 2000, USEPA identified and listed chlorinated aliphatic production wastes under the hazardous waste management system, set land disposal restrictions for the newly identified waste, and imposed a CERCLA hazardous substance designation and reportable quantities in a final rule. 65 Fed. Reg. 67067.

USEPA listed as hazardous two wastes generated by the chlorinated aliphatic industry. USEPA finalized the regulations under the Resource Conservation and Recovery Act (RCRA) (42 U.S.C §§ 6901 *et seq.* (1996)), which directs USEPA to determine whether certain wastes from the chlorinated aliphatic industry may present a substantial hazard to human health or the environment. The effect of listing the two wastes is to subject them to stringent management and treatment standards under RCRA and to subject them to emergency notification requirements for releases of hazardous substances to the environment.

USEPA is finalizing a contingent-management listing approach for one of these wastes. Under the contingent-management listing determination, the waste will not be a listed hazardous waste, if it is sent to a specific type of management facility. USEPA is also finalizing determinations not to list as hazardous four wastes generated by the chlorinated aliphatic industry.

USEPA also listed as hazardous the two wastes (K174 and K175) under CERCLA (42 U.S.C. §§ 9601 *et seq.* (1996)) and set reportable quantities for the wastes.

The effective date of the final rule is May 7, 2001. For further information contact Ross Elliott at 703/308-8748; e-mail address: [elliott.ross@epa.gov](mailto:elliott.ross@epa.gov).

The Board will incorporate any necessary amendments to the RCRA rules in a future identical-in-substance rulemaking.

## **United States Environmental Protection Agency Clarifies and Corrects National Emission Standards for Hazardous Air Pollutants for Hazardous Waste Combustors in Final Rule**

On November 9, 2000, USEPA clarified and corrected an earlier-adopted national emission standards for hazardous air pollutants (NESHAPs) for hazardous waste combustors in a final rule. 65 Fed. Reg. 67268.

On September 30, 1999 (64 Fed. Reg. 52828), USEPA issued a final rule promulgating revised standards for hazardous waste incinerators, hazardous waste burning cement kilns, and hazardous waste burning lightweight aggregate kilns. The standards were promulgated under joint authority of the Clean Air Act (42 U.S.C. §§ 7401 *et seq.* (1996)) and the Resource Conservation and Recovery Act (42 U.S.C §§ 6901 *et seq.* (1996)). Sources subject to these standards raised questions regarding the applicability of new source versus existing source standards for hazardous waste incinerators. USEPA clarified the original intent of the rule on these issues, and made three technical corrections.

This rule became effective on November 9, 2000. For further information contact David Hockey at 703/308-8846; e-mail address: [hockey.david@epa.gov](mailto:hockey.david@epa.gov).

Pursuant to Section 9.1(b) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(b) (1998)), once adopted by USEPA, NESHAP rules are applicable and enforceable under the Act without further action by the Board.

## **United States Environmental Protection Agency Amends Final Water Quality Guidance for the Great Lakes System to Prohibit Mixing Zones for Bioaccumulative Chemicals of Concern in Final Rule**

On November 13, 2000, USEPA adopted a final rule to amend the earlier-adopted final water quality guidance for the Great Lakes system to prohibit mixing zones for bioaccumulative chemicals of concern. 65 Fed. Reg. 67638.

USEPA adopted a final rule to amend the final water quality guidance for the Great Lakes system (the Guidance) to prohibit mixing zones for bioaccumulative chemicals of concern (BCCs) in the Great Lakes system, subject to certain exceptions for existing discharges. For existing discharges, the regulation prohibits mixing zones for BCCs starting ten years after the publication date of the final BCC mixing zone rule. New discharges of BCCs are subject to the mixing zone prohibition immediately upon commencing discharge.

USEPA had promulgated a mixing zone provision similar to this regulation on March 23, 1995, as part of the Guidance required by Section 118(c)(2) of the Clean Water Act (33 U.S.C. § 1268(c) (1996)). The provision was vacated by the United States Court of Appeals for the District of Columbia Circuit in American Iron & Steel Institute v. EPA, 115 F.3d 979 (D.C. Cir. 1997), and was remanded to USEPA for further consideration. In response to the Court's remand, USEPA published a proposal on October 4, 1999, to amend the Guidance to reinstate the provision to prohibit mixing zones for BCCs (64 Fed. Reg. 53632). USEPA received many comments from stakeholders throughout the United States on its proposal to prohibit mixing zones for BCCs in the Great Lakes Basin. The final rule reflects USEPA's reconsideration of the factual record in response to the Court's remand and public comments received on its proposal.

The final rule becomes effective December 13, 2000. For further information contact Mark Morris at 202/260-0312.

### **United States Environmental Protection Agency Amends Asbestos Worker Protection Rule and Asbestos-in-Schools Rule in Final Rule**

On November 15, 2000, USEPA amended the Asbestos Worker Protection Rule (WPR) and the Asbestos-in-Schools Rule. 65 Fed. Reg. 69209.

The WPR amendment protects state and local government employees from the health risks of exposure to asbestos to the same extent as private sector workers by adopting the Asbestos Standards of the Occupational Safety and Health Administration (OSHA). The WPR's coverage is extended to state and local government employees who are performing construction work, custodial work, and automotive brake and clutch repair work. The final rule cross-references the OSHA Asbestos Standards for Construction and for General Industry, so that future amendments to these OSHA standards are directly and equally effective for employees covered by the WPR.

USEPA also amended the Asbestos-in-Schools Rule to provide coverage under the WPR for employees of public local education agencies who perform operations, maintenance, and repair activities. USEPA is issuing this final rule under Section 6 of the Toxic Substances Control Act (15 U.S.C. §§ 2601 *et seq.* (1996)).

The final rule becomes effective December 15, 2000. For further information contact Cindy Fraleigh at 202/260-1537; e-mail address: fraleigh.cindy@epa.gov.

### **United States Environmental Protection Agency Proposes Requirements for Zinc Fertilizers Made From Recycled Hazardous Secondary Materials Under Resource Conservation and Recovery Act**

On November 28, 2000, USEPA proposed requirements for zinc fertilizers made from recycled hazardous secondary materials. 65 Fed. Reg. 70953.

USEPA proposed to revise the existing regulations that apply to the recycling of hazardous wastes to make zinc fertilizer products. The proposal would establish a more consistent regulatory framework for this practice, and establish conditions for excluding from the definition of solid waste under the Resource Conservation and Recovery Act (42 U.S.C. §§ 6901 *et seq.* (1996)) hazardous secondary materials used to make zinc fertilizers. The proposal also solicits comments on regulating mining wastes that are used to make fertilizers.

Comments must be received by February 26, 2001. For further information contact Dave Fagan at 703/308-0603; e-mail address: fagan.dave@epa.gov.

If adopted as a final rule by USEPA, the Board will include proposed changes in a future RCRA update.

## **Rule Update**

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### **Board Adopts Second-Notice Proposal in In the Matter of: Revision of the Board's Procedural Rules: 35 Ill. Adm. Code 101-130, R00-20**

On March 16, 2000, the Board proposed revised procedural rules for first-notice publication in the *Illinois Register* to govern how persons initiate and participate in all proceedings before the Board under the Environmental Protection Act (Act) (415 ILCS 5/1 *et seq.* (1998)), and other legislation directing Board action. On November 2,

2000, the Board proposed the procedural rules for second-notice review by the Joint Committee on Administrative Rules (JCAR). The rules are scheduled for action by JCAR at its December 12, 2000 meeting.

In its November 2, 2000 opinion, the Board highlighted the more significant changes it is making to the procedural rules it proposed for first-notice. The rules that the Board proposed for second-notice have benefited from the public comments made since the Board's first-notice proposal. The Board held three public hearings on the first-notice rules (April 11, May 4, and July 10, 2000). The Board also received 18 public comments on the rules that it proposed for first-notice. The Board established a public comment page on its Web site ([www.ipcb.state.il.us](http://www.ipcb.state.il.us)), where the Board posted each of those comments.

The proposed procedural rules consist of ten parts within Title 35 of the Illinois Administrative Code: Part 101 (General Rules); Part 102 (Regulatory and Informational Hearings and Proceedings); Part 103 (Enforcement); Part 104 (Regulatory Relief Mechanisms); Part 105 (Appeals of Final Decisions of State Agencies); Part 106 (Proceedings Pursuant to Specific Rules or Statutory Provisions); Part 107 (Petition to Review Pollution Control Facility Siting Decisions); Part 108 (Administrative Citations); Part 125 (Tax Certifications); and Part 130 (Identification and Protection of Trade Secrets and Other Non-Disclosable Information).

Upon final adoption, the proposed rules will replace all of the Board's existing procedural rules and all Board resolutions that relate to procedural matters. The Board expects to adopt the final procedural rules at its December 21, 2000 meeting. The new procedural rules are expected to become effective January 1, 2001, and will apply to all pending and new proceedings.

The proposed new procedural rules are available on the Board's Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us). You may obtain hard copies of the proposed rules by contacting the Board's office in Chicago at 312/814-3620 or Springfield at 217/524-8500. For additional information contact: Carol Sudman at 217/524-8509; e-mail: [sudmanc@ipcb.state.il.us](mailto:sudmanc@ipcb.state.il.us) or the Board's Public Information Officer, Connie Newman 217/782-7630; e-mail: [newmanc@ipcb.state.il.us](mailto:newmanc@ipcb.state.il.us)

**Board Adopts Second-Notice Proposal in *In the Matter of: Amendments to Diesel Opacity Rules Required by P.A. 91-254 and P.A. 91-865, Proposed Amendments to 35 Ill. Adm. Code 240, R01-8***

On November 16, 2000, the Board proposed rules to amend 35 Ill. Adm. Code 240 for second-notice review by the Joint Committee on Administrative Rules (JCAR). The Board added three additional definitions to the rules proposed at first-notice, two of which were requested by JCAR.

Two hearings were held in R01-8. The record and public comment closed November 9, 2000. No public comments were received during the first-notice period with the exception of minor editorial changes suggested by JCAR.

The rule is scheduled for action by JCAR at its December 12, 2000 meeting. The Board anticipates adoption of the final rule at its December 21, 2000 meeting.

For additional information contact: Stacy Meyers at 312/814-7011; e-mail: [meyerss@ipcb.state.il.us](mailto:meyerss@ipcb.state.il.us).

**Board Adopts Second-Notice Proposal in *In the Matter of: Proposed New 35 Ill. Adm. Code 217, Subpart W, the NO<sub>x</sub> Trading Program for Electrical Generating Units and Amendments to 35 Ill. Adm. Code 211 and 217, R01-9***

On November 16, 2000, the Board proposed rules to add 35 Ill. Adm. Code 217, Subpart W, the NO<sub>x</sub> Trading Program for Electrical Generating Units and amend 35 Ill. Adm. Code 211 and 217 for second-notice review by the Joint Committee on Administrative Rules. The second-notice proposal follows substantially the proposal filed with the Board by the Illinois Environmental Protection Agency (Agency) on July 11, 2000, and adopted by the Board for first-notice on July 13, 2000.

The Board held public hearings in this matter. Hearings were scheduled and conducted in accordance with Section 28.5 of the Environmental Protection Act (Act) (415 ILCS 5/28.5 (1998)). Section 28.5 provides for "fast-track" adoption of certain regulations necessary for compliance with the CAAA.

The record in this matter closed on October 13, 2000, as provided for by Section 28.5(l) of the Act. 415 ILCS 5/28.5(1) (1998). Ten public comments have been filed: Dynegy Midwest Generation (PC 1); EnviroPower (PC 2 and PC 8); Agency (PC 3); Office of Public Utilities, City of Springfield (PC 4); Ameren Corporation (PC 5);

Midwest Generation EME, LLC (PC 6); Enron Corp (PC 7); Environmental Law and Policy Center (PC 9); and Chicago Department of Environment (PC 10).

The rule is scheduled for action by JCAR at its December 12, 2000 meeting. The Board anticipates adoption of the final rule at its December 21, 2000 meeting.

For additional information contact: Cathy Glenn at 312/814-6923; e-mail: [glennc@ipcb.state.il.us](mailto:glennc@ipcb.state.il.us).

**Board Adopts Second-Notice Proposal in In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives: 35 Ill. Adm. Code 742, R00-19(A)**

On November 16, 2000, the Board proposed rules to amend 35 Ill. Adm. Code 742 for second-notice review by the Joint Committee on Administrative Rules. Three hearings were held in this matter during the first-notice period. The public comment period expired on October 23, 2000. The following public comments were received: Illinois Environmental Regulatory Group (PC 1); Illinois Steel Group (PC 2); The Stolar Partnership (PC 3); and Illinois Environmental Protection Agency (PC 4). The second-notice proposal includes various changes to Part 742, which are discussed in detail in the Board's November 16, 2000, second-notice opinion and order.

The rule is scheduled for action by JCAR at its December 12, 2000 meeting. The Board anticipates adoption of the final rule at its December 21, 2000 meeting.

For additional information contact: Amy Jackson at 217/524-8507; e-mail: [jacksona@ipcb.state.il.us](mailto:jacksona@ipcb.state.il.us).

# Board Actions

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November 2, 2000  
Chicago, Illinois

## Rulemaking

R00-20 In the Matter of: Revision of the Board's Procedural Rules: 35 Ill. Adm. Code 101-130 – The Board issued a second-notice opinion and order in this matter proposing to amend the Board's procedural rules. 7-0  
R, Procedural  
Rules

## Adjusted Standards

AS 01-1 In the Matter of: Petition of City of Elgin for an Adjusted Standard from 35 Ill. Adm. Code 304.125 and 35 Ill. Adm. Code 304.125 and 35 Ill. Adm. Code 302.204 – The Board accepted for hearing this Cook County facility's amended petition for an adjusted standard from the Board's pH water quality standard and effluent limitation. 7-0  
PWS

AS 01-5 In the Matter of: Petition of the City of Sycamore for an Adjusted Standard from 35 Ill. Adm. Code Sections 306.305(b) and 304.121 – The Board ordered this Kane County petitioner to file an amended petition by January 5, 2001, or this action will be dismissed. 7-0  
Water

## Administrative Citation

AC 00-72 IEPA v. Carl White – The Board entered an interim opinion and order finding respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (1998)) and assessing a penalty of \$1,500. The Board ordered the Clerk of the Board and the Illinois Environmental Protection Agency to file within 15 days a statement of hearing costs, supported by affidavit, with service on respondent. 7-0

## Adjudicatory Cases

### • Decisions

PCB 95-170 People of the State of Illinois v. Environmental Control and Abatement, Inc. – In this air enforcement action concerning five facilities located in Madison, Marion, Adams, and Champaign Counties, Illinois, the Board found that respondent violated Section 9.1(d) of the Environmental Protection Act (415 ILCS 5/9.1(d) (1998)) by failing to comply with Section 61.145(b) of the asbestos National Emission Standard for Hazardous Air Pollutants 40 C.F.R. § 61.145(b) (1997) and ordered the respondent to pay a civil penalty of \$3,000. 7-0  
A-E

PCB 97-101 People of the State of Illinois v. Louis Berkman Company – In this air enforcement action concerning a facility located in Ogle County, Illinois, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (1998)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a civil penalty of \$50,000, and to cease and desist from further violations. 7-0  
A-E

PCB 97-135 People of the State of Illinois v. Champion Environmental Services, Inc. – In this air enforcement action concerning ten facilities located in Illinois, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (1998)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a civil penalty of \$25,000, and to cease and desist from further violations. 7-0  
A-E



PCB 00-32	<u>People of the State of Illinois v. Village of Maryville and Osborn Homes, Inc.</u> – In this public water supply enforcement action concerning a facility located in Madison County, Illinois, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (1998)), accepted a final stipulation and settlement agreement between the People and the Village of Maryville, ordered the respondent to pay a civil penalty of \$6,000, and to cease and desist from further violations. This stipulation does not effect the still pending complaint against Osborn Homes, Inc.	7-0 PWS-E
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**Motions and Other Matters**

PCB 99-108	<u>Waste Professionals, Inc. d/b/a Pekin Landfill v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of these consolidated permit appeals involving a Tazewell County facility.	7-0
PCB 99-130 (Cons.)		P-A, Land
PCB 99-122	<u>Central C&amp;D Recycling, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a St. Clair County facility.	7-0 P-A, Land
PCB 00-86	<u>People of the State of Illinois v. Rodgers Engineering Corporation</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 facilities located in Kane and DuPage Counties, the Board ordered publication of the required newspaper notice.	7-0 A-E
PCB 00-127	<u>People of the State of Illinois v. Dayne Rogers and Black Gold International</u> – The Board granted complainant’s motion for summary judgment and ordered respondent to reimburse the Illinois Environmental Protection Agency \$38,730.46 for corrective action costs. The Board ordered that a hearing shall be held on whether, and in what amount, punitive damage will be imposed.	7-0 L-E, Tires
PCB 00-219	<u>Stephen G. Brill v. Henry Latoria individually and d/b/a T.L. Trucking Foodliner</u> – The Board denied respondent’s motion for summary judgment and ordered this matter to proceed to hearing.	7-0 A&N-E, Citizens
PCB 01-36	<u>George McKissick 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.	7-0 UST-FRD
PCB 01-37	<u>City of Elgin 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 Cook County facility.	7-0 P-A 90-Day Ext.
PCB 01-38	<u>Equilon Enterprises L.L.C. v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Cook County facility.	7-0 P-A, Air
PCB 01-39	<u>Lannis Walters d/b/a Fat Boy Pizza (Get &amp; Go) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Massac County facility.	7-0 UST-FRD
PCB 01-54	<u>Richard G. Cotterman v. Jackson Farms</u> – The Board found that the City of Virden’s motion to dismiss and complainant’s objection to the City of Virden’s motion to dismiss were moot because the Board dismissed Virden from this matter in its order dated October 19, 2000.	7-0 A&N-E, Citizens
PCB 01-55	<u>CC Landfill, Inc. v. The Coles County Board</u> – The Board denied the Coles County Environmental Force’s petition to intervene.	7-0 P-C-F-S-R

PCB 01-60	<u>Anthony J. Schlax v. Evanston Hospital</u> – The Board found that the alleged violations of Sections 23 and 24 of the Act (415 ILCS 5/23, 24 (1998)) and 35 Ill. Adm. Code 900.102, 900.102(a), and 900.102(b) of the Board’s noise rules were neither duplicitous nor frivolous. The Board accepted those allegations involving a Cook County facility for hearing.	7-0 N-E, Citizens
PCB 01-66	<u>People of the State of Illinois v. Camelot Enterprises, Inc., Stephen Einfeldt individually and as president of Camelot Enterprises, Inc., Ivan Johnson individually and as co-owner of Camelot Enterprises, Inc.</u> – The Board accepted for hearing this water enforcement action against this Kankakee County facility.	7-0 W-E
PCB 01-67	<u>County of Jasper for the Jasper County Highway Department 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 Jasper County facility.	7-0 UST-FRD 90-Day Ext.
PCB 01-68	<u>Roger Stone v. IEPA and Naperville Park District</u> – The Board accepted for hearing this permit appeal involving a DuPage County facility, granted petitioner’s motion to waive application of 35 Ill. Adm. Code 105.102(b)(6), and respondent’s motion for extension of time to respond to petitioner’s motion to stay the effects of the permit, reserving ruling on the merits of the motion to stay.	7-0 P-A, NPDES
PCB 01-69	<u>Terminal Railroad Association v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this St. Clair County facility.	7-0 P-A, RCRA 90-Day Ext.
PCB 01-70	<u>Midwest Illinois Restaurant &amp; Truck Plaza, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Bond County facility.	7-0 UST-Appeal
PCB 01-71	<u>Wareco Service, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Vermilion County facility.	7-0 UST-FRD
PCB 01-72	<u>Stepan Company v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Will County facility.	7-0 P-A, Air 90-Day Ext.
PCB 01-73	<u>A.E. Staley Manufacturing Company v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Macon County facility.	7-0 P-A, Air
PCB 01-74	<u>Marathon Ashland Petroleum L.L.C. v. IEPA</u> – The Board accepted for hearing this request for variance involving a Crawford County facility.	7-0 W-V
PCB 01-75	<u>People of the State of Illinois v. Craig Yallaly and Susan Yallaly d/b/a Courtesy Cleaners</u> – The Board accepted for hearing this air enforcement action against this Coles County facility.	7-0 A-E

**November 16, 2000**  
**Via Video Conference Between**  
**Springfield and Chicago, Illinois**

**Rulemakings**

R00-19(A)	<u>In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (TACO): 35 Ill. Adm. Code 742</u> – The Board adopted a second-notice opinion and order which proposes amendments to the tiered approach to corrective action objectives (35 Ill. Adm. Code 742). Pursuant to Public Act 91-909, a portion of the proposed amendments must be adopted by January 6, 2001. Specifically, the Board has until January 6, 2001, to adopt regulations pertaining to a new legal instrument called the “Environmental Land Use Control” or “ELUC.”	7-0 R, Land
R01-8	<u>In the Matter of: Amendments to Diesel Opacity Rules Required by P.A. 91-254 and P.A. 91-865: Amendments to 35 Ill. Adm. Code 240</u> – The Board proceeded to second-notice with amendments to its regulations on controlling air emissions from motor vehicles.	7-0 R, Air
R01-9	<u>In the Matter of: Proposed New 35 Ill. Adm. Code 217.Subpart W, The NOx Trading Program for Electrical Generating Units, and Amendments to 35 Ill. Adm. Code 211 and 217</u> – The Board adopted for second-notice a proposal to implement a nitrogen oxides (NOx) emissions trading program applicable to large fossil fuel electrical generating units.	7-0 R, Air

### **Administrative Citation**

AC 01-9	<u>IEPA v. Larry Cadie d/b/a Cadie Car Hauling</u> – The Board found that this Boone County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (1998)), and ordered respondent to pay a civil penalty of \$1,500.	7-0
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### **Adjudicatory Cases**

#### **• Decisions**

PCB 00-86	<u>People of the State of Illinois v. Rodgers Engineering Corporation</u> – In this air enforcement action concerning a facility located in Kane County, Illinois, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (1998)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a civil penalty of \$20,000, and to cease and desist from further violations.	7-0 A-E
PCB 01-16	<u>Ameren Energy Generating Company v. IEPA</u> – The Board granted petitioner a variance from the general use water quality standard for boron found at 35 Ill. Adm. Code 302.208(g) and the applicable effluent standard found at 35 Ill. Adm. Code 304.105.	7-0 W-V

## Motions and Other Matters

PCB 98-148	<u>People of the State of Illinois v. Doren Poland, Lloyd Yoho and Briggs Industries, Inc.; and Briggs Industries, Inc. v. Loren West and Abingdon Salvage Company, Inc.</u> – The Board denied Briggs’ motion for summary judgment and ordered the matter to proceed to hearing as scheduled by the Board’s hearing officer. The Board accepted the third-party complaints against Loren West and Abingdon Salvage Company, Inc., and consolidated these matters into one third-party proceeding.	7-0 L-E
PCB 99-191	<u>People of the State of Illinois v. Panhandle Eastern Pipeline Company</u> – The Board denied respondent’s motion for judgment and ordered the hearing to reconvene as scheduled by the hearing officer.	7-0 A-E
PCB 00-3	<u>ISC Newco, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility.	7-0 UST-FRD
PCB 00-11	<u>Bulkoa, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility.	7-0 UST-FRD
PCB 00-156	<u>People of the State of Illinois v. Kenneth Minor and Keith Minor, individually and d/b/a Motorsport Park, and Moto Sports, Inc.</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.	7-0 W-E
PCB 00-172	<u>People of the State of Illinois v. Envirofil of Illinois, 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 and water enforcement action involving a McDonough County facility, the Board ordered publication of the required newspaper notice.	7-0 L&W-E
PCB 01-52	<u>Perbio Science d/b/a Pierce Chemical 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 Winnebago County facility.	7-0 P-A, RCRA
PCB 01-76	<u>People of the State of Illinois v. John Crane, Inc.</u> – The Board accepted for hearing this air enforcement action against this Cook County facility.	7-0 A-E
PCB 01-78	<u>Morton International, Inc. v. IEPA</u> – The Board granted petitioner an extension of the time period for filing an appeal in this matter until December 28, 2000, and the Board granted a motion for in-house counsel to appear <i>pro hac vice</i> on behalf of a McHenry County facility.	7-0 P-A, Air 90-Day Ext.
PCB 01-79	<u>People of the State of Illinois v. Phillips Pipeline Company</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 St. Clair County facility, the Board ordered publication of the required newspaper notice.	7-0 RCRA-E
PCB 01-80	<u>People of the State of Illinois v. Nestle USA, Inc.</u> – The Board accepted for hearing this water enforcement matter involving a Tazewell County facility.	7-0 W-E
PCB 01-81	<u>Wareco Service, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Rock Island County facility.	7-0 UST-Appeal
PCB 01-82	<u>General Motors Corporation, Electro-Motive Division v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Cook County facility.	7-0 P-A, Air 90-Day Ext.

## New Cases

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### November 2, 2000 Board Meeting

- 01-38** Equilon Enterprises L.L.C. v. IEPA – The Board accepted for hearing this permit appeal involving a Cook County facility.
- 01-39** Lannis Walters d/b/a Fat Boy Pizza (Get & Go) v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Massac County facility.
- 01-66** People of the State of Illinois v. Camelot Enterprises, Inc., Stephen Einfeldt individually and as president of Camelot Enterprises, Inc., Ivan Johnson individually and as co-owner of Camelot Enterprises, Inc. – The Board accepted for hearing this water enforcement action against this Kankakee County facility.
- 01-67** County of Jasper for the Jasper County Highway Department 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 Jasper County facility.
- 01-68** Roger Stone v. IEPA and Naperville Park District – The Board accepted for hearing this permit appeal involving a DuPage County facility, granted petitioner’s motion to waive application of 35 Ill. Adm. Code 105.102(b)(6), and respondent’s motion for extension of time to respond to petitioner’s motion to stay the effects of the permit, reserving ruling on the merits of the motion to stay.
- 01-69** Terminal Railroad Association v. IEPA – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this St. Clair County facility.
- 01-70** Midwest Illinois Restaurant & Truck Plaza, Inc. v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Bond County facility.
- 01-71** Wareco Service, Inc. v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Vermilion County facility.
- 01-72** Stepan Company v. IEPA – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Will County facility.
- 01-73** A.E. Staley Manufacturing Company v. IEPA – The Board accepted for hearing this permit appeal involving a Macon County facility.
- 01-74** Marathon Ashland Petroleum L.L.C. v. IEPA – The Board accepted for hearing this request for variance involving a Crawford County facility.
- 01-75** People of the State of Illinois v. Craig Yallaly and Susan Yallaly d/b/a Courtesy Cleaners – The Board accepted for hearing this air enforcement action against this Coles County facility.
- AC 01-10** IEPA v. Environmental Reclamation Company d/b/a ERC Landfill and Larry Shilling – The Board accepted an administrative citation against these Coles County respondents.

### November 16, 2000 Board Meeting

- 01-76** People of the State of Illinois v. John Crane, Inc. – The Board accepted for hearing this air enforcement action against this Cook County facility.
- 01-77** Village of Park Forest v. Sears, Roebuck & Company – The Board held for a later duplicitous/frivolous determination this citizen’s underground storage tank enforcement action involving a Cook County facility.
- 01-78** Morton International, Inc. v. IEPA – The Board granted petitioner an extension of the time period for filing an appeal in this matter until December 28, 2000, and also granted petitioner’s motion for in-house counsel to appear *pro hac vice* on behalf of a McHenry County facility.
- 01-79** People of the State of Illinois v. Phillips Pipeline Company – 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 St. Clair County facility, the Board ordered publication of the required newspaper notice.

**01-80** People of the State of Illinois v. Nestle USA, Inc. – The Board accepted for hearing this water enforcement matter involving a Tazewell County facility.

**01-81** Wareco Service, Inc. v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Rock Island County facility.

**01-82** General Motors Corporation, Electro-Motive Division v. IEPA – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Cook County facility.

**AC 01-11** IEPA v. Waterman Excavating – The Board accepted an administrative citation against this Montgomery County respondent.

**AC 01-12** IEPA v. J&T Recycling and John Gordon – The Board accepted an administrative citation against these Williamson County respondents.

**AS 01-6** In the Matter of: Petition of Borden Chemicals & Plastics Operating Limited Partnership for an Adjusted Standard from Ill. Adm. Code 304.105 as it applies to 35 Ill. Adm. Code 302.211(B)-(E) – Pending receipt of the certificate of publication, the Board held this Sangamon County facility’s petition for an adjusted standard from the Board’s water regulations.

## Calendar

12/5/2000 9:00 am	PCB 99-182	Lamma v. Office of the State Fire Marshal	Illinois Pollution Control Board Hearing Room 403 600 S. Second Street Springfield, IL
12/5/2000 9:30 am	PCB 97-226	Riverview FS, Inc. v. IEPA	City Hall Council Chambers 519 Blackhawk Blvd. South Beloit, IL
12/6/2000 10:00 am	R01-13	In the Matter of: Revisions to Antidegradation Rules: 35 Ill. Adm. Code 302.105, 303.205, 303.206 and 106.990 – 106.995	Illinois Pollution Control Board Hearing Room 403 600 S. Second Street Springfield, IL

12/7/2000 9:00 am	PCB 01-42	Logsdon v. Bowman	Mt. Sterling City Hall Council Chambers 145 W. Main St. Mt. Sterling, IL
12/7/2000 9:30 am	PCB 99-189	People v. Aabott Asbestos, Inc.	Stratton Building State Use Office, #801 401 Spring St. Springfield, IL
12/7/2000 11:00 am		Illinois Pollution Control Board Meeting	Illinois Pollution Control Board Hearing Room 403 600 S. Second Street Springfield, IL
12/11/2000 9:30 am	PCB 98-169	Union Oil Company of California v. Barge-Way Oil Company, Inc.	DuPage County Courthouse Courtroom 2010 421 N. County Farm Road Wheaton, IL
12/12/2000 9:30 am	PCB 98-169	Union Oil Company of California v. Barge-Way Oil Company, Inc.	DuPage County Courthouse Courtroom 2010 421 N. County Farm Road Wheaton, IL
12/13/2000 9:30 am	PCB 98-169	Union Oil Company of California v. Barge-Way Oil Company, Inc.	DuPage County Courthouse Courtroom 2010 421 N. County Farm Road Wheaton, IL
12/14/2000 9:30 am	PCB 98-169	Union Oil Company of California v. Barge-Way Oil Company, Inc.	DuPage County Courthouse Courtroom 2010 421 N. County Farm Road Wheaton, IL
12/15/2000 9:30 am	PCB 98-169	Union Oil Company of California v. Barge-Way Oil Company, Inc.	DuPage County Courthouse Courtroom 2010 421 N. County Farm Road Wheaton, IL
12/19/2000 11:00 am	R01-16	In the Matter of: Proposed Amendments to 35 Ill. Adm. Code 217.Subpart V, Electric Power Generation	James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago, IL
12/20/2000 9:30 am	PCB 99-142	American National Bank and Trust Company of Chicago v. Dunham	James R. Thompson Center 100 W. Randolph Street Room 9-034 Chicago, IL
12/20/2000 9:30 am	R01-17	In the Matter of: Proposed New 35 Ill. Adm. Code 217.Subpart U, NOx Control and Trading Program for Specified NOx Generating Units, Subpart X, Voluntary NOx Emissions Reduction Program, and Amendments to 35 Ill. Adm. Code 211	James R. Thompson Center 100 W. Randolph Street Room 2-025 Chicago, IL
12/21/2000 9:30 am	PCB 99-142	American National Bank and Trust Company of Chicago v. Dunham	James R. Thompson Center 100 W. Randolph Street Room 9-034 Chicago, IL

12/21/2000 11:00 am		Illinois Pollution Control Board Meeting	James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago, IL
1/2/2001 11:00 am	R01-16	In the Matter of: Proposed Amendments to 35 Ill. Adm. Code 217.Subpart V, Electric Power Generation	James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago, IL
1/3/2001 9:30 am	R01-17	In the Matter of: Proposed New 35 Ill. Adm. Code 217.Subpart U, NOx Control and Trading Program for Specified NOx Generating Units, Subpart X, Voluntary NOx Emissions Reduction Program, and Amendments to 35 Ill. Adm. Code 211	James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago, IL
1/4/2001 11:00 am		Illinois Pollution Control Board Meeting	James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago, IL
1/10/2001 1:30 pm	PCB 98-146	Don's Service v. Office of the State Fire Marshal	Illinois Pollution Control Board Hearing Room 403 600 S. Second Street Springfield, IL
1/18/2001 11:00 am		Illinois Pollution Control Board Meeting	James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago, IL
2/1/2001 11:00 am		Illinois Pollution Control Board Meeting	James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago, IL
2/15/2001 11:00 am		Illinois Pollution Control Board Meeting	James R. Thompson Center 100 W. Randolph Street, 9-040 Chicago, IL



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**Environmental Register Comment Card**

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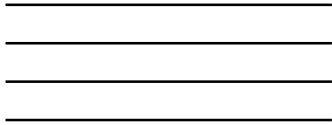
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The Illinois Pollution Control Board is an independent seven-member board that adopts environmental control standards, rules on enforcement actions,

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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Illinois Pollution Control Board  
Environmental Register Coordinator  
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