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# Environmental Register

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Claire A. Manning, Chairman

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## Letter From the Chairman

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In response to public concern about potential environmental threats from the recent proliferation of natural gas-fired, peak-load electrical power generating facilities, commonly known as “peaker plants,” Governor George H. Ryan has asked the Board to conduct inquiry hearings. Specifically, the Governor has requested that the Board hold these public hearings to gather information on five issue areas concerning peaker plants.



The Board has docketed the matter as R01-10, In the Matter of: Natural Gas-Fired, Peak-Load Electrical Power Generating Facilities (Peaker Plants), and has set the matter for seven days of hearings to be held in five different locations. The Board’s Order and Notice of Hearings in this matter can be found at the Board’s Web site at [www.ipcb.state.il.us](http://www.ipcb.state.il.us). The Board will continue to post any additional information regarding this matter on its Web site. Anyone who wishes to be placed on the formal “Notice List” in this proceeding to receive copies of future Board orders and hearing officer orders, should contact Kim Schroeder at (217) 782-2633 or by e-mail at [schroedk@ipcb.state.il.us](mailto:schroedk@ipcb.state.il.us).

In addition to conducting the Peaker Inquiry Hearings, the Board has a heavy hearings calendar for the rest of the year. Pending are regulatory hearings on proposed amendments to Tiered Approach to Corrective Actions Objectives (TACO), R00-19; Clean Air Act rulemakings on NOx, R01-09; amendments to the Diesel Opacity Rules Required by P.A. 91-254 and P.A. 91-865; R01-08. Additionally, the Board is busy reviewing all the excellent public comments we received in our First Notice publication of our proposed Procedural Rules. We hope to move these rules to Second Notice sometime this fall – with a planned implementation date of January 1, 2001.

For information on the status of these rulemakings, or any ongoing activity at the Board, see the Board’s Web site. This site was recently described as “easily one of the better state agency sites on the Internet today” by the Illinois State Bar Association in its most recent *Environmental Law* newsletter. The Board and its staff are very happy to be recognized as a leader in the delivery of public information, and the performance of public service, for the betterment of Illinois’ environment.

Yours,

A handwritten signature in cursive script that reads "Claire A. Manning". The signature is written in dark ink on a light background.

Claire A. Manning, Chairman

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## Federal Update

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### **USEPA Proposes Air Rules for Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control**

On June 2, 2000, the United States Environmental Protection Agency (USEPA) proposed amendments for the control of air pollution from new motor vehicles for heavy-duty engines and highway diesel fuel sulfur control requirements. 65 Fed. Reg. 35478 (June 2, 2000).

USEPA is proposing new emission standards that would begin to take effect in 2007, and would apply to heavy-duty highway engines and vehicles. The proposed standards are based on the use of high-efficiency catalytic exhaust emission control devices or comparable effective advanced technologies. Because these devices are damaged by sulfur, USEPA is also proposing to significantly reduce the level of sulfur in highway diesel fuel by the middle of 2006.

USEPA predicts that by 2007, heavy-duty trucks and buses will account for as much as 30 percent of nitrogen oxides emissions from transportation sources and 14 percent of particulate matter emissions. USEPA expects proposed standards for heavy-duty vehicles to have a substantial impact on the mobile source inventories of oxides of nitrogen and particulate matter. USEPA believes the proposed program will result in particulate matter and oxides of nitrogen emission levels that are 90 percent and 95 percent below current standards levels, respectively. In order to meet these more stringent standards for diesel engines, the proposal calls for a 97 percent reduction in the sulfur content of diesel fuel. As a result, diesel vehicles should achieve gasoline-like exhaust emission levels, in addition to their inherent advantages over gasoline vehicles with respect to fuel economy, lower greenhouse gas emissions, and lower evaporative hydrocarbon emissions.

USEPA is also proposing more stringent standards for heavy-duty gasoline vehicles. By 2030, USEPA expects this program to reduce annual emissions of nitrogen oxides, non-methane hydrocarbons, and particulate matter by a projected 2.8 million, 305,000 and 110,000 tons, respectively. USEPA projects that these reductions and the resulting environmental benefits of this program would come at an average cost increase of approximately \$1,700 to

\$2,800 per new vehicle in the near term and \$1000 to \$1600 per new vehicle in the long term, depending on the vehicle size.

Comments must be received by August 14, 2000. For further information contact Margaret Borushko at 734/214-4334; e-mail address: borushko.margaret@epa.gov.

If these rules are adopted by USEPA, the Board would expect the Illinois Environmental Protection Agency to propose similar State rules for adoption using the Clean Air Act “fast-track” procedures at Section 28.5 of the Environmental Protection Act (415 ILCS 5/28.5 (1998)).

### **USEPA Withdraws Direct Final Rule and Reopens Comment Period for Interim Enhanced Surface Water Treatment Rule, Stage 1 DBPR, and State Primacy Requirements**

On June 13, 2000, the United States Environmental Protection Agency (USEPA) withdrew the direct final rule regarding the Interim Enhanced Surface Water Treatment Rule (IESWTR), the Stage 1 Disinfectants and Disinfection Byproducts Rule (Stage 1 DBPR), and the State Primacy Requirements to Implement the Safe Drinking Water Act Amendments. 65 Fed. Reg. 37052 (June 13, 2000). In the direct final rule, USEPA stated that if it received adverse comments by May 15, 2000, it would publish a timely withdrawal in the *Federal Register*. USEPA subsequently received adverse comments.

On June 13, 2000, USEPA also reopened the comment period for the proposed IESWTR, Stage 1 DBPR, and State Primacy Requirements rule, and all written comments must be received by July 13, 2000. 65 Fed. Reg. 37092 (June 13, 2000). The comments will be addressed in a final rule based upon the proposed rule published on April 14, 2000 (65 Fed. Reg. 20314).

For further information contact Jennifer Melch at 202/260-7035. Information may also be obtained from USEPA’s Safe Drinking Water Hotline at 800/426-4791.

### **USEPA Extends Comment Period for National Primary Drinking Water Regulations Proposed Groundwater Rule**

On June 14, 2000, the United States Environmental Protection Agency (USEPA) provided notice to extend the public comment period for the proposed Groundwater Rule (GWR). 65 Fed. Reg. 37331 (June 14, 2000). The proposed GWR was published in the *Federal Register* on May 10, 2000. 65 Fed. Reg. 30194. The proposed GWR requirements provide an opportunity to reduce public health risks associated with the consumption of waterborne pathogens from fecal contamination for a substantial number of people served by groundwater sources.

The proposed strategy addresses risks through a multiple-barrier approach that relies on five major components: (1) periodic sanitary surveys of ground water systems requiring the evaluation of eight elements and the identification of significant deficiencies; (2) hydrogeologic assessments to identify wells sensitive to fecal contamination; (3) source water monitoring for systems drawing from sensitive wells without treatment or with other indications of risk; (4) a requirement for correction of significant deficiencies and fecal contamination (by eliminating the source of contamination, correcting the significant deficiency, providing an alternative source water, or providing a treatment which achieves at least 99.99 percent (4-log) inactivation or removal of viruses); (5) and compliance monitoring to ensure disinfection treatment is reliably operated where it is used.

USEPA must receive public comments on the proposed regulations by August 9, 2000. For further information contact Jennifer Melch at 202/260-7035. Information may also be obtained from USEPA’s Safe Drinking Water Hotline at 800/426-4791.

### **USEPA Extends Comment Period for Definition of Fill Material and Discharge of Fill Material**

On June 16, 2000, the United States Environmental Protection Agency (USEPA) extended the public comment period for the proposed revisions to the Clean Water Act (CWA) (33 U.S.C. §§ 1251 *et seq.* (1996)) regulatory definitions of “fill material” and “discharge of fill material.” 65 Fed. Reg. 37738 (June 16, 2000).

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On April 20, 2000, the Department of the Army (Army) and USEPA jointly proposed to revise their CWA regulations defining the term "fill material." 65 Fed. Reg. 21292 (April 20, 2000). Currently, the Army and USEPA definitions of "fill material" differ from each other. The proposed rule would amend both the Army and USEPA definitions of "fill material" to provide a single definition of that term, and thus ensure proper, consistent, and more effective regulation under CWA of materials that have the effect of replacing any portion of a water of the United States with dry land or of changing the bottom elevation of any portion of a water of the United States. The Army and USEPA sought comment on the proposed rule by June 19, 2000. In response to comments from the public requesting additional time to fully analyze the issues and prepare comments, they are extending the comment period on the proposed rule to July 19, 2000.

For further information contact Thaddeus Rugiel, U.S. Army Corps of Engineers, at 202/761-0199; e-mail address: Thaddeus.J.Rugiel@HQ02.USACE.ARMY.MIL, or John Lishman, USEPA, at 202/260-9180; e-mail address: lishman.john@epa.gov.

### **USEPA Adopts Final Rule for National Emission Standards for Hazardous Air Pollutants Group I and Group IV Polymers and Resins**

On June 19, 2000, the United States Environmental Protection Agency (USEPA) promulgated a final rule for National Emission Standards for Hazardous Air Pollutants (NESHAP) Group I and Group IV Polymers and Resins. 65 Fed. Reg. 38029 (June 19, 2000).

On September 5, 1996 and September 12, 1996, USEPA promulgated NESHAP for Group I and Group IV Polymers and Resins, respectively. In November 1996, petitions for review of the Group I and IV Polymers and Resins rules were filed in the United States Court of Appeals for the District of Columbia Circuit. The petitioners raised numerous technical issues and concerns with these rules. In addition, on January 17, 1997, amendments to the Synthetic Organic Chemical Manufacturing Industry NESHAP (Hazardous Organic NESHAP, or HON) were promulgated; HON is heavily referenced by both of the Group I and IV Polymers and Resins NESHAP. On March 9, 1999, USEPA proposed amendments to the Group I and IV Polymers and Resins NESHAP to address the issues raised by the petitioners and to update the rules as necessitated by the HON amendments. USEPA took final action on those proposed amendments.

The effective date of the amendment was June 19, 2000. For further information contact Robert Rosensteel at 919/541-5608; e-mail address: rosensteel.bob@epa.gov.

Pursuant to Section 9.1(b) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(b) (1998)), once adopted by USEPA, NESHAP rules are applicable and enforceable under the Act without further action by the Board.

### **USEPA Gives Advance Notice of Proposal to Amend Land Disposal Restrictions Program under the Resource Conservation and Recovery Act**

On June 19, 2000, the United States Environmental Protection Agency (USEPA) gave advance notice of a proposal to amend the Land Disposal Restrictions program for treating hazardous waste under the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. §§ 6901 *et seq.* (1996)). 65 Fed. Reg. 37956 (June 19, 2000).

Comments must be received by September 18, 2000. For further information contact Josh Lewis at 703/308-7877; e-mail address: lewis.josh@epa.gov. For general information, call the RCRA Hotline at 800/424-9346.

### **USEPA Provides Notice of Acceptability for Ozone-Depleting Substances under the Significant New Alternatives Policy**

On June 19, 2000, the United States Environmental Protection Agency (USEPA) expanded the list of acceptable substitutes for ozone-depleting substances under USEPA's Significant New Alternatives Policy program. 65 Fed. Reg. 37900 (June 19, 2000).

For further information contact Anhar Karimjee at 202/564-2683. The Stratospheric Protection Hotline can be reached at 800/296-1996. Further information can be found at the USEPA's Ozone Depletion Web site at <http://www.epa.gov/ozone/title6/snap/>.

### **USEPA Proposes National Primary Drinking Water Regulation for Arsenic**

On June 22, 2000, the United States Environmental Protection Agency (USEPA) proposed a National Primary Drinking Water Regulation for arsenic, as required by the 1996 amendments to the Safe Drinking Water Act (42 U.S.C. §§ 300f *et seq.*). 65 Fed. Reg. 38887 (June 22, 2000).

The proposed health-based, non-enforceable goal, or Maximum Contaminant Level Goal, for arsenic is zero, and the proposed enforceable standard, or maximum contaminant level (MCL), for arsenic is 0.005 mg/L. USEPA is also requesting comment on whether the MCL should be set at 0.003 mg/L, 0.010 mg/L, or 0.020 mg/L. USEPA is listing technologies that will meet the MCL, including affordable compliance technologies for three categories of small systems serving less than 10,000 people. The proposal also includes monitoring, reporting, public notification, and consumer confidence report requirements and state primacy revisions for public drinking water programs affected by the arsenic regulation.

In addition, USEPA is clarifying compliance for state-determined monitoring after exceedances for inorganic, volatile organic, and synthetic organic contaminants. Finally, USEPA is proposing that states will specify the time period and sampling frequency for new public water systems and systems using a new source of water to demonstrate compliance with the MCLs. The requirement for new systems and new source monitoring will be effective for inorganic, volatile organic, and synthetic organic contaminants.

USEPA must receive public comments by September 20, 2000. The USEPA will hold a public meeting on this proposed regulation this summer. Notice of the public meeting will be published in the *Federal Register*, as well as on USEPA's Office of Ground Water and Drinking Water Web site.

For further information contact Irene Dooley at 202/260-9531; email address: [dooley.irene@epa.gov](mailto:dooley.irene@epa.gov). General information about the regulation is available from the Safe Drinking Water Hotline at 800/426-4791; email address: [hotline.sdwa@epa.gov](mailto:hotline.sdwa@epa.gov).

If adopted, the Board will include any necessary amendments in a future identical-in-substance rulemaking.

### **USEPA Supplements Proposed National Emission Standards For Hazardous Air Pollutants for Primary Copper Smelters**

On June 26, 2000, the United States Environmental Protection Agency (USEPA) proposed a change to the national emission standards for hazardous air pollutants (NESHAP) for primary copper smelters. 65 Fed. Reg. 39326 (June 26, 2000). USEPA is proposing a numerical emission standard that would limit the maximum concentration of total particulate matter in the off-gases discharged from smelting furnaces, slag cleaning vessels, and batch copper converters is warranted. The action also proposes a new requirement for smelters using baghouses that are required to use bag leak detector systems.

On April 20, 1998 (63 Fed. Reg. 19592), USEPA proposed the NESHAP for Source Categories: National Emission Standards for Primary Copper Smelters. In that proposal, USEPA estimated that nationwide HAP emissions from the "Primary Copper Smelting" source category were estimated to be approximately 189 Mg/yr (208 tpy). USEPA estimated in the same proposal that implementation of the NESHAP, as proposed, would reduce these nationwide HAP emissions by approximately 20 percent to 115 Mg/yr (171 tpy).

USEPA is requesting comments only on this supplement to the proposed rule by August 25, 2000. If anyone contacts USEPA requesting to speak at a public hearing on or before July 17, 2000, a public hearing will be held on July 26, 2000. For further information contact Eugene Crumpler at 919/541-0881; e-mail address: [crumpler.gene@epa.gov](mailto:crumpler.gene@epa.gov).

Pursuant to Section 9.1(b) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(b) (1998)), once adopted by USEPA, NESHAP rules are applicable and enforceable under the Act without further action by the Board.

### Appellate Update

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#### **Fourth District Appellate Court Affirms Board Decision in *Panhandle Eastern Pipe Line Co. v. Illinois Environmental Protection Agency and Illinois Pollution Control Board* (No. 4-99-0517), PCB 98-102**

On June 5, 2000, the Fourth District Appellate Court in *Panhandle Eastern Pipe Line Co. v. Illinois Environmental Protection Agency and Illinois Pollution Control Board* (No. 4-99-0517), affirmed the Board's decision in *Panhandle Eastern Pipe Line Co. v. IEPA* (January 21, 1999), PCB 98-102, affirming the Illinois Environmental Protection Agency's (Agency) permit denial.

In 1988, the Agency issued a construction permit to Panhandle to replace 12 of its 15 engines with four new engines and imposed the following three special conditions: (1) to avoid federal prevention of significant deterioration (PSD) rules, overall increase in NO<sub>x</sub> emissions from the replacements would not exceed 39.9 tons per year (*i.e.*, would not be a "major modification"); (2) total NO<sub>x</sub> emissions for the engines would not exceed 461.3 tons per year (a limit set to avoid major modification status under the PSD rules); and (3) certain records of operations must be kept. These conditions were also included in four operating permits issued between August 30, 1988 and July 26, 1991. Panhandle did not seek the Board's review of any of those permit decisions.

In 1996, the Agency determined that Panhandle was exceeding the 461.3 tons per year limit. Panhandle filed an application to modify the original permit to "correct" the emission limit and proposed a NO<sub>x</sub> emission limit of 774.9 tons per year to avoid PSD application. Panhandle argued that the Agency's original NO<sub>x</sub> emission limit calculations should have been made using different factors. The Agency denied the permit application because Panhandle failed to demonstrate that it would not violate PSD standards. The Agency stated that Panhandle had not demonstrated best available control technology (BACT) as required by PSD regulations for major modifications.

In its January 21, 1999 decision, the Board affirmed the Agency's decision to deny the permit because (1) Panhandle did not satisfy PSD requirements for BACT; and (2) Panhandle did not support its proposed emission factor, thus failing to prove it would not violate Section 9.1(d) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(d) (1998)).

The Fourth District held that Panhandle waived any challenge to the Board's second ground for affirming the Agency's permit denial because it did not raise the issue on appeal, and the Board's decision could be upheld on that ground alone. However, the court addressed the remaining issue of whether the Agency lacked authority to reconsider the emission limit in the previously issued permit in general and because Panhandle did not timely seek review of the permit decision.

The court stated that Panhandle sought to have the Agency reconsider the 1988 permit decision to avoid PSD restrictions, in spite of having failed to comply with the lower standard set in 1988. The court held that the Agency, under *Reichold Chemicals, Inc. v. PCB*, 204 Ill. App. 3d 674, 561 N.E.2d 1343 (3rd Dist. 1990), lacked the authority to reconsider its 1988 decision on the emission limit, even though Panhandle submitted an application to modify the permit, and that giving the Agency unlimited time to revise its permit decisions would render the 35-day approval period under Section 40(a)(1) of the Act meaningless.

# Rule Update

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## **Board Adopts Proposal for Public Comment in *In the Matter of: Safe Drinking Water Update, USEPA Regulations (July 1, 1999, through December 31, 1999), R00-10***

On June 8, 2000, the Board proposed for public comment amendments to the Illinois regulations that are identical in substance to the National Primary Drinking Water regulations adopted by the United States Environmental Protection Agency (USEPA). These regulations implement Sections 1412(b), 1414(c), 1417(a), and 1445(a) of the Safe Drinking Water Act (SDWA) (42 U.S.C. §§ 300g-1(b), 300g-3(c), 300g-6(a), and 300j-4(a) (1996)). The amendments were proposed pursuant to Section 17.5 of the Environmental Protection Act (Act) (415 ILCS 5/17.5 (1998)), which provides for quick adoption of regulations that are “identical in substance” to federal regulations that USEPA adopts to implement Sections 1412(b), 1414(c), 1417(a), and 1445(a) of the SDWA. Section 17.5 also provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (5 ILCS 100/5-35 and 5-40 (1998)) do not apply to the Board’s adoption of identical in substance regulations. The federal SDWA regulations are found at 40 C.F.R. §§ 141 and 142.

In this action, the Board proposed to add the requirement that certain public water systems monitor for unregulated drinking water contaminants and is also adding analytical methods approved for determining compliance with the drinking water regulations. The proposal was published in the *Illinois Register* on June 30, 2000 (24 Ill. Reg. 8725), commencing the 45-day public comment period. The public comment period expires on August 15, 2000.

Please direct any questions regarding this rulemaking to Steven C. Langhoff at 217/782-2615; e-mail address: langhofs@ipcb.state.il.us.

## **Board Adopts Amendments in *In the Matter of: Vehicle Scrapage Activities, 35 Ill. Adm. Code 207, R00-16***

On June 8, 2000, the Board adopted amendments to the Illinois regulations which implements a voluntary vehicle scrapage program in Illinois. On January 6, 2000, the Illinois Environmental Protection Agency (Agency) filed a rulemaking proposal to add a new Part to the Board’s air regulations. The rulemaking proposal was filed pursuant to Section 13B-30(d) of the Vehicle Emissions Inspection Law of 1995 (Vehicle Emissions Inspection Law) (625 ILCS 5/13B-30(d) (1998)). On January 20, 2000, the Board accepted the proposal for hearing and directed that the proposal be filed for publication in the *Illinois Register* as a proposal for public comment. The proposal for public comment appeared in the *Illinois Register* on February 29, 2000 (24 Ill. Reg. 2159).

Section 13B-30(d) of the Vehicle Emissions Inspection Law (625 ILCS 5/13B-30(d) (1998)) states in part that Section 27(b) of the Environmental Protection Act (415 ILCS 5/27(b) (1998)) and the rulemaking provisions of the Administrative Procedure Act (5 ILCS 100/1-1 *et seq.* (1998)) do not apply to rules adopted by the Board under Section 13B-30(d). The Board did, however, hold two public hearings in this matter. The first hearing was held on March 1, 2000, in Springfield, Illinois and the second on March 24, 2000, in Chicago, Illinois. At both hearings the Agency offered testimony in support of its proposal. In addition, at both hearings, several members of the public testified in opposition to the proposal. The Board also received four public comments. The Board made several changes to the proposal for public comment, including amendments suggested by the Agency. Most changes address the concerns expressed by antique car collectors in this rulemaking. The adopted amendments were published in the *Illinois Register* on June 30, 2000 (24 Ill. Reg. 8979).

Please direct any questions regarding this rulemaking to Marie E. Tipsord at 312/814-4925; e-mail address: tipsorm@ipcb.state.il.us.

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## IEPA Restricted Status List

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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 July 1, 2000.

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

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
Bahl Wtr Corp (Jo Daviess Co - 0855200)	1	Inadequate Pres Storage	700	12/15/93
Biggsville (Henderson Co - 0710050)	5	Adjusted Gross Alpha	350	03/15/98
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
Buckingham (Kankakee Co - 0910250)	2	Inadequate Pres Tank	330	03/17/89
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
Community Srvc Corp (McHenry Co - 1115350)	2	Inadequate Pres Tank	750	09/16/83
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
DL Well Owners Assn (Lake Co - 0975380)	2	Inadequate Pres Tank	125	03/18/83
Dover (Bureau Co - 0110350)	1	Inadequate Pres Tank	200	05/25/81
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	Inadequate Pres Tank	45	06/13/86
Emmett Util Inc (McDonough Co - 1095200)	5	Inadequate Pres Tank	39	12/17/82
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
Frwr-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

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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
Greenwood Outback (LaSalle Co - 0990080)	1	Inadequate Pres Tank		12/15/98
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
Hettick (Macoupin Co - 1170500)	5	Atrazine	250	03/15/99
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
Holy Family Villa (Cook Co - 0310280)	2	Inadequate Pres Tank	200	09/15/99
Huntley Cmnty Sbdv (Will Co - 1975840)	2	Inadequate Pres Tank	48	03/16/84
Ingalls Pk Sbdv (Will Co - 1975880)	2	Inadequate Pres Tank	690	09/16/83
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 Hills Wtr Supply Cp(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
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	Inadequate Pres Tank	250	03/15/98
London Mills (Fulton Co - 0574620)	5	Inadequate Pres Tank	670	12/14/84
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 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
Mound PWD (St Clair Co - 1635050)	6	Inadequate Plant Capacity	1,800	06/17/96
Mount Olive (Macoupin - 1170700)	5	Trihalomethane	2,150	03/15/00
New Hope Wtrwks Corp (Wayne Co - 1915100)	7	Trihalomethane	676	03/15/00
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
Ports of Sullivan Lake Assn (Lake Co - 0971160)	2	Inadequate Pres Tank	638	06/15/99
Prairie Ridge Assn (McHenry Co - 1115730)	2	Inadequate Pres Tank	140	03/16/90
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
Sbdv Wtr Trust No 1 (Kane Co - 0895300)	2	Inadequate Pres Tank	1,120	03/20/81
Scottville (Macoupin Co - 1170010)	5	Trihalomethane	510	3/15/00
Shawnita Trc Wtr Assn (Will Co - 1977690)	2	Inadequate Pres Tank	125	09/17/92
Skyview Estates (Kankakee Co - 0915526)	2	Inadequate Pres Tank	65	09/14/84

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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
Sturm Sbdv (Lake Co - 0977010)	2	Inadequate Pres Tank	63	03/16/84
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
*Sunny Hill Ests Sbdv (Henry Co - 0735300)	1	Inadequate Pres Tank	525	06/15/00
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
Three County PWD (Madison Co - 1195450)	6	Trihalomethane	1,500	12/12/99
Toulon (Stark Co - 1750150)	1	Adjusted Gross Alpha	1,400	12/12/99
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
Wermes Sbdv (Kane Co - 0895750)	2	Inadequate Pres Tank	150	12/16/88
West Salem (Edwards Co - 0470200)	7	Inadequate Treatment Plant	1,058	03/15/99
*West Shore Park Sbdv (Lake Co - 0977370)	2	Inadequate Pres Tank	450	06/15/00
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
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	Inadequate Pres Tank	350	06/15/90
York Cntr Coop (DuPage Co - 0437550)	2	Inadequate Pres Tank	240	06/15/88
2nd Street Wtr Assn (Lake Co - 0971140)	2	Inadequate Pres Tank	33	12/15/95

# Environmental Register - June 2000

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## IEPA Critical Review List

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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 July 1, 2000.

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

Bayles Lake Lot Owners Assn (Iroquois Co - 0755110)	4	Inadequate Pres Tank	442	03/15/98
Bluford (Jefferson Co - 0810100)	7	Low System Pressure	465	03/20/81
Browning (Schuyler Co - 1690050)	5	Inadequate Source	495	03/15/98
Ctzns Chickasaw Hills Div (Will Co - 1975320)	2	Low System Pressure	7,700	09/17/92
Clayton Camp Point Wtr Cmsn (Adams Co - 0015200)	5	Inad Pumping Capacity	1,200	09/15/98
Clinton (DeWitt Co - 0390050)	4	Inad Plant Capacity	7,437	06/14/91
Columbia (Monroe Co - 1330050)	6	Inad Pumping Capacity	5,893	03/15/98
DePue (Bureau Co - 0110300)	1	Inad Treatment Plant	1,930	12/15/93
Elizabeth (Jo Daviess Co - 0850150)	1	Low System Pressure	700	06/15/99
Evansville (Randolph Co - 1570250)	6	Low System Pressure	1,838	05/25/81
Galena (Jo Daviess Co - 0850200)	1	Low System Pressure	3,790	06/15/99
Georgetown (Vermilion Co - 1830350)	4	Inadequate Water Plant	3,678	06/15/93
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
Joy (Mercer Co - 1310100)	1	Low System Pressure	495	06/15/99
Kincaid (Christian Co - 0210250)	5	Plant Capacity	2,640	06/14/85
LaMoille (Bureau Co - 0110500)	5	Inadequate Plant Capacity	750	06/15/99

Lee (Lee Co - 1034600)	1	Inadequate Pres Tank	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	Inadequate Pres Tank	130	09/15/98
Scales Mound (Jo Daviess Co - 0850400)	1	Low System Pressure	400	09/15/97
Seneca (LaSalle Co - 0991050)	1	Inadequate Plant Capacity	1,937	06/15/99
South Highway PWD (Jackson Co - 0775400)	7	Low System Pressure	8,189	06/15/92
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) Inad Pres Storage	2	Low Sys Pres &	800	09/14/84
Walnut Hill (Marion Co - 1210600)	6	Low System Pressure	1,200	06/14/85
Wonder Lake Wtr Cmpny (McHenry Co - 1115750)	2	Inadequate Storage	1,080	12/14/90

## Environmental Register - June 2000

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### Board Actions

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June 8, 2000  
Chicago, Illinois

#### Rulemakings

R00-10	<u>In the Matter of: SDWA Update, USEPA Amendments (July 1, 1999 through December 31, 1999)</u> - The Board adopted a proposal for public comment in this "identical-in-substance" rulemaking to amend the Board's public water supply regulations.	7-0 R, PWS
R00-16	<u>In the Matter of: Vehicle Scrappage Activities, Adoption of 35 Ill. Adm. Code 207</u> - The Board adopted a final opinion and order in this rulemaking to amend the Board's air pollution control regulations.	7-0 R, Air

#### Adjusted Standard

AS 00-14	<u>In the Matter of: Petition of Heritage Environmental Services, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 702.126(d)(1)</u> - The Board entered an order dismissing this petition for an adjusted standard from the Resource Conservation and Recovery Act certification requirements found at 35 Ill. Adm. Code 702.126(d)(1) as a result of petitioner's failure to file the certificate of publication within fourteen days as required by Section 28.1(d)(1) of the Environmental Protection Act (Act) (415 ILCS 5/28.1(d)(1) (1998)).	7-0 RCRA
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#### Administrative Citations

AC 00-73	<u>IEPA v. Landfill 33, Ltd. and Richard Deibel</u> - The Board on its own motion entered an order which corrected the Board order entered on May 18, 2000. The statutory penalty amount for violating Sections 21(o)(5) and 21(o)(12) of the Act (415 ILCS 5/21(o)(5), 21(o)(12) (1998)) was corrected to \$500 per violation, and respondents were ordered to pay a total civil penalty of \$1,000.	7-0
AC 00-76	<u>IEPA v. Knox County Landfill Committee d/b/a Knox County Landfill #3 and Thomas D. Wagher</u> - The Board granted complainant's motion for default and found that these Knox County respondents violated Section 21(o)(5) of the Act (415 ILCS 5/21(o)(5) (1998)), and ordered respondents to pay a civil penalty of \$500.	7-0
AC 00-77	<u>IEPA v. Otis Brymer</u> - The Board found that this Williamson County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (1998)), and ordered respondent to pay a civil penalty of \$1,500.	7-0

AC 00-78	<u>IEPA v. RCS, Inc. and Rickie Laird</u> - The Board accepted for hearing this petition for review of an administrative citation against these Jersey County respondents.	7-0
AC 00-79	<u>IEPA v. John Appelt</u> - The Board found that this Carroll County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (1998)), and ordered respondent to pay a civil penalty of \$1,500.	7-0

## Adjudicatory Cases

- **Decisions**

PCB 99-152	<u>People of the State of Illinois v. Eagle-Picher Industries, Inc.</u> - In this air enforcement action concerning a facility located in Edgar County, Illinois, the Board granted relief from the hearing requirement of Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a civil penalty of \$66,944.50, and ordered respondent to cease and desist from further violations.	7-0 A-E
PCB 00-179	<u>City of Springfield, Illinois v. IEPA</u> - The Board granted this Sangamon County petitioner a variance from the water pollution control regulations found at 35 Ill. Adm. Code 302.206 as it relates to dissolved oxygen in the Sangamon River, subject to conditions.	7-0 W-V

- **Provisional Variances**

PCB 00-213	<u>Exxon Mobil Corporation v. IEPA</u> - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted a one-day provisional variance to this Will County facility from the 90-day limitation on the accumulation of hazardous wastes, as set forth in 35 Ill. Adm. Code 722.134(b).	7-0 L-V
PCB 00-215	<u>City of Belvidere v. IEPA</u> - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Boone County petitioner a 45-day provisional variance, subject to conditions, from the five-day biochemical oxygen demand and suspended solids limits set forth in 35 Ill. Adm. Code 304.120(c) and 304.141(a).	7-0 W-V
PCB 00-216	<u>City of Carlyle v. IEPA</u> - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Clinton County petitioner a 45-day provisional variance, subject to conditions, from the five-day carbonaceous biochemical oxygen demand and total suspended solids limits set forth in 35 Ill. Adm. Code 304.120(a) and 304.141(a).	7-0 W-V

## Environmental Register - June 2000

### Motions and Other Matters

PCB 97-234	<u>Antonio D. H. Nam v. Kikon Suh</u> - The Board denied respondent's motion to file a third-party complaint for failure to file proof of service as ordered in the Board's order dated May 4, 2000.	7-0 UST-E, Citizens
PCB 98-145	<u>People of the State of Illinois v. Bodine Electric Company</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a facility located in Cook County, the Board ordered publication of the required newspaper notice.	7-0 A-E
PCB 99-75	<u>General Electric Company v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this permit appeal involving a LaSalle County facility.	7-0 P-A, Air
PCB 00-124	<u>Agrium U.S. Inc. v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this petition for a public water supply variance involving a Marshall County facility.	7-0 PWS-V
PCB 00-141	<u>E.G. Vogt Oil Company v. IEPA</u> - The Board accepted for hearing this underground storage tank appeal involving a Madison County facility.	7-0 UST-FRD
PCB 00-143	<u>Curtis Masterson v. City of Fairfield</u> - The Board on its on motion consolidated this action with PCB 00-164 <u>Boster v. City of Fairfield</u> , found that this complaint involving a Wayne County facility was not duplicitous or frivolous, and accepted it for hearing.	7-0 A-E, Citizens
PCB 00-153	<u>Frank Gentile v. IEPA</u> - The Board entered an order dismissing this matter for petitioner's failure to file an amended petition within thirty days as ordered by the Board's order issued on April 20, 2000.	7-0 UST- Appeal
PCB 00-154	<u>Kathryn Cooper v. City of Fairfield</u> - The Board entered an order dismissing this matter for complainant's failure to file proof of service of the complaint upon respondent pursuant to Section 31 of the Act (415 ILCS 5/31 (1998)) within thirty days as ordered by the Board's order issued on May 4, 2000.	7-0 A-E, Citizens
PCB 00-155	<u>Robert Lichtenberger and Wilma Lichtenberger v. City of Fairfield</u> - The Board entered an order dismissing this matter for complainants' failure to file proof of service of the complaint upon respondent pursuant to Section 31 of the Act (415 ILCS 5/31 (1998)) within thirty days as ordered by the Board's order issued on May 4, 2000.	7-0 A-E, Citizens
PCB 00-162	<u>1625 Waukegan Limited Partnership v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed this matter because no site remediation program appeal was timely filed on behalf of this Cook County facility.	7-0 SRP-Appeal
PCB 00-169	<u>Estate of Robert Behrends v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was timely filed on behalf of this Logan County facility.	7-0 UST- Appeal

PCB 00-173	<u>7361-63 West North Avenue Building Partnership v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was timely filed on behalf of this Cook County facility.	7-0 UST- Appeal
PCB 00-194	<u>Bulkoa, Inc. v. IEPA</u> - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.	7-0 UST- Appeal 90-Day Ext.
PCB 00-195	<u>Blake Oil Company v. IEPA</u> - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Ogle County facility.	7-0 UST- Appeal 90-Day Ext.
PCB 00-196	<u>Go-Tane Service Stations, Inc. v. IEPA</u> - The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	7-0 UST-FRD
PCB 00-197	<u>Centerpoint Properties Trust v. IEPA</u> - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this DuPage County facility.	6-0 Lawton, Jr. abstained P-A, RCRA 90-Day Ext.
PCB 00-198	<u>Merrill's Contractors, Inc. v. IEPA</u> - The Board dismissed this petitioner's request for a 90-day extension as moot. (See joint request docketed as PCB 00-210, below).	7-0 UST-FRD
PCB 00-199	<u>People of the State of Illinois v. Dassinger Hard Chrome, Inc.</u> - The Board accepted for hearing this air enforcement action against this Cook County facility.	7-0 A-E
PCB 00-200	<u>American Bottom Conservancy, East St. Louis Community Action Network, Kathy Andria, and Jack Norman v. Village of Fairmont City and Waste Management of Illinois, Inc.</u> - The Board accepted for hearing this third-party pollution control facility siting review involving a St. Clair County facility, directing the two petitioner organizations to file amended petitions including appearances of attorneys within 30 days, or be subject to dismissal from this action.	7-0 P-C-F-S-R
PCB 00-201	<u>People of the State of Illinois v. Village of Chesterfield, Lawrence Lipe &amp; Associates, and Moniger Excavating Company, Inc.</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this public water enforcement action involving respondents located in Macoupin County, the Board ordered publication of the required newspaper notice.	7-0 PWS-E
PCB 00-202	<u>People of the State of Illinois v. American Driveway Maintenance, Inc.</u> - The Board accepted for hearing this water enforcement action against this Winnebago County facility.	7-0 W-E
PCB 00-203	<u>People of the State of Illinois v. Barron Industries, Inc.</u> - The Board accepted for hearing this air enforcement action against this Winnebago County facility.	7-0 A-E

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PCB 00-204	<u>Gutman Leather Company, Inc. v. IEPA</u> - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.	7-0 P-A, Air 90-Day Ext.
PCB 00-205	<u>Werner Company v. IEPA</u> - The Board granted petitioner's attorney's motion to appear <i>pro hac vice</i> and accepted for hearing this permit appeal involving a Sangamon County facility.	7-0 P-A, Air
PCB 00-206	<u>ESG Watts, Inc. (Sangamon Valley Landfill) v. IEPA</u> - The Board accepted for hearing this permit appeal involving a Sangamon County facility.	7-0 P-A, Land
PCB 00-207	<u>ESG Watts, Inc. (Taylor Ridge/Andalusia Landfill) v. IEPA</u> - The Board accepted for hearing this permit appeal involving a Rock Island County facility.	7-0 P-A, Land
PCB 00-208	<u>ESG Watts, Inc. (Viola Landfill) v. IEPA</u> - The Board accepted for hearing this permit appeal involving a Mercer County facility.	7-0 P-A, Land
PCB 00-209	<u>People of the State of Illinois v. Cro-Mat Company</u> - The Board accepted for hearing this air enforcement action against this Cook County facility.	7-0 A-E
PCB 00-210	<u>Merrill's Contractors, Inc. v. IEPA</u> - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Sangamon County facility.	7-0 UST-FRD
PCB 00-211	<u>People of the State of Illinois v. Toyal America, Inc. f/k/a Alcan-Toyo America, Inc.</u> - The Board accepted for hearing this Resource Conservation and Recovery Act enforcement action against this Will County facility.	7-0 RCRA-E
PCB 00-212	<u>People of the State of Illinois v. Kenneth Morrison</u> - The Board accepted for hearing this cost recovery action against this Livingston County facility.	7-0 CR-E
PCB 00-214	<u>General Motors Corporation (Electro-Motive Division) v. IEPA</u> - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Cook County facility.	7-0 P-A, Air 90-Day Ext.

**June 22, 2000**  
**Chicago, Illinois**

### Administrative Citations

AC 00-80	<u>IEPA v. Ken Edwards</u> - The Board found that this Macoupin County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (1998)), and ordered respondent to pay a civil penalty of \$1,500.	6-0
AC 00-81	<u>IEPA v. Jesse Lockhart</u> - The Board denied complainant's motion to dismiss this administrative citation against this Kankakee County respondent, directing that a hearing be held as previously ordered.	6-0
AC 00-84	<u>IEPA v. James Day</u> - The Board accepted an administrative citation against this Champaign County respondent.	

## Adjudicatory Cases

- **Decisions**

PCB 97-121	<u>Matteson WHP Partnership v. James W. Martin and Eva D. Martin, individually and d/b/a Martin's of Matteson</u> - The Board found that respondents violated Section 21(e) of the Act (415 ILCS 5/21(e) (1998)) and ordered respondents to perform soil and groundwater remediation. The Board failed to find any violations of Section 21(f)(1) of the Act (415 ILCS 5/21(f)(1) (1998)), Section 12(a) of the Act (415 ILCS 5/12(a) (1998)), and the Board's regulations at 35 Ill. Adm. Code 620.115.	5-1 McFawn dissented RCRA-E, Citizens
PCB 98-144	<u>People of the State of Illinois v. Edward Van Der Molen and Peter Barton d/b/a Shadow Lakes Resort</u> - In this water enforcement action concerning a facility located in Will County, Illinois, the Board granted relief from the hearing requirement of Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), accepted a final stipulation and settlement agreement, ordered the respondents to pay a civil penalty of \$7,500, and ordered respondents to cease and desist from further violations.	6-0 W-E
PCB 00-1	<u>People of the State of Illinois v. Paul Bergmann d/b/a Bergmann Dairy Farm</u> - In this water enforcement action concerning a facility located in Clinton County, Illinois, the Board granted relief from the hearing requirement of Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a civil penalty of \$3,500, and ordered respondent to cease and desist from further violations.	6-0 W-E

- **Provisional Variances**

PCB 00-222	<u>Commonwealth Edison Byron Nuclear Generating Station v. IEPA</u> - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Ogle County petitioner a 45-day provisional variance, subject to conditions, from the requirements set forth in 35 Ill. Adm. Code 309.154(a) and (b) and National Pollutant Discharge Elimination System Permit No. IL0048313.	6-0 W-V, NPDES
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## Motions and Other Matters

PCB 97-9	<u>People of the State of Illinois v. C&amp;S Recycling, Inc., Flood Brothers Disposal Company, Inc., William Flood, individually and as president of C&amp;S Recycling, and Brian Flood, individually and as treasurer of C&amp;S Recycling, Inc.</u> - The Board denied complainant's motion to reconsider the hearing officer's April 28, 2000 order and affirmed that ruling.	6-0 L-E
PCB 98-95	<u>People of the State of Illinois v. Meyer Steel Drum, Inc.</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a facility located in Cook County, the Board ordered publication of the required newspaper notice.	6-0 A-E

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PCB 99-191	<u>People of the State of Illinois v. Panhandle Eastern Pipe Line Company</u> - The Board denied complainant's motions to strike affirmative defenses and to incorporate administrative record and hearing transcript of <u>Panhandle Eastern Pipe Line Company v. IEPA</u> , PCB 98-102, but granted complainant's motion in limine.	6-0 A-E
PCB 00-59	<u>Standard Bank &amp; Trust Company, as Trustee and Derk Ball, Sr. v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility.	6-0 UST-FRD
PCB 00-167	<u>Bond County Community School District v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was timely filed on behalf of this Bond County facility.	6-0 UST-FRD
PCB 00-168	<u>Interstate Brands Corporation v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was timely filed on behalf of this Sangamon County facility.	6-0 UST-FRD
PCB 00-175	<u>Dersch Energies, Inc. v. IEPA</u> - Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was timely filed on behalf of this Wabash County facility.	6-0 UST-FRD
PCB 00-187	<u>Broderick Teaming Company v. IEPA</u> - The Board accepted for hearing this underground storage tank appeal involving a Cook County facility. Respondent's motion for extension of time in which to file the administrative record was referred to the hearing officer for disposition.	6-0 UST-FRD
PCB 00-217	<u>Quebecor World Direct, Petty Printing Company v. IEPA</u> - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Effingham County facility.	6-0 P-A, 90-Day Ext.
PCB 00-218	<u>E/M, a Division of Morgan Chemical Products, Inc. v. IEPA</u> - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this DuPage County facility.	6-0 P-A, 90-Day Ext.
PCB 00-220	<u>A&amp;A McHenry, Inc. v. IEPA</u> - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this McHenry County facility.	6-0 UST-FRD 90-Day Ext.

## New Cases

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### June 8, 2000 Board Meeting

00-194 Bulkoa, Inc. v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.

00-195 Blake Oil Company v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Ogle County facility.

00-196 Go-Tane Service Stations, Inc. v. IEPA - The Board accepted for hearing this underground storage tank appeal involving a Cook County facility

00-197 Centerpoint Properties Trust v. IEPA - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this DuPage County facility.

00-198 Merrill's Contractors, Inc. v. IEPA - The Board dismissed this petitioner's request for a 90-day extension as moot . (See joint request docketed as PCB 00-210, below).

00-199 People of the State of Illinois v. Dassinger Hard Chrome, Inc. - The Board accepted for hearing this air enforcement action against this Cook County facility.

00-200 American Bottom Conservancy, East St. Louis Community Action Network, Kathy Andria, and Jack Norman v. Village of Fairmont City and Waste Management of Illinois, Inc. - The Board accepted for hearing this third-party pollution control facility siting review involving a St. Clair County facility, directing the two petitioner organizations to file amended petitions including appearances of attorneys within 30 days, or be subject to dismissal from this action.

00-201 People of the State of Illinois v. Village of Chesterfield, Lawrence Lipe & Associates, and Moniger Excavating Company, Inc. - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this public water enforcement action involving respondents located in Macoupin County, the Board ordered publication of the required newspaper notice.

00-202 People of the State of Illinois v. American Driveway Maintenance, Inc. - The Board accepted for hearing this water enforcement action against this Winnebago County facility.

00-203 People of the State of Illinois v. Barron Industries, Inc. - The Board accepted for hearing this air enforcement action against this Winnebago County facility.

00-204 Gutman Leather Company, Inc. v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.

00-205 Werner Company v. IEPA - The Board granted petitioner's attorney's motion to appear *pro hac vice* and accepted for hearing this permit appeal involving a Sangamon County facility.

00-206 ESG Watts, Inc. (Sangamon Valley Landfill) v. IEPA - The Board accepted for hearing this permit appeal involving a Sangamon County facility.

00-207 ESG Watts, Inc. (Taylor Ridge/Andalusia Landfill) v. IEPA - The Board accepted for hearing this permit appeal involving a Rock Island County facility.

00-208 ESG Watts, Inc. (Viola Landfill) v. IEPA - The Board accepted for hearing this permit appeal involving a Mercer County facility.

00-209 People of the State of Illinois v. Cro-Mat Company - The Board accepted for hearing this air enforcement action against this Cook County facility.

00-210 Merrill's Contractors, Inc. v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Sangamon County facility.

## Environmental Register - June 2000

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00-211 People of the State of Illinois v. Toyal America, Inc. f/k/a Alcan-Toyo America, Inc. - The Board accepted for hearing this Resource Conservation and Recovery Act enforcement action against this Will County facility.

00-212 People of the State of Illinois v. Kenneth Morrison - The Board accepted for hearing this cost recovery action against this Livingston County facility.

00-213 Exxon Mobil Corporation v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted a one-day provisional variance to this Will County facility from the 90-day limitation on the accumulation of hazardous wastes, as set forth in 35 Ill. Adm. Code 722.134(b).

00-214 General Motors Corporation (Electro-Motive Division) v. IEPA - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Cook County facility.

00-215 Acme Steel Company v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Boone County petitioner a 45-day provisional variance, subject to conditions, from the five-day biochemical oxygen demand and suspended solids limits set forth in 35 Ill. Adm. Code 304.120(c) and 304.141(a).

00-216 City of Belvidere v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Clinton County petitioner a 45-day provisional variance, subject to conditions, from the five-day carbonaceous biochemical oxygen demand and total suspended solids limits set forth in 35 Ill. Adm. Code 304.120(a) and 304.141(a).

AC 00-82 Ogle County v. Leonard Hagemann - The Board accepted an administrative citation against this Ogle County respondent.

AC 00-83 Ogle County v. Jeff and Stella Allen - The Board accepted an administrative citation against these Ogle County respondents.

AS 00-15 In the Matter of: Petition of Heritage Environmental Services, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 702.126(d)(1) - Pending receipt of the certificate of publication, the Board held this Cook County facility's petition for an adjusted standard from the Resource Conservation and Recovery Act certification requirements found at 35 Ill. Adm. Code 702.126(d)(1).

### June 22, 2000 Board Meeting

00-187 Broderick Teaming Company v. IEPA - The Board accepted for hearing this underground storage tank appeal involving a Cook County facility. Respondent's motion for extension of time in which to file the administrative record was referred to the hearing officer for disposition.

00-217 Quebecor World Direct, Petty Printing Company v. IEPA - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Effingham County facility.

00-218 E/M, a Division of Morgan Chemical Products, Inc. v. IEPA - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this DuPage County facility.

00-219 Stephen G. Brill v. Henry Latoria, TL Trucking Foodliner - The Board held for a later duplicitous/frivolous determination this citizen noise enforcement action involving a Cook County facility.

00-220 A&A McHenry, Inc. v. IEPA - The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this McHenry County facility.

00-221 James and Vickie Glasgow, and Bill and Pat Hoppe v. Granite City Steel - The Board held for a later duplicitous/frivolous determination this citizen noise and air enforcement action involving a Madison County facility.

00-222 Commonwealth Edison Byron Nuclear Generating Station v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Ogle County petitioner a 45-day provisional variance, subject to conditions, from the requirements set forth in 35 Ill. Adm. Code 309.154(a) and (b) and National Pollutant Discharge Elimination System Permit No. IL0048313.

AC 00-84 IEPA v. James Day - The Board accepted an administrative citation against this Champaign County respondent.

## Calendar

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7/10/2000 10:00 am	R00-20	In the Matter of : Revision of the Board's Procedural Rules: 35 Ill. Adm. Code 101-130	Illinois Pollution Control Board Hearing Room 403 600 S. Second Street Springfield, IL
7/13/2000 11:00 am		Illinois Pollution Control Board Meeting	James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago, IL
7/20/2000 10:00 am		Deliberative Session	
7/25/2000 9:30 am	AC 00-72	IEPA v. Carl White (Harmony/Carl White) Docket No. 69-00-AC	Jefferson County Courthouse County Board Room Mt. Vernon, IL
7/27/2000 11:00 am		Illinois Pollution Control Board Meeting	James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago, IL
8/3/2000 10:00 am		Deliberative Session	
8/10/2000 11:00 am		Illinois Pollution Control Board Meeting	Illinois Pollution Control Board Hearing Room 403 600 S. Second Street Springfield, IL
8/17/2000 10:00 am		Deliberative Session	
8/22/2000 10:00 am	PCB 00-200	American Bottom Conservancy, East St. Louis Community Action Network, Kathy Andria and Jack Norman v. Village of Fairmont City and Waste Management of Illinois, Inc.	St. Clair County Building Room B-564 (County Board Conference Room) 10 Public Square Belleville, IL
8/23/2000 10:00 am	PCB 00-200	American Bottom Conservancy, East St. Louis Community Action Network, Kathy Andria and Jack Norman v. Village of Fairmont City and Waste Management of Illinois, Inc.	St. Clair County Building Room B-564 (County Board Conference Room) 10 Public Square Belleville, IL

## Environmental Register - June 2000

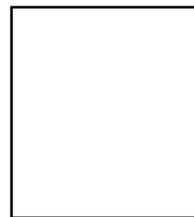
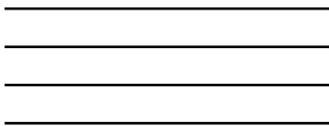
8/23/2000 10:30 am	R01-10	In the Matter of: Natural Gas-Fired, Peak-Load Electrical Power Generating Facilities (Peaker Plants)	James R. Thompson Center 100 W. Randolph Street Assembly Hall Auditorium Concourse Level Chicago, IL
8/24/2000 10:30 am	R01-10	In the Matter of: Natural Gas-Fired, Peak-Load Electrical Power Generating Facilities (Peaker Plants)	James R. Thompson Center 100 W. Randolph Street Assembly Hall Auditorium Concourse Level Chicago, IL
8/24/2000 11:00 am		Illinois Pollution Control Board Meeting	James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago, IL
8/31/2000 10:00 am		Deliberative Session	
9/7/2000 11:00 am		Illinois Pollution Control Board Meeting	James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago, IL
9/14/2000 10:00 am		Deliberative Session	
9/18/2000 9:30 am	PCB 99-191	People of the State of Illinois v. Panhandle Eastern Pipe Line Company	Illinois Pollution Control Board Hearing Room 403 600 S. Second Street Springfield, IL
9/19/2000 9:30 am	PCB 99-191	People of the State of Illinois v. Panhandle Eastern Pipe Line Company	Illinois Pollution Control Board Hearing Room 403 600 S. Second Street Springfield, IL
9/20/2000 9:30 am	PCB 99-191	People of the State of Illinois v. Panhandle Eastern Pipe Line Company	Illinois Pollution Control Board Hearing Room 403 600 S. Second Street Springfield, IL
9/21/2000 9:30 am	PCB 99-191	People of the State of Illinois v. Panhandle Eastern Pipe Line Company	Illinois Pollution Control Board Hearing Room 403 600 S. Second Street Springfield, IL
9/21/2000 11:00 am		Illinois Pollution Control Board Meeting	James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago, IL
9/22/2000 9:30 am	PCB 99-191	People of the State of Illinois v. Panhandle Eastern Pipe Line Company	Illinois Pollution Control Board Hearing Room 403 600 S. Second Street Springfield, IL
9/28/2000 10:00 am		Deliberative Session	



The Illinois Pollution Control Board is an independent seven-member board that adopts environmental control standards, rules on enforcement actions, and other environmental disputes for the State of Illinois.

The Environmental Register is published monthly by the Board, and contains updates on rulemakings, descriptions of final decisions, the Board's hearing calendar, and other environmental law information.

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Illinois Pollution Control Board  
Environmental Register Coordinator  
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Springfield, Illinois 62704