

ENVIRONMENTAL REGISTER

Illinois Pollution Control Board News

No. 479

February, 1994

GOVERNOR SIGNS ENHANCED VEHICLE EMISSIONS INSPECTION BILL

On January 18, 1994, the Governor signed Public Act 88-533 into law (formerly House Bill 1249). This act creates an "enhanced" vehicle Inspection and Maintenance (I&M) program (commonly known as the "vehicle emissions inspection law"), as mandated by the Clean Air Act Amendments of 1990. Failure of Illinois to enact the new, stricter program could have resulted in the state's loss of \$710 million in federal road funds.

ENHANCED I&M continued on page 2

INFORMATION SERVICES AVAILABLE FROM THE BOARD

See the inside of this page for details on informational items available from the Board. These items include a subscription service for Board opinions and orders.

The Board also maintains an electronic Bulletin Board System (BBS) at 312-814-1590. There is no charge for access to the BBS. See the inside of this page for details.

NEW ADDITIONS TO BOARD TECHNICAL AND LEGAL STAFF

The Board recently filled vacancies in its staff with two new employees. All will work primarily out of the Board's Chicago office. The added personnel are Hiten Soni, an environmental scientist, Kevin G. Desharnais, attorney-assistant to Member Marili McFawn. The Board has also engaged Audrey L. Lozuk, a law clerk.

NEW STAFF continued on page 3

RULEMAKING UPDATE

CLEAN AIR ACT CHICAGO OZONE RACT 25 TONS PER YEAR RULEMAKING PROPOSED FOR SECOND NOTICE, R93-14

On January 6, 1994, the Board voted to adopt, under docket number R93-14, certain amendments to the Illinois' Air Pollution Control regulations pertaining to emissions of volatile organic materials in the Chicago metropolitan statistical area. The proceeding, entitled *In the Matter of: Reasonably Available Control Technology for Major Sources Emitting Volatile Organic Materials in the Chicago Ozone Nonattainment Area: 25 Tons*, would amend Parts 211 (general VOM provisions) and 218 (Chicago metropolitan area VOM provisions). The Illinois EPA (Agency) filed the proposal, and the Board proposed it for First Notice publication in the *Illinois Register* on July 22, 1993, pursuant to Section 28.5 of the Environmental Protection Act--a provision that limits the Board's discretion in proceeding with an Agency-filed proposal, and which requires the Board to proceed very rapidly. (415 ILCS 5/28.5; see *issue 473, Aug. 4, 1993*.) The Board conducted public hearings on the proposal on August 31 and September 21, 1993, and proposed the matter for Second Notice review by the Joint Committee on Administrative rules (JCAR) on November 18, 1993. (See *issue 477, Dec. 1, 1993*.) The amendments represent one segment of Illinois' submittal of a complete State Implementation Plan (SIP) to the U.S. Environmental Protection Agency (USEPA).

Section 182(a) of the Clean Air Act Amendments of 1990 (CAAA) required Illinois to have adopted and submitted its proposed SIP by November 15, 1992. The purpose of the R93-14 proposed amendments was to make certain modifications to Parts 211 and 218 for U.S. EPA approval. Among other things, the amendments make the RACT regulations applicable to sources that emit more than 25 tons of volatile organic material per year in the Chicago metropolitan area. The previous regulations imposed a 100 ton per year threshold. Direct questions to Elizabeth S. Harvey, at 312-814-6921. (Please refer to docket R93-14.)

RULEMAKING UPDATE continued on page 3

ENVIRONMENTAL INFORMATION SERVICES
AVAILABLE FROM THE BOARD

The Board has the following information available:

POLLUTION CONTROL BOARD ELECTRONIC BULLETIN BOARD SYSTEM (BBS). The Pollution Control Board operates an electronic BBS at 312-814-1590. The BBS is available 24 hours a day, 7 days a week, to anyone with access to a computer and a modem - there is no charge for access to the BBS. The best communications settings are 8 data bits (or data length 8), no parity (or parity = none) and 1 stop bit, i.e., 8-N-1. The best terminal emulation is ANSI-BBS or just ANSI. The BBS contains Board Agendas, Environmental Registers, Annual Reports, and various documents about the Board. You may download these documents to your computer. For additional information contact Don Brown at the Board Offices 312-814-3461.

SUBSCRIPTION SERVICE OF BOARD OPINIONS AND ORDERS. The subscription service comprises all the Opinions and Orders issued by the Pollution Control Board in a fiscal year (July 1 through June 30). The Board meets approximately twice monthly in order to issue Opinions and Orders. Usually no later than the end of each month, a volume is issued containing the Opinions and Orders of the Board from the preceding month.

HARD COPIES OF BOARD OPINIONS AND ORDERS FOR FISCAL YEAR 1993 (July 1, 1992 through June 30, 1993) ARE AVAILABLE FOR IMMEDIATE DELIVERY. The cost is \$350.00 per set.

Two formats are offered starting July 1 of last year (FY93): a hard paper copy for \$350.00 per year and an electronic version for \$275.00 per year. The electronic version will consist of Opinions and Orders in the WordPerfect 5.1 format on either 3.5" or 5.25" inch diskettes. The electronic format will allow for word searches and other useful tools provided by the WordPerfect software.

When ordering, please specify the choice of either the hard copy or electronic version. If ordering the electronic version, please specify 3.5" or 5.25" diskettes.

SUBSCRIPTION SERVICE FOR BOARD OPINIONS AND ORDERS

Enclosed is a check in the amount of _____ made payable to the Illinois Pollution Control Board for the subscription service to the Board's opinions and orders.

Name _____
(FY92 available in hard copy only).
Address _____

Fiscal Year Ordered _____

City/State/Zip _____

Hard Copy _____

Hard Copy Cost per FY: \$350.00
Electronic Copy Cost for FY93: \$275.00

Electronic Copy _____

Disk Size _____

Please send to:(5.25" 1.2 MB or 3.5" 1.44 MB)
Joseph D'Alessandro
Illinois Pollution Control Board
100 W. Randolph St., Ste. 11-500
Chicago, IL 60601

ENHANCED I&M continued from page 1

The new I&M program provisions expand the two geographic areas of Illinois in which vehicle owners were previously required to have their cars periodically tested for ozone harmful exhaust emissions (the northeastern metropolitan Chicago region and the bi-state Metro East St.

Louis area). The new I&M provisions also replace the old "tailpipe test" and tamper check with a much more comprehensive treadmill device that will test the vehicle for greater variety of exhaust emissions under a number of different operating conditions. Finally, the new I&M program makes permanent a pilot program begun last year by the IEPA commonly known as "Cash for Clunkers". Under that program employers may receive credit for purchasing older, more polluting cars from their employees for scrap.

With regard to Board rulemaking, P.A. 88-533 will require the Board to adopt identical-in-substance rules to implement the new I&M testing program within 120 days of receiving proposed rules from the Agency. It will also require the Board to adopt rules for the implementation of the Agency's Cash for Clunkers program within 180 days of when the time the Agency submits a proposal for such rules.

NEW STAFF continued from page 1

Mr. Soni is a candidate for a M.S. in Environmental Engineering from the Illinois Institute of Technology. He received his B.S. in Chemistry from that institution. His research thesis concerned anaerobic secondary treatment of industrial wastewaters using higher vascular plants. Prior to joining the Board in November, 1993, Mr. Soni worked for the Illinois EPA, Office of Pollution Prevention, providing technical assistance to industry in hazardous waste reduction techniques, developing an in-house training program for Agency inspectors and permit writers, and supervising engineering interns. Prior to his employment with the Illinois EPA, he designed and optimized a hybrid biofilter for tertiary wastewater treatment as a consulting engineer for a major manufacturer located in Illinois. While attending school, Mr. Soni was an engineering intern sponsored by the Illinois EPA, working on a waste minimization project at that major manufacturer's facility.

Mr. Desharnais started working for the Board on February 1, 1994. He received his J.D., with a certificate in environmental studies, from the Pace University School of Law in 1992. He received his B.S. in Natural Resources from Cornell University in 1988. He is admitted to practice law in Illinois, New Jersey, and New York. As a law student, Mr. Desharnais was the Articles Editor of the Environmental Law Review; participated in the National Environmental Negotiation Competition, the Pace Environmental Litigation Clinic, and the Center for Environmental Legal Studies Energy Project; held a judicial clerkship in New York; and held various temporary jobs with Chicago law firms. He formerly worked as a field manager for Citizens for a Better Environment and as a Canvasser for Clean Water Action.

Ms. Lozuk recently completed course work for her Masters of Studies in Environmental Policy Law from the Vermont Law School, and she anticipates receiving her J.D., with a certificate in environmental and energy law, from the Illinois Institute of Technology, Chicago-Kent School of Law in June, 1994. She received her B.A. in Economics from the University of Illinois at Urbana-Champaign in 1988, having also completed a one-year intensive studies program in economics at the University of Bath, England. While attending law school, Ms. Lozuk worked as a law clerk for the Illinois EPA, and the Illinois Attorney General. Prior to entering law school, Ms. Lozuk was a law clerk for a nationwide title insurance company and a foods buyer for the Hawaiian outlets of a major national restaurant chain.

The Board and staff warmly welcome these new colleagues.

RULEMAKING UPDATE continued from page 1**REPEAL OF STAGE II VAPOR RECOVERY PROPOSED FOR SECOND NOTICE FOR THE METRO-EAST AREA, R93-28**

On January 20, 1994, the Board proposed the repeal of the Stage II vapor recovery rules that presently apply in the metropolitan East St. Louis statistical area (Madison, Monroe, and St. Clair Counties in Illinois) for Second Notice review by the Joint Committee on Administrative Rules (JCAR). The Stage II rules require gasoline dispensers (primarily gasoline service stations) to install and maintain equipment to control the release of gasoline vapors while dispensing fuel. The rules are a part of the reasonably available control technology (RACT) regulations for the control of ground-level ozone formation in the Metro East non-attainment area.

The Illinois EPA (Agency) filed a proposal on October 21, 1993 for the repeal of these regulations. The Agency indicated that the U.S. EPA intends to promulgate regulations requiring on-board vehicle controls for gasoline vapor recovery systems. This federal action, which will possibly obviate the need for controls at the dispensing facility, are anticipated by the end of January, 1994. The Board granted an Agency motion for expedited decision on October 21, 1993 (*issue 476, Nov. 3, 1993*) and proposed the repeal for First Notice on November 4, 1993 (*issue 477, Dec 1, 1993*), contingent on the appearance of the new U.S. EPA on-board vehicle controls, so that no time is lost in the repeal of the Stage II rules if they prove no longer necessary for the Metro East area. The Board will be free to adopt the proposed amendments after it receives a Certificate of No Objection from JCAR or when the 45-day period for JCAR review has passed, whichever comes first.

The Board adopted the Stage II regulations on August 13, 1992, in docket R91-30. (*Issue 456, Sept. 2, 1992.*) In docket R93-10, the Board adopted an emergency rule on petition from the Agency that had the effect of delaying a May 1, 1993 effective date until October 15. In that proceeding, the Agency indicated its intent to file for a repeal of the regulations. (*Issue 471, June 16, 1993.*) The proposed repeal would not affect the similar Stage II vapor recovery rules that presently apply in the Chicago metropolitan area. Direct questions to Michelle C. Dresdow, at 815-753-0947. (Please refer to docket R93-28.)

CLEAN AIR ACT AIR PERMIT APPEAL PROCEDURE PROPOSAL ADOPTED FOR SECOND NOTICE, R93-24

On January 20, 1994 the Board proposed certain amendments for Second Notice review by the Joint Committee on Administrative Rules (JCAR). The proceeding, docketed as R93-24 and entitled *In the Matter of: Amendments to the Rules for Clean Air Act Permit Appeals and Hearings Pursuant to Specific Rules 35 Ill. Adm. Code Parts 105 and 106*, would amend the Board's procedural rules as they apply to permits sought under the federal Clean Air Act Amendments of 1990 (CAAA). Specifically, the proceeding would amend the procedural rules pertaining to air permit appeals before the Board.

The Agency filed the proposal that initiated this proceeding on September 14, 1993, and the Board accepted it on September 26, 1993 First Notice publication in the *Illinois Register*. (*See issue 475, Oct. 6, 1993.*) The Board conducted public hearings on the proposal on November 8 and December 8, 1993, in Springfield. The Board cancelled a third hearing scheduled for December 22,

1993 because the Agency did not request the additional day pursuant to the Act. The Agency filed the proposal pursuant to Section 28.5 of the Environmental Protection Act. (415 ILCS 5/28.5.) The proposal represents one segment of Illinois' submittal of a complete State Implementation Plan (SIP) to the U.S. Environmental Protection Agency (U.S. EPA).

Section 182(a) of the Clean Air Act Amendments of 1990 (CAAA) required Illinois to have adopted and submitted its proposed SIP by November 15, 1992. The purpose of the R93-24 proposal is to make certain modifications to Parts 105 and 106 of the Board's procedural rules for U.S. EPA approval. Among other amendments, the proposed amendments would require the Agency to provide notice of a permit denial to the U.S. EPA, the permit applicant, "any person who participated in the public comment process", and "any other person who could obtain judicial review under Sections 40.2 and 41 of the Act . . .". These persons would also have a right to obtain Board review of an Agency permit decision or its failure to take action on the permit application within certain prescribed times. The proposed amendments would add certain requirements for petitions for CAAA permit review and set forth other procedural requirements.

Section 28.5 requires the Board to proceed within set time-frames toward the adoption of the proposed amendments. The Board lacks any discretion under the statute to adjust these time-frames under any circumstances. The Board will be free to adopt the proposed amendments after it receives a Certificate of No Objection from JCAR or when the 45-day period for JCAR review has passed, whichever comes first. Direct questions to Marie E. Tipsord, at 312-814-4925 or 618-498-9802, for additional information. (Please refer to docket R93-24.)

PM₁₀ CONTINGENCY MEASURE AMENDMENTS PROPOSED FOR FIRST NOTICE, SET FOR HEARINGS, R93-30

On January 6, 1993, the Board proposed amendments to the PM₁₀ regulations to establish contingency rules for additional reductions in emissions in the areas of the state designated as moderate nonattainment by U.S. EPA, in the event U.S. EPA finds that the area has failed to achieve compliance by December 31, 1994. Those areas are McCook and Lake Calumet Townships in Cook County, Granite City in Madison County, and a portion of Oglesby Township in LaSalle County. The Board proposed the amendments without review of their merits, as required by the statute.

The Agency filed the new Clean Air Act (CAA) rulemaking proposal for amendments on December 30, 1993 pursuant to the "fast-track" rulemaking provisions of Section 28.5 of the Environmental Protection Act. As previously reported (*see issue 478, Jan., 1994*), Section 28.5 requires the Board to proceed within set time-frames toward the adoption of the proposed amendments. The Board lacks any discretion under the statute to adjust these time-frames under any circumstances.

The statute requires the Board to schedule three hearing dates in this matter, each for a prescribed purpose. These hearings are presently scheduled as follows:

Tuesday, February 22, 1994, 10:30 a.m.
James R. Thompson Center
100 West Randolph Street, Room 9-040
Chicago, Illinois

Tuesday, March 22, 1994, 10:30 a.m.
James R. Thompson Center
100 West Randolph Street, Room 9-040
Chicago, Illinois

Tuesday, April 5, 1994, 10:30 a.m.
James R. Thompson Center
100 West Randolph Street, Room 2-025
Chicago, Illinois

The first day of hearing, February 22, is reserved for presentation by the Agency and questions of Agency witnesses. The second scheduled day of hearing, March 22, if it occurs, is reserved for presentation by affected entities and all other interested persons. The third scheduled day of hearing, April 5, if it occurs, is reserved for any Agency response and responses of other parties. The hearings will be continued from day to day, as necessary, until all business is completed. However, the second and third hearing dates are subject to cancellation if the level of public interest and participation so warrant. Direct questions to Elizabeth M. Harvey, at 312-814-6921. (Please refer to docket R93-30.)

LANDSCAPE WASTE COMPOST FACILITIES PROPOSAL ACCEPTED, R93-29

On January 20, 1994, the Board formally accepted a proposal filed December 30, 1993 by the Agency. The Board found that the proposal, docketed as R93-29, met the informational requirements for rulemaking petitions set forth in the Board's procedural rules. The proposal would have the Board establish performance standards for landscape compost facilities and testing procedures and standards for end-product compost derived from landscape waste and offered for sale or use in Illinois.

This proceeding is one of three mandated by the Act. Section 22.33 requires that the Agency proposed standards for composting landscape wastes on or before January 1, 1994, and that the Board adopt such standards by December 1, 1994. Sections 22.34 and 22.35 set forth similar mandates relating to composting organic waste and mixed municipal waste, and Section 22.35. The R93-29 proposal addresses only the Section 22.33 mandate. Direct questions to Kevin G. Desharnais, at 312-814-6929. (Please refer to docket R93-29.)

DEADLINE EXTENDED FOR RCRA SUBTITLE C HAZARDOUS WASTE UPDATE, R93-16

On January 20, 1994, the Board entered an order that has the effect of extending the deadline in R93-16, the current RCRA Subtitle C hazardous waste update. The update docket includes federal actions that occurred during the period July 1 through December 31, 1994. The statutory due date, dictated by the date of the first U.S. EPA amendments in the update period, was February 16, 1994. The order found that delay was necessary due to the size and complexity of the prior update docket, R93-4, and due to changes in the composition of the Board and the resulting reassignment of the present update. The Board adopted a proposal for public comment on December 16, 1993. (*See issue 478, Jan., 1994.*) It anticipated voting on adoption of the amendments at its regularly-scheduled meeting of March 3 or 17, 1994. Direct questions to Michael J. McCambridge, at 312-814-6924. (Please refer to docket R93-16.)

COMMENTS INVITED ON REMANDED SITE-SPECIFIC RULEMAKING, R81-19

On January 20, 1994, the Board requested public comments to update the record in R81-19, a site-specific rulemaking proceeding involving wastewater discharges of Citizens Utilities Company into the Lily Cache Creek. The Third District remanded the proceeding

in *Citizens Utilities Co. v. PCB* (3d Dist. 1991), 216 Ill. App. 3d 629, 576 N.E.2d 415. In inviting comments to update the record, the Board noted that merit hearings were held in 1981 and 1982, and economic impact hearings in 1986. The Board ordered that all comments must be received by February 25, 1994. Direct questions to Musette H. Vogel, at 217-524-8509. (Please refer to docket R81-19.)

RCRA SUBTITLE D LANDFILL AMENDMENTS UPDATE DISMISSED, R93-22

On January 6, 1994, the Board dismissed the routine update docket for the Illinois RCRA Subtitle D program, R93-22. This docket was reserved for federal amendments to the RCRA Subtitle D non-hazardous waste (municipal solid waste) landfill regulations that occurred during the period from January 1 through June 30, 1993. During that period, U.S. EPA amended its non-hazardous solid waste landfill regulations once, on February 19, 1993. Those amendments involved the federal sewage sludge management program, and U.S. EPA promulgated them pursuant to the Clean Water Act, and not under Subtitle D of the Resource Conservation and Recovery Act. Therefore, the Board concluded that no action was necessary and dismissed the docket. Direct questions to Marie E. Tipsord, at 312-814-4925 or 618-498-9803. (Please refer to docket R93-22.)

APPELLATE UPDATE

THIRD DISTRICT AFFIRMS BOARD DETERMINATION THAT ALLEGED VIOLATIONS OF THE ACT WERE AN IMPROPER BASIS FOR PERMIT DENIAL

In *IEPA v. PCB*, No. 3-93-0144 (Nov. 30, 1993), the Third District Appellate Court affirmed a Board determination that the Agency had improperly denied permits on the basis of alleged violations. This permit appeal, heard before the Board as *ESG Watts v. IEPA* (Oct. 29, 1992), PCB 92-54, involved a landfill facility located in Rock Island County. The facility filed applications for authorization to receive seven special waste streams, which the Agency denied. On appeal before the Board, the Agency's permit inspector testified that he had recommended denial of the authorizations due to unresolved alleged violations at the facility, including an imminent enforcement action contemplated by the Agency. The Board determined that the Agency had denied the requested permits due to the alleged violations and concluded that this alone was an improper basis for permit denial. The Board held that permit denial was an improper substitute for enforcement action.

On appeal, the Board highlighted that the permit process and enforcement procedures are distinct under the Act. The appellate court agreed. It reviewed the record before the Board and concluded that "the Board properly drew the inference that the Agency improperly used the permit denial process as a substitute for enforcement procedure". The court held that the Board's decision was not against the manifest weight of the evidence.

THIRD DISTRICT AFFIRMS WHITESIDE COUNTY

SITING APPROVAL

In a January 13, 1994 opinion, the Third District Appellate Court affirmed the Board's affirmance of siting approval for a new regional pollution control facility in Whiteside County. *Citizens Against Regional Landfill v. PCB*, No. 3-93-0410 (Jan. 13, 1994). In so doing, the court concluded that procedures used by the county board were not unfair because the hearing officer had a conflict of interest, the challengers' discovery rights were not unduly restricted, the Board did not err in not reviewing certain segments of deposition transcripts, and the Board did not err in imposing sanctions on counsel for the challengers.

In March, 1992, Waste Management of Illinois, Inc. entered into a contract with the Whiteside County Board in which the parties agreed to the apportionment of costs associated with Waste Management seeking local siting approval for a new regional pollution control facility. The county hired an attorney it retains for environmental matters to negotiate the contract. The contract provided that Waste Management would pay half the County's legal costs incurred in the siting approval process, but that the contract did not "impede or compromise the county's decisionmaking responsibilities and duties" in the process. In April, 1992, Waste Management filed a request with Whiteside County for siting approval for a landfill. The county conducted hearings in July, 1992, hiring the attorney who had negotiated the contract to act as the hearing officer. In September, 1992, Whiteside County rendered its decision, granting siting approval, and paid the attorney for his services a short time later.

The *Citizens Against Regional Landfill* appealed the county board's decision to the Board. Among other things, the *Citizens* argued that the decision was against the manifest weight of the evidence on eight of the nine criteria of Section 39.2 of the Environmental Protection Act. The *Citizens* also argued that the county had denied it fundamental fairness because the hearing officer had a conflict of interest, in that he had negotiated the contract with Waste Management and was paid by funds forwarded by Waste Management after the approval was granted.

In *Citizens Against Regional Landfill v. County Board of Whiteside County* (PCB 92-156), the Board voted 5-0 to affirm Whiteside County's siting approval. The county's hearing officer represented the county before the Board. During the proceedings before the Board, the challengers sought to depose counsel for the county about the circumstances surrounding his payment for acting as hearing officer. The Board allowed the deposition, but authorized its hearing officer to limit the questioning. Later, in setting a briefing schedule, the hearing officer ordered that the record would be limited to segments of the record approved by him. Counsel for the challengers submitted a brief which included references to portions of the deposition expressly excluded from the record. Counsel for the county subsequently filed portions of the challengers' brief and requested sanctions from the Board.

On February 25, 1993, in affirming the county board's decision, the Board concluded that the record showed that the hearings conducted by the county were fundamentally fair. The Board did not find sufficient evidence in the record of conflict of interest or bias on the part of the hearing officer. The Board also found that the manifest weight of the evidence supported the county's finding for each of the eight challenged of the nine statutory criteria. (See issue 466, Mar. 10, 1993.) On March 11, 1993, by a separate order, the Board imposed sanctions on the challengers' attorney for his references to the excluded portions of the deposition transcript in his brief. (See issue 467, Mar. 24, 1993.) The Board denied reconsideration of its February 25th decision by a separate order on April 22, 1993, without revisiting the issue of sanctions.

In appealing the Board's decision to the Third District, the challengers raised four primary issues. First, they argued that the county's hearing officer has a conflict of interest when he conducted the county's public hearings. The appellate court reviewed the facts and observed that Whiteside County's hearing officer did not act in the role of a decisionmaker, and that he in fact did not submit recommended findings to the county. His role was limited to assembling a record. The court concluded that the challengers did not "identify any conduct on the part of . . . [the hearing officer] that affected the outcome of the case. Further, the court found no evidence that the payment to that hearing officer was contingent on the outcome of the County Board decision. The Third District found no conflict of interest.

Second, the challengers argued that their discovery rights were unduly restricted by the Board. The court observed that the Board allowed the deposition of the county's hearing officer as to any purported financial stake in the outcome into the record, but that the Board restricted other matters. The court concluded that the challengers did not indicate anything in the hearing officer's deposition testimony that would indicate prejudicial impact on the outcome of the proceedings, so it held there was no reversible error in this regard. Third, the challengers argued that the Board erred in not considering the whole of the county's hearing officer's deposition transcript. The court held that the challengers failed to point out anything in the excluded portions that was relevant to fundamental fairness.

Finally, the challengers argued that the Board erred in imposing attorneys' fees as a sanction against its counsel. The court held that it lacked jurisdiction to hear this issue due to the posture of the challengers' appeal. The court observed that the challengers' appeal was from the Board orders of February 25, 1993 and April 22, 1993, and neither of those orders addressed the issue of sanctions. The appeal did not mention the Board order that imposed sanctions and did not make any indication of an intent to appeal the Board's sanction order.

FOR YOUR INFORMATION

RESTRICTED STATUS AND CRITICAL REVIEW LISTS FOR SEWAGE TREATMENT IN THIS ISSUE

The Illinois Environmental Protection Agency, Division of Water Pollution Control, is publishing copies of the Division's Restricted Status and Critical Review lists at the end of this issue of the Environmental Register. These lists reflect the status as of December 31, 1993.

CENTRAL STATES WATER ENVIRONMENT ASSO- CIATION TO HOLD 67TH ANNUAL MEETING

The Central States Water Environment Association will hold its 67th annual meeting May 17-20, 1994. The meeting will occur at Pheasant Run, in St. Charles, Illinois. For further information contact Greg Buchner, at 708-892-4378.

FINAL ACTIONS - January 6, 1994 BOARD MEETING

- 94-3 West Aurora School District 129 v. EPA - The Board dismissed this petition for review of an underground storage tank reimbursement determination involving a Kane County facility as untimely filed.
- 94-4 Mobil Oil Corporation v. EPA - Upon receipt of an Agency recommendation, the Board granted an extension of a previous provisional variance granted in PCB 93-199, thus extending the compliance deadline for the gasoline vapor recovery requirements for an additional 45 days for 45 service stations in Cook, DuPage, Lake, and Kendall Counties.
- 94-5 Marathon Oil Company v. EPA - Upon receipt of an Agency recommendation, the Board granted an extension of a previous provisional variance granted in PCB 93-200, thus extending the deadline for compliance with the gasoline vapor recovery requirements for an additional 45 days for seven service stations in Cook, Kane, McHenry, and Will Counties.
- 94-6 State Oil Company v. EPA - Upon receipt of an Agency recommendation, the Board granted an extension of a previous provisional variance granted in PCB 93-198, thus extending the deadline for compliance with the gasoline vapor recovery requirements for an additional 45 days for sixteen service stations in Cook, DuPage, Kendall, Lake, and McHenry Counties.
- 94-7 Delta Sonic Carwash Systems, Inc. v. EPA - Upon receipt of an Agency recommendation, the Board granted an extension of a previous provisional variance granted in PCB 93-218, thus extending the deadline for compliance with the gasoline vapor recovery requirements for an additional 45 days for a service station located in Cook County.
- 94-8 Mobil Oil Corporation v. EPA - Upon receipt of an Agency recommendation, the Board granted an extension of a previous provisional variance granted in PCB 93-212, thus extending the deadline for compliance with the gasoline vapor recovery requirements for an additional 45 days for thirty-eight service stations in Cook, DuPage, Lake and Will Counties.
- 94-9 Marathon Oil Company v. EPA - Upon receipt of an Agency recommendation, the Board granted a 30-day provisional variance from the 90-day limitation on accumulation of hazardous wastes at a Crawford County facility.
- 94-10 Scott's Unocal 76, Inc. v. EPA - Upon receipt of an Agency recommendation, the Board granted an extension of a previous provisional variance granted in PCB 93-240, thus extending the deadline for compliance with the gasoline vapor recovery requirements for an additional 45 days for a service station located in McHenry County.
- 94-11 Shell Oil Company v. EPA - Upon receipt of an Agency recommendation, the Board granted an extension of a previous provisional variance granted in PCB 93-208, thus extending the deadline for compliance with the gasoline vapor recovery requirements for an additional 45 days for 94 service stations in Cook, DuPage, Lake and Will Counties.
- 94-12 Illinois Petroleum Company v. EPA - Upon receipt of an Agency recommendation, the Board granted a provisional variance, thus extending the deadline for compliance with the gasoline vapor recovery requirements for an additional 45 days for five service stations in Cook and Lake Counties.
- 94-13 Emro Marketing Company v. EPA - Upon receipt of an Agency recommendation, the Board granted an extension of a previous provisional variance granted in PCB 93-201, thus extending the deadline for compliance with the gasoline vapor recovery requirements for an additional 45 days for thirty-three service stations in Cook, Will, DuPage, Kane, and Lake Counties.
- 94-14 Bell Fuels, Incorporated v. EPA - Upon receipt of an Agency recommendation, the Board granted an extension of a previous provisional variance granted in PCB 93-210, thus extending the deadline for compliance with the gasoline vapor recovery requirements for a service station located in Kane County.
- 94-15 Major Reflector Products v. EPA - Upon receipt of an Agency recommendation, the Board granted a 30-day provisional variance

from the 90-day limitation on accumulation of hazardous wastes for a Cook County facility.

AC 93-21 Illinois Environmental Protection Agency v. City of Herrin - The Board granted voluntary dismissal of this administrative citation appeal filed on behalf of a Williamson County facility.

AC 93-41 Sangamon County v. Stanley Ray Stewart - The Board granted the complainant's motion for reconsideration, vacated its default order entered November 4, 1994, accepted the parties stipulated agreement, found that the Sangamon County facility had violated Section 21(p)(1) and (p)(3) of the Act, and ordered it to pay a civil penalty of \$1,000.00 within 30 days.

AC 93-57 Illinois Environmental Protection Agency v. Wesley Simpson - The Board entered a default order finding that the Peoria County facility had violated Section 21(p)(1) and 21(p)(3) of the Act and ordered it to pay a civil penalty of \$1,000.00 within 30 days.

AC 93-59 Williamson County Solid Waste Office v. Marvin Couey - The Board entered a default order finding the Williamson County facility had violated Section 21(p)(3) of the Act and ordered it to pay a civil penalty of \$500.00 within 30 days of the date of this order.

R93-14 In the Matter of: Reasonably Available Control Technology for Major Sources Emitting Volatile Organic Materials in the Chicago Ozone Nonattainment Area: 25 Tons (Amendments to 35 Ill. Adm. Code 211 and 218) - See Rulemaking Update.

R93-22 In the Matter of: RCRA Subtitle D Amendments - See Rulemaking Update.

NEW CASES - January 6, 1994 BOARD MEETING

93-255 Lindsay-Klein Chevrolet-Olds, Inc., d/b/a Chuck Lindsay Chevrolet-Olds, Inc. v. Illinois State Fire Marshall - The Board accepted this underground storage tank reimbursement determination appeal involving a Whiteside County facility for hearing.

ordered publication of the required newspaper notice.

93-257 J.M. Sweeney Company v. EPA - The Board accepted this air variance petition involving a Cook County facility for hearing.

93-256 People of the State of Illinois v. Greif Brothers, Inc. - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion for relief from the hearing requirement in this air enforcement action against a Cook County facility, the Board

93-258 People of the State of Illinois v. Carl R. Kirchoff, d/b/a Allfoam Industries - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion for relief from the hearing requirement in this air enforcement action against a DuPage County

	facility, the Board ordered publication of the required newspaper notice.		<u>Fosnock, d/b/a Fos Auto & Truck Parts</u> - The Board accepted this land enforcement action against a Macoupin County facility for hearing.
93-259	<u>People of the State of Illinois v. World's Finest Chocolate, Inc.</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion for relief from the hearing requirement in this air enforcement action against a Cook County facility, the Board ordered publication of the required newspaper notice.	94-2	<u>Anne Shepard, James Verhein, and Jerold Leckman v. Northbrook Sports Club, and Village of Hainesville</u> - The Board held this citizens' noise enforcement action against a Lake County facility for a frivolous and duplicitous determination.
93-260	<u>Glenbard Wastewater Authority v. EPA</u> - The Board requested an amended petition in this NPDES water variance proceeding involving a DuPage County facility.	94-3	<u>West Aurora DIST. #129 v. EPA</u> - See Final Actions.
93-261	<u>People of the State of Illinois v. Midwest Refinishing, Inc., and Kenneth Ruff</u> - The Board acknowledged receipt of this land enforcement action against a DeKalb County facility for hearing.	94-4	<u>Mobil Oil Corporation v. EPA</u> - See Final Actions.
93-262	<u>People of the State of Illinois v. Koch Fuels, Inc., d/b/a Koch Materials Company</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion for relief from the hearing requirement in this Emergency Planning and Community Right-To-Know Act (EPCRA) enforcement action against a Cook County facility, the Board ordered publication of the required newspaper notice.	94-5	<u>Marathon Oil Company v. EPA</u> - See Final Actions.
93-263	<u>People of the State of Illinois v. United Globe Nippon, Inc.</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion for relief from the hearing requirement in this air enforcement action against a Cook County facility, the Board ordered publication of the required newspaper notice.	94-6	<u>State Oil Company v. EPA</u> - See Final Actions.
93-264	<u>Nu-Tecsys Corporation v. EPA</u> - The Board requested an amended petition in this Underground storage tank reimbursement determination appeal involving a Lake County facility.	94-7	<u>Delta Sonic Carwash Systems, Inc. v. EPA</u> - See Final Actions.
94-1	<u>People of the State of Illinois v. Robert D.</u>	94-8	<u>Mobil Oil Corporation v. EPA</u> - See Final Actions.
		94-9	<u>Marathon Oil Company v. EPA</u> - See Final Actions.
		94-10	<u>Scott's Unocal 76, Inc. v. EPA</u> - See Final Actions.
		94-11	<u>Shell Oil Company v. EPA</u> - See Final Actions.
		94-12	<u>Illinois Petroleum Company v. EPA</u> - See Final Actions.
		94-13	<u>Emro Marketing Company v. EPA</u> - See Final Actions.
		94-14	<u>Bell Fuels, Incorporated v. EPA</u> - See Final Actions.
		94-15	<u>Major Reflector Products v. EPA</u> - See Final Actions.

FINAL ACTIONS - January 20, 1994 BOARD MEETING

85-95	<u>Citizens Utilities Company of Illinois v. EPA</u> - On a remand from the Third District Appellate		Court, the Board granted this Will County facility a variance from Sections 302.206,
-------	--	--	--

- 304.120(c), 304.301, and 304.105, as they apply to the ammonia nitrogen water quality standard of Section 302.212. Board Member R. C. Flemal abstained.
- 92-84 People of the State of Illinois v. Berkshire Furniture Company, Inc. - The Board accepted a stipulation and settlement agreement in this air enforcement action against a Cook County facility, ordered the facility to pay a civil penalty of \$99,950.00, and ordered it to cease and desist from further violation. Board Member J. Theodore Meyer concurred.
- 92-210 Estate of Larry Junkin, By Patricia Junkin, Executrix v. EPA - The Board granted voluntary dismissal of this underground storage tank reimbursement appeal involving a Champaign County facility.
- 93-72 Atlanta Meadows, Ltd. and, R.O.C.G.P. Corp., General Partner v. EPA - The Board granted this Rock Island facility a three-year water variance with conditions from Sections 304.120(c), Deoxygenating Waste, and 304.141(a), NPDES Effluent Standards.
- 93-85 People of the State of Illinois v. Liquid Air Corporation - The Board accepted a stipulation and settlement agreement in this air enforcement action against a Cook County facility, ordered the facility to pay a civil penalty of \$4000.00, and ordered it to cease and desist from further violation.
- 93-142 HACO, Inc. v. EPA - The Board ordered certain permit conditions stricken in this RCRA permit appeal involving Logan County facility. Board Member M. Nardulli abstained.
- 93-164 Village of North Aurora v. EPA - The Board granted this Kane County facility a variance with conditions from Sections 602.105(a), the Standards of Issuance, and 602.106(b), Restricted Status, as they relate to combined radium-226 and radium-228 in drinking water, as set forth in Section 611.330(a).
- 93-227 Village of Princeville v. EPA - The Board granted this Peoria County facility a public water supplies variance with conditions from Sections 602.105(a), the Standards of Issuance, and 602.106(b), Restricted Status, as they relate to combined radium-226 and radium-228 in drinking water, as set forth in
- Sections 611.330(a), and gross alpha particle activity, as set forth in Section 611.330(b).
- 93-258 People of the State of Illinois v. Carl R. Kirchoff, d/b/a Allfoam Industries - The Board accepted a stipulation and settlement agreement in this air enforcement action against a DuPage County facility, ordered the facility to pay a civil penalty of \$9000.00, and ordered it to cease and desist from further violation. Board Member J. Theodore concurred.
- 94-28 Huber Brothers Corporation v. EPA - Upon receipt of an Agency recommendation, the Board granted a 30-day provisional variance from the 90-day limitation on accumulation of hazardous wastes at a Peoria County facility.
- 94-29 Texor Petroleum Company v. EPA - Upon receipt of an Agency recommendation, the Board granted an extension of a previous provisional variance granted in PCB 93-235, thus extending the deadline for compliance with the gasoline vapor recovery requirements for five service stations in Cook and DuPage Counties.
- 94-30 Smith Oil Company v. EPA - Upon receipt of an Agency recommendation, the Board granted a provisional variance that extends the deadline for compliance with the gasoline vapor recovery requirements for an additional 45 days for a service station in Will County.
- 94-31 Graham Oil Company v. EPA - Upon receipt of an Agency recommendation, the Board granted an extension of a previous provisional variance granted in PCB 93-253, thus extending the deadline for compliance with the gasoline vapor recovery requirements for four service stations in Cook and Lake Counties.
- 94-32 Kean Oil Company v. EPA - Upon receipt of an Agency recommendation, the Board granted an extension of a previous provisional variance granted in PCB 93-236, thus extending the deadline for compliance with the gasoline vapor recovery requirements for a Cook County facility.
- 94-33 Graham Oil Company v. EPA - Upon receipt of an Agency recommendation, the Board granted a provisional variance that extends the deadline for compliance with the gasoline vapor recovery requirements for an additional 45 days for a facility in Lake County.

- 94-34 Kelley Williamson Company v. EPA - Upon receipt of an Agency recommendation, the Board granted a provisional variance that extends the deadline for compliance with the gasoline vapor recovery requirements for an additional 45 days for two service stations in McHenry County.
- 94-35 Kean Brothers, Inc. v. EPA - Upon receipt of an Agency recommendation, the Board granted a provisional variance that extends the deadline for compliance with the gasoline vapor recovery requirements for 45 days for five service stations in Cook County.
- 94-36 Mobil Oil Corporation v. EPA - Upon receipt of an Agency recommendation, the Board granted a provisional variance that extends the deadline for compliance with the gasoline vapor recovery requirements for 45 days for a Cook County facility.
- 94-37 SuperAmerica Group, Inc. v. EPA - Upon receipt of an Agency recommendation, the Board granted an extension of a previous provisional variance granted in PCB 93-223, thus extending the deadline for compliance with the gasoline vapor recovery requirements an additional 45 days for seven service stations in Cook, DuPage, and Lake Counties.
- 94-40 Osмосе Wood Preserving v. EPA - Upon receipt of an Agency recommendation, the Board granted a 30-day provisional variance from the 90-day limitation on accumulation of hazardous wastes at a Cass County facility.
- AC 93-21 Illinois Environmental Protection Agency v. City of Herrin - The Board vacated the Board's order entered January 6, 1994, granted the respondent's motion to withdraw its petition for review, found that the respondent had violated Section 21(o)(2) and 21(o)(3) of the Act at its Peoria County facility, and ordered it to pay a civil penalty of \$1,000.00 within 30 days of the date of this order.
- AC 93-54 Sangamon County v. D. Ray Smith - The Board dismissed this administrative citation for a lack of proof of service on the respondent.
- AC 93-61 Illinois Environmental Protection Agency v. Illinois Waste Systems - The Board entered a default order, finding that the respondent had violated Section 21(o)(6) and 21(o)(12) of the Act at its Iroquois County facility, and ordered it to pay a civil penalty of \$1,000.00 within 30 days.
- AC 93-62 Montgomery County v. Prosper Guyot - The Board entered a default order finding that the respondent had violated Section 21(p)(1) of the Act at its Montgomery County facility, and ordered it to pay a civil penalty of \$500.00 within 30 days.
- AC 93-63 Montgomery County v. Prosper Guyot - The Board entered a default order finding that the respondent had violated Section 21(p)(1) of the Act at its Montgomery County facility, and ordered it to pay a civil penalty of \$500.00 within 30 days.
- AS 93-9 In the Matter of: Petition of the Rhone-Poulenc Basin Chemical Company, Thorn Creek Basin Sanitary District for an Adjusted Standard From 35 Ill. Adm. Code 302.201 and 304.105 - The Board denied the petitioner's motion to accept the notice of publication and dismissed the petition, since the publication did not occur within the statutorily prescribed 14 days, thus depriving the Board does not have jurisdiction to hear the petition.

NEW CASES - January 20, 1994 BOARD MEETING

- 94-16 People of the State of Illinois v. Central Illinois Public Service (Newton Unit #1 and #2) - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion for relief from the hearing requirement in this air enforcement action against a Jasper County facility, the Board ordered publication of the required newspaper notice. Board Member M. McFawn abstained.
- 94-17 People of the State of Illinois v. Olin Corporation - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion for relief from the hearing requirement in this air enforcement action against a Madison County facility, the Board

- ordered publication of the required newspaper notice.
- 94-18 City of Wheaton (Old Police Station) v. Office of the Illinois State Fire Marshal - The Board accepted this underground storage tank reimbursement determination appeal involving a DuPage County facility for hearing.
- 94-19 Michael Turlek, Lillian Smejkal, and John Lathrop v. Village of Summit, and West Suburban Recycling and Energy Center, Inc. - The Board accepted this third party landfill siting appeal involving a proposed Cook County facility for hearing, subject to dismissal if the petitioners do not timely file an amended petition. (Consolidated PCB 94-21 and PCB 94-22).
- 94-20 People of the State of Illinois v. Gerald V. Johnson, d/b/a Jerry's - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion for relief from the hearing requirement in this air enforcement action against a Ogle County facility, the Board ordered publication of the required newspaper notice.
- 94-21 Kay Kulaga and Alice Zeman v. Village of Summit, and West Suburban Recycling and Energy Center, Inc. - The Board accepted this third party landfill siting appeal involving a proposed Cook County facility for hearing, subject to dismissal if the petitioners do not timely file an amended petition. (Consolidated PCB 94-19 and PCB 94-22.)
- 94-22 Citizens for a Better Environment, Patricia J. Bartleman, Nanci Katz and Michelle Schmits v. Village of Summit, and West Suburban Recycling and Energy Center, Inc. - The Board accepted this third party landfill siting appeal involving a proposed Cook County facility for hearing, subject to dismissal if the petitioners do not timely file an amended petition. (Consolidated PCB 94-19 and PCB 94-21.
- 94-23 Greater Rockford Airport Authority v. EPA - The Board accepted this land permit appeal involving a Winnebago County facility for hearing.
- 94-24 North Shore School District #112 (Braeside Elementary School) v. Office of the Illinois State Fire Marshal - The Board accepted this underground storage tank reimbursement determination appeal involving a Lake County facility for hearing.
- 94-25 Shell Oil Company v. County of DuPage and EPA - The Board held this water well setback proceeding involving a DuPage County facility.
- 94-26 Marathon Oil Company v. EPA - The Board accepted this air permit appeal involving a Crawford County facility for hearing.
- 94-27 Marathon Oil Company v. EPA - The Board accepted this air variance involving a Crawford County facility for hearing.
- 94-28 Huber Brothers Corporation v. EPA - See Final Actions.
- 94-29 Texor Petroleum Company v. EPA - See Final Actions.
- 94-30 Smith Oil Company v. EPA - See Final Actions.
- 94-31 Graham Oil Company v. EPA - See Final Actions.
- 94-32 Kean Oil Company v. EPA - See Final Actions.
- 94-33 Graham Oil Company v. EPA - See Final Actions.
- 94-34 Kelley Williamson Company v. EPA - See Final Actions.
- 94-35 Kean Brothers, Inc. v. EPA - See Final Actions.
- 94-36 Mobil Oil corporation v. EPA - See Final Actions.
- 94-37 SuperAmerica Group, Inc. v. EPA - See Final Actions.
- 94-38 Park District of Highland Park (Central Park Facility) v. Office of the Illinois State Fire Marshal - The Board accepted this underground storage tank reimbursement determination appeal involving a Lake County facility for hearing.
- 94-39 People of the State of Illinois v. Top Disposal Service, Inc. - Upon receipt of a proposed stipulation and settlement agreement and an

agreed motion for relief from the hearing requirement in this air enforcement action against a Cook County facility, the Board ordered publication of the required newspaper notice. 94-41 People of the State of Illinois v. Bob Evans Farms, Inc. - The Board accepted this water enforcement action involving a Henry County facility for hearing.

94-40 Osmose Wood Preserving v. EPA - See Final Actions.

CALENDAR OF HEARINGS

All hearings held by the Board are open to the public. All Pollution Control Board Meetings (highlighted) are open to the public but public participation is generally not allowed. Times and locations are subject to cancellation and rescheduling without notice. Confirmation of hearing dates and times is available from the Clerk of the Board at 312- 814-6931.

February 1 9:30 a.m.	PCB 93-121 P-A, Land	<u>Gunite Corporation v. EPA</u> - State of Illinois Building, Third Floor, Large Conference Room, 200 South Wyman, Rockford.
February 2 9:00 a.m.	AC 93-42 AC	<u>Sangamon County v. Norman Clark and Brenda Bertrand (Springfield Township/Clark)</u> - Illinois Pollution Control Board, 600 South Second Street, Springfield.
February 8 9:00 a.m.	PCB 93-215 P-A, NPDES, 3d P	<u>Marvin Damron v. EPA and Tomahawk Group, Inc.</u> - Union Federal Savings and Loan Building, Community Room, 104 North Tremont, Kewanee.
February 8 10:00 a.m.	R93-27 R, GW	<u>In the Matter of: Groundwater Protection: Amendments to Groundwater Quality Standards (35 Ill. Adm. Code 620)</u> - Capitol Building, Room 1228, Springfield.
February 10 11:00 a.m.	R93-27 R, GW	<u>In the Matter of: Groundwater Protection: Amendments to Groundwater Quality Standards (35 Ill. Adm. Code 620)</u> - James R. Thompson Center, Room 9-040, 100 West Randolph Street, Chicago.
February 16 10:00 a.m.	PCB 91-11 P-A, RCRA	<u>Burlington Northern Railroad Company v. EPA</u> - Knox County Courthouse, 200 South Cherry Street, Galesburg.
February 16 10:00 a.m.	PCB 93-230 UST-FRD	<u>The Village of Hodgkins v. EPA</u> - James R. Thompson Center, Room 11-500, 100 West Randolph Street, Chicago.
February 22 10:00 a.m.	PCB 93-248 L-E	<u>People of the State of Illinois v. John Prior and Industrial Salvage, Inc.</u> - Centralia City Hall, Council Chambers, 222 South Poplar Street, Centralia.
February 22 10:30 a.m.	R 93-30 R, Air	<u>In the Matter of: Contingency Measures for PM10 Emissions: Amendments to 35 Ill. Adm. Code 106 and 212</u> - James R. Thompson Center, Room 9-040, 100 West Randolph Street, Chicago.
February 23 9:00 a.m.	PCB 93-196 A-V	<u>TRW, Inc. v. EPA</u> - Clark County Courthouse, County Board Room, Marshall, Illinois.
March 1 1:30 p.m.	AS 92-13 Air	<u>In the Matter of: Petition of Alumax, Inc. for Adjusted Standard from 35 Ill. Adm. Code 218</u> - Grundy County Courthouse, County Board Room No. 16, 111 East Washington Street, Morris.
March 1 9:30 a.m.	PCB 94-19 L-S-R, 3d P	<u>Michael Turlek, Lillian Smejkal, and John Lathrop v. Village of Summit and West Suburban Recycling and Energy Center, Inc.</u> - American Legion Hall, 6050 South Harlem, Summit. (Consolidated with PCB 94-21 and PCB 94-22.)

March 2 10:00 a.m.	AC 93-30 AC	<u>Sangamon County v. The Illinois National Bank of Springfield, n.k.a. First of America Trust Company, Trust No. 894-6418-002, and Ray Landers - Illinois Pollution Control Board, Suite 402, 600 South Second Street, Springfield.</u>
March 3 10:00 a.m.	PCB 93-255 UST-FRD	<u>Lindsay-Klein Chevrolet-Olds, Inc. d/b/a Chuck Lindsay Chevrolet-Olds, Inc. v. Office of the State Fire Marshal - Whiteside County Sheriff's Department, Law Enforcement Center, 400 North Cherry Street, Morrison.</u>
March 7 9:30 a.m.	PCB 94-18 UST-FRD	<u>City of Wheaton (Old Police Station) v. Office of the State Fire Marshal - City of Wheaton, Basement Conference Room (northeast corner), 303 West Wesley, Wheaton.</u>
March 10 9:00 a.m.	AC 93-60 AC	<u>Montgomery County v. Envotech Illinois, Inc. (Litchfield-Hillsboro Landfill or Envotech Illinois Landfill) - Montgomery County Courthouse, County Board Room, Third Floor, Hillsboro.</u>
March 11 9:00 a.m.	AC 93-45 AC	<u>Montgomery County v. Rita Hefley - Montgomery County Courthouse, County Board Room, Third Floor, Hillsboro.</u>
March 14 10:00 a.m.	PCB 94-38 UST-FRD	<u>Park District of Highland Park (Central Park Facility) v. Office of the State Fire Marshal - Lake County Courthouse, County Board Assembly Room, 10th Floor, 18 North County Street, Waukegan.</u>
March 22 10:00 a.m.	R 93-30 R, Air	<u>In the Matter of: Contingency Measures for PM10 Emissions: Amendments to 35 Ill. Adm. Code 106 and 212 - James R. Thompson Center, Room 9-040, 100 West Randolph Street, Chicago.</u>
March 23 10:00 a.m.	PCB 93-145 A-E	<u>People of the State of Illinois v. Monarch Asphalt Co. - James R. Thompson Center, Room 11-500, 100 West Randolph Street, Chicago.</u>
March 23 9:00 a.m.	PCB 93-192 A-E, Citizens	<u>The Decatur Auto Auction, Inc. v. Macon County Farm Bureau, Inc., The Macon County Fair Association, and The Macon County Horsemen's Association - Macon County Building, Boardroom 504, 253 East Wood Street, Decatur.</u>
March 24 10:00 a.m.	PCB 93-145 A-E	<u>People of the State of Illinois v. Monarch Asphalt Co. - James R. Thompson Center, Room 11-500, 100 West Randolph Street, Chicago.</u>
March 25 1:00 p.m.	AS 91-9 Water	<u>In the Matter of: Petition of the City of East Moline and the IEPA for Adjusted Standard from 35 Ill. Adm. Code 304 - American Legion Post No. 227, 829 16th Street, East Moline.</u>
April 5 10:30 a.m.	R 93-30 R, Air	<u>In the Matter of: Contingency Measures for PM10 Emissions: Amendments to 35 Ill. Adm. Code 106 and 212 - James R. Thompson Center, Room 2-025, 100 West Randolph Street, Chicago.</u>
April 7 9:00 a.m.	PCB 93-250 A-E	<u>People of the State of Illinois v. Clark Oil & Refining Corporation (Wood River Refinery) - Alton City Hall, Council Chambers, 101 East Third Street, Alton.</u>
April 8 9:00 a.m.	PCB 93-250 A-E	<u>People of the State of Illinois v. Clark Oil & Refining Corporation (Wood River Refinery) - Alton City Hall, Council Chambers, 101 East Third Street, Alton.</u>

Calendar Codes

3d P	Third Party Action	A-CAdministrative Citation
A-E	Air Enforcement	A-SAdjusted Standard
A-V	Air Variance	CSOCombined Sewer Overflow Exception
GW	Groundwater	L-ELand Enforcement
L-S-R	Landfill Siting Review	L-VLand Variance

N-E	Noise Enforcement	N-VNoise Variance
P-A	Permit Appeal	PWS-EPublic Water Supply Enforcement
PWS-V	Public Water Supply Variance	RRegulatory Proceeding
S0 ₂	S0 ₂ Alternative Standards (35 ILL. ADM. CODE 302.211(f))	SWH-ESpecial Waste Hauling Enforcement
SWH-V	Special Waste Hauling Variance	TThermal Demonstration Rule
T-C	Tax Certifications	T-STrade Secrets
UST-E	Underground Storage Tank Enforcement	UST-FRDUnderground Storage Tank Fund Reimbursement Determination
W-E	Water Enforcement	W-VWater Variance
WWS	Water-Well Setback Exception	

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
 DIVISION OF WATER POLLUTION CONTROL
 RESTRICTED STATUS LIST

In order to comply with 35 Illinois Administrative Code Section 306.401 Illinois Pollution Control Board Regulations, the Illinois EPA has prepared the following list of facilities which are on Restricted Status. Restricted Status is defined as the Agency determination that a sewer or lift station has reached hydraulic capacity or that a sewage treatment plant has reached design capacity, such that additional sewer connection permits may no longer be issued without causing a violation of the Act or Regulations. Please note that the list is continually being revised to reflect the current situation. Therefore, if you have any questions on the capability of a treatment facility or transport system, please contact this Agency for a final determination. This listing reflects the status as of December 31, 1993.

Facility names followed by an asterisk (*) indicates that construction is underway to ultimately alleviate problems which resulted in imposition of Restricted Status. Facilities followed by a double asterisk (**) are additions to the list.

<u>FACILITY NAME</u>	<u>RESPONSIBLE AUTHORITY</u>	<u>COUNTY</u>	<u>REMAINING CAPACITY</u>
Bourbonnais (Belle Aire Subd.)		Consumers Illinois Water	Kankakee
0			
Camelot Utilities - Wastewater Collection System		Camelot Utilities	Will 0
Camp Point (a portion mh 60-68)		Village of Camp Point	Adams 0
Candlewick Lake STP	Consumer Ill. Water Co.	Boone	0
Canton - S.S. Surcharging	City of Canton	Fulton	0
New Salem, 4th Ave., Sycamore, Sycamore Terr., Main Street			
Chapin (North and South Main Terminal L.S.)	Village of Chapin	Morgan	0
Clearview S.D.	Clearview S.D.	McLean	0
DeKalb-NW 8" Submain	City of DeKalb	DeKalb	0
East Alton STP	City of East Alton	Madison	0
Elmwood	City of Elmwood	Peoria	0
Farmington	City of Farmington	Fulton	0
Highview Estates	Highview Water Co.	Tazewell	0
Lake Zurich (NW) STP	Village Of Lake Zurich	Lake	0
Lake Zurich (SE) STP	Village of Lake Zurich	Lake	0
Maple Lawn Homes STP	Maple Lawn Homes	Woodford	0
Oak Highlands S.D.*	Oak Highlands S.D.	Will	0
Riverton (Sewer System-Partial)		Village of Riverton	Sangamon 0
Stockton STP	Village of Stockton	JoDaviess	0
Taylorville Shawnee Ave. Pump Station	City of Taylorville	Christian	0
Utilities Unlimited	Utilities Unlimited	Will	0
Viriden (Sewer System-Partial)	Viriden S.D.	Macoupin	0
Washington (Devonshire Estates)		City of Washington	Tazewell 0
Washington (Rolling Meadows)	City of Washington	Tazewell	0
Watseka STP	City of Watseka	Iroquois	0

Deletions from previous Quarterly Report : Cambridge STP, Lake Villa

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
 DIVISION OF WATER POLLUTION CONTROL
 CRITICAL REVIEW LIST

In order to comply with 35 Illinois Administrative Code Section 306.401, Illinois Pollution Control Board Regulations, the Illinois Environmental Protection Agency has prepared the following list of facilities which are on Critical Review. Critical Review as defined as the Agency determination that a sewer or lift station is approaching hydraulic capacity or that a sewage treatment plant is approaching design capacity such that additional sewer connection permit applications will require close scrutiny to determine whether issuance would result in a violation of the Act or Regulations. Please note that these lists are continually being revised to reflect the current situation. Therefore, if you have any questions on the capability of a treatment facility or transport system, please contact the Agency for a final determination. This listing reflects the status as of December 31, 1993.

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

<u>FACILITY NAME</u>	<u>RESPONSIBLE AUTHORITY</u>	<u>COUNTY</u>	<u>REMAINING CAPACITY</u>	<u>PE ADDED SINCE LAST LIST</u>
Antioch	Village of Antioch	Lake	0	0
Beecher STP	Village of Beecher	Will***	0	0
Benton-Southeast STP	City of Benton	Franklin	60	0
Bethalto (L.S. #1)	Village of Bethalto	Madison	87	0
Bolingbrook STP 2	Village of Bolingbrook	Will	0	249
Braidwood STP	City of Braidwood	Will	0	0
Carrier Mills	Village of Carrier Mills	Saline	836	0
Carrollton	City of Carrollton	Greene	140	0
Chester	City of Chester		121	0
Crest Hill - West STP	City of Crest Hill	Will	175	89

Creve Coeur	Village of Creve Coeur	Tazewell	2,330	0
Derby Meadows Utility Co. STP		Derby Meadows Utility Co. Will		0 0
Downers Grove Sanitary Dist.	Downers Grove S.D.	DuPage	8,864	0
Earlville	City of Earlville	LaSalle	297	0
East Dundee STP	Village of E. Dundee	Kane	1,701	20
Elkville	Village of Elkville	Jackson	9	0
Elmhurst	City of Elmhurst	DuPage	0	0
Findlay	Village of Findlay	Shelby	60	0
Hebron	Village of Hebron	McHenry	118	0
Herrin	City of Herrin	Williamson	***	0
Herschler	Village of Herscher	Kankakee	8	0
Hoopeston	City of Hoopeston'	Vermilion	22	0
Kildeer-Bishop-Ridge STP	Village of Kildeer	Lake	40	0
CLPWD-DeerfieldRd. Interceptor		County of Lake Public Works		Lake ***
	0			
	Department			
Lake in the Hills S.D.	Village of Lake in the Hills	McHenry	0	1,062
Milan	Village of Milan	Rock Island	1,127	0
Moline (North Slope)	City of Moline	Rock Island	1,151	0
O'Fallon	City of O'Fallon	St. Clair	968	0
Orangeville	Village of Orangeville	Stephenson	63	0
Pearl City	Village of Pearl City	Stephenson	0	0
Peotone	Village of Peotone	Will	0	0
Rock Island (Main)	City of Rock Island	Rock Island	5,012	88
Sycamore (Southwest)	City of Sycamore	DeKalb	0	0
Thompsonville STP	Village of Thompsonville	Franklin	35	0

Deletetions from previous quarterly report : DPCDEC - Knollwood

***Contact IEPA - Permit Section

Printed by Authority of the State of Illinois, February, 1994, 2,000 copies, order #57701.

The Illinois Pollution Control Board is an independent seven member board which adopts the environmental control standards for the State of Illinois and rules on enforcement actions and other environmental disputes. The Board Members are:

Claire A. Manning, Chairman
Springfield, Illinois

Emmett E. Dunham II
Elmhurst, Illinois

Ronald C. Flemal
DeKalb, Illinois

G. Tanner Girard
Grafton, Illinois

Marili McFawn
Palatine, Illinois

J. Theodore Meyer
Chicago, Illinois

Michael L. Nardulli
Chicago, Illinois

The Environmental Register is a newsletter published by the Board after every Board meeting. The Register provides updates on rulemakings and other information, lists final actions, and contains the Board's hearing calendar. The Register is provided free of charge.

Illinois Pollution Control Board
State of Illinois Center, 11-500
100 West Randolph Street
Chicago, Illinois 60601
(312) 814-3620

Address Correction Requested.