



ENVIRONMENTAL REGISTER



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STAFF UPDATE

The Board welcomes Lynne M. Hughes, Karen Kavanagh, Erik Lyons, and Joel Sternstein. Ms. Hughes is the private secretary to Board Member, Nicholas C. Melas. She comes to the Board with 18 years administrative experience at Encyclopedia Britannica. Karen L. Kavanagh joins the Board's legal unit as a staff attorney. She received her B.A. in Political Science and her J.D. from Loyola University Chicago. Ms. Kavanagh recently passed the Illinois Bar Examination and will be sworn in on November 5, 1998. Prior to joining the Board, Ms. Kavanagh clerked for the appellate division of the Illinois Attorney General's Office. Erik Lyons joined the staff as the Board's Public Services Coordinator. In addition to his duties assisting the public, he will maintain the Board's Internet website. Prior to joining the Board, Mr. Lyons worked for the Illinois Environmental Protection Agency, Division of Legal Counsel. He is a graduate of the former Sangamon State University in Springfield, with a degree in Legal Studies. Mr. Lyons will work out of

the Board's Springfield office. Joel J. Sternstein joins the staff as the attorney assistant to Board Member Nicholas C. Melas. He received his B.A. in Political Science and Economics from Northwestern University and J.D. from the Chicago-Kent College of Law. Prior to joining the Board, Mr. Sternstein was an Associate for Clean Sites and an Assistant Counsel for Illinois House Speaker Michael J. Madigan. Ms. Hughes, Ms. Kavanagh, and Mr. Sternstein will work out of the Board's Chicago office.

Please join the Board and staff in welcoming these new staff members. ♦

RULEMAKING UPDATE

Board Adopts First Notice Proposal in In the Matter of: Proportionate Share Liability, R97-16

On September 3, 1998, the Board adopted for first notice publication in the *Illinois Register* rules regarding

proportionate share liability to implement Section 58.9 of the Environmental Protection Act (Act) (415 ILCS 5/58.9 (1996)) regarding proportionate share liability. The Board has until January 1, 1999, to complete this rulemaking. See Pub. Act 9-0484, eff. August 17, 1997 (amended 415 ILCS 5/58.9 (1996)).

The proportionate share liability scheme, enacted by Public Act 89-431 (Pub. Act. 89-431, eff. December 15, 1995) and as modified by Public Act 89-443 (Pub. Act 89-443, eff. July 1, 1996), replaced the concept of joint and several liability under Illinois common law. Under joint and several liability principles, a party who might be only partially responsible for the contamination at a site could be sued for 100% of the cleanup costs of a contaminated site. Proponents of proportionate share liability believe that proportionate share liability is a much fairer liability procedure under which a person can only be held liable for his

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Notice of Illinois Environmental Protection Agency Intent to List Parker Fen, McHenry County, as the First Class III: Special Resource Groundwater -- Request for Public Comment

The Illinois Environmental Protection Agency (IEPA) proposes to list Parker Fen, a dedicated nature preserve (DNP), as a Class III: Special Resource Groundwater. Parker Fen is located in the northeast part of Dorr Township, in the unincorporated southeast quarter of McHenry County, Illinois. On December 12, 1997, Julene Perbohner, Esq. submitted a petition on behalf of Ms. Jewel Hahn to designate Parker Fen as Class III: Special Resource Groundwater. This is the first petition of this type received by IEPA since the adoption of the groundwater quality standards regulation by the Board in 1991.

Under the authority of 35 Ill. Adm. Code Section 620.230, Class III: Special Resource Groundwater can be established for: demonstrably unique (*e.g.*, irreplaceable sources of groundwater) and suitable for application of a water quality standard more stringent than the otherwise applicable water quality standard specified; for groundwater that is vital for a particular sensitive ecological system; or groundwater contributing to a DNP that has been listed by the IEPA. IEPA is required to review a written request to designate these areas, and upon confirmation of the technical adequacy, publish the listing of the DNP(s) in the *Environmental Register* for a 45-day public comment period. Within 60 days after the close of the comment period, the IEPA is required to publish a final listing in the *Environmental Register*.

The Groundwater Section in the Bureau of Water at IEPA has completed the review required according to the criteria specified at Subsection 620.230(b)(1), and find the petition to be technically adequate.

Questions regarding the proposal and requests for hard copies of the petition should be directed to:

Richard P. Cobb, P.G.
 Manager, Groundwater Section
 Bureau of Water
 Illinois Environmental Protection Agency
 1021 North Grand Avenue East
 P.O. Box 19276
 Springfield, Illinois 62794-9276
 (217)785-4787
 epa3188@epa.state.il.us

The IEPA will consider public comments received on or before November 30, 1998. ♦

RULEMAKING UPDATE

(Continued from page 1)

proportionate share of causing or contributing to release at a site. The new proportionate share liability procedure was passed in conjunction with the State of Illinois' sweeping Brownfields site remediation program and is designed to provide the necessary incentives to more efficiently clean up numerous abandoned, contaminated properties around the State, allow them to be properly cleaned up and redeveloped, and ultimately be returned to the tax roles to alleviate the need for increased property taxes elsewhere. See In the Matter of: Site Remediation Program (June 5, 1997), R97-11.

More specifically, Section 58.9 of the Act provides that no action may be brought "to require any person to conduct remedial action or seek recovery of costs for remedial activity . . . beyond the remediation of releases of regulated substances that may be attributed to being proximately caused by such person's act or omission or beyond such person's proportionate degree of responsibility for costs of the remedial action . . ." See 415 ILCS 5/58.9(a)(1) (1996). Section 58.9 further exempts from performing remedial action any person who neither caused nor contributed, in any material respect, to the release of regulated substances. See 415 ILCS 5/58.9(a)(2)(A) (1996). Section 58.9 also provides that if the State of Illinois seeks to require a person to

conduct remedial activities, the Agency must provide notice to such person. See 415 ILCS 58.9(b) (1996).

The purpose of new Part 741 is to establish procedures for the determination of liability and allocation of proportionate share for the performance or cost of removal or remedial action resulting from the release or substantial threat of a release of regulated substances or pesticides. See 415 ILCS 5/58.9(d) (1996). The Board's rules apply not only to those cases brought before the Board by the Illinois Environmental Protection Agency and the Attorney General, but also to those brought by a private citizen. The rules further provide for stipulated settlements where the liable parties are in agreement over apportionment of costs, thereby reducing costly litigation. Finally, the Board, in interpreting the statutory language of the proportionate share provisions of the Act, determined that proportionate share liability applies to all sites in Illinois where there has been a release or substantial threat of a release of a controlled substance and where a complaint has been filed seeking costs for remedial action or to require remedial action.

Subpart A of Part 741 contains applicability provisions, definitions, and discovery prior to filing of a complaint for the purpose of identifying potentially liable parties, and the modification of an allocation determination based on newly discovered evidence. Subpart B contains procedures for determining liability and proportionate share where a complaint has been filed with the Board by the Agency, the State of Illinois, or any person. Subpart C contains procedures for potentially liable parties who are not the subject of a complaint and who have agreed among themselves to allocate the entire costs of a response action. The parties may elect to proceed to mediation or elect to proceed with the Board allocation proceeding.

To date, the Board has held four hearings in this matter. Those hearings were held on May 4, 1998, in Springfield, May 12, 1998, in Chicago, and May 27 and June 10, 1998, in Springfield. Persons who participated at hearings or submitted comments include the Illinois Environmental Protection Agency, the United States Environmental Protection Agency, the Illinois Attorney General's Office, the Illinois Environmental Regulatory Group, the Illinois Steel Group, the Chemical Industry Council of Illinois, the waste disposal industry, and several others. Two

additional hearings are scheduled for October 19 and 20, 1998, in Springfield. Upon publication of this rule in the *Illinois Register*, a 45-day public comment period will begin.

For further questions regarding this matter, please contact Cynthia Ervin at 217/524-8509; e-mail address: cervin@pcb084r1.state.il.us ♦

Board Adopts Adjusted Standard for Antifreeze Recycler in In the Matter of: Petition of Recycle Technologies, Inc. for Adjusted Standard Under 35 Ill. Adm. Code 720.131(c), AS 97-9

On September 3, 1998, the Board granted petitioner, Recycle Technologies, Inc. (RTI), an adjusted standard from 35 Ill. Adm. Code 720.131(c). RTI is an automotive antifreeze recycler whose customers include car dealerships and auto repair shops. RTI recycles used antifreeze by filtering it and then placing additives in the filtered material. In its petition, RTI requested that the Board allow it to take the filtered material to a centralized location where it would undergo additional processing before being returned to customers. RTI filed this petition under Section 720.131(c) of the Environmental Protection Act, which allows the Board to determine that certain materials are not solid wastes if they meet certain criteria. The Board found that RTI provided sufficient evidence under Section 720.131(c) to establish that the filtered used antifreeze was commodity-like. Therefore, the Board found that the material is not a solid waste and granted RTI's petition for an adjusted standard.

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

Board Proposes for Second-Notice Amendments in In the Matter of: Livestock Waste Regulations: 35 Ill. Adm. Code 506, R97-15(B)

On September 17, 1998, the Board proposed for second-notice review by the Joint Committee on Administrative Rules amendments to 35 Ill. Adm. Code 506, Livestock Waste Regulations. The amendments implement Section 17 of the Livestock Management Facilities Act (LMFA) (510 ILCS 77/17 (1998)), which requires that owners of new or

modified livestock waste lagoons provide evidence of financial responsibility for lagoon closure.

Some changes were made in the rules in response to public comment received during the first-notice period. The proposed rules require lagoon owners to have financial assurance in place either by June 1, 1999, or before the lagoon is placed in service, whichever is later. This can be accomplished by posting a bond, guarantee, commercial or private insurance, letter of credit, or other "surety instrument" with a financial institution such as a bank. This can also be established by participating in a livestock waste lagoon closure fund managed by the Illinois Farm Development Authority. The proposed rules also set forth criteria for each of the six surety instruments, as well as the procedures under which such instruments are drawn. The initial term of the surety instrument must be at least three years, and the term of coverage may never be less than two years. This requirement is to ensure that the lagoon can be closed within the statutory time period (see 501 ILCS 77/15(e) (1998)).

The proposed rules also include conditions under which a lagoon is considered to be removed from service. Removal from service triggers the lagoon owner's obligation to submit a closure plan to the Department of Agriculture (Department). The proposed rules provide that surety liability is triggered if an owner fails to follow an approved closure plan and does not cure noncompliance within 30 days of notice from the Department. Once surety liability is triggered, the Department sends a notice to the financial institution, which must then deposit the proceeds of the surety instrument in an account upon which the Department is authorized to draw for lagoon closure. The Department uses the proceeds to close the lagoon. Alternatively, the financial institution may assume liability for lagoon closure itself.

The Board held hearings in Chicago on October 14, 1997, and in Springfield on October 21, 1997. On May 21, 1998, the Board adopted a first-notice proposal for publication in the *Illinois Register*. 22 Ill. Reg. 10102 (June 12, 1998).

Any questions regarding this rulemaking may be directed to Charles King at 312/814-6926; e-mail address: cking@pcb084r1.state.il.us ♦

Board Adopts Amendments for Second Notice
in **In the Matter of: Petition of PDV Midwest**

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Refining, L.L.C. to 35 Ill. Adm. Code 304.213, R98-14

On September 17, 1998, the Board adopted for second notice a site-specific amendment to Section 304.213 of the Board's effluent regulations at the request of PDV Midwest Refining, L.L.C. (PDV), located in Will County near Lemont, Illinois. This site-specific rulemaking was initiated by a petition filed by PDV on October 17, 1997. The adopted rules amend the Board's effluent regulations to provide site-specific ammonia nitrogen standards for PDV's discharge to the Chicago Sanitary and Ship Canal, which is tributary to the Illinois River. The proposal also grants PDV's request that the change in ownership from UNO-VEN to PDV be reflected. The proposal also includes a sunset provision terminating the site-specific rule on December 31, 2008.

Two hearings were held in this matter on March 6, 1998, in Joliet, and on March 30, 1998, in Springfield. The Springfield hearing was held to address the decision of the Illinois Department of Commerce and Community Affairs not to conduct an economic impact study in connection with this rulemaking. No one testified at this hearing and the Board has not received any comments regarding an economic impact study concerning this matter. On May 21, 1998, the Board adopted this amendment for first-notice publication in the *Illinois Register*. 22 Ill. Reg. 9657 (June 12, 1998).

Any questions regarding this rulemaking may be directed to John Knittle at 312/814-3473; e-mail address: jknittle@pcb084r1.state.il.us ♦

Board Adopts Proposal for Public Comment in
Identical-in-Substance Consolidated Rule-
making Dockets, R98-21, R99-2, and R99-7

On September 17, 1998, the Board adopted a proposal for public comment in identical-in-substance consolidated rulemaking dockets, R98-21, R99-2, and R99-7. See In the Matter of: RCRA Update, USEPA Regulations (July 1, 1997, through December 31, 1997), In the Matter of: RCRA Update, USEPA Regulations (January 1, 1998, through June 30, 1998), In the Matter of: UIC Update, USEPA Regulations (January 1, 1998, through June 30, 1998) (September 17, 1998), R98-21, R99-2, R99-7. The

Board anticipates that the proposed rules will be published in the October issue of the *Illinois Register*.

Pursuant to Sections 13(c) and 22.4(a) of the Environmental Protection Act (415 ILCS 5/13(c), 22.4(a) (1996)), the Board proposed amendments to Illinois regulations that are identical-in-substance to hazardous waste regulations adopted by the United States Environmental Protection Agency (USEPA) to implement Subtitle C of the federal Resource Conservation and Recovery Act (42 U.S.C. §§ 6921 *et seq.* (1996)). The Board further proposed amendments to the Illinois regulations that are identical in substance to underground injection control regulations adopted by the USEPA to implement provisions of the Safe Drinking Water Act (42 U.S.C. § 300h *et seq.* (1996)).

Please direct any questions regarding this rulemaking to Michael McCambridge at 312/814-6924; e-mail address: mmccambr@pcb084r1.state.il.us ♦

FEDERAL ACTIONS

United States Environmental Protection Agency Approves Analytical Methods for Regulated Drinking Water Contaminants

On September 3, 1998, the United States Environmental Protection Agency (USEPA) approved the use of updated versions of previously-approved test methodologies of the American Society for Testing and Materials, Standard Methods for Examination of Water and Wastewater and the USEPA analytical methods for compliance determination of chemical and microbiological contamination in drinking water. 63 Fed. Reg. 47097 (September 3, 1998). Concurrently, the USEPA announced it was withdrawing approval of the previous versions of the 14 USEPA methods. ♦

United States Environmental Protection Agency Approves Illinois State Implementation Plan for McCook Particulate Matter Nonattainment Area

On September 8, 1998, the United States Environmental Protection Agency (USEPA) approved an Illinois State Implementation Plan (SIP) for the McCook particulate matter (PM) nonattainment area.

63 Fed. Reg. 47431 (September 8, 1998). The original Illinois SIP revisions request was submitted on November 14, 1995, May 9, 1996, and June 13, 1996, and included the Lake Calumet, Granite City, and the McCook PM nonattainment areas. This SIP approval pertains only to the McCook PM nonattainment areas, which includes Lyons Township. The USEPA anticipates that it will take action on the Lake Calumet PM nonattainment area under a separate rulemaking action in the near future. Approval of the Granite City PM plan became effective on May 11, 1998 (see 63 Fed. Reg. 11842 (May 11, 1998)). The Board adopted these regulations in In the Matter of: Visible and Particulate Matter Emissions: Amendments to 35 Ill. Adm. Code 212 (May 16, 1996), R96-5, on May 16, 1996 (20 Ill. Reg. 7605 (June 7, 1996)). ♦

United States Environmental Protection Agency Proposes Settlement Under the Comprehensive Environmental Response, Compensation, and Liability Act for Quality Plating Site, Chicago, Illinois

On September 8, 1998, the United States Environmental Protection Agency (USEPA) proposed a settlement under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. § 9607 (1980)), commonly known as CERCLA, for response costs incurred during removal activities at the Quality Plating site (site) in Chicago, Cook County, Illinois. 63 Fed. Reg. 47495 (September 8, 1998). The site, an abandoned metal-plating facility that contained numerous vats, tanks, and drums of acids, caustics, cyanide, and solvents, is not on the CERCLA National Priorities List. The USEPA sought response costs for actions it took to test materials at the site and to properly dispose of the hazardous waste. The USEPA settled with respondent, an individual who was the chief executive officer and shareholder of the plating corporation that previously operated the site, for \$25,000. The USEPA alleges that the settling party operated the site, including actively participating in the decision to close the business and abandon the polluted site. ♦

United States Environmental Protection Agency Proposes Settlement Under the Comprehen-

sive Environmental Response, Compensation, and Liability Act for Sauget Area 2, Q Site, Sauget and Cahokia, St. Clair County, Illinois

On September 10, 1998, the United States Environmental Protection Agency (USEPA) issued notice of a proposed settlement with Eagle Marine Industries, Inc., Monsanto Company, and Solutia Inc. relating to hazardous waste disposal at the Sauget Area 2, Q Site in Sauget and Cahokia, St. Clair County. 63 Fed. Reg. 48505 (September 10, 1998). The settling parties and the USEPA Region 5 Administrator signed the settlement agreement on August 20, 1998. The settlement involves a claim under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. § 9607(a) (1980)), commonly known as CERCLA. The settling parties have agreed to pay \$180,000 to the Hazardous Substance Superfund. ♦

United States Environmental Protection Agency Proposes National Emission Standards for Hazardous Air Pollutants From Process Vents at Petroleum Refineries

On September 11, 1998, the United States Environmental Protection Agency (USEPA) proposed national emission standards for hazardous air pollutants (NESHAP) from process vents associated with certain new and existing affected sources at petroleum refineries. 63 Fed. Reg. 48889 (September 11, 1998). Hazardous air pollutants (HAPs) that would be reduced by this proposed rule include organics (acetaldehyde, benzene, formaldehyde, hexane, phenol, dioxin, toluene, and xylene) and reduced sulfur compounds (carbonyl sulfide, carbon disulfide); inorganics (hydrogen chloride, chlorine) and particulate metals (antimony, arsenic, beryllium, cadmium, chromium, cobalt, lead, manganese, and nickel). The health effects of exposure to these HAPs can include cancer, respiratory irritation, and damage to the nervous system.

The USEPA proposed the standards under the authority of Section 112(d) of the Clean Air Act (42 U.S.C. § 7412 (1990)), as amended, on the determination that petroleum refinery catalytic cracking units, catalytic reforming units, and sulfur reforming units may reasonably be anticipated to emit one or more of the HAPs listed in Section 112(b) of the Clean Air Act (42 U.S.C. § 7412 (1990)) from the various

process vents found within these petroleum refinery process units. The USEPA anticipates that the proposed NESHAP would protect the public health and environment by requiring petroleum refineries that are major sources to meet emission standards reflecting application of the maximum available control technology.

Public comments should be submitted on or before November 10, 1998 to: Docket No. A-97-36, Air and Radiation Docket and Information Center (6102), USEPA, 401 M Street, S.W., Washington, D.C. 20460. Any questions regarding this matter may be directed to the Air and Radiation Docket at 202/260-7548.

Section 9.1(a) of the Illinois Environmental Protection Act (415 ILCS 5/9.1(a) (1996)) (Act) provides that national emission standards for HAPs are applicable and enforceable under the Act without further rulemaking action by the Board. ♦

United States Environmental Protection Agency Adopts Standards to Reduce Hazardous Air Pollutant Emissions from the Pulp and Paper Production Sources

On September 16, 1998, the United States Environmental Protection Agency (USEPA) promulgated standards at 40 C.F.R. § 63(S) to reduce hazardous air pollutant emissions from the pulp and paper product source category. 64 Fed. Reg. 49455 (September 16, 1998). Commonly known as the Pulp and Paper Cluster Rules, these national emission standards for hazardous air pollutants (NESHAP) are a component of the integrated air and water rules for the pulp and paper industry. Specifically, this action by the USEPA makes interpretive amendments to certain regulatory text in the NESHAP regarding the applicability of a 10 percent excess emissions allowance for condensate treatment systems. These amendments became effective on September 16, 1998.

For further information please contact: Stephen Shedd, Emission Standards Division, USEPA, Research Triangle Park, NC 27111, 919/541-5397.

Section 9.1(a) of the Environmental Protection Act (415 ILCS 5/9.1(a) (1996)) (Act) provides that NESHAPs are applicable and enforceable under the Act without further rulemaking action by the Board. ♦

United States Department of Agriculture Adopts Interim Rule Regarding Solid Wood Packing Material from China

On September 18, 1998, the United States Department of Agriculture (USDA) amended regulations for importing logs, lumber, and other unmanufactured wood articles by adding treatment and documentation requirements for solid wood packing material imported from China. 63 Fed. Reg. 50099 (September 18, 1998). These rules mean that wood pallets, crating, dunnage, and other wooden packing material imported into the United States from China will have to be heat treated, fumigated, or treated with preservatives prior to departure from China. This action will affect anyone who uses solid wood packing material in connection with exporting commodities from China to the United States. USDA explains that this action is necessary to control the risk that solid wood packing material from China could introduce dangerous plant pests, including forest pests, into the United States, a risk demonstrated by many recent incidents where exotic pests were detected in solid wood packing material from China.

In Illinois, such packing material has been identified as the source of introduction of the Asian longhorned beetle, which has infested trees in the Chicagoland area; federal and State officials are monitoring other areas of the State for appearance of the insect. Presently, the only effective method

identified for eradication of the pest is destruction of the infested trees. This interim rule is effective December 17, 1998. All comments must be received by November 17, 1998. One original and three copies of the comments should be sent to: Docket

United States Environmental Protection Agency Adopts National Emission Standards for Hazardous Air Pollutants from Existing and New Facilities that Manufacture Pharmaceutical Products

On September 21, 1998, the United States Environmental Protection Agency (USEPA) adopted national emission standards for hazardous air pollutants from existing and new facilities that

No. 98-087-1, Regulatory Analysis and Development, PPD, APHHS Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737-1238. ♦

Request for Comments on the Draft Unified National Strategy for Animal Feeding Operations

On September 21, 1998, the United States Department of Agriculture (USDA) and the United States Environmental Protection Agency (USEPA) issued a request for comments on the draft Unified National Strategy for Animal Feeding Operations. 63 Fed. Reg. 50192 (September 21, 1998). These comments will assist the USDA and the USEPA in the development and implementation of a final strategy to reduce environmental risks associated with animal feeding operations (AFOs). The draft strategy was developed as part of the Clean Water Action Plan, which was announced by President Clinton and Vice President Gore in February 1998.

Generally, the draft states that owners and operators of AFOs should take action to reduce pollution runoff. The draft strategy establishes a national performance expectation for all AFOs to be met by developing and implementing Comprehensive Nutrient Management Plans on AFOs. The strategy also proposes incentives for owners and operators of AFOs to take early and voluntary actions. Comments must be received by January 19, 1999, and can be sent to: Denise C. Coleman, Program Analyst, Natural Resources Conservation Services, AFO, P.O. Box 2890, Washington, D.C. 20013-2890.

For further information contact: Joseph DeVecchio, Natural Resources Conservation Service, 202/690-2632 or William Hall at the USEPA, 202/565-3030. ♦

manufacture pharmaceutical products. 63 Fed. Reg. 50279 (September 21, 1998). The major hazardous air pollutants (HAP) emitted by these facilities included methylene chloride, methanol, toluene, and hydrogen chloride. Methylene chloride is considered to be a probable human carcinogen and the other pollutants can cause noncancerous health effects in humans. The USEPA expects that the amendments will reduce HAP emissions from existing facilities by 22,000 megagrams per year, *i.e.*, 24,000 tons per year. Volatile organic compound emissions will also be reduced as a result of these amendments.

For further information please contact: Randy McDonald, Organic Chemicals Group, Emission Standards Division, USEPA, Research Triangle Park, NC 27111, 919/541-5402.

Section 9.1(a) of the Illinois Environmental Protection Act (415 ILCS 5/9.1(a) (1996)) (Act) provides that national emission standards for HAPs are applicable and enforceable under the Act without further rulemaking action by the Board. ♦

**United States Environmental Protection Agency
Promulgates Standards for Spent Potliners
from Primary Aluminum Reduction Under the
Land Disposal Restriction Program**

On September 24, 1998, the United States Environmental Protection Agency (USEPA) adopted standards for spent potliners from primary aluminum reduction under the land disposal restriction (LDR) program. 63 Fed. Reg. 51253 (September 24, 1998).

The purpose of the LDR program, authorized by the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. §§ 6901 (1976)), is to minimize threats to human health and the environment caused by hazardous constituents that may potentially leach from landfills to groundwater. As a result of these amendments, spent potliners are prohibited from land disposal unless the wastes have been treated in compliance with the numerical standards contained in this rule. The effective date of these amendments was September 21, 1998.

For further information, contact the RCRA hotline at 800/424-9346.

The Board anticipates adoption of these amendments in an identical-in-substance rulemaking in accordance with Section 13(c) of the Environmental Protection Act (415 ILCS 5/13(c) (1996)). ♦

APPELLATE UPDATE

Illinois Pork Producers Association and Illinois Beef Association v. Illinois Pollution Control Board, No. 5-97-0411 (1998).

The Illinois Pork Producers and Illinois Beef Association Withdrew Appeal and Dismissed Proceedings to Challenge Rules Promulgated Pursuant to the Livestock Management Facilities Act.

On May 15, 1997, the Board entered an order in docket number R97-15(A), which adopted rules implementing the Livestock Management Facilities Act (LMF Act), 510 ILCS 77/1 *et seq.* On June 19, 1997, the petitioners, Illinois Pork Producers Association and Illinois Beef Association, filed a petition for review with the Fifth District Appellate Court. The petitioners raised the following issues in the appeal: (1) that the Board overstepped the clear statutory constraints set forth in the LMF Act; and (2) that the Board failed to give proper notice and comments in promulgating the rules.

This case was eventually transferred to the First District Appellate Court on motion by the Board. In its motion to transfer venue, the Board relied upon Section 29(a) and 41(a) of the Environmental Protection Act (415 ILCS 5/29(a) and 41(a) (1994)), in arguing that because the regulations in question were adopted at the Board's regular meeting in Chicago, the cause of action giving rise to the appeal arose in the First District and not in the Fifth. In opposition, the petitioners argued that the adoption of regulations by the Board in Chicago was merely a

ministerial task, and thus discounted the idea that the cause of action arose in the First District. The petitioners also argued that Section 3-104 of the Administrative Review Law applied to the question of venue and that under that Section, venue was proper in the Fifth District. On September 17, 1997, the Fifth District granted the Board's motion and transferred venue based on the Board's argument that the time and place of a rule's adoption creates both a cause of action and establishes venue.

On March 31, 1998, petitioners submitted a motion to withdraw the appeal and dismiss the proceedings. As the reason for withdrawal of the appeal, petitioners cited the ongoing settlement negotiations with interested parties, including the Illinois Department of Agriculture, the Illinois Department of Natural Resources, the Illinois Environmental Protection Agency, the Governor's Office, and the Historic Preservation Society. The appeal was withdrawn based on the reasonable belief that the ongoing negotiations would result in a settlement. The First District granted the motion and a mandate was issued dismissing the case on April 13, 1998.

BOARD ACTIONS 9/3/98

RULEMAKINGS

R97-16 In the Matter of: Proportionate Share Liability - The Board adopted a first-notice opinion and order in this proposed rulemaking to **establish procedures for determining proportionate share liability in environmental actions.** 7-0

ADJUSTED STANDARDS

AS 97-9 In the Matter of: Petition of Recycle Technologies, Inc. for an Adjusted Standard under 35 Ill. Adm. Code 720.131(c) - The Board granted to this DuPage County facility an adjusted standard, with conditions, from 35 Ill. Adm. Code Part 720.131(c), which allows the Board to determine that certain materials are not solid wastes if they meet certain criteria. 7-0

ADMINISTRATIVE CITATIONS

AC 99-3 IEPA v. City of Sesser - The Board found that this Franklin County respondent violated Sections 21(p)(1) and 21(p)(2) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(2) (1996)) and ordered respondent to pay a civil penalty of \$1,000. 7-0

AC 99-4 IEPA v. City of Paris and Ingrum's Waste Disposal - The Board found that these Edgar County respondents violated Sections 21(p)(1) and 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(3) (1996)) and ordered respondents to pay a civil penalty of \$1,000. 7-0

ADJUDICATORY CASES

Provisional Variances

PCB 99-39 Commonwealth Edison Company (Dresden Power Station) v. IEPA - Upon receipt of an Agency recommendation, the Board granted this Grundy County facility a 24-day provisional variance, subject to conditions, from certain thermal effluent discharge requirements as set forth in 35 Ill. Adm. Code 302.211, 304.141(b) of the Board's water regulations and in the Board's order in In the Matter of: 410 (c) Petition for Dresden Nuclear Generating Station (July 8, 1981), PCB 79-134. 6-0
Hennessey
abstained

Motions and Other Matters

- PCB 94-288** People of the State of Illinois v. Grayslake Gelatin Company, Blidco, Inc., Acme Construction Company, Inc., Diversified Abatement Contractors, Inc., and John Nordigan, individually and as President of Diversified Abatement Contractors, Inc. - The Board entered an order which granted complainant's motion for summary judgment against respondent Diversified Abatement Contractors, Inc. (Diversified) and found that this Lake County respondent violated Section 9.1(d)(1) of the Environmental Protection Act (415 ILCS 5/9.1(d)(1) (1996)). Complainant's motion for summary judgment against respondent John Nordigan was denied. The Board reserved ruling on complainant's request for relief against Diversified for penalties, a cease and desist order, costs, and attorney fees. Within 14 days of the date of this order the complainant may file with the Board a request for a hearing on penalties, a cease and desist order, costs, and attorney's fees. If no request for hearing is made the Board will rule on the complainant's request for relief after the following briefing schedule: within 30 days of the date of this order the complainant may file a brief on penalties, a cease and desist order, costs, and attorney fees to be imposed on Diversified; within 20 days of the complainant's filing, Diversified may file a response brief. 7-0
- PCB 96-247** Macon County Landfill #2 and #3 v. IEPA - The Board granted petitioner's motion for withdrawal of this permit appeal involving a Macon County facility. 7-0
- PCB 97-117** People of the State of Illinois v. United Scrap Metal, Inc. - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action against a Cook County facility, the Board ordered publication of the required newspaper notice. 7-0
- PCB 97-148** Marilyn J. Richey v. Texaco Refining and Marketing, Inc. - The Board granted complainant's motion for withdrawal of this citizen's land enforcement action against a Madison County facility. 7-0
- PCB 97-187** Martin Oil Marketing, Ltd. V. IEPA - The Board granted petitioner's motion for withdrawal of this underground storage tank appeal involving a Rock Island County facility. 7-0

Motions and Other Matters (Cont'd)

PCB 97-211	<u>Gord Leonard Union 76, Inc. v. IEPA</u> - The Board granted petitioner's motion for withdrawal of this underground storage tank appeal involving a Lake County facility.	7-0
PCB 98-58	<u>People of the State of Illinois v. Stephen Berger d/b/a Layer One</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this Resource Conservation Recovery Act enforcement action against a Winnebago County facility, the Board ordered publication of the required newspaper notice.	7-0
PCB 98-84	<u>Scott Behrmann and Shelly Behrmann v. Okawville Farmers Elevator-St. Libory</u> - The Board granted complainants's motion for leave to file and accepted the third amended complaint.	7-0
PCB 98-170	<u>People of the State of Illinois v. Village of St. Libory</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action against a St. Clair County facility, the Board ordered publication of the required newspaper notice.	7-0
PCB 99-12	<u>Chemetco, Inc. v. IEPA</u> - The Board granted petitioner's motion for counsel to appear before the Board <i>pro hac vice</i> .	7-0
PCB 99-19	<u>Anthony and Karen Roti, Paul Rosenstock, and Leslie Weber v. LTD Commodities</u> - The Board found that the noise pollution allegations in this matter were not duplicitous or frivolous, accepted that portion of this citizens noise enforcement action involving a Lake County facility for hearing, but dismissed the allegations regarding light pollution.	7-0
PCB 99-33	<u>Brickyard Disposal & Recycling, Inc. v. IEPA</u> - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of a Vermilion County facility.	7-0
PCB 99-36	<u>Nina Enterprises, Inc. v. IEPA</u> - The Board accepted for hearing this air permit appeal involving a Cook County facility.	7-0
PCB 99-37	<u>Sun Chemical Corporation v. IEPA</u> - The Board accepted for hearing this request for variance involving a Cook County facility.	7-0

BOARD ACTIONS 9/17/98**RULEMAKINGS**

- | | | |
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| R97-15(B) | <u>In the Matter of: Livestock Waste Regulations, 35 Ill. Adm. Code 506</u> - The Board adopted a second-notice opinion and order in this proposed rulemaking to amend the financial assurance provisions of the Board's livestock waste regulations. | 7-0 |
| R98-14 | <u>In the Matter of: Petition of PDV Midwest Refining, L.L.C. for a Site-Specific Rulemaking Amendments to 35 Ill. Adm. Code 304.213</u> - The Board adopted a second-notice opinion and order in this proposed rulemaking to amend the Board's water pollution control regulations. | 6-0
Hennessey
abstained |
| R98-21
R99-2
R99-7 | <u>In the Matter of: RCRA Update, USEPA Regulations (July 1, 1997, through December 31, 1997); In the Matter of: RCRA Update, USEPA Regulations (January 1, 1998, through June 30, 1998); In the Matter of: UIC Update, USEPA Regulations (January 1, 1998, through June 30, 1998)</u> - The Board adopted a proposal for public comments, in this "identical-in-substance" rulemaking to amend the Board's hazardous waste disposal 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> - The Board adopted an expedited correction opinion and order which corrects Table C entitled "Vehicle Exhaust Emissions Fast-Pass Standards," originally adopted in the Board's final opinion of July 8, 1998. See <u>In the Matter of: Enhanced Vehicle Inspection and Maintenance (I/M) Regulations: Amendments to 35 Ill. Adm. Code 240</u> (July 8, 1998), R98-24. | 7-0 |

ADJUSTED STANDARDS

- | | | |
|----------------|---|--|
| AS 98-2 | <u>In the Matter of: Petition of the City of Salem for an Adjusted Standard from 35 Ill. Adm. Code 814, Subpart D</u> - The Board denied petitioner's motion for reconsideration of the July 8, 1998 Board order. | 5-1
Flemal
dissented;
Girard
abstained |
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ADJUSTED STANDARDS (CONT'D)

AS 99-1	<u>In the Matter of: Petition of City of Belleville for an Adjusted Standard from 35 Ill. Adm. Code 106.705</u> - The Board denied petitioner's motion to file an amended petition, and ordered an amended petition to be filed by October 1, 1998, or this matter would be subject to dismissal.	6-0 Hennessey abstained
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ADMINISTRATIVE CITATIONS

AC 99-5	<u>IEPA v. Richard Corson</u> - The Board found that this Menard County respondent violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21(p)(1)(1996)) and ordered respondent to pay a civil penalty of \$500.	7-0
AC 99-6	<u>IEPA v. Lawrence County Disposal Centre, Inc., S&S Grading of Illinois, Inc., and Gary McLaren</u> - The Board granted complainant's motion to voluntarily dismiss respondent McLaren and found the remaining Lawrence County respondents had violated Sections 21(o)(1), 21(o)(5), and 21(o)(12) of the Environmental Protection Act (415 ILCS 5/21(o)(1), 21(o)(5), 21(o)(12) (1996)) and ordered respondents to pay a civil penalty of \$1,500.	7-0
AC 99-9	<u>IEPA v. Terry Patrick</u> - The Board found that this Piatt County respondent violated Sections 21(p)(1) and 21(p)(3) of the Environmental Protection Act (415 ILCS 5/21(p)(1), 21(p)(3) (1996)) and ordered respondent to pay a civil penalty of \$1,000.	7-0

ADJUDICATORY CASESDecisions

PCB 97-117	<u>People of the State of Illinois v. United Scrap Metal, Inc.</u> - The Board granted relief from the hearing requirement of Section 3(c)(2) of the Environmental Protection Act, accepted a stipulation and settlement agreement in this land enforcement action involving a Cook County facility, ordered respondent to pay a civil penalty of \$13,000, and to cease and desist from further violations.	7-0
PCB 99-26	<u>People of the State of Illinois v. United Distillers Manufacturing, Inc.</u> - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act, accepted a stipulation and settlement agreement in this water enforcement action involving a Will County facility, ordered respondent to pay a civil penalty of \$13,000, and to cease and desist from further violations.	6-0 Hennessey abstained

Provisional Variances

- PCB 99-43** Jefferson Smurfit Corporation (Alton Mill) v. IEPA - Upon receipt of an Agency recommendation, the Board granted this Madison County facility a 45-day provisional variance, subject to conditions, from 35 Ill. Adm. Code 302.212 as it applies to ammonia nitrogen and un-ionized ammonia, 35 Ill. Adm. Code 304.120(c) as it applies to the limits for biochemical oxygen demand and total suspended solids, and the requirements of 35 Ill. Adm. Code 309.102 which prohibits discharges not specifically allowed by National Pollutant Discharge Elimination System permit, Section 12(f) of the Environmental Protection Act (Act) (415 ILCS 5/12(f) (1996)), or the Board's regulations. 6-0
Hennessey
abstained

Motions and Other Matters

- PCB 90-164** Riverside Laboratories, Inc. v. IEPA - The Board granted petitioner's motion for withdrawal of these consolidated petitions for an air variance involving a Kane
PCB 91-161
PCB 95-157 County facility. 7-0
- PCB 95-163** People of the State of Illinois v. Clark Refining & Marketing - The Board granted respondent's motion for summary judgment in part and complainant's motion for summary judgment in part and sent the construction permit and operating permit issues to hearing to assess the matters for penalties in this air and water, Resource Conservation and Recovery Act enforcement involving a Madison County facility. 6-0
Hennessey
abstained
- PCB 96-217** Jewel Food Stores, Inc. and American Stores Properties, Inc. v. IEPA - The Board granted petitioner's motion for withdrawal of this underground storage tank appeal involving a Cook County facility. 7-0
- PCB 97-30** People of the State of Illinois v. Shell Oil Company - The Board granted respondent's motion to dismiss this air enforcement action involving a Madison County facility. 7-0
- PCB 97-168** People of the State of Illinois v. Old World Industries, Inc. and Specialty Sealant Tapes, Inc. - The Board denied respondent's motion to dismiss and directed this matter to hearing. 7-0

Motions and Other Matters (Cont'd)

- PCB 97-173** KWP Partnership v. Office of the State Fire Marshal - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving an Effingham County facility. 7-0

PCB 98-1	<u>City of Salem, V. IEPA</u> - The Board denied petitioner's motion for reconsideration of the July 8, 1998 Board order.	5-1 Flemal dissented; Girard abstained
PCB 98-160 PCB 98-161	<u>Devro-Teepak, Inc. (Permit Application No. 95120325) v. IEPA</u> - The Board on its own motion consolidated these petitions for trade secret determination involving a Vermilion County facility.	7-0
PCB 99-6	<u>Colman Steinlauf v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no underground storage tank appeal was timely filed on behalf of this Cook County facility.	7-0
PCB 99-9	<u>Meade Electric Company, Inc. v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no underground storage tank appeal was timely filed on behalf of this Will County facility.	7-0
PCB 99-11	<u>Freightliner of Chicago, Inc. v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no underground storage tank appeal was timely filed on behalf of this DuPage County facility.	7-0
PCB 99-13	<u>International Mill Service, Inc. v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no permit appeal was timely filed on behalf of this Madison County facility.	7-0
PCB 99-14	<u>Bridgestone/Firestone, Inc. v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed the matter because no underground storage tank appeal was timely filed on behalf of this Cook County facility.	7-0

Motions and Other Matters (Cont'd)

PCB 99-38	<u>Lawrence C. Sweda v. Outboard Marine Corporation and the City of Waukegan</u> - The Board granted respondent's motion to dismiss with respect to the alleged violation of Section 23 of the Environmental Protection Act (Act), 415 ILCS 5/23 (1996), denied the motions to dismiss with respect to the other claims alleged in the complaint, and accepted for hearing this citizen's noise enforcement action involving a Lake County facility.	7-0
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- PCB 99-40** QST Environmental Inc. v. IEPA - The Board entered an order setting a brief schedule. 7-0
- PCB 99-42** International Environmental Consultants, Inc. and Memorial Park District - The Board accepted for hearing this underground storage tank appeal involving a Cook County facility. 7-0

NEW CASES 9/3/98

99-33 Brickyard Disposal & Recycling, Inc. v. IEPA - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of a Vermilion County facility.

99-36 Nina Enterprises, Inc. v. IEPA - The Board accepted for hearing this air permit appeal involving a Cook County facility.

99-37 Sun Chemical Corporation v. IEPA - The Board accepted for hearing this request for variance involving a Cook County facility.

99-38 Lawrence C. Sweda v. Outboard Marine Corporation and the City of Waukegan - The Board held for a later duplicitous/frivolous determination this citizen's noise enforcement action involving a Lake County facility.

99-39 Commonwealth Edison Company (Dresden Power Station) v. IEPA - Upon receipt of an Agency

recommendation, the Board granted this Grundy County facility a 24-day provisional variance, subject to conditions, from certain thermal effluent discharge requirements, as set forth in 35 Ill. Adm. Code 302.211 and 304.141(b) of the Board's water regulations and in the Board's order, In the Matter of: 410 (c) Petition for Dresden Nuclear Generating Station (July 8, 1981), PCB 79-134.

AC 99-8 IEPA v. William Burr and Shirley Burr - The Board accepted an administrative citation against these Marion County respondents.

AC 99-9 IEPA v. Terry Patrick - The Board accepted an administrative citation against this Piatt County respondent.

AS 99-2 In the Matter of: Petition of Sun Chemical Corporation for an Adjusted Standard from 35 Ill. Adm. Code 218.626(b) - The Board acknowledged receipt of this petition for an adjusted standard from certain requirements on behalf of a Cook County facility and held it pending receipt of certificate publication.

NEW CASES 9/17/98

99-40 QST Environmental Inc. v. IEPA - The Board entered an order setting a brief schedule.

99-41 White Cap, Inc. v. IEPA - No action was taken in this request for an air variance involving a Cook County facility.

99-42 International Environmental Consultants, Inc. and Memorial Park District - The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.

99-43 Jefferson Smurfit Corporation (Alton Mill) v. IEPA - Upon receipt of an IEPA recommendation, the Board granted this Madison County facility a 45-day provisional variance, subject to conditions, from 35 Ill. Adm. Code 302.212 as it applies to ammonia nitrogen and un-ionized ammonia, 35 Ill. Adm. Code

304.120(c) as it applies to the limits for biochemical oxygen demand and total suspended solids, and the requirements of 35 Ill. Adm. Code 309.102 which prohibits discharges not specifically allowed by National Pollutant Discharge Elimination System permit, Section 12(f) of the Environmental Protection Act (Act) (415 ILCS 5/12(f) (1996)), or the Board's regulations.

AC 99-10 People of the County of Will v. J.D. Roberts - The Board accepted an administrative citation against this Will County respondent.

AC 99-11 IEPA v. Kenneth Dilenbeck - The Board accepted an administrative citation against this Henry County respondent.

AC 99-12 IEPA v. Browning-Ferris Industries of Iowa, Inc. - The Board accepted an administrative citation against this Rock Island County respondent.

CALENDAR OF MEETINGS

Date & Time	Docket Number	Case Name	Location of Hearing
10/5/98 10 am	R99-8	In the Matter of: Permitting Procedures for the Lake Michigan Basin: 35 Ill. Adm. Code 301 and 309.141	James R. Thompson Center, 100 West Randolph Street, Suite 9-040, Chicago, IL
10/6/98 1:30 pm	R99-9	In the Matter of: Hearings Pursuant to Specific Rules, Proposed New Subpart K, Involuntary Termination Procedures for EMSA's 35 Ill. Adm. Code 106, Subpart K	Pollution Control Board, 600 South Second Street, Suite 402, Springfield, IL
10/14/98 10 am	AC 98-41	IEPA v. Bradley G. White (Janesville/White) IEPA Docket No. 238-98-AC	Pollution Control Board, 600 South Second Street, Suite 402, Springfield, IL
10/15/98 10:30 am		Illinois Pollution Control Board Meeting	James R. Thompson Center, 100 West Randolph Street, Suite 9-040, Chicago, IL
10/19/98 10 am	R97-16	In the Matter of: Proportionate Share Liability	Pollution Control Board, 600 South Second Street, Suite 402, Springfield, IL
10/20/98 10 am	R97-16	In the Matter of: Proportionate Share Liability	Pollution Control Board, 600 South Second Street, Suite 402, Springfield, IL
10/21/98 10 am	PCB 98-102	Panhandle Eastern Pipe Line Company v. IEPA	Pollution Control Board, 600 South Second Street, Suite 402, Springfield, IL
10/22/98 10 am	PCB 98-102	Panhandle Eastern Pipe Line Company v. IEPA	Pollution Control Board, 600 South Second Street, Suite 402, Springfield, IL
11/5/98 10:30 am		Illinois Pollution Control Board Meeting	James R. Thompson Center, 100 West Randolph Street, Suite 9-040, Chicago, IL

11/19/98 10:30 am		Illinois Pollution Control Board Meeting	James R. Thompson Center, 100 West Randolph Street, Suite 9-040, Chicago, IL
11/19/98 10 am	AS 98-6	In the Matter of: Petition of Shell Wood River Refining Company for an Adjusted Standard from 35 Ill. Adm. Code 725.213 and 725.321	Madison County Administration Building, Board Room 203, 157 N. Main Street, Edwardsville, IL
12/3/98 10:30 am		Illinois Pollution Control Board Meeting	James R. Thompson Center, 100 West Randolph Street, Suite 9-040, Chicago, IL
12/7/98 9:30 am	AC 98-4	County of Sangamon v. ESG Watts, Inc. (Springfield Township/Sangamon County Landfill) Sangamon County Docket No. SCDPH 97-AC-1	Illinois Police Training Board, 3rd Fl. Conf Room, 600 South Second Street, Springfield, IL
12/7/98 9:30 am	PCB 98-2	ESG Watts, Inc. (Springfield Valley Landfill) v. Sangamon County, Illinois	Illinois Police Training Board, 3rd Fl. Conf Room, 600 South Second Street, Springfield, IL
12/8/98 9:30 am	AC 98-4	County of Sangamon v. ESG Watts, Inc. (Springfield Township/Sangamon County Landfill) Sangamon County Docket No. SCDPH 97-AC-1	Illinois Police Training Board, 3rd Fl. Conf Room, 600 South Second Street, Springfield, IL
12/8/98 9:30 am	PCB 98-2	ESG Watts, Inc. (Springfield Valley Landfill) v. Sangamon County, Illinois	Illinois Police Training Board, 3rd Fl. Conf Room, 600 South Second Street, Springfield, IL
12/8/98 10 am	R99-8	In the Matter of: Permitting Procedures for the Lake Michigan Basin: 35 Ill. Adm. Code 301 and 309.141	Pollution Control Board, 600 South Second Street, Room 403, Springfield, IL
12/9/98 9:30 am	AC 98-4	County of Sangamon v. ESG Watts, Inc. (Springfield, Township/Sangamon County Landfill) Sangamon County Docket No. SCDPH 97-AC-1	Illinois Police Training Board, 3rd Fl. Conf Room, 600 South Second Street, Springfield, IL
12/9/98 9:30 am	PCB 98-2	ESG Watts, Inc. (Springfield Valley Landfill) v. Sangamon County, Illinois	Illinois Police Training Board, 3rd Fl. Conf Room, 600 South Second Street, Springfield, IL
12/17/98 10:30 am		Illinois Pollution Control Board Meeting	James R. Thompson Center, 100 West Randolph Street, Suite 9-040, Chicago, IL

Illinois Environmental Protection Agency

Division of Public Water Supplies

Restricted Status List -- Public Water Supplies

The Restricted Status List was developed to give additional notification to officials of public water supplies which are in violation of 35 Ill. Adm. Code, Subtitle F: Public Water Supplies, Chapter I or the Illinois Environmental Protection Act.

The Restricted Status List will include all Public Water Supplies for which the Agency has information indicating a violation of any of the following requirements: Finished water quality requirements of 35 Ill. Adm. Code, Part 604, Subparts B and C; maintenance of adequate pressure on all parts of the distribution system under all conditions of demand; meeting raw water quantity requirements of 35 Ill. Adm. Code 604.502; or maintenance of treatment facilities capable of providing water "assuredly adequate in quantity" as required by Section 18 of the Illinois Environmental Protection Act.

A public water supply on the Restricted Status List will not be issued permits for water main extensions, except for certain limited situations, or unless the supply has been granted a variance from the Illinois Pollution Control Board for the violation, or from permit issuance requirements of Section 39 of the Act.

This list is continually being revised as new information becomes available, and therefore, specific inquiries as to the status of any public water supply should be directed to the Division of Public Water Supplies for final determination. This list reflects the status as of October 1, 1998.

* Indicates public water supplies which have been added to the list since the previous publication.

RDS:sp/0046g/2

Illinois Environmental Protection Agency
 Division of Public Water Supplies
 Restricted Status List -- Public Water Supplies
 October, 1998

<u>NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY #</u>	<u>EPA RGN</u>	<u>NATURE OF PROBLEM</u>	<u>POP SERVED</u>	<u>LISTING DATE</u>
Acorn Acres Sbdv (Lake Co - 0975020)	2	Inadequate Pres Tank	250	12/16/83
Alden Long Grove Nursing Center(Lake Co - 0971090)				2
Inadequate Pres Tank	204	06/15/93		
Ashley (Washington Co - 1890100)	6	Trihalomethane	825	06/15/92
Bahl Wtr Corp (Jo Daviess Co - 0855200)	1	Inadequate Pres Storage	700	12/15/93
Bartmann Health Care Center (Logan Co-1075169)	5	Inadequate Pres Tank	93	12/16/83
Belmont-Highwood PWD (DuPage Co - 0435180)	2	Trichloroethylene	498	09/16/93
Benld (Macoupin Co - 1170050)	5	Trihalomethane	1,634	09/16/96
Biggsville (Henderson Co - 0710050)	5	Adjusted Gross Alpha	350	03/15/98
Blue & Gold Hmownrs Assn (Winnebago Co - 2015250)	1	Inad Pres Tank & Source of Supply	170	06/17/83
Blue Mound (Macon Co - 1150100)	4	Nitrate	1,165	03/15/97
Bonnie Lane Water Supply (Kendall Co - 0930010)	2	Inadequate Pres Tank	49	09/16/93
Bradford (Stark Co - 1750050)	1	Gross Alpha	650	06/15/98
Bradley Hts Sbdv (Winnebago Co - 2015050)	1	Inadequate Pres Tank	192	09/13/85
Bryant (Fulton Co - 0570200)	5	Gross Alpha	310	03/15/98
Buck Lake Ests Sbdv (DeKalb Co - 0375100)	1	Inadequate Pres Tank	200	09/14/84

Illinois Environmental Protection Agency
 Division of Public Water Supplies
 Restricted Status List -- Public Water Supplies
 October, 1998

EPA POP LISTING

<u>NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY #</u>	<u>RGN</u>	<u>NATURE OF PROBLEM</u>	<u>SERVED</u>	<u>DATE</u>
Buckingham (Kankakee Co - 0910250)	2	Inadequate Pres Tank	330	03/17/89
Byron Woods Sbdv (Rock Island Co - 1610070)	1	Arsenic	150	03/15/98
Campus (Livingston Co - 1050050)	4	Inadequate Pres Tank	230	03/20/81
Carroll Hts Utl Cmpny (Carroll Co - 0155200)	1	Inadequate Pres Tank	80	03/20/81
Century Pines Apts (Carroll Co - 0150020)	1	Inadequate Pres Tank	50	12/14/90
Claremont Hls Sbdv (McHenry Co - 1115080)	2	Inadequate Pres Tank	330	03/15/96
Clearview Sbdv (Will Co - 1975360)	2	Inadequate Pres Tank	420	01/13/82
Coffeen (Montgomery Co - 1350150)	5	Trihalomethane	800	03/17/92
Community Srvc Corp (McHenry Co - 1115350)	2	Inadequate Pres Tank	750	09/16/83
Coulterville (Randolph Co - 1570150)	6	Trihalomethane	1,100	09/16/96
Coyne Cntr Coop (Rock Island Co - 1615150)	1	Inadequate Pres Tank	150	12/15/97
Cropsey Cmnty Wtr (McLean Co - 1135150)	4	Inadequate Pres Tank	60	03/20/81
Crystal Clear Wtr Cmpny (McHenry Co - 1115150)	2	Inadequate Pres Tank	900	09/16/88
Crystal Hts Assn (McHenry Co - 1115100)	2	Inadequate Pres Tank	93	06/17/96
Ctzns Liberty Ridge Dvn (DuPage Co 0435650)	2	Inadequate Pres Tank	2,510	03/15/94
D and R Apts (Champaign Co - 0190030)	4	Inadequate Pres Tank	26	09/16/93
Deering Oaks Sbdv (McHenry Co - 1115200)	2	Inadequate Pres Tank	60	12/17/82
DeKalb Univ Dvl Corp (DeKalb Co - 0375148)	1	Inadequate Pres Tank	950	12/16/92
DeWitt Cnty NH (DeWitt Co - 0395129)	4	Inadequate Pres Tank	80	06/17/83
Dorchester (Macoupin Co - 1170250)	5	Trihalomethane	480	09/16/96
Dover (Bureau Co - 0110350)	1	Inadequate Pres Tank	200	05/25/81
Eagerville (Macoupin Co - 1170300)	5	Trihalomethane	187	09/16/96
East Moreland Wtr Assn (Will Co - 1975600)	2	Inadequate Pres Tank	753	03/20/81
East Moreland Wtr Corp (Will Co - 1975640)	2	Inadequate Pres Tank	135	03/15/96
Echo Lake Wtr Sys Block 7 (Lake Co - 0975820)	2	Inadequate Pres Tank	48	09/16/83
Edelstein (Peoria Co - 1435150)	5	Adjusted Gross Alpha	125	03/15/98
Ellis Grove (Randolph Co - 1570200)	6	Trihalomethane	720	12/16/96
Elm Oak Mutual Wtr Syst (Lake Co - 0975736)	2	Inad Pres Tank	45	06/13/86
Emmett Utl Inc (McDonough Co - 1095200)	5	Inadequate Pres Tank	39	12/17/82

Illinois Environmental Protection Agency
 Division of Public Water Supplies
 Restricted Status List -- Public Water Supplies
 October, 1998

<u>NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY #</u>	<u>EPA RGN</u>	<u>NATURE OF PROBLEM</u>	<u>POP SERVED</u>	<u>LISTING DATE</u>
Evergreen Vlg Sbdv (Rock Island Co - 1615310)	1	Inadequate Pres Tank	250	03/20/81
Fahnstock Court Sbdv (Peoria Co - 1435200)	5	Inadequate Pres Tank	30	05/25/81
Fair Acres Sbdv (Will Co - 1975680)	2	Inadequate Pres Tank	185	10/19/81
Forest Lake Addn (Lake Co - 0975500)	2	Inadequate Pres Tank	180	12/16/83

Frwrdr-Skyline Cpy (Kane Co - 0895030)	2	Inadequate Pres Tank	1,300	09/19/86
Garden Street Imprv Assn (Will Co - 1975376)	2	Inadequate Pres Tank	62	09/15/89
Glasford (Peoria Co - 1430350)	5	Adjusted Gross Alpha	1,115	12/15/97
Glenkirk Campus North (Lake Co - 0977189)	2	Inadequate Pres Tank	64	06/15/88
Glenkirk Campus South (Lake Co - 0977199)	2	Inadequate Pres Tank	36	06/15/88
Good Shepherd Mnr (Kankakee Co - 0915189)	2	Inadequate Pres Tank	140	03/17/89
Great Oaks&Beacon Hls Apts(Winnebago Co-2015488)	1	Inadequate Pres Tank	943	12/17/82
Hawthorn Woods (Lake Co - 0970450)	2	Inadequate Pres Tank	800	03/15/95
Heatherfield Sbdv (Grundy Co - 0635150)	2	Inadequate Pres Tank	91	09/17/82
Highland Lake Sbdv (Lake Co - 0975750)	2	Inadequate Pres Tank	294	03/20/81
Highland Sbdv (Kane Co - 0895530)	2	Inadequate Pres Tank	50	09/16/83
Hillview Sbdv (Will Co - 1975800)	2	Inadequate Pres Tank	99	03/15/85
Hull (Pike Co - 1490350)	5	Tetrachloroethylene	529	03/15/97
Huntley Cmnty Sbdv (Will Co - 1975840)	2	Inadequate Pres Tank	48	03/16/84
Hutsonville (Crawford Co - 0330100)	4	Nitrate	650	03/15/98
Ingalls Pk Sbdv (Will Co - 1975880)	2	Inadequate Pres Tank	690	09/16/83
Island Lake Wtr Cmpny (Lake Co - 0975080)	2	Iron	2,250	06/15/90
Joy (Mercer County - 1310100)	1	Inadequate Source	495	09/16/96
Kaho PWD (Macoupin Co - 1170030)	5	Trihalomethane	847	03/15/98
Knoxville (Knox Co - 0950300)	5	Adjusted Gross Alpha	3,243	03/15/98
Lake Lynwood Wtr Sys (Henry Co - 0735330)	1	Inadequate Pres Tank	98	08/31/81
Lakeview Sbdv (Whiteside Co - 1955150)	1	Inadequate Pres Tank	146	03/20/81
Larchmont Sbdv (Winnebago Co - 2015290)	1	Inadequate Pres Tank	106	06/17/83
Larson Court Rentals (Rock Island Co - 1615728)	1	Inadequate Pres Tank	48	01/14/82
Legend Lakes Wtr Assn (Winnebago Co - 2015300)	1	Inadequate Pres Tank	225	03/14/91
Lemon Street Wl Cmpny Inc (Rock Island Co-1615550)	1	Inadequate Pres Tank	470	03/20/81

Illinois Environmental Protection Agency
 Division of Public Water Supplies
 Restricted Status List -- Public Water Supplies
 October, 1998

<u>NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY #</u>	<u>EPA RGN</u>	<u>NATURE OF PROBLEM</u>	<u>POP SERVED</u>	<u>LISTING DATE</u>
Liberty Park Homeowners Assn (DuPage Co - 0435600)	2	Inadequate Pres Tank	1,092	09/17/92
Lindenwood Wtr Assn (Ogle Co - 1415300)	1	Inadequate Pres Tank	50	01/13/82
Lisbon North Inc (Grundy Co - 0631000)	2	Inadequate Pres Tank	30	09/14/90
Little Swan Lake Sndst (Warren Co - 1875050)	5	Inad Hydropneumatic Storage	250	03/15/98
London Mills (Fulton Co - 0574620)	5	Inadequate Pres Tank	670	12/14/84
* Long Creek Twsp PWS (Macon Co - 1155150)	4	Inadequate Treat Plant	5,000	09/15/98
Lynn Cntr (Henry Co - 0735100)	1	Inadequate Pres Tank	147	03/15/95
Lynnwood Water Corp (LaSalle Co - 0995336)	1	Inadequate Pres Tank	114	03/18/83
M C L W Sys Inc (Mercer Co - 1315150)	1	Inadequate Source	100	03/20/81

Maple Hill Imprv Assn (DuPage Co - 0435800)	2	Inad Pres Tank & Trichloroethylene	234	08/31/81
Maple Leaf Ests Wtr Corp (Monroe Co - 1335100)	6	Inadequate Pres Tank	39	03/20/81
Mapleton (Peoria Co - 1430500)	5	Adjusted Gross Alpha	350	03/15/98
Mayfair Sbdv (Tazewell Co - 1795750)	5	Inadequate Pres Tank	150	03/16/90
McHenry Shores (McHenry Co - 1115020)	2	Iron	1,460	06/13/97
Mound PWD (St Clair Co - 1635050)	6	Inadequate Plant Capacity	1,800	06/17/96
Mount Clare (Macoupin Co - 1170650)	5	Trihalomethane	297	09/16/96
Mount Gilead Shlcrhm (Greene Co - 0615129)	6	Inadequate Pres Tank	28	09/16/83
Northwest Belmont Imprv Assn (DuPage Co - 0435900)	2	Inadequate Pres Tank	115	09/29/81
Oak Ridge Sndst (Woodford Co - 2035300)	1	Inadequate Pres Tank	240	03/20/81
Oakview Avenue Wtrwks Inc (Will Co - 1977210)	2	Inadequate Pres Tank	350	03/20/81
Olivet Nazarene College (Kankakee Co - 0915279)	2	Inadequate Pres Tank	1,450	03/15/94
Opheim PWS (Henry Co - 0735150)	1	Inadequate Pres Tank	150	06/18/82
Oscos Mutual Wtr Supply Cpy Inc (Henry Co-0735200)	1	Inadequate Pres Tank	115	12/15/89
Park Road Wtr Assn (Will Co - 1977330)	2	Inadequate Pres Tank	60	12/17/82
Park View Wtr Corp (Kane Co - 0895500)	2	Inadequate Pres Tank	150	12/17/82
Patoka (Marion Co - 1210400)	6	Inadequate Plant Capacity	731	03/15/97
Polo Dr & Saddle Rd Sbdv (DuPage Co - 0437000)	2	Inadequate Pres Tank	95	12/17/82
Prairie Ridge Assn (McHenry Co - 1115730)	2	Inadequate Pres Tank	140	03/16/90

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Prairie View Wtr Assn (Tazewell Co - 1795900)	5	Inadequate Pres Tank	55	03/20/81
Princeville (Peoria Co - 1430750)	5	Adjusted Gross Alpha	1,815	12/15/97
Ridgecrest North Sbdv (Grundy Co - 0635250)	2	Inadequate Pres Tank	85	09/16/93
Ridgewood Ledges Wtr Assoc(Rock Island Co-1615670)	1	Inadequate Pres Tank	475	03/20/81
Ridgewood Sbdv (Will Co - 1977650)	2	Inadequate Pres Tank	315	06/18/82
Save Site (St Clair Co - 1635289)	6	Trihalomethane	375	06/15/92
* Sawyerville (Macoupin Co - 1170850)	5	Trihalomethane	570	09/15/98
Sbdv Wtr Trust No 1 (Kane Co - 0895300)	2	Inadequate Pres Tank	1,120	03/20/81
Scribner Street Sbdv (Will Co - 1977660)	2	Inadequate Pres Tank	50	03/18/83
Shawnita Trc Wtr Assn (Will Co - 1977690)	2	Inadequate Pres Tank	125	09/17/92
Shipman (Macoupin Co - 1170950)	5	Trihalomethane	675	12/16/96
Silvis Heights Wtr Corp (Rock Island Co - 1615750)	1	Inadequate Pres Tank	1,680	03/20/82
Skyview Estates (Kankakee Co - 0915526)	2	Inadequate Pres Tank	65	09/14/84

Sorento (Bond Co - 0050300)	6	Trihalomethane	750	09/16/96
Spring Creek Wtr Assn (Macoupin Co - 1175450)	5	Trihalomethane	60	09/16/96
St Charles Cmsn Wlfnd 3 (DuPage Co - 0437040)	2	Inadequate Pres Tank	30	12/15/89
Staunton Res Rd Wtr (Macoupin Co - 1175250)	5	Trihalomethane	70	12/16/96
Suburban Heights Sbdv (Rock Island Co - 1615800)	1	Inadequate Pres Tank	114	12/16/83
Summit Homeowners Assn (Lake Co - 0975280)	2	Inadequate Pres Tank	48	03/16/84
Sunnyland Sbdv (Will Co - 1977730)	2	Inadequate Pres Tank	350	09/16/83
Swedona Wtr Assn (Mercer Co - 1315200)	1	Inadequate Pres Tank	100	06/15/90
Sylvan Lake 1st Sbdv (Lake Co - 0977100)	2	Inadequate Pres Tank	210	06/14/91
* Taylor Springs (Montgomery Co - 1350650)	5	Trihalomethane	650	09/15/98
Towners Sbdv (Lake Co - 0977250)	2	Inadequate Pres Tank	238	01/14/82
Trivoli PWD (Peoria Co - 1435510)	5	Inadequate Pres Tank	350	06/17/83
Turkey Hollow Well Corp (Rock Island Co - 1615686)	1	Inadequate Pres Tank	32	06/18/82
* Utl Inc Lake Holiday (LaSalle Co - 0995200)	1	Inad Source & Treat Plt	4,908	09/15/98
Utl Inc Northern Hls Utl Co(Stephenson Co-1775050)	1	Inadequate Pres Tank	290	03/15/96
Utl Inc Walk-Up Woods Wtr Co(McHenry Co - 1115800)	2	Inadequate Pres Tank	763	12/17/82

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Sturm Sbdv (Lake Co - 0977010)	2	Inadequate Pres Tank	63	03/16/84
Wermes Sbdv (Kane Co - 0895750)	2	Inadequate Pres Tank	150	12/16/88
West Shoreland Sbdv (Lake Co - 0977050)	2	Inadequate Pres Tank	220	06/14/91
Westfield (Clark Co - 0230200)	4	Inadequate Water Source	700	06/15/93
White City (Macoupin Co - 1171150)	5	Trihalomethane	280	12/16/96
Wienen Estates (Jo Daviess Co - 0850030)	1	Inadequate Pres Tank	70	12/15/97
Wonder Lake Wtr Cmpny (McHenry Co - 1115750)	2	Inadequate Pres Tank	1,161	06/16/94
Woodland Hts Ests Sbdv (Peoria Co - 1435760)	5	Inadequate Pres Tank	245	03/20/81
Woodsmoke Ranch Assn (LaSalle Co - 0990030)	1	Inad Pres Tank	350	06/15/90
Yates City (Knox Co - 0950700)	5	Adjusted Gross Alpha	850	03/15/98
York Cntr Coop (DuPage Co - 0437550)	2	Inadequate Pres Tank	240	06/15/88
2nd Street Wtr Assn (Lake Co - 0971140)	2	Inadaquate Pres Tank	33	12/15/95

PUBLIC WATER SUPPLIES REMOVED FROM PREVIOUS LIST

Farmington (Fulton Co - 0570500)
 Hazelwood 1st Addn Well 2 (Henry Co - 0735446)
 Wilsonville (Macoupin Co - 1171200)

Illinois Environmental Protection Agency
 Division of Public Water Supplies
 Critical Review List -- Public Water Supplies

The Critical Review List was developed to give additional notification to officials of public water supplies which may be close to being in violation of 35 Ill. Adm. Code, Subtitle F: Public Water Supplies, Chapter I or the Illinois Environmental Protection Act.

A supply will be placed on the Critical Review List when Agency records indicate that it is approaching any of the violations which would place it on the Restricted Status List.

This list is continually being revised as new information becomes available, and therefore, specific inquiries as to the status of any public water supply should be directed to the Division of Public Water Supplies for final determination. This list reflects the status as of October 1, 1998.

* Indicates public water supplies which have been added to the list since the previous publication.

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Bayles Lake Lot Owners Assn (Iroquois Co - 0755110) 03/15/98	4	Inad Hydropneumatic Storage	442	
Baylis (Pike Co - 1490100) 09/13/85	5	Source Capacity	300	
Bluford (Jefferson Co - 0810100) 03/20/81	7	Low System Pressure	465	
Browning (Schuyler Co - 1690050) 03/15/98	5	Inadequate Source	495	
Ctzns Chickasaw Hills Div (Will Co - 1975320) 09/17/92	2	Low System Pressure	7,700	
* Clayton Camp Point Wtr Cmsn (Adams Co - 0015200) 09/15/98	5	Inad Pumping Capacity	1,200	
Clinton (DeWitt Co - 0390050) 06/14/91	4	Inad Plant Capacity	7,437	
Columbia (Monroe Co - 1330050) 03/15/98	6	Inad Pumping Capacity	5,893	
DePue (Bureau Co - 0110300) 12/15/93	1	Inad Treatment Plant	1,930	
Dieterich (Effingham Co - 0490150) 03/15/94	4	Inadequate Source	568	
Evansville (Randolph Co - 1570250) 05/25/81	6	Low System Pressure	1,838	
Georgetown (Vermilion Co - 1830350) 06/15/93	4	Inadequate Water Plant	3,678	
Hardin (Calhoun Co - 0130200) 11/25/81	6	Low System Pressure	1,175	
Highland Hills Sndst (DuPage Co - 0435560)	2	Inadequate Pres Tank	1,100	

09/17/92	Homer (Champaign Co - 0190300)	4	Inadequate Source	1,300	
03/15/94	Kincaid (Christian Co - 0210250)	5	Plant Capacity	2,640	
06/14/85	Lee (Lee Co - 1034600)	1	Inad Hydropneumatic Storage	350	
03/15/98	McHenry Shores Wtr Cmpny (McHenry Co - 1115020)	2	Low System Pressure	1,170	
09/17/92	Mechanicsburg Buffalo Wtr (Sangamon Co - 1675150)	5	Inadequate Source	1,030	
03/15/98	Pearl (Pike Co - 1490650)	5	Inadequate Pres Tank	322	
09/17/82	* Pheasant Knolls Sbdv (Lake Co - 0970290)	2	Inad Hydropneumatic Storage	130	
09/15/98	Scales Mound (Jo Daviess Co - 0850400)	1	Low System Pressure	400	
09/15/97	South Highway PWD (Jackson Co - 0775400)	7	Low System Pressure	8,189	
06/15/92					
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	Stockton (Jo Daviess Co - 0850450)	1	Low System Pressure	1,900	
	06/15/84				
	Sumner (Lawrence Co - 1010300)	7	Low System Pressure	1,553	
	12/13/85				
	Tower Ridge Sbdv (Rock Island Co - 1615780)	1	Inadequate Pres Tank	70	
	03/15/94				
	Utl Inc Lake Marian Wtr Corp (Kane Co - 0895200)	2	Low Sys Pres &	800	
	09/14/84		Inad Pres Storage		
	Walnut Hill (Marion Co - 1210600)	6	Low System Pressure	1,200	
	06/14/85				
	West Liberty-Dundas Wtr Dst (Richland Co-1595050)	7	Low System Pressure	693	
	12/14/84		& Inadequate Source		
	Wonder Lake Wtr Cmpny (McHenry Co - 1115750)	2	Inadequate Storage	1,080	
	12/14/90				
	<u>PUBLIC WATER SUPPLIES REMOVED FROM PREVIOUS LIST</u>				
	Albers (Clinton Co - 0270050)				
	Edwardsville (Madison Co - 1190250)				

ILLINOIS POLLUTION CONTROL BOARD MEETING DATES

The following are regularly scheduled meetings of the Illinois Pollution Control Board.

REGULAR BOARD MEETING SCHEDULE FOR CALENDAR YEAR 1998*

October 1	December 3
October 15	December 17
November 5	
November 19	

*** All Chicago Board Meetings will be held at 10:30 a.m. in Conference Room 9-040.**

The Illinois Pollution Control Board (IPCB) 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		
Ronald C. Flegal DeKalb	G. Tanner Girard Grafton	Kathleen M. Hennessey Western Springs
Marili McFawn Inverness	Nicholas J. Melas Chicago	Joseph Yi Park Ridge

The *Environmental Register* is a newsletter published by the IPCB monthly, and contains updates on rulemakings, descriptions of final decisions, the Board's hearing calendar, and other environmental law information of interest to the People of the State of Illinois.

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