

# Environmental Register

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A PUBLICATION OF THE ILLINOIS POLLUTION CONTROL BOARD

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## NEW BOARD MEMBER ELENA KEZELIS BEGINS TERM

**Elena Z. Kezelis**, new appointee to the Board, began her term on January 10, 1999. Before joining the Board, Ms. Kezelis served as chief legal counsel to Governor Jim Edgar. She is a former law partner at Sonnenschein Nath & Rosenthal. Ms. Kezelis previously worked as a litigation associate at Isham, Lincoln & Beale. Additionally, Ms. Kezelis served as a law clerk for former federal District Court Judge George N. Leighton. Ms. Kezelis received her *juris doctorate* from John Marshall Law School in 1980, and is a member of the American Inns of Court. Ms. Kezelis is a resident of Springfield, and will work out of the Board's Springfield office.

## STAFF UPDATE

The Board welcomes Kim Schroeder, Dawn Turley, and Steven Langhoff. Ms. Schroeder is the private secretary to Board Member Elena Z. Kezelis. She comes to the Board with a Paralegal Certificate from Roosevelt University and seventeen years of legal experience in the private sector and state government. Dawn Turley joins the Board as the Network Administrator. Ms. Turley has vast State experience in network administration, most recently with the Department of Public Aid. Her other State experience includes network management with the House Republican Staff and manager of the Administrative Code project at the Legislative Information System. Steven Langhoff joins the Board's legal unit as a staff attorney. Prior to joining the Board, Mr. Langhoff was engaged as an attorney in private practice in North Carolina. He received his B.S. in Forestry and his J.D. from Southern Illinois University Carbondale. All three will work out of the Board's Springfield office.

## RULEMAKING UPDATE

### Board Dismisses Improperly-Directed Citizen Request to Establish Regulated Recharge Area in Durand, Winnebago County, R99-19

On January 7, 1999, the Board dismissed a December 14, 1998 filing by a citizen requesting that the Board establish a regulated recharge area in the areas south of Durand, Winnebago County. The Board found that it could not accept this request because the procedures for establishing a regulated recharge area, as set forth in Sections 17.2, 17.3, and 17.4 of the Environmental Protection Act (Act) (415 ILCS 5/17.2, 17.3, and 17.4 (1996)) do not allow a citizen to file such a petition with the Board; the law allows only the Illinois Environmental Protection Agency (IEPA) to do so.

Section 17.2 of the Act charges the IEPA with the responsibility of establishing regional planning committees to assess whether there is a need for a regulated recharge area and to make any such recommendations to the IEPA. Section 17.3 of the Act specifies procedures for the IEPA to follow when proposing to the Board a regulation establishing the boundary for a regulated recharge area if certain conditions exist. The Board forwarded a copy of the request and the Board order to the IEPA and closed the docket.

Any questions regarding this matter may be directed to Marie Tipsord at (312) 814-4925; e-mail address: [mtipsord@pcb084r1.state.il.us](mailto:mtipsord@pcb084r1.state.il.us)

 RULEMAKING UPDATE CONTINUED ON PAGE TWO

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**IEPA CLASS III: SPECIAL RESOURCE GROUNDWATER DESIGNATION**

The Illinois Environmental Protection Agency (IEPA) has completed procedures to list Parker Fen, a dedicated nature preserve (DNP), as Class III: Special Resource Groundwater. Parker Fen is located in the northeast part of Dorr township, in unincorporated southeast quarter of McHenry County, Illinois.

Under the authority of 35 Ill. Adm. Code Section 620.230, Class III: Special Resource Groundwater can be established for groundwater that is: 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; vital for a particularly sensitive ecological system; or contributing to a DNP that has been listed by the IEPA. The 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 finds the petition to be technically adequate. In addition, the 45-day comment period has ended, and no comments were received.



**RULEMAKING UPDATE**  
CONTINUED FROM PAGE ONE

**Board Adopts First-Notice Proposal in In the Matter of: Amendments to Permitting for Used Oil Management and Used Oil Transport 35 Ill. Adm. Code 807 and 809, R99-18.**

On January 21, 1999, the Board adopted for first-notice publication in the *Illinois Register* proposed amendments to 35 Ill. Adm. Code 807 and 809 regarding permitting for used oil management and used oil transport. The Board created docket R99-18 to address the proposed rules of the Illinois Environmental Protection Agency (IEPA) on used oil management and used oil transportation. This subject matter was severed from docket R98-29 (see In the Matter of: Non-hazardous Special Waste Hauling and the Uniform Program 35 Ill. Adm. Code 809 (Pursuant to P.A. 90-219) (December 17, 1998, R98-29). The amendments are proposed pursuant to Section 3013 of the Resource Conservation and Recovery Act (42 U.S.C. § 6934).

The Board adopted the IEPA's proposal regarding used oil transport. Specifically, the Board proposed that transporters who haul only used oil, but no other hazardous or non-

hazardous special waste, be exempt from Part 809 permitting requirements if those transporters deliver used oil to a nonpermitted used oil aggregation point or a used oil collection center. To address concerns regarding the potential hazards at certain used oil facilities, the Board also adopted the IEPA's proposal that used oil transfer facilities, used oil fuel marketers, used oil burners, and petroleum refining facilities be subject to Part 807 permitting requirements.

Upon publication of the first-notice proposal in the *Illinois Register*, a 45-day public comment period will commence. Public comments regarding this proposal may be filed with the Clerk of the Board. Hearings are scheduled for February 25, 1999, in Chicago, and March 1, 1999, in Springfield.

Please direct any questions regarding this rulemaking to Joel Sternstein at (312) 814-3665; e-mail address: [jsternst@pcb084r1.state.il.us](mailto:jsternst@pcb084r1.state.il.us)



**FEDERAL ACTIONS**

**United States Environmental Protection Agency Proposes Lower Reporting Thresholds for Certain Persistent and Bioaccumulative Toxic Chemicals Subject to the Emergency Planning and Community Right-To-Know Act and the Pollution Prevention Act**

On January 5, 1999, the United States Environmental Protection Agency (USEPA) proposed lower reporting threshold requirements for certain persistent and bioaccumulative toxic chemicals that are subject to reporting under Section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) (42 U.S.C. § 11023 (1986)) and Section 6607 of the Pollution Prevention Act of 1990 (PPA) (42 U.S.C. § 13106 (1990)). See 64 Fed. Reg. 687 (January 5, 1999). The USEPA also proposed to lower the thresholds for dioxin and dioxin-like compounds, that were previously proposed for addition to the EPCRA Section 313 list of toxic chemicals. The USEPA proposed these actions pursuant to its authority under Section 313(f)(2) of the EPCRA to revise reporting thresholds.

In addition, the USEPA proposed the addition of certain persistent and bioaccumulative toxic chemicals to the list of chemicals subject to the reporting requirements under Section 313 of the EPCRA and Section 6607 of the PPA and to establish lower reporting thresholds for these chemicals. The USEPA proposed the addition of these chemicals pursuant to its authority to add chemicals and chemical categories that meet the EPCRA Section 313(d)(2) toxicity criteria. The proposed addition of these chemicals is based on their carcinogenicity or other chronic human health effects and/or their adverse effects on the environment.

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**United States Environmental Protection Agency Approves Declarations Submitted by the State of Illinois Negating the Need for Industrial Wastewater and Industrial Cleaning Solvent Air Regulations in the Metro-East St. Louis Ozone Nonattainment Area**

On January 6, 1999, the United States Environmental Protection Agency (USEPA) approved two negative declarations submitted by the State of Illinois. See 64 Fed. Reg. 756 (January 6, 1999). On October 2, 1998, the State of Illinois submitted a letter to the USEPA indicating there was no need for air regulations covering the industrial wastewater category in the Metro-East St. Louis (Metro-East) ozone nonattainment area. Also on October 2, 1998, the State of Illinois submitted a letter to the USEPA indicating there was no need for regulations covering the industrial cleaning solvents category in the Metro-East ozone nonattainment area. The Metro-East ozone nonattainment area includes Madison, Monroe, and St. Clair counties.

This rule is effective March 8, 1999, unless the USEPA receives adverse comments by February 5, 1999. Call Randolph O. Cano at 312/886-6036 for further information regarding the status of this matter.

**United States Environmental Protection Agency Suspends Unregulated Contaminant Monitoring Requirements for Small Public Water Systems**

On January 8, 1999, the United States Environmental Protection Agency (USEPA) suspended unregulated contaminant monitoring requirements (UCMR) for small public water systems. See 64 Fed. Reg. 1493 (January 8, 1999). The UCMR requires all public water systems to monitor for unregulated contaminants for one year every five years. This rule concerns the suspension of monitoring by small and medium systems for monitoring scheduled to begin after December 31, 1998. This will allow systems serving 10,000 or fewer persons to save the cost of monitoring under the existing regulation which, if performed as scheduled, would overlap with monitoring under the revised UCMR program.

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**United States Environmental Protection Agency Proposes Approval of an Amendment to the Illinois State Implementation Plan for D.B. Hess Company, McHenry County**

On January 15, 1999, the United States Environmental Protection Agency proposed approval of a source-specific revision to the Illinois State Implementation Plan (SIP) for ozone in the form of a variance from the otherwise applicable SIP requirements for D.B. Hess Company, Inc.'s lithographic printing plant which is located in Woodstock, McHenry County. See 64 Fed. Reg. 2610 (January 15, 1999). The variance, which was granted by the Board, took effect on March 20, 1997, and expires on March 30, 1999. See D.B. Hess Company, Inc. v. IEPA (March 20, 1997), PCB 96-194. On September 3, 1997, the State of Illinois submitted the SIP revision pursuant to the Clean Air Act (42 U.S.C. § 7401 (1990)).

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**United States Environmental Protection Agency Proposes Approval of a September 16, 1998 Illinois State Implementation Plan Revision Request Containing Amendments to Volatile Organic Material Rules Affecting Illinois' Ozone Attainment Area**

On January 15, 1999, the United States Environmental Protection Agency proposed approval of a September 16, 1998 Illinois State Implementation Plan (SIP) revision request containing amendments to volatile organic material (VOM) rules affecting Illinois' ozone attainment area (the area of the State of Illinois not including Chicago and the Metro-East St. Louis ozone nonattainment areas), as a requested revision to the ozone SIP. See 64 Fed. Reg. 2581 (January 15, 1999). The amendments contain various deletions of obsolete provisions, language changes of some word usage to comport with other Illinois VOM regulations, and the addition of certain exemptions from VOM coating requirements.

Illinois' SIP for ozone contains several regulations in 35 Ill. Adm. Code 215, which require VOM controls for stationary sources located in Illinois' attainment area. The SIP submittal is a result of regulations adopted by the Board on June 4, 1998. See In the Matter of: Clean-Up Amendments to 35 Ill. Adm. Code 215 (Emission Standards and Limitations for Stationary Sources Located Outside the Chicago and Metro-East Ozone Non-Attainment Areas) (June 4, 1998), R98-15.

This proposed approval becomes final March 16, 1999.

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**Department of Human Health and Services Issues Update on the Status of Superfund Substance-Specific Applied Research Program**

On January 15, 1999, the United States Department of Health and Human Services updated the status of the Superfund substance-specific applied research program, which was last updated in 1996. See 64 Fed. Reg. 2759 (January 15, 1999). Authorized by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA, also known as the Superfund statute), as amended by the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. § 9604(i) (1986)), this research program was initiated on October 17, 1991. At that time, a list of priority data needs for 38 priority hazardous substances frequently found at waste sites was announced. The list was subsequently revised based on public comments (see 57 Fed. Reg. 54150 (November 16, 1992)).

The 38 substances, each of which is found on the Agency for Toxic Substances and Disease Registry (ATSDR) Priority List of Hazardous Substances are listed in the *Federal Register* (see 62 Fed. Reg. 61332 (November 17, 1997)). To date, 124 priority data needs have been identified for the first set of 38 hazardous substances, and 64 priority data needs have been identified for the second set of 12 hazardous substances. ATSDR fills these data needs through regulatory mechanisms, private-sector volunteerism, and the direct use of CERCLA funds. Additional data needs are being addressed through an inter-agency agreement with the National Toxicology Program, by ATSDR's Great Lakes Human Health Effects Research Program, and other agency programs.

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**Office of Surface Mining Reclamation and Enforcement Approves Amendments to the Illinois Abandoned Mine Land Reclamation Plan**

On January 22, 1999, the United States Office of Surface Mining Reclamation and Enforcement (OSM) approved amendments to the Illinois abandoned mine land reclamation plan (Illinois plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). See 64 Fed. Reg. 3413 (January 22, 1999). Illinois proposed revisions and additions to the Illinois Plan relating to

OSM reorganization, legal opinion, definitions, project priorities, utilities, and other facilities, eligible coal lands and water, eligible non-coal lands and water, project selection, annual grant process, liens, right of entry, public participation, bidding requirements and conditions, contracts, and contractor responsibility. The amendments are intended to revise the Illinois Plan to be consistent with corresponding federal regulations and the SMCRA and to improve operational efficiency.

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**United States Environmental Protection Agency Reaches Settlement with CITGO Petroleum Corporation, Lemont, DuPage County, Illinois Site**

On January 19, 1999, the United States Environmental Protection Agency, Region 5, announced that it reached a settlement agreement with CITGO Petroleum Corporation (CITGO) on alleged violations of the federal hazardous air pollutant regulations (see 42 U.S.C. § 7412 (1990); 40 C.F.R. § 61.01) at CITGO's petrochemical manufacturing unit, 135th Street and New Avenue, Lemont, DuPage County, Illinois. CITGO makes benzene, toluene, xylene, hexane, and heptane at this location. A \$30,000 penalty was assessed. Hazardous air pollutants are also volatile organic materials that contribute to the formation of ground-level ozone, or smog. Children, the elderly, and people with chronic respiratory disease are the most sensitive to these materials.

For further information regarding this settlement, contact Karl Karg at 312/886-7948.

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**United States Environmental Protection Agency Reaches Settlement with Minnesota Mining and Manufacturing Company, Cordova, Rock Island County, Illinois Facility**

On January 25, 1999, the United States Environmental Protection Agency, Region V, announced that it had settled an administrative action against the Minnesota Mining and Manufacturing Company (3M) for alleged hazardous waste violations under the Resource Conservation and Recovery Act (see 42 U.S.C. § 6901 *et seq.*) at its Cordova, Rock Island County, Illinois, facility. 3M agreed to pay a \$143,800 penalty and to investigate and clean up any hazardous-waste spills that may have occurred in two areas of the Cordova facility. The Cordova facility produces specialty chemicals primarily for other 3M manufacturing facilities throughout the country.

Questions regarding this settlement agreement may be directed to Steve Murawski at 312/886-6741.

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## BOARD ACTIONS

January 7, 1999  
Springfield, Illinois

### RULEMAKINGS

**R99-19** In the Matter of: Regulated Recharge Area Designation, Durand, Winnebago County - The Board dismissed petitioner's request for a regulated recharge area in the areas south of Durand, Winnebago County, Illinois. The Board found that the request did not follow the procedures for establishing a regulated recharge area as set forth in Sections 17.2, 17.3, and 17.4 of the Act. 415 ILCS 5/17.2-4. **Vote: 5-0**

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### ADMINISTRATIVE CITATIONS

**AC 99-19** County of LaSalle v. Rachel Southcombe c/o William Southcombe, P.O.A. - The Board found that this LaSalle 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. **Vote: 5-0**

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### ADJUDICATORY CASES

#### DECISIONS

**PCB 94-288** People of the State of Illinois v. John Nordigian - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act (415 ILCS 5/31(c)(2) (1996)), accepted a stipulation and settlement agreement in this air enforcement action involving a Lake County facility, ordered respondent to pay a civil penalty of \$1,000, and to cease and desist from further violations. **Vote: 5-0**

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#### PROVISIONAL VARIANCES

**PCB 99-96** Galesburg Sanitary District v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Knox County facility a 45-day provisional variance, subject to conditions, from the limits for effluent discharges in excess of 22 million gallons per day as set forth in 35 Ill. Adm. Code 304.141(a) and 304.207(a). **Vote: 5-0**

**PCB 99-97** Wrico Packing v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Cook County facility a 45-day provisional variance, subject to conditions, from the requirement to operate a capture system and control device at all times when the printing line is in operation found at 35 Ill. Adm. Code Part 218.401(c). **Vote: 5-0**

**PCB 99-99** Norfolk and Southern Railway Company v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted a 12-day provisional variance to this Macon County facility from the 90-day limitation on the accumulation of hazardous wastes, as set forth in 35 Ill. Adm. Code 722.134(b). **Vote: 5-0**

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#### MOTIONS AND OTHER MATTERS

**PCB 93-3** People of the State of Illinois v. Archer Daniel Midland Company - 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 Peoria County facility, the Board ordered publication of the required newspaper notice. **Vote: 5-0**

**PCB 97-66** People of the State of Illinois v. D'Angelo Enterprises, Inc. - The Board denied respondent's cross-motion for summary judgment. **Vote: 5-0**

**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 for certificate of appeal and to stay the proceedings. **Vote: 5-0**

- PCB 97-203** People of the State of Illinois v. Spirco Environmental, Inc. - The Board granted complainant's motion to correct complainant's reply brief filed December 17, 1998. **Vote: 5-0**
- PCB 98-31** Roy K. Johnson v. Archer Daniel Midland-Demeter Hoopeston Division - The Board denied respondent's motion for summary judgment. **Vote: 5-0**
- PCB 98-72** St. Clair Properties Development, Inc. v. IEPA - The Board granted petitioner's motion for voluntary dismissal of this permit appeal involving a St. Clair County facility. **Vote: 5-0**
- PCB 98-154** People of the State of Illinois v. P & H Manufacturing Company - The Board granted complainant's motion for leave to amend complaint. **Vote: 5-0**
- PCB 98-169** Union Oil Company of California d/b/a Unocal v. Barge-Way Oil Company, Inc., Bargeway Systems, Inc., Joseph Kellogg, Nielsen's Bargeway, Gertrude Kellogg, Robert Nielsen, Robert F. Atkins, and Mobil Oil Company - The Board granted in part and denied in part respondent Mobil Oil Company's motion to dismiss. The remaining issues in this citizen's underground storage tank enforcement action involving a DuPage County facility will be addressed at hearing. **Vote: 4-1 Flemal dissented**
- PCB 98-172** People of the State of Illinois v. City of Chester - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action against a Randolph County facility, the Board ordered publication of the required newspaper notice. **Vote: 5-0**
- PCB 99-56** Illinois State Toll Highway Authority (Lake Forest Oasis - West) v. IEPA - The Board accepted for hearing and, on its own motion, consolidated this underground storage tank appeal with twelve pending cases involving the same petitioner. **Vote: 5-0**
- PCB 99-57** XCTC Limited Partnership v. IEPA - 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. **Vote: 5-0**
- PCB 99-61** Illinois State Toll Highway Authority (Schiller Park/O'Hare Oasis - East) v. IEPA - 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. **Vote: 5-0**
- PCB 99-62** Illinois State Toll Highway Authority (Des Plaines/Des Plaines Oasis) v. IEPA - 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. **Vote: 5-0**
- PCB 99-64** Jean S. Dixon v. Joseph Behr & Sons, Inc. - The Board accepted for hearing this citizen's noise enforcement action involving a Winnebago County facility. **Vote: 5-0**
- PCB 99-71** Carl and Nina Brunson v. MCI WorldCom, Inc. and IXC Carrier, Inc. - The Board accepted for hearing this citizens' noise enforcement action involving a Jasper County facility. **Vote: 5-0**
- PCB 99-80** Central Illinois Light Company (Edwards Station) v. IEPA - The Board accepted for hearing this petition for air variance involving a Peoria County facility. **Vote: 5-0**
- PCB 99-81** Equilon Enterprises v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Cook County facility. **Vote: 5-0**
- PCB 99-83** Illinois State Toll Highway Authority (Hinsdale Oasis-East) v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Cook County facility. **Vote: 5-0**
- PCB 99-84** Yesley Service Company v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Randolph County facility. **Vote: 5-0**
- PCB 99-85** People of the State of Illinois v. Camboni's Incorporated d/b/a Wall's Mobile Home Park - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action against a DuPage County facility, the Board ordered publication of the required newspaper notice. **Vote: 5-0**
- PCB 99-86** McWane, Inc. v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a DuPage County facility. **Vote: 5-0**
- PCB 99-87** Jeff's Service 76 v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Kane County facility. **Vote: 5-0**
- PCB 99-88** Naperville Radiator Services v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Dupage County facility. **Vote: 5-0**

**PCB 99-89** Belvidere/MDI Ltd. Partnership v. IEPA - The Board accepted for hearing this underground storage tank appeal involving a Boone County facility. **Vote: 5-0**

**PCB 99-90** Belvidere/MDI Ltd. Partnership v. IEPA - The Board found that this request for 90-day extension was mooted by MDI's proper filing of an appeal in docket PCB 99-89. The Board therefore closed docket PCB 99-90. **Vote: 5-0**

**PCB 99-91** Cloverhill Bakery v. IEPA - The Board accepted for hearing this petition for an air permit appeal involving a Cook County facility. **Vote: 5-0**

January 21, 1999  
Chicago, Illinois

**RULEMAKINGS**

**R99-18** In the Matter of: Permits for Used Oil Management and Used Oil Transport 35 Ill. Adm. Code 809 and 807 - The Board adopted a first-notice opinion and order in this proposed rulemaking to amend the Board's solid waste and special waste hauling regulations. **Vote: 7-0**

**ADJUSTED STANDARDS**

**AS 99-5** In the Matter of: Petition of Abbott Laboratories for an Adjusted Standard from 35 Ill. Adm. Code 302.208 and 304.105 - The Board granted petitioner's motion to extend the filing date of an amended petition for an adjusted standard involving a Lake County facility. **Vote: 7-0**

**ADMINISTRATIVE CITATIONS**

**AC 99-21** IEPA v. Charles Trammel d/b/a Trammel Trucking - The Board found that this Cook 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. **Vote: 7-0**

**AC 99-22** IEPA v. William Cagle - The Board found that this Macoupin 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. **Vote: 7-0**

**AC 99-23** IEPA v. Ed Kuresten d/b/a Greenland Tree & Lawn - The Board granted complainant's motion to withdraw this administrative citation involving a Cook County facility. **Vote: 7-0**

**ADJUDICATORY CASES**

**DECISIONS**

**PCB 97-115** People of the State of Illinois v. Citizens Utilities Company of Illinois - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act (415 ILCS 5/31(c)(2) (1996)), accepted a stipulation and settlement agreement in this air enforcement action involving facilities in Kane and Will Counties, ordered respondent to pay a civil penalty of \$65,000, and to cease and desist from further violations. **Vote: 7-0**

**PCB 98-102** Panhandle Eastern Pipe Line Company v. IEPA - The Board affirmed the decision of the Illinois Environmental Protection Agency to deny petitioner's request for an air permit for its facility located in Glenarm, Sangamon County, Illinois. **Vote: 7-0**

**PCB 98-156** Richard and Wilma Salyer v. IEPA - The Board affirmed the decision of the Illinois Environmental Protection Agency to deny petitioners' request for reimbursement of costs for remedial activities at their facility located in Elmhurst, DuPage County, Illinois. **Vote: 7-0**

**PCB 99-73** People of the State of Illinois v. J.L. Clark, Inc. - The Board granted relief from the hearing requirement of Section 31(c)(2) of the Environmental Protection Act (415 ILCS 5/31(c)(2) (1996)), accepted a stipulation and settlement agreement in this air enforcement action involving facilities in Winnebago and DuPage Counties, ordered respondent to pay a civil penalty of \$25,000, and to cease and desist from further violations. **Vote: 7-0**

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### PROVISIONAL VARIANCES

**PCB 99-104** Thorncreek Sanitary District v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Cook County facility a 45-day provisional variance, subject to conditions, from 35 Ill. Adm. Code 304.141(a) and the effluent disinfection requirements set forth in National Pollutant Discharge Elimination System Permit No. IL0027723. **Vote: 7-0**

**PCB 99-105** City of Hillsboro v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Montgomery County facility a 45-day extension of the provisional variance granted in PCB 99-49 on October 1, 1998, subject to conditions, from the five-day biochemical oxygen demand and total suspended solids limits set in 35 Ill. Adm. Code 304.141(a) and 35 Ill. Adm. Code 304.120 and imposed by National Pollutant Discharge Elimination System Permit No. IL0029203. **Vote: 7-0**

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### MOTIONS AND OTHER MATTERS

**PCB 96-261** People of the State of Illinois v. G.M. Demolition Corporation - The Board granted complainant's motion for reconsideration and affirmed in part and reversed in part its October 1, 1998 order. The remaining issues in this air enforcement action involving facilities in Cook and Kankakee Counties will be addressed at hearing. **Vote: 7-0**

**PCB 98-17** People of the State of Illinois v. Scrap Tire Recycling Center, Inc., f/k/a Russell Foundry, Thomas Ratovic and Leon Benish - The Board denied complainant's motion for sanctions in this land enforcement action involving a Lake County facility. **Vote: 7-0**

**PCB 98-18** James R. and Lucille J. Metz v. United States Postal Service and Bradley Real Estate - The Board denied complainant's motion for reconsideration in this citizen's noise enforcement action involving a Sangamon County facility. **Vote: 7-0**

**PCB 98-143** Accurate Perforating Company, Inc. v. IEPA - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility. **Vote: 7-0**

**PCB 99-27** People of the State of Illinois v. James and Carol Gilmer - The Board denied respondents' motion to dismiss count I, complainant's motion to file a response to the motion to dismiss and reply, and third-party respondents' motion to dismiss. The Board granted third-party complainant's motion to amend the third-party complaint. **Vote: 7-0**

**PCB 99-41** White Cap, Inc. v. IEPA - The Board granted petitioner's motion to modify the November 19, 1998 Board order. **Vote: 7-0**

**PCB 99-63** Estate of Sam Kugler v. IEPA - 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 Mercer County facility. **Vote: 7-0**

**PCB 99-67** City of Elgin v. IEPA - 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. **Vote: 7-0**

**PCB 99-70** Will County Sheriff's Department v. IEPA - 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. **Vote: 7-0**

**PCB 99-82** Michael R. Pawlowski and Diane K. Pawlowski v. David Johnson and Troy Quinley, individually and d/b/a Benchwarmers Pub, Inc. - The Board denied respondents' motion to dismiss and accepted for hearing this citizens' noise enforcement action involving a Livingston County facility. **Vote: 7-0**

**PCB 99-98** Kendall-Grundy FS, Inc. v. IEPA - The Board accepted for hearing this tax certification appeal involving a Grundy County facility. **Vote: 7-0**

**PCB 99-100** People of the State of Illinois v. Hinz Lithographing Company - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action against a Cook County facility, the Board ordered publication of the required newspaper notice. **Vote: 7-0**

**PCB 99-101** Thiele Transportation v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Lake County facility. **Vote: 7-0**

**PCB 99-102** People of the State of Illinois v. The Scotts Company - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action against a Kendall County facility, the Board ordered publication of the required newspaper notice. **Vote: 7-0**

## NEW CASES

### JANUARY 7, 1999

**99-56** Illinois State Toll Highway Authority (Lake Forest Oasis - West) v. IEPA - The Board accepted for hearing and, on its own motion, consolidated this underground storage tank appeal with twelve pending cases involving the same petitioner.

**99-79** People of the State of Illinois v. Gary Claxton d/b/a Midwest Grinding and Recycling -The Board accepted for hearing this air enforcement action against a Madison County facility.

**99-80** Central Illinois Light Company (Edwards Station) v. IEPA - The Board accepted for hearing this petition for air variance involving a Peoria County facility.

**99-81** Equilon Enterprises v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Cook County facility.

**99-82** Michael R. Pawlowski and Diane K. Pawlowski v. David Johansen and Troy Quinley, individually and d/b/a Benchwarmers Pub, Inc. - The Board held for a later duplicitous/frivolous determination this citizens' noise enforcement action involving a Livingston County facility.

**99-83** Illinois State Toll Highway Authority (Hinsdale Oasis-East) v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Cook County facility.

**99-84** Yesley Service Company v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Randolph County facility.

**99-85** People of the State of Illinois v. Camboni's Incorporated d/b/a Wall's Mobile Home Park - Upon receipt of a proposed stipulation and settlement agreement and an agreed

motion to request relief from the hearing requirement in this water enforcement action against a DuPage County facility, the Board ordered publication of the required newspaper notice.

**99-86** McWane, Inc. v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a DuPage County facility.

**99-87** Jeff's Service 76 v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Kane County facility.

**99-88** Naperville Radiator Services v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Dupage County facility.

**99-89** Belvidere/MDI Ltd. Partnership v. IEPA - The Board accepted for hearing this underground storage tank appeal involving a Boone County facility.

**99-90** Belvidere/MDI Ltd. Partnership v. IEPA - The Board found that this request for 90-day extension was mooted by MDI's proper filing of an appeal in docket PCB 99-89. The Board therefore closed docket PCB 99-90.

**99-91** Cloverhill Bakery v. IEPA - The Board accepted for hearing this petition for an air permit appeal involving a Cook County facility.

**99-92** People of the State of Illinois v. Hartz Construction Co., Inc. - The Board accepted for hearing this land enforcement action against a Cook County facility.

**99-93** People of the State of Illinois v. South Palos Township Sanitary District - The Board accepted for hearing this water enforcement action against a Cook County facility.

**99-94** People of the State of Illinois v. Graham C-Stores Company - The Board accepted for hearing this air enforcement action against a Cook County facility.

99-95 People of the State of Illinois v. Graham Enterprise Company - The Board accepted for hearing this air enforcement action against a Cook County facility.

99-96 Galesburg Sanitary District v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Knox County facility a 45-day provisional variance, subject to conditions, from the limits for effluent discharges in excess of 22 million gallons per day as set forth in 35 Ill. Adm. Code 304.141(a) and 304.207(a).

99-97 Wrico Packing v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Cook County facility a 45-day provisional variance, subject to conditions, from the requirement to operate a capture system and control device at all times when the printing line is in operation found at 35 Ill. Adm. Code Part 218.401(c).

99-99 Norfolk and Southern Railway Company v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted a 12-day provisional variance to this Macon County facility from the 90-day limitation on the accumulation of hazardous wastes, as set forth in 35 Ill. Adm. Code 722.134(b).

AC 99-24 County of Will v. Donna K. Kelly - The Board accepted an administrative citation against this Will County respondent.

AC 99-25 County of Lake v. North Shore Sanitary District - The Board accepted an administrative citation against this Lake County respondent.

AC 99-26 IEPA v. Woodford Plaza, Inc. - The Board accepted an administrative citation against this Macon County respondent.

AC 99-27 IEPA v. Ed Wright - The Board accepted an administrative citation against this Sangamon County respondent.

AC 99-28 IEPA v. A.J. Roofing Company, Inc. - The Board accepted an administrative citation against this Cook County respondent.

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JANUARY 21, 1999

99-98 Kendall-Grundy FS, Inc. v. IEPA - The Board accepted for hearing this tax certification appeal involving a Grundy County facility.

99-100 People of the State of Illinois v. Hinz Lithographing Company - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action against a Cook County facility, the Board ordered publication of the required newspaper notice.

99-101 Thiele Transportation v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of a Lake County facility.

99-102 People of the State of Illinois v. The Scotts Company - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action against a Kendall County facility, the Board ordered publication of the required newspaper notice.

AC 99-29 IEPA v. BFI Waste Systems of North America, Inc. - The Board accepted an administrative citation against this Rock Island County respondent.

AC 99-30 IEPA v. Streator Area Landfill, Inc. and Mark Hinds - The Board accepted an administrative citation against these Livingston County respondents.

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**CALENDAR OF MEETINGS**

**FEBRUARY**

**3** ♦ **3:00 pm** -- R99-10 Hospital/Medical/Infectious Waste Incinerators: Adoption of 35 Ill. Adm. Code 229

Illinois Pollution Control Board  
600 S. Second Street  
Hearing Room 403  
Springfield, IL

**4** ♦ **11:30 am**  
**Illinois Pollution Control Board Meeting**  
**Springfield, IL**

**11** ♦ **1:00 pm** --R99-10 Hospital/Medical/Infectious Waste Incinerators: Adoption of 35 Ill. Adm. Code 229

James R. Thompson Center  
100 W. Randolph Street  
Suite 9-040  
Chicago, IL

**18** ♦ **10:30 am**  
**Illinois Pollution Control Board Meeting**  
**Chicago, IL**

**MARCH**

**1** ♦ **10:30 am** -- R99-18 Amendments to Permitting for Used Oil Management and Used Oil Transport: 35 Ill. Adm. Code 807 and 809

Illinois Pollution Control Board  
600 S. Second Street  
Hearing Room 403  
Springfield, IL

**3** ♦ **9:00 am** -- PCB 98-84 Scott Behrmann and Shelly Behrmann v. Okawville Farmers Elevator-St. Libory

Law Office of LeChien & LeChien, Ltd.  
120 West Main Street, Suite 10  
Belleville, IL

**4** ♦ **9:00 am** -- PCB 98-84 Scott Behrmann and Shelly Behrmann v. Okawville Farmers Elevator St. Libory

Illinois Pollution Control Board  
600 S. Second Street  
Hearing Room 403  
Springfield, IL

**4** ♦ **10:30 am**  
**Illinois Pollution Control Board Meeting**  
**Chicago, IL**

**9** ♦ **10:00 am** -- PCB 99-80 Central Illinois Light Company (E.D. Edwards Generating Station) v. IEPA

Peoria County Courthouse  
Conference Room A, 4th Floor  
324 Main Street  
Peoria, IL

**18** ♦ **10:30 am**  
**Illinois Pollution Control Board Meeting**  
**Chicago, IL**

**APRIL**

**1** ♦ **10:30 am**  
**Illinois Pollution Control Board Meeting**  
**Chicago, IL**

**7** ♦ **9:30 am** -- PCB 99-38 Lawrence C. Sweda v. Outboard Marine Corporation and the City of Waukegan

Lake County Courthouse  
Room 301  
18 North County Street  
Waukegan, IL

**8** ♦ **9:30 am** -- PCB 99-38 Lawrence C. Sweda v. Outboard Marine Corporation and the City of Waukegan

Lake County Courthouse  
Room 301  
18 North County Street  
Waukegan, IL

**15** ♦ **10:30 am**  
**Illinois Pollution Control Board Meeting**  
**Chicago, IL**

MAY

**6** ♦ 11:30 am  
Illinois Pollution Control Board Meeting  
Springfield, IL

**20** ♦ 10:30 am  
Illinois Pollution Control Board Meeting  
Chicago, IL

JUNE

**3** ♦ 10:30 am  
Illinois Pollution Control Board Meeting  
Chicago, IL

**17** ♦ 10:30 am  
Illinois Pollution Control Board Meeting  
Chicago, IL

JULY

**8** ♦ 10:30 am  
Illinois Pollution Control Board Meeting  
Chicago, IL

**22** ♦ 10:30 am  
Illinois Pollution Control Board Meeting  
Chicago, IL

AUGUST

**5** ♦ 11:30 am  
Illinois Pollution Control Board Meeting  
Springfield, IL

**19** ♦ 10:30 am  
Illinois Pollution Control Board Meeting  
Chicago, IL

SEPTEMBER

**9** ♦ 10:30 am  
Illinois Pollution Control Board Meeting  
Chicago, IL

**23** ♦ 10:30 am  
Illinois Pollution Control Board Meeting  
Chicago, IL

OCTOBER

**7** ♦ 10:30 am  
Illinois Pollution Control Board Meeting  
James R. Thompson Center  
100 W. Randolph Street  
Suite 2-025  
Chicago, IL

**21** ♦ 10:30 am  
Illinois Pollution Control Board Meeting  
Chicago, IL

NOVEMBER

**4** ♦ 11:30 am  
Illinois Pollution Control Board Meeting  
Springfield, IL

**18** ♦ 10:30 am  
Illinois Pollution Control Board Meeting  
Chicago, IL

DECEMBER

**2** ♦ 10:30 am  
Illinois Pollution Control Board Meeting  
Chicago, IL

**16** ♦ 10:30 am  
Illinois Pollution Control Board Meeting  
Chicago, IL

All Chicago Board Meetings will be held at the James R. Thompson Center, 100 W. Randolph Street, Suite 9-040 unless otherwise noted.

All Springfield Board Meetings will be held at 600 S. Second Street, Hearing Room 403 unless otherwise noted.



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.

Illinois Pollution Control Board Members:

Claire A. Manning, Chairman  
Springfield

Ronald C. Flemal  
DeKalb

G. Tanner Girard  
Grafton

Kathleen M. Hennessey  
Western Springs

Elena Z. Kezelis  
Springfield

Marili McFawn  
Inverness

Nicholas J. Melas  
Chicago

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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