



ENVIRONMENTAL REGISTER



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FEDERAL ACTIONS

United States Environmental Protection Agency Adopts Minor Amendments to the Motor Vehicle Inspection Maintenance Program Evaluation Requirements

On January 9, 1998, the United States Environmental Protection Agency (USEPA) adopted minor amendments to the Motor Vehicle Inspection/Maintenance (I/M) requirements. These amendments replace the I/M requirement that the tailpipe portion of the mandatory program evaluation be performed using only an IM240 or equivalent mass-emission transient test with a requirement that states use a sound evaluation methodology capable of providing accurate information about the overall effectiveness of an I/M program. 63 Fed. Reg. 1362 (January 9, 1998). The goal of this action is to allow states additional flexibility to use not only IM240 but other approved alternative methodologies for their program evaluation. USEPA's action also clarifies that such program evaluation testing shall begin no later than November 30, 1998, and is not required to be coincident with program start up (though the first report is still due two years after program start up). This action (*Cont'd on p.4*)

RULEMAKING UPDATE

Board Adopts Second Notice Proposal in Fast Track Air Rulemaking Regarding Major Stationary Sources Construction and Modification (New Source Review Rules): Amendments to 35 Ill. Adm. Code 203, R98-10

On January 8, 1998, the Board adopted for second notice review by the Joint Committee on Administrative Rules (JCAR) amendments to 35 Ill. Adm. Code 203, the New Source Review (NSR) rules, docketed by the Board as R98-10. On September 2, 1997, the Illinois Environmental Protection Agency (IEPA) filed a proposal for rulemaking to amend the NSR rules. This rulemaking proposes to revise particular sections in 35 Ill. Adm. Code 203 so that the language more closely reflects the terminology used in Sections 182(c)(7) and (8) of the Clean Air Act. 42 U.S.C. § 7511(c)(7), (8) (1996). The proposal affects existing sources in ozone nonattainment areas that are subject to the "special rules" for modifications found at Sections 182(c)(7) and (8) of the Clean Air Act, *i.e.*, existing sources making "major" modifications at sources in serious and severe ozone nonattainment areas. (This would, as a practical matter, currently affect only the Chicago ozone nonattainment area. See 35 Ill. Adm. Code 218.103.) On September 4, 1997, the Board adopted these proposed amendments for first notice publication in the *Illinois Register* (21 Ill. Reg. 12823 (September 19, 1997)).

The Board had adopted the "special rules" as portions of Sections 203.206, 203.207, and 203.301 in its rulemaking entitled *In the Matter of: Amendments to New Source Review Rules, 35 Ill. Adm. Code 203* (April 22, 1993), R92-21. These rules were based on the IEPA's understanding of the United States Environmental Protection Agency's (USEPA) preliminary guidance on Sections 182(c)(7) and (8) of the Clean Air Act. The current proposal amends the Board's rules to be consistent with USEPA's more recent interpretation of the "special rules" in its 1996 NSR rule proposal. 61 Fed. Reg. 38249 (July 23, 1996). The proposed rules change the method of handling (*Cont'd on p.2*)

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RULEMAKING UPDATE

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internal emission offsets, which may allow a source to "net-out" of NSR rule requirements or at least avoid imposition of some Best Available Control Technology and Lowest Achievable Emission Rate requirements. The IEPA asserts that these proposed rules will also impact some calculations under the proposed Emissions Reduction Market System (ERMS). See In the Matter of: Emissions Reduction Market System: 35 Ill. Adm. Code 205 (July 10, 1997), R97-13. The ERMS program is an element of Illinois' "Rate of Progress" plan required by Section 182(c)(2)(B) of the Clean Air Act.

This proposal was filed pursuant to the fast-track rulemaking procedures of Section 28.5 of the Environmental Protection Act (Act). 415 ILCS 5/28.5 (1996). Pursuant to that section, the Board is required to proceed within set timeframes toward the adoption of the regulation. The Board has no discretion to adjust these timeframes under any circumstances. Pursuant to Section 28.5 of the Act (415 ILCS 5/28.5 (1996)), the Board held a hearing on Friday, October 17, 1997, at 10:00 a.m. in Room 9-040, James R. Thompson Center, 100 W. Randolph St., Chicago. No requests were made for the second and third hearings. Consequently, those hearings were canceled by hearing officer order dated October 29, 1997.

All comments regarding this rulemaking may be directed to Amy Muran Felton at 312/814-7011, e-mail address: amuranfe@pcb084r1.state.il.us ♦

Board Adopts Site-Specific Petition of Mobil Oil Corporation for Relief from 35 Ill. Adm. Code 304.122, Ammonia Nitrogen Effluent Standards, R97-28

On January 22, 1998, the Board approved final adoption of a site-specific petition of Mobil Oil Corporation (Mobil) for relief from 35 Ill. Adm. Code 304.122, relating to the Board's ammonia nitrogen effluent standards. On December 4, 1997, the Board adopted this matter for second notice review by the Joint Committee on Administrative Rules (JCAR). On January 14, 1998, JCAR issued a certificate of no objection.

The Board approved Mobil's request that ammonia nitrogen effluents limits applicable to the Joliet Refinery be permanently set at 9.0 mg/L measured as a monthly average and 23.0 mg/L measured as a daily maximum. The Board also granted Mobil's request that Section 304.214 be reactivated, with new effluent limits replacing the old, and with the old expiration date deleted. One public hearing was held in this matter on July 2, 1997, prior to first notice publication in the *Illinois Register*. Finally, the Board ordered that this site-specific rule terminate (sunset) on December 31, 2007.

Please direct any questions regarding this matter to Amy Muran Felton at 312/814-7011; e-mail address: amuranfe@pcb084r1.state.il.us ♦

Board Adopts Final Order in In the Matter of: Wood Furniture Coating: Amendments to 35 Ill. Adm. Code 211, 218, and 219, R97-31

On January 22, 1998, the Board adopted amendments to 35 Ill. Adm. Code 211, 218, and 219, some of the volatile organic material rules for wood furniture coating operations. On December 18, 1997, the Board adopted this rulemaking for second notice review by the Joint Committee on Administrative Rules (JCAR). On January 14, 1998, JCAR issued a certificate of no objection.

The Board amended its regulations in response to the issuance by the United States Environmental Protection Agency of a Control Technique Guideline governing wood furniture coating operations. The principal amendments consist of changes in the values and units of measurements for volatile organic material content of top coats and sealers and the establishment of new work practice standards. Most of the Board's existing regulations governing wood furniture coating operations are not affected by the adoption of this proposal. The effective date of the amendments is March 15, 1998. Hearings were held in Edwardsville on August 5, 1997, and in Chicago on August 13, 1997.

Please direct any questions regarding this matter to Amy Muran Felton at 312/814-7011; e-mail address: amuranfe@pcb084r1.state.il.us ♦

Board Adopts First Notice Proposal to Amend 35 Ill. Adm. Code 240, Enhanced Vehicle Inspection and Maintenance Regulations, R98-24

On January 22, 1998, the Board adopted a first notice proposal to amend the existing air rules 35 Ill. Adm. Code 240, Enhanced Vehicle Inspection and Maintenance Regulations. The January 21, 1998, proposal was filed by the Illinois Environmental Protection Agency (IEPA). A 45-day public comment period will commence upon publication of the first notice proposal in the *Illinois Register*.

Sections 182(b) and 182(c) of the federal Clean Air Act (CAA) (42 U.S.C. Sections 7582(b), 7582(c) (1990)) require states to adopt "inspection and maintenance" (I/M) programs in areas that do not meet National Ambient Air Quality Standards (NAAQS) for ozone and/or carbon monoxide. In Illinois, two areas do not meet the NAAQS for ozone: the "Metro-East area," which is in moderate nonattainment with the ozone NAAQS; and the "Chicago ozone non-attainment area," which is in severe nonattainment with the ozone NAAQS.

Illinois has a Vehicle Emission Inspection Law (Inspection Law) currently codified at 625 ILCS 5/13B-1-13B-75 (1996). The Inspection Law applies only in the

Chicago and Metro-East ozone nonattainment areas. Among other things, it requires the IEPA to propose to the Board, and the Board to adopt, emissions standards for vehicles in those areas.

Specifically, the proposed amendments: (1) modify the evaporative system test to allow for three types of inspection of the fuel cap portion of a vehicle's evaporative system, rather than the current test; (2) add "fast-pass" standards to allow vehicles undergoing I/M 240 exhaust emissions tests to be tested more quickly, saving time and money; and (3) add standards for the required on-board diagnostic test and on-road sensing test. In addition, the proposed rules eliminate the requirement that certain vehicles receive a "purge" test, in accordance with recent amendments to the Inspection Law. The Agency asserts that the proposal constitutes an integral part of Illinois' enhanced I/M State Implementation Plan (SIP) package and must be adopted before an enhanced I/M SIP can be finally approved, and any threat of federal sanctions under the CAA can be eliminated.

This rulemaking was filed pursuant to the fast-track rulemaking procedures under Section 28.5 of the Environmental Protection Act (415 ILCS 5/28.5 (1996)). The Board is required to proceed within set timeframes toward the adoption of the regulations. The Board has no discretion to adjust these timeframes under any circumstances. The first hearing in this matter will be held on March 17, 1998, at 10:30 a.m. in Room 9-040 of the James R. Thompson Center, 100 West Randolph, Chicago, Illinois. The second and third hearings are scheduled for April 14, 1998, and April 28, 1998, and will be held at 10:30 a.m. in Room 9-030 of the James R. Thompson Center, 100 West Randolph, Chicago, Illinois.

Please direct any questions regarding this matter to Amy Muran Felton at 312/814-7011; e-mail address: amuranfe@pcb084r1.state.il.us ♦

Board Requests Filing of Rulemaking Proposal in **In the Matter of Amendments to 35 Ill. Adm. Code 506, Livestock Waste Regulations, R98-26**

On January 22, 1998, the Board opened a docket to request that the Department of Agriculture submit a rulemaking proposal to the Board to amend the Board's regulations at 35 Ill. Adm. Code 506 to incorporate and implement the latest set of amendments to the Livestock Management Facilities Act (Livestock Act). See P.A. 90-565, eff. January 2, 1998. This proposal would amend existing agricultural-related water pollution rules adopted by the Board in In the Matter of: Livestock Waste Regulations 35 Ill. Adm. Code 506 (May 15, 1997), R97-15(A). The proposal may be submitted to the Clerk's Office, Illinois Pollution Control Board, 100 West Randolph, Suite 11-500, Chicago, Illinois 60601.

Please direct any questions regarding this rulemaking to Cynthia Ervin at 217/524-8509, e-mail address: cervin@pcb084r1.state.il.us ♦

Board Accepts for Hearing Review of Remediation Costs for Environmental Remediation Tax Credit, Amendments to 35 Ill. Adm. Code 740, R98-27

On January 22, 1998, the Board accepted for hearing a proposal to amend 35 Ill. Adm. Code 740, Review of Remediation Costs for Environmental Remediation Tax Credit. On January 21, 1998, the Illinois Environmental Protection Agency (IEPA) submitted a proposal to amend the Site Remediation Program (35 Ill. Adm. Code 740). The proposal sets forth procedures for the IEPA's review of costs potentially qualifying for an environmental remediation tax credit and provides for related appeals to the Board. The proposal was timely filed by the IEPA as required by Section 58.14 of the Environmental Protection Act (415 ILCS 5/28.14, added by P.A. 90-123, eff. July 21, 1997). The Board must adopt its second notice order on or before July 21, 1998. The first hearing in this matter is scheduled for February 24, 1998, at 10:00 a.m. in Room 9-040 of the James R. Thompson Center, 100 West Randolph, Chicago, Illinois. The second hearing is scheduled for February 27, 1998, 10:00 a.m. in Room 403/404 of the Illinois State Library, 300 South Second Street, Springfield, Illinois.

Please direct any questions regarding this rulemaking to Richard McGill at 312/814-6983, e-mail address: rmcgill@pcb084r1.state.il.us ♦

FEDERAL ACTIONS

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also clarifies that "initial test" means that the test is conducted before repairs for each test cycle, and does not, therefore, preclude states from using alternative sampling methodologies such as roadside pullover to sample the fleet. This rule became effective on February 9, 1998. ♦

United States Environmental Protection Agency Proposes National Volatile Organic Material Emission Standards for Automobile Refinish Coatings

On December 30, 1997, the United States Environmental Protection Agency (USEPA) proposed several changes regarding applicability, test methods, and multi-colored topcoats to the national volatile material (VOM) emissions standards for automobile refinish coatings.

Section 183(e) of the Clean Air Act (CAA) (42 U.S.C. § 7401 *et seq.* (1990)) requires the Administrator of the USEPA to study and report to Congress on emissions of VOM into the ambient air from consumer and commercial products and their potential to contribute to ozone nonattainment levels. In addition, Section 183(e) of the CAA requires the Administrator to list those categories of consumer and commercial products that account for at least 80% of the VOM emissions, on a reactivity-adjusted basis, in ozone nonattainment areas and establish priorities for their regulation. USEPA submitted the report to Congress on March 15, 1995, and on this same date established the priority list for future regulation of the consumer and commercial products that account for 80% of VOM emissions, on a reactivity-adjusted basis, in nonattainment areas (56 Fed. Reg. 15264 (March 23, 1995)). Automobile refinish coatings are in the first group of products to be regulated. On April 30, 1996, USEPA proposed VOM emission standards for automobile refinish coatings.

Comments should be submitted by February 28, 1998, to: USEPA, Air and Radiation Docket and Information Center (6102), Attention: Docket No. A-95-18, 401 M Street, SW, Washington, DC 20460.

United States Environmental Protection Agency Finalizes Regulations for a Voluntary Clean Car Program Entitled the National Low Emission Vehicle Program

On January 7, 1998, the United States Environmental Protection Agency (USEPA) finalized the necessary federal regulations for a voluntary clean car program called the National Low Emission Vehicle (National LEV) program, which is designed to reduce smog and other pollution from new motor vehicles. 63 Fed. Reg. 925 (January 7, 1998). The program will come into effect

only if the northeastern states (members of the Ozone Transport Commission or OTC) and the auto manufacturers enroll in it. The national LEV regulations allow manufacturers to commit to meet tailpipe standards for car and light-duty trucks that are more stringent than USEPA can mandate. Manufacturers have said they would be willing to commit to the program if the OTC states also make binding commitments to the program. Once the program comes into effect, it would be enforceable in the same manner as any other federal new motor vehicle program. This regulation became effective January 7, 1998. ♦

Proposed Consent Decree Lodged With Marathon Oil Company, located in Robinson, Crawford County, Illinois

On January 5, 1998, a proposed consent decree in United States v. Marathon Oil Company, Civil No. 96-4117-JLF (S.D. Ill.), was filed with the United States District Court of the Southern District of Illinois. 63 Fed. Reg. 2694 (January 16, 1998). The proposed consent decree resolves the United States' civil claims against Marathon Oil Company arising from its operations at its refinery in Robinson, Crawford County, Illinois, under the Clean Air Act (42 U.S.C. § 7401-7671q) and the Resource Conservation and Recovery Act (42 U.S.C. § 6901-6992k). Under the terms of the proposed consent decree, Marathon Oil Company will pay a civil penalty of \$75,000 and perform a supplemental environmental project, which will include the implementation of an early-compliance program with projected Clean Air Act regulations for which Marathon Oil Company will expend not less than \$382,000 net after-tax.

United States Environmental Protection Agency Approves State Implementation Plan Amendment for Marathon Oil Refinery in Robinson, Crawford County

On January 26, 1998, the United States Environmental Protection Agency (USEPA) approved an Illinois State Implementation Plan amendment for Marathon Oil Refinery (Marathon) in Robinson, Crawford County, Illinois. 63 Fed. Reg. 3650 (January 26, 1998). On August 27, 1997, the Illinois Environmental Protection Agency submitted a variance granted by the Board to allow Marathon to emit particulate matter in increased quantities from June 14, 1996, through September 5, 1996, allowing the company to defer repairs of its control equipment until a scheduled system shutdown. Modeling indicated that the temporary emissions increase would not be expected to cause a violation of air quality standards. USEPA approved this variance because air quality standards continue to be protected.

This action is effective on March 27, 1998, unless USEPA receives adverse or written comments on or

before February 25, 1998. Comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR-18J), USEPA, 77 West Jackson Boulevard, Chicago, Illinois 60604. ♦

Notice of Proposed Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act for Ameritech Elgin Site

On January 9, 1998, a proposed consent decree in *United States v. Ameritech Corporation, et al.*, Civil Action Number 97 C 2207, was filed with the United States District Court for the Northern District of Illinois. 63 Fed. Reg. 4474 (January 29, 1998). The proposed consent decree resolves the United States' claims against Ameritech for past costs incurred in connection with the Elgin Salvage Superfund Site located in Elgin, Kane County, Illinois, in return for a total payment of \$375,000.

Comments regarding this proposed consent decree can be sent to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, until March 1, 1998. The comments should refer to DOJ Ref. Number 90-11-2-1187. ♦

United States Environmental Protection Agency Issues a Denial of Petition to Delete Phosphoric Acid from the Reporting Requirements of the Emergency Planning and Community Right-to-Know Act of 1986 and of the Pollution Control Act of 1990

On January 23, 1998, the United States Environmental Protection Agency (USEPA) denied a petition to delete phosphoric acid from the reporting requirements under Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 and Section 6607 of the Pollution Control Act of 1990. 63 Fed. Reg. 3566 (January 23, 1998). This action is based on USEPA's conclusion that phosphoric acid does not meet the deletion criteria of EPCRA Section 313(d)(3). Specifically, USEPA is denying this petition because its

review of the petition and available information resulted in the conclusion that phosphoric acid meets the listing criterion in EPCRA Section 313(d)(2)(C). Phosphates that result from the neutralization of phosphoric acid may cause algal blooms. Algal blooms result in deoxygenation of the water and other effects that may ultimately lead to a number of serious adverse effects on ecosystems, including fish kills and changes in the composition of animal and plant life. ♦

United States Environmental Protection Agency (USEPA) Solicits Proposals Under the Environmental Justice Through Pollution Prevention Grant Program

On January 23, 1998, the United States Environmental Protection Agency (USEPA) issued a solicitation for grant proposal under the Environmental Justice Through Pollution Prevention grant program. 63 Fed. Reg. 3563 (January 23, 1998). USEPA anticipates that as much as \$4 million will be available in fiscal year 1998. The purpose of this program is to support pollution prevention approaches that address environmental justice concerns in affected communities. The grant funds will support: (1) local environmental, environmental justice, and community grassroots organizations, including religious and civic organizations, as well as tribal governments that promote environmental justice using pollution prevention as the preferred approach; (2) national and regional organizations working in partnership with local organizations, or tribal governments to promote environmental justice using pollution prevention approaches; (3) state and local governments; and (4) academic institutions.

To obtain copies of the grant program guidance and application package, please contact Louise Little at 703/841-0483. A complete electronic copy of the grant program guidance and application package is also available on the USEPA Home Page at the following address: <http://www.epa.gov/opptintr/ejp2>. ♦

BOARD ACTIONS 1/8/98**RULEMAKINGS**

R98-10	<u>In the Matter of: Amendments to Major Stationary Sources Construction and Modification Rules (New Source Review Rules) 35 Ill. Adm. Code 203 - Proposed Rule, Second Notice, Opinion and Order</u>	6-0
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ADJUSTED STANDARDS

AS 97-10	<u>In the Matter of: Petition of Waste Professionals, Inc., d/b/a Pekin Landfill for an Adjusted Standard from 35 Ill. Adm. Code Part 814, Subpart D - The Board granted the IEPA's Motion for Additional Time to Respond to Petitioner's Amended Petition until January 20, 1998.</u>	5-0 Hennessey abstained
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ADJUDICATORY CASES**Decisions**

PCB 96-75	<u>People of the State of Illinois v. Harvey Cash, d/b/a Cash Oil Company - The Board found that respondent violated the following Sections of the Environmental Protection Act: Sections 9(a) and (c) of (415 ILCS 5/9(a)(c) (1996) by open burning demolition debris; Section 21(a) (415 ILCS 5/21(a) (1996)) by open dumping of waste; and Section 9.1(d)(1) (415 ILCS 5/9.1(d)(1) (1996)) by failing to give the IEPA ten days prior notice of intent to demolish a commercial building in Flora, Illinois. The Board found that a civil penalty of \$1500 was warranted in this case.</u>	6-0
PCB 96-170	<u>People of the State of Illinois v. Robinette Demolition, Inc. - The Board accepted a stipulation and settlement agreement in this air enforcement action concerning asbestos demolition and renovation activity performed at sites in the following counties: Will, Cook, Lake, Kane, and Bureau, ordered respondent to pay a civil penalty of \$14,000, and ordered respondent to cease and desist from further violations.</u>	6-0
PCB 97-10	<u>People of the State of Illinois v. Allsteel, Inc. - The Board accepted a stipulation and settlement agreement in this RCRA enforcement action involving a Kane County facility, ordered respondent to pay a civil penalty of \$27,500, and ordered respondent to cease and desist from further violations.</u>	5-0 Hennessey abstained
PCB 98-42	<u>People of the State of Illinois v. Illini Protein - The Board accepted a stipulation and settlement agreement in this EPCRA enforcement action involving a Stephenson County facility, ordered respondent to pay a civil penalty of \$27,500, and ordered respondent to cease and desist from further violations.</u>	6-0
PCB 98-43	<u>Sierra Club and Jim Bensman v. City of Wood River and Norton Environmental - The Board affirmed the City of Wood River's August 18, 1997, siting approval granted to respondent.</u>	6-0

Motions and Other Matters

PCB 95-44	<u>General Business Forms, Inc. v. IEPA</u> - The Board granted petitioner's motion for withdrawal of this request for a permit appeal involving a Cook County facility.	6-0
PCB 96-148	<u>People of the State of Illinois v. U.S. Dismantlement Corporation, and USDC Environmental, Inc.</u> - The Board issued an interim finding of default and judgment against each respondent. Insofar as complainant sought the imposition of civil penalties, attorney fees, expert witness, and consultant fees, as outlined in the July 23, 1997, amended complaint (Am. Comp. at 9, 14, 17, 19, 21), the Board ordered that it could not enter an order granting complainant's requested relief on the basis of the bare complaint. The Board ordered complainant to provide the Board, on or before January 29, 1998, with information, argument, and affidavits, if necessary. Upon receipt and consideration of the aforementioned documents, the Board ordered that it will issue a final order in this matter.	6-0
PCB 96-252	<u>Martin & Bayley, Inc. v. IEPA</u> - The Board granted petitioner's motion for withdrawal of this underground storage tank appeal involving a Marion County facility.	6-0
PCB 97-102	<u>Borden Chemicals and Plastics Operating Limited Partnership v. IEPA</u> - The Board granted petitioners' joint motion to correct November 6, 1997, opinion and order.	5-0 Hennessey abstained
PCB 97-199	<u>Tri Star Marketing, Inc. v. IEPA</u> - The Board granted petitioner's request for an expedited decision consistent with the Board's time and resources.	6-0
PCB 97-217	<u>People of the State of Illinois v. Bigelow Group, Inc.</u> - The Board denied respondent's motion to dismiss.	5-0 Hennessey abstained
PCB 97-226	<u>Riverview FS, Inc. v. IEPA</u> - The Board ordered the IEPA to file the entire IEPA record of the reimbursement request within 14 days of the date of this order.	6-0
PCB 98-59	<u>Morton College Board of Trustees of Illinois Community College District No. 527 v. Town of Cicero</u> - The Board denied respondent's motion to dismiss.	6-0
PCB 98-63	<u>Exolon-ESK Company v. IEPA</u> - Accept for Hearing Order	6-0
PCB 98-72	<u>St. Clair Properties Development, Inc. v. IEPA</u> - The Board accepted petitioner's amended petition and granted petitioner's motion to appear <i>pro hac vice</i> .	5-0 Hennessey abstained
PCB 98-84	<u>Scott Behrmann and Shelly Behrmann v. Okawville Farmers Elevator-St. Libory</u> - Accept for Hearing Order	6-0
PCB 98-87	<u>L. Keller Oil Properties, Inc. v. IEPA</u> - Accept for Hearing Order	6-0
PCB 98-88	<u>Illinois State Toll Highway Authority v. IEPA</u> - The Board accepted this request for a 90-day extension of time to file a underground storage tank appeal on behalf of a Lake County facility.	6-0

Motions and Other Matters (cont'd)

PCB 98-91	<u>Village of Millstadt v. IEPA</u> - The Board accepted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a St. Clair County facility.	6-0
PCB 98-92	<u>People of the State of Illinois v. Target Stores, 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 against a DuPage County facility, the Board ordered publication of the required newspaper notice.	6-0
PCB 98-96	<u>Franklin Community School District #1 v. IEPA</u> - Accept for Hearing Order	6-0

BOARD ACTIONS 1/22/98**RULEMAKINGS**

R97-28	<u>In the Matter of: Site-Specific Petition of Mobil Oil Corporation for Relief from 35 Ill. Adm. Code 304.122, Ammonia Nitrogen Effluent Standards</u> - Adopted Rule, Final Order, Opinion and Order. The Board adopted amendments to the water pollution control regulations.	6-0 Hennessey abstained
R97-31	<u>In the Matter of: Wood Furniture Coating Amendments to 35 Ill. Adm. Code Parts 211, 218, and 219.Subpart F</u> - Adopted Rule, Final Order, Opinion and Order. The Board adopted amendments to the air pollution control regulations.	7-0
R98-24	<u>In the Matter of: Enhanced Vehicle Inspection and Maintenance (I/M) Regulations: Amendments to 35 Ill. Adm. Code 240</u> - Proposed Rule, First Notice, Opinion and Order. The Board accepted for hearing and adopted a first notice opinion and order in response to the Illinois Environmental Protection Agency's fast-track proposal to amend the Board's air pollution control regulations.	7-0
R98-26	<u>In the Matter of: Amendments to 35 Ill. Adm. Code 506, Livestock Waste (P.A. 90-565)</u> - The Board on its own motion opened a docket to request that the Department of Agriculture submit a rulemaking proposal to the Board to amend the Board's regulations at 35 Ill. Adm. Code 506 to incorporate and implement the recent amendments to the Livestock Management Facilities Act.	7-0
R98-27	<u>In the Matter of: Review of Remediation Costs for Environmental Remediation Tax Credit (Amendments to 35 Ill. Adm. Code 740)</u> - The Board accepted for hearing the Illinois Environmental Protection Agency's proposal to amend the Site Remediation Program (35 Ill. Adm. Code 740).	7-0

ADMINISTRATIVE CITATIONS

AC 97-71	<u>County of Will v. Michael O'Gradney</u> - The Board granted complainant's motion for withdrawal of this administrative citation involving a Will County facility.	7-0
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ADMINISTRATIVE CITATIONS (CONT'D)

AC 98-13	<u>IEPA v. Mandarin Investment Corporation, Jayne Lien, and Fred Rosenberger</u> - In this administrative citation action involving a Peoria County facility, the Board granted complainant's motion to dismiss respondents, Jayne Lien and Fred Rosenberger, accepted a stipulation and settlement agreement, ordered the remaining respondent, Mandarin Investment Corporation (Mandarin), to pay a civil penalty of \$500, and dismissed this action. As part of the settlement agreement, Mandarin admitted violating Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1) (1996)).	7-0
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ADJUDICATORY CASES*Provisional Variances*

PCB 98-99	<u>Clark Refining & Marketing, Inc. v. IEPA</u> - Upon receipt of an IEPA recommendation, the Board granted a 30-day provisional variance from the 90-day limitation on the accumulation of hazardous wastes at this Madison County facility.	7-0
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Motions and Other Matters

PCB 96-209	<u>People of the State of Illinois v. Macon County Landfill Corporation</u> - The Board denied complainant's motion to reconsider its November 20, 1997, Board order.	6-0 Manning abstained
PCB 96-222	<u>Koppers Industries, Inc. v. IEPA</u> - The Board granted petitioner's motion for withdrawal of this request for a permit appeal involving a Knox County facility.	6-0 Hennessey abstained
PCB 98-54	<u>Edward Malina v. Jean Day</u> - The Board denied respondent's motion to dismiss and accepted for hearing this citizen's underground storage tank enforcement action against a DuPage County facility.	6-1 Flemal dissented, McFawn concurred
PCB 98-59	<u>Morton College Board of Trustees of Illinois Community College District No. 527 v. Town of Cicero</u> - The Board accepted respondent's motion to "Take Judicial Notice of the College's United States District Court Complaint for Enforcement and Cost Recovery Under the Illinois Environmental Protection Act."	7-0
PCB 98-98	<u>Environmentally Concerned Citizens Organization (E.C.C.O.) and Beth Finney v. Landfill L.L.C. d/b/a and/or a/k/a West End Disposal Facility and the Saline County Board of Commissioners</u> - The Board accepted for hearing this appeal of a pollution control facility (landfill) siting decision involving a Saline County facility.	7-0

NEW CASES 1/8/98

98-60 CDT Landfill Corporation v. City of Joliet - The Board accepted for hearing this landfill siting appeal on behalf of a Will County facility.

98-86 People of the State of Illinois v. Harris Bank Barrington, as trustee for Trust No. 11-5062, Kurt Kresmery, individually as beneficiary of Trust No. 11-5062, and Kenneth Kresmery - The Board received for hearing this air enforcement action against a Kane County facility.

98-87 L. Keller Oil Properties, Inc. v. IEPA - The Board accepted for hearing this appeal of an underground storage tank decision on behalf of a Marion County facility.

98-88 Illinois State Toll Highway Authority v. IEPA - The Board accepted this request for a 90-day extension of time to file a underground storage tank appeal on behalf of a Lake County facility.

98-89 People of the State of Illinois v. Fischer Crane Company - The Board received for hearing this air and land enforcement action against a Will County facility.

98-90 People of the State of Illinois v. Marathon Oil Company - The Board received for hearing this water enforcement action against a Crawford County facility.

98-91 Village of Millstadt v. IEPA - The Board accepted this request for a 90-day extension of time to file a permit appeal on behalf of a St. Clair County facility.

98-92 People of the State of Illinois v. Target Stores, Inc. - 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 against a DuPage County facility, the Board ordered publication of the required newspaper notice.

98-93 People of the State of Illinois v. Salt Creek Drainage Basin Sanitary District - The Board received for hearing this water enforcement action against a DuPage County facility.

98-94 People of the State of Illinois v. Material Service Corporation - The Board received for hearing this air enforcement action against a Vermilion County facility.

98-95 People of the State of Illinois v. Meyer Steel Drum, Inc. - The Board received for hearing this air enforcement action against a Cook County facility.

98-96 Franklin Community School District #1 v. IEPA - The Board accepted for hearing this appeal of an underground storage tank decision on behalf of a Morgan County facility.

NEW CASES 1/22/98

98-97 Material Service Corporation v. J.W.Peters & Sons, Inc. - The Board held this citizen's underground storage tank enforcement action against a McHenry County facility for a duplicitous and frivolous determination.

98-98 Environmentally Concerned Citizens Organization (E.C.C.O.) and Beth Finney v. Landfill L.L.C. d/b/a and/or a/k/a West End Disposal Facility and the Saline County Board of Commissioners - The Board accepted for hearing this appeal of a pollution control facility (landfill) siting decision involving a Saline County facility.

98-99 Clark Refining & Marketing v. IEPA - Upon receipt of an IEPA recommendation, the Board granted a 30-day provisional variance from the 90-day limitation on the accumulation of hazardous wastes at this Madison County facility.

R98-26 In the Matter of: Amendments to 35 Ill. Adm. Code 506, (Livestock Waste Regulations)(P.A. 90-565) - The Board on its own motion opened a docket to request that the Department of Agriculture submit a rulemaking proposal to the Board to amend the Board's regulations at 35 Ill. Adm. Code 506 to incorporate and implement the recent amendments to the Livestock Management Facilities Act.

CALENDAR OF MEETINGS

Date & Time	Docket Number	Case Name	Location of Hearing
2/27/98 10:00am	R 98-27	<u>In the Matter of: Review of Remediation Costs for Environmental Remediation Tax Credit (Amendments to 35 Ill. Adm. Code 740)</u>	Illinois State Library, Room 403/404, 300 South Second Street, Springfield, IL 62704
3/5/98 10:30am		Illinois Pollution Control Board Meeting	James R. Thompson Center, 100 West Randolph Street, Suite 9-040, Chicago, IL 60601
3/9/98 9:00am	PCB 98-98	<u>Environmentally Concerned Citizens Organizations v. Landfill L.L.C.</u>	Saline County Law Enforcement & Detention Center, 1 N. Main Street, Harrisburg, IL 62946
3/10/98 9:00am	PCB 98-98	<u>Environmentally Concerned Citizens Organizations v. Landfill L.L.C.</u>	Saline County Law Enforcement & Detention Center, 1 N. Main Street, Harrisburg, IL 62946
3/10/98 11:00am	PCB 97-174	<u>Bernice Loschen v. Grist Mill Confections, Inc.</u>	Department of Human Services Conference Room, Suite A, 407 North Franklin Street, Danville, IL 61832
3/17/98 10:30am	R 98-24	<u>In the Matter of: Enhanced Vehicle Inspection and Maintenance Regulations (Amendments to 35 Ill. Adm. Code 240)</u>	James R. Thompson Center, 100 West Randolph Street, Suite 9-040, Chicago, IL 60601
3/19/98 10:30am		Illinois Pollution Control Board Meeting	James R. Thompson Center, 100 West Randolph Street, Suite 9-040, Chicago, IL 60601
4/1/98	AS 97-9	<u>In the Matter of: Petition of Recycle Technologies, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 720.131(c)</u>	Wood Dale City Hall, City Council Chambers, 404 North Wood Dale Road, Wood Dale, IL 60191
4/2/98 10:30am		Illinois Pollution Control Board Meeting	James R. Thompson Center, 100 West Randolph Street, Suite 9-040, Chicago, IL 60601
4/14/98 10:30am	R 98-24	<u>In the Matter of: Enhanced Vehicle Inspection and Maintenance Regulations (Amendments to 35 Ill. Adm. Code 240)</u>	James R. Thompson Center, 100 West Randolph Street, Suite 9-031, Chicago, IL 60601
4/16/98 10:30am		Illinois Pollution Control Board Meeting	James R. Thompson Center, 100 West Randolph Street, Suite 9-040, Chicago, IL 60601