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Claire A. Manning, Chairman

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Letter from the Chairman

As the first half of this session of the 92nd General Assembly rapidly approaches legislative deadlines, the Board continues to monitor all environmentally related bills as they move through the legislative process. Much of the environmentally related legislation under consideration by lawmakers focuses on coal-fired power plant emission reductions, water resources, cumulative effects of pollution sources, petroleum underground storage tank remediation, alternative fuels, and the banning of methyl tertiary butyl ether (MTBE).



Some of the specific environmentally related bills that the Board is monitoring at this time include:

SB 372 (Radogno): The bill deals with emission reductions for coal-fired power plants.

HB 927 (Winkel): The bill would require the Department of Natural Resources (DNR) to conduct a study to (1) develop an understanding of the geology of each aquifer in the State; (2) determine the groundwater flow through the geologic units and the interaction of groundwater with surface waters; and (3) determine the chemistry of the geologic units and the groundwater in those units. It would also require DNR to develop geologic and groundwater flow models for each underground aquifer in the State based upon information obtained from the study. In addition, the bill would require that the aquifer study analyze current groundwater withdrawals.

SB 150 (O'Malley): This bill would create the Northeastern Illinois Nonattainment Area Planning Council. The Council's duties would include, but not be limited to, developing standards for the Illinois Environmental Protection Agency (Agency) to use in the review of permit applications for the cumulative effect of a facility and for the cumulative effect of air, water, land, and noise pollutants.

HB 2575 (Novak): The bill would delete the current classification system in Title XVI (Leaking Underground Storage Tanks) of the Environmental Protection Act, and require that remediation objectives be developed utilizing the Tiered Approach Corrective Action Objectives regulations.

HB 2 (Novak): This bill would require the Agency to establish the Alternate Fuel Infrastructure Program. It would be a grant program to provide funding for the building of E85 blend, propane, and compressed natural gas fueling facilities to be built within a specified area. The bill would further provide that the Agency would administer, in cooperation with the Department of Commerce and Community Affairs and Chicago Area Clean Cities, the Clean Fuel Education Program. The purpose of this program is to educate fleet administrators and Illinois' citizens about the benefits of using alternate fuels.

HB 171 (Curry, Julie) & SB 364 (Noland): These identical bills would create the MTBE Elimination Act. Both provide that beginning in three years (after the effective date of these Acts), no person would be allowed to use, manufacture, or sell MTBE as a fuel additive or transport fuel containing MTBE in Illinois. In addition, these bills would direct the Agency to cooperate with USEPA, other federal, State and local government agencies, and private entities to develop accurate and improved MTBE groundwater testing methodologies and to develop more efficient and cost effective remediation procedures for public water supplies and sources contaminated with MTBE.

Please be advised that at this stage in the legislative process language in bills can change at anytime. Therefore, we recommend that you visit the Board's Web site at www.ipcb.state.il.us for additional detailed information regarding environmentally related legislation. The bills tracked by the Board are listed under the Legislation section on the Board's Web site.

In addition to monitoring legislation, the Board continues its regular work. In April, the Board will be holding hearings on proposed Amendments to Livestock Waste Regulations (R01-28). These proposed rules establish design and construction standards for livestock waste lagoons and livestock waste handling facilities other than lagoons. The rules also amend or delete the Board's provisions now superseded by the Department of Agriculture's Part 900 rules (Subparts A, D, E, F, G).

The Board is also holding a hearing on MTBE Groundwater Standards Amendments (R01-14). The Agency is proposing amendments to the Board's existing groundwater regulations. The Agency is specifically proposing adoption of groundwater standards for MTBE.

Hearings will be held on Site Remediation Program Amendments (R01-27 and R01-29) in April. In docket R01-27, the Agency is proposing to clarify and refine certain provisions in the Underground Storage Tank Program. In docket R01-29, the Agency is proposing to update and clarify the existing Site Remediation Program and add MTBE to the Volatile Organics Analytical Parameters list.

If you have any questions about legislation the Board is monitoring or Board matters, you may contact the Board's Public Information Officer, Connie Newman, at (217) 782-7630 or by email at newmanc@ipcb.state.il.us.

Sincerely,

A handwritten signature in black ink that reads "Claire A. Manning". The signature is written in a cursive style with a large initial 'C' and 'M'.

Claire A. Manning, Chairman

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Federal Update

United States Environmental Protection Agency Proposes *De Minimis* Exemption for Laboratory Essential Uses for Calendar Year 2001 under the Clean Air Act

On March 13, 2001, USEPA proposed an exemption for laboratory and analytical essential uses for calendar year 2001. 66 Fed. Reg. 14771. USEPA determined that an allowance for laboratory and analytical essential uses, which allows for the production and import of class I stratospheric ozone depleting substances (ODSs) beyond the phase-out of these substances, is permissible under the Clean Air Act (42 U.S.C. §§ 7401 *et seq.* (1998)) as a *de minimis* exemption.

USEPA proposed to amend the regulations on import and production of ODSs to reflect this determination and is allocating a general global exemption for class I ODSs for laboratory and analytical essential uses for the year 2001. The action would allow for the continued import and production of class I ODSs for laboratory uses where there are no sufficient substitutes. These laboratory uses include numerous analytical methods necessary for protecting public health and the environment.

Comments must be received by April 12, 2001. For further information contact Margaret Sheppard at 202/564-9163; e-mail address: sheppard.margaret@epa.gov. As discussed immediately below, USEPA has also adopted the regulations as a direct final rule without prior proposal because it views the revisions as non-controversial and does not anticipate any significant adverse comments.

If amendments to the Illinois air rules are 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 (1998)).

United States Environmental Protection Agency Adopts *De Minimis* Exemption for Laboratory Essential Uses for Calendar Year 2001 under the Clean Air Act in Final Rule

On March 13, 2001, USEPA adopted an exemption for laboratory and analytical essential uses for calendar year 2001 in a direct final rule. 66 Fed. Reg. 14759. USEPA has determined that an allowance for laboratory and analytical essential uses, which allows for the production and import of class I stratospheric ozone depleting substances (ODSs) beyond the phase-out of these substances, is allowable under the Clean Air Act (42 U.S.C. §§ 7401 *et seq.* (1998)) as a *de minimis* exemption.

Based on specific findings, USEPA is amending the regulations on import and production of ODSs to reflect this determination and allocating a general global exemption for class I ODSs for laboratory and analytical essential uses for the year 2001. The action allows for the continued import and production of class I ODSs for essential laboratory uses necessary for protecting public health and the environment.

The final rule is effective on May 14, 2001 without further notice, unless USEPA receives adverse comment by April 12, 2001. For further information contact Margaret Sheppard at 202/564-9163; e-mail address: sheppard.margaret@epa.gov.

If amendments to the Illinois air rules are 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 (1998)). USEPA is adopting the regulations as a direct final rule without prior proposal because it views the revisions as non-controversial and does not anticipate and significant adverse comments. If adverse comments are received, USEPA will withdraw the direct final rule and utilize the proposal reported above.

United States Environmental Protection Agency Reclassifies the St. Louis Ozone Non-attainment Area From “Moderate” to “Serious”

On March 19, 2001, USEPA finalized its finding that the St. Louis ozone non-attainment area (St. Louis area) failed to attain the one-hour ozone national ambient air quality standard (NAAQS or standard) by November 15, 1996, the attainment date for moderate non-attainment areas set forth in the Clean Air Act (CAA) (42 U.S.C. §§ 7401 *et seq.* (1998)). 66 Fed. Reg. 15577.

By operation of law, the St. Louis area is to be reclassified from a “moderate” to a “serious” non-attainment area on the rule’s effective date of May 18, 2001. In addition, USEPA is requiring Missouri and Illinois to submit State Implementation Plan (SIP) revisions addressing the CAA’s pollution control requirements for serious ozone non-attainment areas by May 18, 2002 and establishing November 15, 2004, as the date by which the St. Louis area must attain the ozone NAAQS.

In a separate action entitled “Proposed Effective Date Modification for Determination of Non-attainment as of November 15, 1996, and Reclassification of the St. Louis Ozone Non-attainment Area; States of Missouri and Illinois,” USEPA proposed to delay the effective date of this rule until June 29, 2001. In that action, USEPA also sets forth its intent to propose to withdraw this final determination and reclassification. If USEPA grants the states an attainment date extension before the effective date of this reclassification rule, Missouri and Illinois are in the concluding stage of a process that could culminate in USEPA final action on an attainment date extension. This extension, if granted, would allow the area to remain classified as a moderate non-attainment area.

In an Order issued January 29, 2001, and amended on February 14, 2001, the United States District Court for the District of Columbia directed USEPA to determine, by March 12, 2001, whether the St. Louis area had attained the applicable ozone standard under the CAA, and ordered USEPA to publish the required notice, if any, that results from its determination by March 20, 2001. Sierra Club v. Whitman, No. 98- 2733. The determination is intended to comply with the court’s order.

The rule becomes effective on May 18, 2001. For further information contact Edward Doty at 312/886-6057.

If amendments to the Illinois air rules are 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 (1998)).

United States Environmental Protection Agency Proposes National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese under the Clean Air Act

On March 22, 2001, USEPA proposed amendments to the national emission standards for hazardous air pollutants (NESHAP) for ferroalloys production: ferromanganese and silicomanganese in a final rule under the authority of the Clean Air Act (42 U.S.C. §§ 7401 *et seq.* (1998)). 66 Fed. Reg. 16024.

The amendments establish new emission limitations for ferromanganese and silicomanganese production in open submerged arc furnaces. Four subcategories were established within this category of furnaces specifying numerical emission limitations for particulate matter (PM) for each to account for differences in emission potential and control, furnace size, operating conditions, and alloy type.

Comments must be received by April 23, 2001. For further information contact Conrad Chin at 919/541-1512; e-mail address: chin.conrad@epa.gov. As discussed immediately below, USEPA has also adopted the regulations as a direct final rule without prior proposal because it views the revisions as non-controversial and does not anticipate any significant adverse comments.

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 Adopts National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese in Final Rule under the Clean Air Act

On March 22, 2001, USEPA adopted amendments to the national emission standards for hazardous air pollutants (NESHAP) for ferroalloys production: ferromanganese and silicomanganese in a final rule under the authority of the Clean Air Act (42 U.S.C. §§ 7401 *et seq.* (1998)). 66 Fed. Reg. 16007.

The amendments establish new emission limitations for ferromanganese and silicomanganese production in open submerged arc furnaces. Four subcategories were established within this category of furnaces specifying numerical emission limitations for particulate matter (PM) for each to account for differences in emission potential and control, furnace size, operating conditions, and alloy type. USEPA adopted the amendments as a direct final rule because it views the amendments as non-controversial and anticipates no adverse comments.

The direct final rule becomes effective on May 21, 2001 without further notice, unless USEPA receives adverse comment by April 23, 2001. For further information contact Conrad Chin at 919/541-1512; e-mail address: chin.conrad@epa.gov. USEPA is adopting the regulations as a direct final rule without prior proposal because it views the revisions as non-controversial and does not anticipate and significant adverse comments. If adverse comments are received, USEPA will withdraw the direct final rule and utilize the proposal reported above.

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 Proposes National Emission Standards for Hazardous Air Pollutants General Provisions and Requirements for Control Technology Determinations for Major Sources under the Clean Air Act

On March 16, 1994, USEPA promulgated general provisions for national emission standards for hazardous air pollutants (NESHAP) and other regulatory requirements that are established under Section 112 of the Clean Air Act (CAA) (42 U.S.C. §§ 7401 *et seq.* (1998)). 59 Fed. Reg. 12408. On March 23, 2001, USEPA proposed amendments to the general provisions that would revise and clarify several of the current provisions.

In addition, USEPA proposed amendments to rules that establish equivalent emission limitations by permit under Section 112(j) of the CAA. The Section 112(j) rule establishes requirements and procedures for owners or operators of major sources of hazardous air pollutants, and permitting authorities, to comply with Section 112(j). The Section 112(j) rule was promulgated on May 20, 1994 (59 Fed. Reg. 26429).

Comments must be received by May 22, 2001. If anyone contacts USEPA by April 2, 2001 requesting a public hearing, one will be held on April 23, 2001. For further information contact James Szykman at 919/541-5469, e-mail address: szykman.jim@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 Delays Effective Date of National Primary Drinking Water Regulations for Arsenic and Clarifications to Compliance and New Source Contaminants Monitoring Until May 22, 2001

In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled "Regulatory Review Plan," published in the *Federal Register* on January 24, 2001, on March 23, 2001, USEPA temporarily delayed for 60 days the effective date of the rule entitled National Primary Drinking Water Regulations; Arsenic and Clarifications to Compliance and New Source Contaminants Monitoring, published in the *Federal Register* on January 22, 2001 (66 Fed. Reg. 6976). 66 Fed. Reg. 16134.

The delayed rule establishes a health-based, non-enforceable Maximum Contaminant Level Goal for arsenic of zero and an enforceable Maximum Contaminant Level for arsenic of 0.01 mg/L (10 ug/L) for public water systems. In addition, it clarifies monitoring and demonstration of compliance for new systems or sources of drinking water. It also clarifies compliance for state-determined monitoring after exceedances for inorganic, volatile organic, and synthetic organic contaminants. Finally, it recognizes the state-specified time period and sampling frequency for new public water systems and systems using a new source of water to demonstrate compliance with drinking water regulations.

The effective date of the National Primary Drinking Water Regulations; Arsenic and Clarifications to Compliance and New Source Contaminants Monitoring, amending 40 C.F.R. Parts 9, 141 and 142, published in the *Federal Register* on Monday, January 22, 2001, at 66 Fed. Reg. 6976, is delayed for 60 days, from the originally scheduled effective date of March 23, 2001, to a new effective date of May 22, 2001. For further information contact Cynthia Dougherty at 202/260-5543.

The Board will include any necessary amendments to the Illinois public water supply rules in an upcoming identical in substance rulemaking pursuant to Sections 7.2 and 17.5 of the Environmental Protection Act (415 ILCS 5/7.2, 17.5 (1998)).

United States Environmental Protection Agency Adopts Control of Emissions of Hazardous Air Pollutants from Mobile Sources in Final Rule

On March 29, 2001, USEPA adopted regulations for the control of emissions of hazardous air pollutants (HAP) from mobile sources in a final rule. 66 Fed. Reg. 17229.

The action addresses emissions of HAPs from motor vehicles and their fuels. Motor vehicles are significant contributors to national emissions of several HAP, notably benzene, formaldehyde, 1,3-butadiene, acetaldehyde, and diesel particulate matter and diesel exhaust organic gases. USEPA listed 21 compounds emitted from motor vehicles that are known or suspected to cause cancer or other serious health effects. The Mobile Source Air Toxics (MSAT) list includes various volatile organic compounds and metals, as well as diesel particulate matter (PM) and diesel exhaust organic gases.

In the action, USEPA also examined the mobile source contribution to national inventories of these emissions and the impacts of existing and newly promulgated mobile source control programs, including the reformulated gasoline (RFG) program, national low emission vehicle standards, Tier 2 motor vehicle emissions standards and gasoline sulfur control requirements, and the proposed heavy-duty engine and vehicle standards and on-highway diesel fuel sulfur control requirements. Between 1990 and 2020, USEPA projects that these programs will reduce on-highway emissions of benzene, formaldehyde, 1,3-butadiene, and acetaldehyde by 67 to 76 percent, and will reduce on-highway diesel PM emissions by 90 percent. The action also finalizes new gasoline toxic emission baseline requirements that require refiners to maintain current levels of over-compliance with toxic emissions performance standards that apply to federal RFG and anti-dumping standards that apply to conventional gasoline.

USEPA is not setting additional vehicle-based air toxics controls at this time because the technology-forcing Tier 2 light-duty vehicle standards and those standards being developed in response to the recent proposal for heavy-duty engine and vehicle standards represent the greatest degree of toxics control achievable at this time considering existing standards, the availability and cost of the technology, and noise, energy, and safety factors, and lead time. Finally, because of continuing concern about the potential health impacts of public exposure to air toxics, the action also describes a Technical Analysis Plan through which USEPA will continue to improve its understanding of the risk posed by air toxics to public health and welfare.

The final rule becomes effective May 29, 2001. For further information contact Margaret Borushko at 734/214-4334; e-mail address: borushko.margaret@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.

Rule Update

Board Adopts Amendments in Proposed New 35 Ill. Adm. Code 217, Subpart T, Cement Kilns, and Amendments to 35 Ill. Adm. Code 211 and 217, R01-11

On March 1, 2001, the Board adopted regulations to implement a program to reduce nitrogen oxides (NO_x) emissions from large cement kilns in Illinois. The program applies to emissions that occur during the period of May 31, 2004 to September 30, 2004, and then from May 1 to September 30 of subsequent years.

The regulations adopted are substantially similar to the proposal filed with the Board by the Illinois Environmental Protection Agency (Agency) on August 21, 2000. The Agency proposed to amend 35 Ill. Adm. Code 211 and 217 of the Illinois air regulations. The Agency also proposed to have the Board add a new Subpart T to Part 217 and to make various conforming amendments to Parts 211 and 217. On August 24, 2000, the Board adopted the Agency proposal for first notice. The Secretary of State then published the proposal in the *Illinois Register* on September 8, 2000. See 24 Ill. Reg. 13,563. On December 21, 2000, the Board adopted its second notice opinion and order and sent this matter to the Joint Committee on Administrative Rules (JCAR) for its consideration. On February 21, 2001, JCAR voted a certificate of no objection.

The Environmental Protection Act (Act) at Section 9.9 requires that the Board adopt regulations limiting NO_x emissions from cement kilns. 415 ILCS 5/9.9(b) (1998). The adopted regulations are also part of the State's overall strategy to improve air quality as required by the federal Clean Air Act (CAA) including the CAA Amendments of 1990 (42 U.S.C. §§ 7401 *et seq.* (1990)). In particular, this rulemaking will assist Illinois in attaining statewide compliance with the one-hour National Ambient Air Quality Standards for ozone.

For additional information contact Joel Sternstein at 312/814-3665; e-mail address: sternstj@ipcb.state.il.us.

Board Dismisses Exemptions from the Definition of VOM Update, USEPA Regulations (July 1, 2000 through December 31, 2000), R01-19

Section 9.1(e) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(e) (1998)) requires the Board to adopt regulations which are "identical in substance," as defined at Section 7.2 of the Act (415 ILCS 5/7.2 (1998)), to exemptions from the definition of "volatile organic material" (VOM), those compounds that USEPA has found to be exempted from regulation under state implementation plans for ozone due to negligible photochemical reactivity. USEPA has codified these exemptions as part of its definitions at 40 C.F.R. § 51.100(s). During the period July 1 through December 31, 2000, USEPA did not amend its definition of VOM. Therefore, no action was necessary, and the Board dismissed the docket.

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

Board Dismisses RCRA Subtitle D Update, USEPA Regulations (July 1, 2000 through December 31, 2000), R01-22

Section 22.40(a) of the Environmental Protection Act (Act) (415 ILCS 5/22.40(a) (1998)) requires the Board to adopt regulations that are “identical in substance,” as defined at Section 7.2 of the Act, to municipal solid waste landfill (MSWLF) regulations that USEPA adopted to implement Subtitle D of the Resource Conservation and Recovery Act of 1976 (42 U.S.C §§ 6941-6949 (1998)). USEPA has codified the federal MSWLF rules as 40 C.F.R. 258. During the period July 1 through December 31, 2000, USEPA did not amend its MSWLF rules. Therefore, no action was necessary, and the Board dismissed the docket.

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

Board Dismisses UST Update, USEPA Regulations (July 1, 2000 through December 31, 2000), R01-24

Section 22.4(d) of the Environmental Protection Act (Act) (415 ILCS 5/22.4(d) (1998)) requires the Board to adopt regulations which are “identical in substance,” as defined at Section 7.2 of the Act (415 ILCS 5/7.2 (1998)), to underground storage tank (UST) regulations promulgated by the USEPA pursuant to Section 9003 of the federal Resource Conservation and Recovery Act of 1976 (RCRA) as amended, 42 U.S.C. § 6993 (1998), to implement Subtitle I of RCRA (42 U.S.C. §§ 6991 *et seq.* (1998)), with certain limitations. USEPA has codified its UST regulations at 40 C.F.R. 281 through 283. During the period July 1 through December 31, 2000, USEPA did not amend its UST regulations. Therefore, no action was necessary, and the Board dismissed the docket.

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

Board Actions

March 1, 2001
Springfield, Illinois

Rulemakings

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| R01-11 | <u>Proposed New 35 Ill. Adm. Code 217.Subpart T, Cement Kilns, and Amendments to 35 Ill. Adm. Code 211 and 217</u> – The Board adopted a final opinion and order to amend its air pollution control regulations to implement a program to reduce nitrogen oxides emissions from large cement kilns in Illinois. | 6-0
Lawton
abstained
R, Air |
| R01-19 | <u>Exemptions from the Definition of VOM Update, USEPA Amendments (July 1, 2000 through December 31, 2000)</u> – The Board dismissed this reserved identical-in-substance docket because the USEPA did not amend its exemptions from the definition of volatile organic material regulations during the update period. | 7-0
R, Air |
| R01-22 | <u>RCRA Subtitle D Update, USEPA Amendments (July 1, 2000 through December 31, 2000)</u> – The Board dismissed this reserved identical-in-substance docket because the USEPA did not amend its non-hazardous waste regulations during the update period. | 7-0
R, Land |

R01-24	<u>UST Update, USEPA Amendments (July 1, 2000 through December 31, 2000)</u> – The Board dismissed this reserved identical-in-substance docket because the USEPA did not amend its underground storage tank regulations during the update period.	7-0 R, Land
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Administrative Citations

AC 01-16 AC 01-17	<u>Sangamon County v. Everett Daily</u> – The Board on its own motion consolidated these administrative citations for the purpose of hearing.	7-0
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AC 01-26	<u>IEPA v. Jack Busby</u> – The Board accepted this petition for review of an administrative citation against this Marion County respondent.	7-0
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AC 01-27	<u>IEPA v. Robert Swan & Perry Swan</u> – The Board granted the Illinois Environmental Protection Agency’s motion to withdraw this administrative citation against these Cass County respondents.	7-0
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Motions and Other Matters

PCB 98-11	<u>Federal Street Construction (Society of Danube Swabians) v. IEPA</u> – The Board granted respondent’s motion for dismissal of this underground storage tank appeal involving a Cook County facility.	7-0 UST-Appeal
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PCB 98-113 PCB 99-28 PCB 99-158 (Cons.)	<u>Clayton Chemical Acquisition Limited Liability Company d/b/a Resource Recovery Group, L.L.C. v. IEPA</u> – The Board granted respondent’s motion for summary judgment in these consolidated permit appeals involving a St. Clair County facility.	7-0 P-A, RCRA
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PCB 99-181	<u>People of the State of Illinois v. Siciliano, 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 Sangamon County facility, the Board ordered publication of the required newspaper notice.	7-0 A-E
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PCB 01-55	<u>CC Landfill, Inc. v. The Coles County Board</u> – The Board granted petitioner’s motion for voluntary dismissal of this pollution control facility siting appeal involving a Coles County facility.	7-0 P-C-F-S-R
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PCB 01-85	<u>NACME Steel Processing, L.L.C. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a Cook County facility.	6-0 Kezelis abstained P-A, Air
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PCB 01-96	<u>Twin County Service Company v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Williamson County facility.	7-0 UST-Appeal
PCB 01-112	<u>Prairie Rivers Network v. IEPA and Black Beauty Coal Company</u> – The Board struck as improperly filed Vermilion Coal Company’s motions to intervene and dismiss petitioner’s permit appeal and granted a motion by Black Beauty Coal Company’s counsel to appear <i>pro hac vice</i> .	7-0 P-A, NPDES Third Party
PCB 01-115	<u>People of the State of Illinois v. Valley Petroleum, Inc.</u> – The Board accepted for hearing this air and water enforcement matter involving a DuPage County facility.	7-0 A&W-E
PCB 01-116	<u>Permacor Refining Group v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this DuPage County facility.	7-0 UST-Appeal 90-Day Ext.
PCB 01-117	<u>Davis & Sons 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 Jefferson County facility.	7-0 UST-Appeal 90-Day Ext.
PCB 01-118	<u>Ratliff Brothers & Company, Inc. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Henry County facility.	7-0 UST-Appeal 90-Day Ext.

March 15, 2001
Via Video Conference Between
Springfield and Chicago, Illinois

Decisions

PCB 01-42 Steven P. Logsdon v. Tilford R. Bowman – The Board found no violation of 35 Ill. Adm. Code 900.102 and 415 ILCS 5/24 by the respondent and dismissed this citizen noise enforcement action involving a Brown County facility. 7-0
N-E, Citizens

Provisional Variance

PCB 01-127 DaimlerChrysler v. IEPA – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Boone County facility a three-day provisional variance, subject to conditions, from the air pollution control requirements found in permit conditions 1d, 2a, 5a.ii, 5a.iii, 11, and 13a.iv through 13a.vi of its State Operating Permit for a New Source Performance Standard Permit #7301312. 7-0
A-V

Motions and Other Matters

PCB 97-26 People of the State of Illinois v. Central Illinois Public Service Company d/b/a Ameren CIPS – 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 Crawford County facility, the Board ordered publication of the required newspaper notice. 7-0
W-E

PCB 99-79 People of the State of Illinois v. GLC, Inc. d/b/a Midwest Grinding and Recycling – 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 Madison County facility, the Board ordered publication of the required newspaper notice. 7-0
A-E

PCB 00-176 People of the State of Illinois v. City of Auburn, Benton & Associates Engineering, Inc., and Petersburg Plumbing and Heating – 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 Sangamon County facility, the Board ordered publication of the required newspaper notice. 7-0
PWS-E

PCB 01-25 Chrysler Realty Corporation v. Thomas Industries, Inc. and TDY Industries, Inc. – The Board granted the parties' joint motion for voluntary dismissal of this underground storage tank enforcement action involving a Cook County facility. 7-0
UST-E, Citizens

PCB 01-88 IBP, Inc. (Joslin Facility) v. IEPA – The Board accepted for hearing this air permit appeal involving a Henry County facility. 7-0
P-A, Air

PCB 01-101	<u>Marathon Oil Company v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this DuPage County facility.	7-0 UST-FRD
PCB 01-102	<u>Cassens and Sons, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Madison County facility. The Board denied petitioner’s motion to incorporate by reference as unnecessary.	7-0 UST-FRD
PCB 01-121	<u>Abed Nesheiwat and SAQ, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	7-0 UST-FRD
PCB 01-122	<u>McHenry Storage 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 McHenry County facility.	7-0 UST-FRD 90-Day Ext
PCB 01-123	<u>Waste Management of Illinois, Inc. d/b/a Waste Management of Peoria 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 Tazewell County facility.	7-0 UST-Appeal 90-Day Ext
PCB 01-124	<u>Pilkington North America, Inc. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this LaSalle County facility.	7-0 P-A, Water 90-Day Ext.
PCB 01-125	<u>Builder’s Plumbing Supply 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 Lake County facility.	7-0 UST-Appeal 90-Day Ext.

New Cases

March 1, 2001 Board Meeting

01-115 People of the State of Illinois v. Valley Petroleum, Inc. – The Board accepted for hearing this air and water enforcement matter involving a DuPage County facility.

01-116 Permacor Refining Group v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this DuPage County facility.

01-117 Davis & Sons 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 Jefferson County facility.

01-118 Ratliff Brothers & Company, Inc. v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Henry County facility.

01-119 Stuart C. Nuss v. Village of Durand – The Board held for a later duplicitous/frivolous determination this citizen’s water enforcement action involving a Winnebago County facility.

AC 01-28 IEPA v. American Disposal Services of Illinois, Inc. d/b/a McLean County Landfill, and Daniel Winters – The Board accepted an administrative citation against these McLean County respondents.

March 15, 2001 Board Meeting

01-102 Cassens and Sons, Inc. v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Madison County facility. The Board denied petitioner’s motion to incorporate by reference as unnecessary.

01-120 Plexus Scientific Corporation v. IEPA – No action taken.

01-121 Abed Nesheiwat and SAQ, Inc. v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.

01-122 McHenry Storage 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 McHenry County facility.

01-123 Waste Management of Illinois, Inc. d/b/a Waste Management of Peoria 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 Tazewell County facility.

01-124 Pilkington North America, Inc. v. IEPA – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this LaSalle County facility.

01-125 Builder’s Plumbing Supply 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 Lake County facility.

01-127 DaimlerChrysler v. IEPA – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Boone County facility a three-day provisional variance, subject to conditions, from the monitoring and record keeping requirements found in permit conditions 1d, 2a, 5a.ii, 5a.iii, 11, and 13a.iv through 13a.vi of its State Operating Permit for a New Source Performance Standard Permit #7301312.

AC 01-29 IEPA v. Leslie Yocum, Sandra Yocum, Laura L. Yocum, Rick L. Yocum, Kandy S. Yocum, and Shawna B. Yocum – The Board accepted an administrative citation against these Schuyler County respondents.

AC 01-30 IEPA v. Leslie Yocum and Sandra Yocum – The Board accepted an administrative citation against these Schuyler County respondents.

AC 01-31 IEPA v. Jeffrey Sides – The Board accepted an administrative citation against this Union County respondent.

AC 01-32 IEPA v. City of East Moline, Illinois d/b/a East Moline Municipal Landfill and Dave Geier – The Board accepted an administrative citation against these Rock Island County respondents.

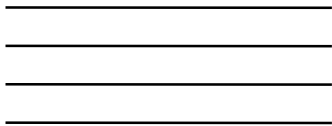
Calendar

4/2/2001 10:00 am	R01-28	In the Matter of: Amendments to Livestock Waste Regulations: 35 Ill. Adm. Code 506	James R. Thompson Center 100 West Randolph Street Room 9-040 Chicago
4/3/2001 10:00 am	R01-26	In the Matter of: Amendments to Regulation of Petroleum Leaking Underground Storage Tanks: 35 Ill. Adm. Code 732	James R. Thompson Center 100 West Randolph Street Room 2-025 Chicago
4/4/2001 9:30 am	R01-27 R01-29 (consol.)	In the Matter of: Site Remediation Program: Amendments to 35 Ill. Adm. Code 740	James R. Thompson Center 100 West Randolph Street Room 2-025 Chicago
4/5/2001 11:00 am		Illinois Pollution Control Board Meeting	James R. Thompson Center 100 West Randolph Street Conference Room 9-040 Chicago
4/5/2001 1:30 pm	R01-14	In the Matter of: Proposed MTBE Groundwater Quality Standards Amendments: 35 Ill. Adm. Code 620	James R. Thompson Center 100 West Randolph Street Room 8-033 Chicago
4/9/2001 9:00 am	AC 00-84	IEPA v. James Day (Longview/Jim Day) IEPA Docket No. 248-00-AC	City Council Chambers 102 North Neil Street Champaign
4/10/2001 9:00 am	AC 00-84	IEPA v. James Day (Longview/Jim Day) IEPA Docket No. 248-00-AC	City Council Chambers 102 North Neil Street Champaign
4/10/2001 9:00 am	PCB 00-90	Roger L. Young and Romana K. Young v. Gilster-Mary Lee Corporation	Randolph County Courthouse Board Room, 2nd Floor One Taylor Street Chester
4/11/2001 1:00 pm	PCB 00-90	Roger L. Young and Romana K. Young v. Golster-Mary Lee Corporation	Randolph County Courthouse Board Room 2nd Floor One Taylor Street Chester
4/17/2001 10:00 am	PCB 00-171	People v. City of Charleston	Mattoon City Hall 2nd Floor Courtroom 208 North 19th Street Mattoon
4/19/2001 11:00 am		Illinois Pollution Control Board Meeting	James R. Thompson Center 100 West Randolph Street Conference Room 9-040 Chicago
4/24/2001 9:30 am	PCB 00-127	People v. Dayne Roger and Black Gold International Crosby & Associates, P.C.	Rockford State Office Building Rooms A & B 4302 North Main Street Rockford
4/30/2001 10:00 am	R01-28	In the Matter: Amendments to Livestock Waste Regulations: 35 Ill. Adm. Code 506	Illinois Pollution Control Board Hearing Room 403 600 South Second Street Springfield

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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