

---

# Environmental Register

August 2000 - Number 554

The Environmental Register is a Publication of the Illinois Pollution Control Board

---

Claire A. Manning, Chairman

Board Members:

Ronald C. Flegal, G. Tanner Girard, Elena Z. Kezelis,  
Samuel T. Lawton Jr., Marili McFawn, Nicholas J. Melas

Illinois Pollution Control Board  
James R. Thompson Center  
100 W. Randolph, Suite 11-500  
Chicago, Illinois 60601  
(312) 814-3620  
(312) 814-6032 TDD

Illinois Pollution Control Board  
600 South Second Street  
Suite 402  
Springfield, Illinois 62704  
(217) 524-8500  
(312) 814-6032 TDD

Web Site: <http://www.ipcb.state.il.us>

## **Letter From the Chairman**

---

August 2000 was a very busy month for the Board. The hearing process on the proposed amendments to Tiered Approach to Corrective Action Objectives (TACO) rulemaking, the Peaker Plant Inquiry, and the Illinois Environmental Protection Agency's proposals to amend rules to control the nitrogen oxides (NOx) emissions from fossil fuel electrical generating units began. All three of these issues are important to the environmental well being of Illinois and its residents.



In a letter from Governor George H. Ryan dated July 6, 2000, the Board was asked to hold public hearings and request public comment on whether more regulations are needed to regulate peaker plants, and if the plants pose a unique threat to the environment. During August, the Board heard from the Illinois Commerce Commission, the Illinois Environmental Protection Agency (Agency), the Department of Natural Resources and various industry representatives. The Board will hear from the general public, local government officials, and others who wish to speak on the matter during public hearings in Naperville, Joliet, and Grayslake in September.

In addition to the Peaker Plant Inquiry hearings, the Board began hearings on proposed amendments to Tiered Approach to Corrective Actions Objectives (35 Ill. Adm. Code 742). The TACO rules are used by businesses when cleaning up property that has been contaminated to determine how clean the site must be for specific uses.

The Board also began hearing testimony regarding the Agency's proposed NOx emissions standards. The Agency's request results from changes in federal laws. Those changes will require various industries to substantially reduce NOx emissions over the next several years.

During the next few months, the Board will be considering these issues while continuing to conduct its normal business of hearing contested cases and other rulemakings. If you have any questions or comments you may contact the Board's Public Information Coordinator, Connie Newman at our Springfield office by calling 217/782-7630 or by email at [newmanc@ipcb.state.il.us](mailto:newmanc@ipcb.state.il.us).

Sincerely,

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

Claire A. Manning, Chairman

---

## Inside This Issue:

FEDERAL UPDATE	P. 1
RULE UPDATE	P. 6
BOARD ACTIONS	P. 9
NEW CASES	P. 16
DISCUSSION	- 10

## **Federal Update**

---

### **United States Environmental Protection Agency Identifies Approved and Disapproved Elements of the Great Lakes Guidance Submissions From the States of Michigan, Ohio, Indiana and Illinois; and Implements Associated Final Rule**

On August 4, 2000, USEPA identified approved and disapproved elements of the Great Lakes Guidance Submissions from the States of Michigan, Ohio, Indiana and Illinois. USEPA also implemented a separate final rule. 65 Fed. Reg. 47864 (August 4, 2000).

USEPA published the final Water Quality Guidance for the Great Lakes System (the Guidance) on March 23, 1995. Section 118(c) of the Clean Water Act (33 U.S.C. § 1268(c) (1996)) requires the Great Lake States of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin to adopt by March 23, 1997, minimum water quality standards, antidegradation policies, and implementation procedures that are consistent with the Guidance, and to submit them to USEPA for review and approval. Each of the Great Lakes States made the submissions.

USEPA took final action on the Guidance Submissions of the States of Michigan, Ohio, Indiana and Illinois. USEPA's final action consists of approving those elements of the States' submissions that are consistent with the Guidance, disapproving those elements that are not consistent with the Guidance, and specifying in a separate final rule the elements of the Guidance that apply in the portion of each State within the Great Lakes basin where a state either failed to adopt required elements or adopted elements that are inconsistent with the Guidance. USEPA also took a separate final action on the Guidance Submissions of the States of Minnesota, New York, Pennsylvania and Wisconsin.

The final rule became effective September 5, 2000. For further information, contact Mark Morris at 202/260-0312 or Mery Jackson-Willis at 312/353-3717.

### **United States Environmental Protection Agency Proposes Control of Emissions of Hazardous Air Pollutants from Mobile Sources**

On August 4, 2000, USEPA proposed regulations for the control of emissions of hazardous air pollutants from mobile sources. 65 Fed. Reg. 48057 (August 4, 2000).

A range of compounds known as hazardous air pollutants are emitted from motor vehicles and fuels and are known or suspected to have serious health impacts. USEPA has developed a framework to construct a national mobile source air toxics program and propose additional controls on gasoline to prevent increases in emissions of benzene.

USEPA also plans to continue to conduct research and analysis on mobile source air toxics and make a commitment to revisit the issue of mobile source air toxics controls in a 2004 rulemaking. More specifically, USEPA looks at the various compounds that are emitted by motor vehicles and identifies those compounds that should be considered Mobile Source Air Toxics (MSATs). The list of 21 MSATs includes various volatile organic compounds as well as metal compounds and diesel exhaust. USEPA then evaluates the effectiveness of current controls in reducing on-highway emissions of these MSATs. USEPA analysis shows that the programs that are currently in place or have been recently proposed are expected to yield significant reductions of MSATs.

USEPA expects that between 1990 and 2020, these programs will reduce on-highway emissions of benzene, formaldehyde, 1,3-butadiene, and acetaldehyde by 75 percent or more. In addition, USEPA expects to see on-highway diesel PM emission reductions of over 90 percent. USEPA also will consider whether there are additional air toxics controls that should be put in place at this time to further reduce on-highway MSAT inventories.

With regard to fuels-based controls, USEPA is proposing a gasoline benzene control program that requires refiners to maintain the current levels of over-compliance with RFG and anti-dumping toxics requirements. Because the proposed standard for each refinery is the same as the 1998-1999 average gasoline benzene level for

that refinery, USEPA currently anticipates that the proposed standards would impose only negligible costs, if any. With regard to additional vehicle-based controls, USEPA concludes that it is not appropriate at this time to propose more stringent standards than the technology forcing standards found in the recently adopted Tier 2 and recently proposed HD2007 rule standards. Finally, because of USEPA's concern about the potential future health impacts of exposure to the public of air toxics from the remaining emissions from mobile sources in the future, including emissions from nonroad equipment and fuels, it proposes to continue its toxics-related research activities, in conjunction with other activities currently being conducted. These activities include the National Air Toxics Activities and the National Air Toxics Program: The Integrated Urban Strategy.

Under this strategy, USEPA expects to continue to improve the understanding of emissions inventories, assessments of exposure, and the need for and appropriateness of additional MSAT controls for on-highway and nonroad sources. Based on the information developed through this research, USEPA is proposing to conduct a future rulemaking to evaluate whether such additional mobile source air toxic controls should be adopted. This rulemaking is expected to be completed no later than 2004.

Written comments must be received by September 20, 2000. A public hearing was to be held on August 21, 2000, in Romulus, Michigan. For further information contact Carol Connell at 734/214-4349; e-mail address: connell.carol@epa.gov.

If adopted by USEPA, the Board would expect the Illinois Environmental Protection Agency to propose a similar State rule for adoption using the Clean Air Act "fast track" rulemaking procedures in Section 28.5 of the Environmental Protection Act (415 ILCS 5/28.5 (1998)).

### **United States Environmental Protection Agency Adopts Accidental Release Prevention Requirements; Risk Management Programs Under the Clean Air Act Section 112(r)(7); and Distribution of Off-Site Consequence Analysis Information**

On August 4, 2000, in a final rule, USEPA adopted Chapter IV accidental release prevention requirements; risk management programs under the Clean Air Act (CAA) Section 112(r)(7) (42 U.S.C. § 7412(r)(7) (1996)); and distribution of off-site consequence analysis information in a final rule. 65 Fed. Reg. 48107 (August 4, 2000).

USEPA and the Department of Justice promulgated a final rule that provides for access to information concerning the potential off-site consequences of hypothetical accidental chemical releases from industrial facilities. Under Section 112(r) of the CAA (42 U.S.C. § 7412(r) (1996)), facilities handling large quantities of extremely hazardous chemicals are required to include that information in a risk management plan submitted to USEPA. As required by the Chemical Safety Information, Site Security and Fuels Regulatory Relief Act, the final rule provides members of the public and government officials with access to that information in ways designed to minimize the likelihood of accidental releases, the risk to national security associated with posting the information on the Internet, and the likelihood of harm to public health and welfare.

The final rule became effective August 4, 2000. For further information contact Brenda Sue Thornton, Trial Attorney, at 202/616-5210; John Ferris, Chemical Engineer, at 202/260-4043; or Vanessa Rodriguez, Chemical Engineer, at 202/260-7913. The Chemical Emergency Preparedness and Prevention Office's Internet site is <http://www.epa.gov/ceppo>.

The Board would expect the Illinois Environmental Protection Agency to propose a similar State rule for adoption using the Clean Air Act "fast track" rulemaking procedures in Section 28.5 of the Environmental Protection Act (415 ILCS 5/28.5 (1998)).

### **United States Environmental Protection Agency Adopts Monitoring Requirements Amendments to Standards of Performance for New Stationary Sources**

On August 10, 2000, USEPA adopted revisions to the monitoring requirements to Performance Specification 1 (PS-1) of 40 C.F.R. Part 60 Appendix B. 65 Fed. Reg. 48914 (August 10, 2000).

The revisions clarify and update requirements for source owners and operators who must install and use continuous stack or duct opacity monitoring equipment. The revisions also update design and performance validation requirements for continuous opacity monitoring system (COMS) equipment in 40 C.F.R. Appendix B, PS-1. These revisions do not change an affected facility's applicable emission standards or requirements to monitor opacity. However, the revisions do the following: clarify the obligations of owners, operators, and opacity monitor vendors; reaffirm and update COMS design and performance requirements by incorporating by reference American Society for Testing and Materials D 6216-98; and provide USEPA and affected facilities with

The rule becomes effective February 6, 2001. For further information contact Solomon Ricks at 919/541-5242.

**United States Environmental Protection Agency Adopts Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Transportation Equipment Cleaning Point Source Category**

On August 14, 2000, in a final rule, USEPA adopted effluent limitations guidelines, pretreatment standards, and new source performance standards for the transportation equipment cleaning point source category. 65 Fed. Reg. 49665 (August 14, 2000).

The regulation establishes technology-based effluent limitations guidelines, new source performance standards, and pretreatment standards for the discharge of pollutants into waters of the United States and into publicly owned treatment works by existing and new facilities that perform transportation equipment cleaning operations. Transportation equipment cleaning (TEC) facilities are defined as those facilities that generate wastewater from cleaning the interior of tank trucks, closed-top hopper trucks, rail tank cars, closed-top hopper rail cars, intermodal tank containers, tank barges, closed-top hopper barges, and ocean/sea tankers used to transport materials or cargoes that come into direct contact with the tank or container interior. USEPA established effluent limitations guidelines for existing facilities and new sources discharging wastewater directly to surface waters. The rule also covers wastewater generated from washing vehicle exteriors, equipment and floor washings, and TEC contaminated stormwater at those facilities subject to the TEC effluent limitations guidelines and standards.

USEPA expects that compliance with the rule will reduce the annual discharge of priority pollutants by at least 60,000 pounds per year and result in annual benefits ranging from \$1.5 million to \$5.5 million. The total annualized compliance cost of the rule is projected to be \$16.1 million (pre-tax).

The final rule becomes effective September 13, 2000. For further information contact John Tinger at 202/260-4992; e-mail address: [tinger.john@epa.gov](mailto:tinger.john@epa.gov).

## **United States Environmental Protection Agency Proposes Cooling Water Intake Structures for New Facilities' Regulations under the National Pollutant Discharge Elimination System**

On August 15, 2000, USEPA proposed regulations addressing cooling water intake structures for new facilities under the National Pollutant Discharge Elimination System (NPDES). 65 Fed. Reg. 49059 (August 15, 2000).

The proposed rule would implement Section 316(b) of the Clean Water Act (33 U.S.C. § 1326 (1996)) for new facilities that use water withdrawn from rivers, streams, lakes, reservoirs, estuaries, oceans or other waters of the United States for cooling water purposes. The proposed rule would establish national requirements applicable to the location, design, construction, and capacity of cooling water intake structures at new facilities.

USEPA expects that the proposed national requirements would minimize the adverse environmental impact associated with the use of these structures. The proposed rule would establish location, design, construction, and capacity requirements that reflect the best technology available for minimizing adverse environmental impact from the cooling water intake structure based on the placement of the intake structure and the water body type.

USEPA proposes to group surface water into four categories: freshwater rivers and streams, lakes and reservoirs, estuaries and tidal rivers, and oceans, and to establish requirements for cooling water intake structures located in each water body type. In general, the closer the intake structure is to areas that are most sensitive or biologically productive, the more stringent the requirements proposed to minimize adverse environmental impact. Under this proposal, USEPA would set performance requirements and would not mandate the use of specific technologies.

USEPA expects that this proposed regulation would reduce impingement and entrainment at new facilities over the next 20 years. The expected benefits include a decrease in expected mortality or injury to aquatic organisms that would otherwise be subject to entrainment into cooling water systems or impingement against screens or other devices at the entrance of cooling water intake structures. The proposed regulatory requirements also could reduce adverse impact on threatened and endangered species.

Comments on the proposed rule must be received by October 10, 2000. For further technical information contact Deborah G. Nagle at 202/260-2656. For additional economic information contact Lynne Tudor at 202/260-5834; e-mail address: rule.316b@epa.gov.

## **United States Environmental Protection Agency Proposes Amendments to the Corrective Action Management Unit Rule under the Resource Conservation and Recovery Act**

On August 22, 2000, USEPA proposed amendments to the Corrective Action Management unit rule under the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. §§ 6901 *et seq.* (1996)). 65 Fed. Reg. 51079 (August 22, 2000).

USEPA is proposing amendments to the regulations governing Corrective Action Management Units (CAMUs) concerning types of wastes that may be managed, applicable design standards, treatment requirements for wastes, information submission requirements for applications, responses to releases, and public participation requirements for decisions. In addition, the proposed amendments would "grandfather" certain categories of CAMUs and create new requirements for CAMUs used only for treatment or storage (*i.e.*, those in which wastes will not remain after closure).

The proposal also requests comment on a potential change to the staging pile regulations. Finally, the proposal proposes an approach to state authorization that would grant "interim authorization" for the amendments to most states currently authorized for the CAMU rule and would expedite the authorization process for states authorized for corrective action but not the CAMU rule. The amendments are intended to clarify USEPA's general minimum expectations for CAMUs and to make the CAMU process more consistent and predictable, as well as more explicit for the public.

Public comment must be received by October 23, 2000. For further general information contact the RCRA Hotline at 800/424-9346. For more detailed information contact Bill Schoenborn at 703/308-8483; e-mail address: schoenborn.bill@epamail.epa.gov.

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

## **United States Environmental Protection Agency Proposes National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing**

On August 28, 2000, USEPA proposed national emission standards for hazardous air pollutants (NESHAP) for cellulose products manufacturing. 65 Fed. Reg. 52165 (August 28, 2000).

The USEPA has identified the Viscose Processes source category and the Cellulose Ethers source category as including major sources of hazardous air pollutant (HAP) emissions, such as carbon disulfide, carbonyl sulfide, ethylene oxide, methanol, methyl chloride, propylene oxide, and toluene. The proposed standards will implement Section 112(d) of the Clean Air Act (42 U.S.C. § 7412(d) (1996)) by requiring all major sources to meet HAP emission standards reflecting the application of the maximum achievable control technology.

USEPA expects that the proposed standards will reduce HAP emissions by approximately 4,060 tons per year (ton/yr). In addition, the proposed standards are expected to reduce hydrogen sulfide emissions by approximately 1,490 ton/yr.

Comments must be submitted by October 27, 2000. For further information contact William Schrock at 919/541-5032; e-mail address: schrock.bill@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.

### **United States Environmental Protection Agency Adopts National Emission Standards for Hazardous Air Pollutants for Pharmaceuticals Production**

On August 29, 2000, in a final rule, USEPA adopted national emission standards for hazardous air pollutants (NESHAP) for pharmaceuticals production. 65 Fed. Reg. 52587 (August 29, 2000).

On September 21, 1998, USEPA promulgated NESHAP for pharmaceuticals production. On November 17 and 20, 1998, petitions for reconsideration and review of the September 1998 rule were filed in the U.S. Court of Appeals for the District of Columbia Circuit. The petitioners raised over 12 technical issues and concerns with the rule. Additional issues were raised by intervenors on the side of the petitioners. On April 10, 2000, USEPA proposed amendments to the pharmaceuticals production NESHAP to address the issues raised by the petitioners. The final rule took final action on the proposed amendments.

The final rule became effective on August 29, 2000. For further information contact Randy McDonald at 919/541-5402; e-mail address: mcdonald.randy@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.

### **United States Environmental Protection Agency Stays National Emission Standards for Hazardous Air Pollutant Emissions Group IV Polymers and Resins**

On August 29, 2000, USEPA stayed national emission standards for hazardous air pollutant (NESHAP) for Group IV Polymers and Resins. 65 Fed. Reg. 52323 (August 29, 2000). The stayed rules were adopted on September 12, 1996 (61 Fed. Reg. 48207).

USEPA took direct final action to indefinitely stay the compliance date for the process contact cooling tower (PCCT) provisions for existing affected sources producing poly(ethylene terephthalate) using the continuous terephthalic acid high viscosity multiple end finisher process. The stay was issued because USEPA is in the process of responding to a request to reconsider relevant portions of the NESHAP for Group IV Polymers and Resins, which may result in changes to the emission limitation which applies to PCCT in that subcategory. USEPA expects that it is unlikely that the reconsideration process will be complete before actions are necessary to comply with the current PCCT standard, and therefore a need exists for an indefinite stay of the compliance date.

The rule will take effect on October 30, 2000 without further notice, unless USEPA receives adverse comments by September 28, 2000. For further information contact Robert E. Rosensteel 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.

## Rule Update

---

### **Board Denies Motion for Reconsideration in *In the Matter of: Vehicle Scrapage Activities, 35 Ill. Adm. Code 207, R00-16***

On August 10, 2000, the Board denied the Illinois Environmental Protection Agency's (Agency) motion for reconsideration of the Board's June 8, 2000 opinion and order adopting a rule pursuant to Section 13B-30(d) of the Vehicle Emissions Inspection Law of 1995. 625 ILCS 5/13B-30(d) (1998).

Specifically, the Agency asked the Board to reconsider its changes to the criteria for eligible vehicles that limit vehicles that may be scrapped to vehicles from model years more recent than 25 years old. The Board found nothing in the motion to reconsider which persuaded the Board that its decision of June 8, 2000, was in error, or that facts were overlooked, and denied the Agency's motion.

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

### **Board Adopts First Notice Proposal in *In the Matter of: Proposed Regulated Recharge Area for Pleasant Valley Public Water District, Proposed Amendments to 35 Ill. Adm. Code Part 617, R00-17***

On August 10, 2000, the Board proposed rules to amend 35 Ill. Adm. Code 617 for first notice publication in the *Illinois Register*, pursuant to the Illinois Administrative Procedure Act (5 ILCS 100/1-1 *et seq.* (1998)). On February 14, 2000, the Illinois Environmental Protection Agency filed a proposal to amend the Board's water rules at 35 Ill. Adm. Code 617. If adopted, these amendments would create a regulated recharge area for the Pleasant Valley Public Water District (Pleasant Valley), in Peoria County, Illinois. A regulated recharge area is an area where enhanced regulations are imposed by the Board to reduce the potential for groundwater contamination, as provided for under the Environmental Protection Act (415 ILCS 5/17.3 (1998)). The Pleasant Valley proposal is the first regulated recharge area proposal brought to the Board, and its adoption would create the State's first regulated recharge area.

The proposal will be published in the *Illinois Register* soon, whereupon a 45-day public comment period will begin, during which interested persons may file public comments with the Board.

Please direct any questions regarding this rulemaking to Cathy Glenn at 312/814-6923; e-mail address: glennc@ipcb.state.il.us.

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

On August 24, 2000, the Board adopted 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 adopted 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" (IIS) to federal regulations that the 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 & 5-40 (1998)) do not apply to the Board's adoption of IIS regulations. The federal SDWA regulations are found at 40 C.F.R. §§ 141 and 142.

The Board added USEPA-approved analytical methods for determining compliance with the drinking water regulations. The proposal was published in the *Illinois Register* on June 30, 2000 (24 Ill. Reg. 8728), and the public comment period expired on August 15, 2000. The Board initially proposed adding the unregulated contaminant monitoring program by amending its rules. However, as a result of the public comments received from the USEPA and the Illinois Environmental Protection Agency, the Board did not include the amendments in the final rulemaking. The adoption of the unregulated contaminant monitoring program is not necessary for State primacy.

Please direct any questions regarding this rulemaking to Steven C. Langhoff at 217/782-2615; e-mail address:

**Board Adopts First Notice Proposal in In the Matter of: Proposed New 35 Ill. Adm. Code 217.Subpart T, Cement Kilns, and Amendments To 35 Ill. Adm. Code 211 and 217, R01-11**

On August 24, 2000, the Board proposed rules to add 35 Ill. Adm. Code 215.Subpart T and to amend 35 Ill. Adm. Code 211 and 217 for first notice publication in the *Illinois Register*. On August 21, 2000, the Illinois Environmental Protection Agency (Agency) filed a proposal to amend 35 Ill. Adm. Code 211 and 217 of the Illinois air regulations. The Agency proposed that the Board add a new Subpart T to Part 217 and to make various conforming amendments to Parts 211 and 217. The adoption by the Board of these amendments is authorized under Section 28.5 of the Act (415 ILCS 5/28.5 (1998)). Section 28.5 provides for “fast track” adoption of certain regulations necessary for compliance with the federal Clean Air Act Amendments of 1990 (CAA) (42 U.S.C. §§ 7401 *et seq.* (1990)).

The Agency has stated that the proposed amendments are intended to meet several obligations of the State under the CAA. Section 107(a) of the CAA (42 U.S.C. § 7407(a) (1990)) imposes on the State the primary responsibility for ensuring that Illinois meets the National Ambient Air Quality Standard (NAAQS) for ozone. It requires the State to submit a state implementation plan (SIP) that specifies emission limitations, controls, and other measures necessary for the attainment, maintenance, and enforcement of the NAAQS in this State.

This is the second of three anticipated Agency regulatory proposals in response to the United States Environmental Protection Agency’s NOx SIP. See also Proposed New 35 Ill. Adm. Code 217, Subpart W the NOx Trading Program for Electrical Generating Units, and Amendments to 35 Ill. Adm. Code 211 and 217 (July 13, 2000), R01-9.

The proposed rules would control the emission of NOx from cement kilns. The controls would be effective during the period from May 1 to September 30 of each calendar year beginning in 2003.

The proposal will be published in the *Illinois Register* soon, whereupon a 45-day public comment period will begin, during which interested persons may file public comments with the Board. Public hearings are scheduled in Chicago on October 3, 2000, and in Springfield on November 3, 2000.

Please direct any questions regarding this rulemaking to Joel Sternstein at 312/814-3665; e-mail address: sternstj@ipcb.state.il.us.

**Board Adopts Proposal for Public Comment in In the Matter of: Enhanced Vehicle Inspection and Maintenance (I/M) Regulations: Amendments to 35 Ill. Adm. Code 240, R01-12**

On August 24, 2000, the Board proposed for public comment amendments to 35 Ill. Adm. Code 240. On August 21, 2000, the Illinois Environmental Protection Agency (Agency) filed a proposal to amend the Board’s regulations on inspecting and maintaining vehicles to control air emissions found in 35 Ill. Adm. Code 240. The proposal was made pursuant to Section 13B-20(a) of the Vehicle Emissions Inspection Law of 1995 (Vehicle Emissions Law) (625 ILCS 5/13B-20(a) (1998)). Section 27(b) of the Environmental Protection Act (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-20(a) of the Vehicle Emissions Law. Accordingly, the Board will not request that the Department of Commerce and Community Affairs conduct an economic impact study of the proposed amendments pursuant to Section 27(b) of the Act. Nor will the Board submit the proposed amendments for first or second notice pursuant to Section 5-40 of the Administrative Procedure Act (5 ILCS 100/5-40 (1998)). The Board will, however, hold public hearings and solicit public comment.

Sections 182(b) and (c) of the federal Clean Air Act (CAA) (42 U.S.C §§ 7582(b), (c) (1996)), require states to implement vehicle “inspection and maintenance” (I/M) programs in areas that do not meet National Ambient Air Quality Standards (NAAQS) for ozone or carbon monoxide. Areas that do not meet NAAQS are referred to as “nonattainment” areas.

The CAA requires “basic” I/M programs in “moderate” and “marginal” ozone nonattainment areas with existing I/M programs. It requires “enhanced” I/M programs in “serious,” “severe,” and “extreme” ozone nonattainment areas having a population of 200,000 or more. The CAA also requires states to submit, for the approval of the United States Environmental Protection Agency, revisions to their State Implementation Plans that describe a

satisfactory I/M program and assure that the I/M program will be implemented.

In Illinois, two areas do not meet the NAAQS for ozone: (1) the Chicago metropolitan nonattainment area, which is a severe nonattainment area; and (2) the Metro-East St. Louis nonattainment area, which is a moderate nonattainment area. Under Illinois' Vehicle Emissions Law, the Agency has proposed, and the Board has adopted, as amendments to 35 Ill. Adm. Code 240, an enhanced I/M program for these two nonattainment areas. See Enhanced Vehicle Inspection and Maintenance (I/M) Regulations: Amendments to 35 Ill. Adm. Code 240 (July 8, 1998), R98-24; (December 1, 1994), R94-20; and (December 1, 1994), R94-19. The Agency describes these proposed changes as relatively minor adjustments to the Enhanced I/M program, and states that it is proposing the amendments to enable Illinois to meet federal and State mandated enhanced emissions testing requirements.

The proposal will be published in the *Illinois Register*, whereupon a 45-day public comment period will begin during which interested persons may file public comments with the Board. Public hearings are scheduled in Chicago on October 11, 2000, and in Collinsville on October 20, 2000.

Please direct any questions regarding this rulemaking to Richard McGill at 312/814-6983; e-mail address: [mcgillr@ipcb.state.il.us](mailto:mcgillr@ipcb.state.il.us).

# Board Actions

---

**August 10, 2000**  
**Springfield, Illinois**

## Rulemakings

- R00-16      In the Matter of: Vehicle Scrappage Activities Adoption of 35 Ill. Adm. Code 207 - The Board denied the Illinois Environmental Protection Agency's motion to reconsider the Board's June 8, 2000 opinion and order, adopting these rules, which were filed and effective June 14, 2000.      5-0  
R, Air
- R00-17      In the Matter of: Proposed Regulations Recharge Area for Pleasant Valley Public Water District, Proposed Amendments to 35 Ill. Adm. Code Part 617 - The Board adopted a first notice opinion and order in this rulemaking to amend the Board's public water supply regulations to establish the first regulated recharge area under Section 17.3 of the Act (415 ILCS 5/17.3 (1998)).      5-0  
R, PWS

## Adjusted Standards

- AS 01-01      In the Matter of: Petition of City of Elgin for an Adjusted Standard from 35 Ill. Adm. Code 304.125 and 35 Ill. Adm. Code 302.204 - The Board ordered this Kane County petitioner to file an amended petition by September 25, 2000, or this action will be dismissed. The Board reserved ruling on the Illinois Environmental Protection Agency's request for hearing pending receipt of an amended petition.      5-0  
PWS
- AS 01-2      In the Matter of: Petition of The City of Geneva for an Adjusted Standard from 35 Ill. Adm. Code 807.104 - The Board accepted for hearing this Kane County facility's petition for an adjusted standard from the Resource Conservation and Recovery Act certification requirements found at 35 Ill. Adm. Code 807.104.      5-0  
Land

## Administrative Citations

- AC 00-81      IEPA v. Jesse Lockhart - The Board granted complainant's motion for voluntary dismissal of this administrative citation action involving a Kankakee County facility.      5-0
- AC 00-85      IEPA v. Waste Management of Illinois, Inc. d/b/a Prairie Hill Recycling and Disposal and Mike Wiersma - The Board found that these Whiteside 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.      5-0
- AC 00-86      IEPA v. Streator Area Landfill, Inc. and Brian N. Holcomb - The Board found that these Livingston County respondents violated Sections 21(o)(1) and 21(o)(5) of the Act (415 ILCS 5/21(o)(1), 21(o)(5) (1998)), and ordered respondents to pay a civil penalty of \$1,000.      5-0
- AC 00-87      IEPA v. Olen G. Parkhill, Jr. - The Board accepted for hearing this petition for review of an administrative citation against this Champaign County respondent.      5-0

## Adjudicatory Cases

### • Decisions

PCB 93-191 People of the State of Illinois v. Estate of Lloyd Wiemann d/b/a Wiemann Ice and Fuel and Cheryl Halbrooks and Estate of Lloyd Wiemann v. Cheryl Halbrooks - In this underground storage tank enforcement action concerning two facilities located in Marion and St. Clair Counties, Illinois, the Board granted relief from the hearing requirement of Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), and accepted a final stipulation and settlement agreement which resolves both the complaint and counterclaim between the respondents. The Board ordered respondent Wiemann to pay a civil penalty of \$5,000, and to cease and desist from further violations. The stipulation also sets out various compliance measures to be taken at both sites and various agreements between the respondents. 5-0  
UST-E

### • Provisional Variance

PCB 01-26 City of Carlyle 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). 5-0  
W-V

### Motions and Other Matters

PCB 99-72 People of the State of Illinois v. Lake of Egypt Water District and Gary R. Rhodes - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this public water supply enforcement action involving a facility located in Williamson County, the Board ordered publication of the required newspaper notice. 5-0  
PWS-E

PCB 00-13 People of the State of Illinois v. Rieck's Enterprises, Inc., Daniel Rieck, individually, and as President of Rieck Enterprises, Inc. - The Board granted complainant's motion for voluntary dismissal of this land enforcement action involving a Cook County facility. 5-0  
L-E

PCB 00-113 People of the State of Illinois v. Illinois-American Water Company - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this public water supply enforcement action involving a facility located in Peoria County, the Board ordered publication of the required newspaper notice. 5-0  
PWS-E

PCB 00-178 People of the State of Illinois v. Tom Fato d/b/a Fato Fiberglass - In this air enforcement action concerning a facility located in Kankakee 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. 5-0  
A-E

PCB 00-210 Merrill's Contractors, Inc. v. IEPA - 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 DuPage County facility. 5-0  
UST-FRD

PCB 00-214 General Motors Corporation, Electromotive Division v. IEPA - The Board granted petitioner's attorney's motion to appear *pro hac vice* and accepted for hearing this Clean Air Act Permit Program appeal involving a Cook County facility. 5-0  
P-A, Air

PCB 00-217 Quebecor World Direct - Petty Printing Company v. IEPA - Having previously granted a request for a 90-day extension, the Board dismissed this matter because no permit appeal was timely filed on behalf of this Effingham County facility. 5-0  
P-A

PCB 00-223	<u>Silver Glen Homeowners' Association, Inc. v. IEPA, Mark Kaplan and B. Davidson Custom Homes, Inc.</u> - The Board, on its own motion, dismissed respondents Kaplan and B. Davidson from this permit appeal. Additionally, the Board deferred judgment on the Illinois Environmental Protection Agency's motion to dismiss and ordered the Agency to file its administrative record within 14 days of the date of this order.	5-0 P-A, NPDES
PCB 00-228	<u>Riverdale Recycling, Inc. and Tri-State Disposal, Inc. v. IEPA</u> - The Board denied the Village of Riverdale's motion to intervene in this permit appeal, but allowed the Village to file an <i>amicus curiae</i> brief.	5-0 P-A Land
PCB 01-6	<u>Philip S. Dallosto v. Village of Hampshire</u> - The Board found that, pursuant to 35 Ill. Adm. Code 103.124(a) of the Board's rules, the alleged violations of the Environmental Protection Act and the Board's rules, were neither duplicitous nor frivolous, and accepted this citizen's noise enforcement action involving a Kane County facility for hearing.	5-0 A-E, Citizens
PCB 01-15	<u>Federal-Mogul Corporation 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.	5-0 UST-Appeal 90-Day Ext.
PCB 01-16	<u>Ameren Energy Generating Company v. IEPA</u> - The Board ordered petitioner to file an amended petition concerning this Jackson County facility by August 24, 2000, or this action will be dismissed.	5-0 W-V, NPDES
PCB 01-17	<u>People of the State of Illinois v. N.E. Finch</u> - The Board accepted for hearing this air enforcement action against this Peoria County facility.	5-0 A-E
PCB 01-18	<u>Greenville Airport Authority 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 Bond County facility.	5-0 UST-FRD 90-Day Ext.
PCB 01-19	<u>Bond County Community School District 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 Bond County facility.	5-0 UST-FRD 90-Day Ext.
PCB 01-20	<u>Abbott Laboratories v. IEPA</u> - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Lake County facility.	5-0 P-A, Air 90-Day Ext.
PCB 01-22	<u>Homewood-Flossmoor Park District 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.	5-0 UST-FRD 90-Day Ext.
PCB 01-23	<u>Hillerich's Car Care 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.	5-0 UST-Appeal 90-Day Ext.
PCB 01-24	<u>U.S. Chrome Corporation of Illinois v. IEPA</u> - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Boone County facility.	5-0 P-A 90-Day Ext.

**August 24, 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 final opinion and order in this “identical-in-substance” rulemaking to amend the Board’s public water supply regulations.	7-0 R, PWS
R01-11	<u>In the Matter of: Proposed New 35 Ill. Adm. Code 217.Subpart T, Cement Kilns, and Amendments to 35 Ill. Adm. Code 211 and 217</u> - The Board accepted the Illinois Environmental Protection Agency’s August 21, 2000 fast track proposal to amend the Board’s air pollution control regulations and granted the motion to waive the filing requirement. The Board adopted a first notice opinion and order, noting that this is the second of three anticipated rulemakings in response to the “NOx Sip call”, and the rules must be adopted 180 days from the filing of the proposal.	7-0 R, Air
R01-12	<u>In the Matter of: Enhanced Vehicle Inspection and Maintenance (I/M) Regulations: Amendments to 35 Ill. Adm. Code 240</u> - The Board accepted the Illinois Environmental Protection Agency’s August 21, 2000 proposal to amend the Board’s air pollution control regulations as required under the Vehicle Code and, granted the motion to waive the filing requirement. The Board adopted a first notice opinion and order, noting that the rules must be adopted 120 days from the filing of the proposal.	7-0 R, Air

## Administrative Citations

AC 01-1	<u>IEPA v. Don Pritchett</u> - The Board found that this Saline 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 01-2	<u>IEPA v. City of Eldorado, Illinois</u> - The Board found that this Saline County respondent violated Section 21(p)(3) of the Act (415 ILCS 5/21(p)(3) (1998)), and ordered respondent to pay a civil penalty of \$1,500.	7-0
AC 01-3	<u>IEPA v. Landfill 33, Ltd.</u> - The Board found that this Effingham County respondent violated Section 21(o)(12) of the Act (415 ILCS 5/21(o)(12) (1998)), and ordered respondent to pay a civil penalty of \$500.	7-0
AC 01-4	<u>IEPA v. Steve Spencer</u> - The Board found that this Schuyler 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 01-5	<u>IEPA v. Billy Hammonds, Sr.</u> - The Board accepted for hearing this petition for review of an administrative citation against this Franklin County respondent.	7-0

## Adjudicatory Cases

### • Decisions

PCB 99-27	<u>People of the State of Illinois v. James and Carol Gilmer</u> – The Board found that these Douglas County respondents violated various Sections of the Act (415 ILCS 5/1 <i>et seq.</i> (1998)) and the Board’s regulations, and ordered respondents to pay a civil penalty of \$40,000.	7-0 RCRA W-E
PCB 99-95	<u>People of the State of Illinois v. Graham Enterprise, Inc.</u> - In this air enforcement action concerning facilities located in Cook, Lake, and McHenry Counties, the Board granted relief from the hearing requirement of Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), and accepted a final stipulation and settlement agreement. The Board ordered the respondent to pay a civil penalty of \$10,097, and to cease and desist from further violations.	7-0 A-E
PCB 00-135	<u>People of the State of Illinois v. Berge Plating Works, Inc.</u> - In this air enforcement action concerning a facility located in Rock Island County, the Board granted relief from the hearing requirement of Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), and accepted a final stipulation and settlement agreement. The Board ordered the respondent to pay a civil penalty	7-0 A-E

PCB 01-11	<u>People of the State of Illinois v. Reichhold, Inc.</u> - In this air enforcement action concerning a facility located in Grundy County, the Board granted relief from the hearing requirement of Section 31(c)(2) of the Act (415 ILCS 5/31(c)(2) (1998)), and accepted a final stipulation and settlement agreement. The Board ordered the respondent to pay a civil penalty of \$41,250, and to cease and desist from further violations.	7-0 A-E
-----------	--	------------

• **Provisional Variances**

PCB 01-33	<u>Russell Minerals West Frankfort, Inc. v. IEPA</u> - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted a 30-day provisional variance to this Franklin 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 RCRA-V
-----------	---	---------------

PCB 01-34	<u>West Shore Pipe Line Company v. IEPA</u> - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Cook County petitioner a 45-day provisional variance, subject to conditions, from 35 Ill. Adm. Code 304.141 (b) and 309.102(a), which prohibit discharges not specifically allowed by permit.	7-0 W-V
-----------	--	------------

PCB 01-35	<u>Illinois Department of Natural Resources (Ballards Island Dredging Project) v. IEPA</u> - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this petitioner for its Ballards Island Dredging Project, near Marseilles, LaSalle County, Illinois, a 45-day provisional variance, subject to conditions, from the total suspended solids limits set forth in 35 Ill. Adm. Code 304.124 and 304.141(a).	7-0 W-V
-----------	---	------------

## Motions and Other Matters

PCB 97-43	<u>People of the State of Illinois v. The Estate of Walter A. Brandys formerly d/b/a A&amp;D Auto Service, Barbara A. (Brandys) Mandal, Christine M. (Brandys) Douglas, Robert A. Brandys, and Vincent W. Brandys, Sr.</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this Resource Conservation and Recovery Act and water enforcement action involving a facility located in Cook County, the Board ordered publication of the required newspaper notice.	7-0 RCRA, W-E
PCB 98-113	<u>Clayton Chemical Acquisition Limited Liability Company d/b/a Resource Recovery Group, L.L.C. v. IEPA</u> – The Board granted petitioner’s motion for extension of time to respond to respondent’s motion for summary judgment.	7-0 P-A, RCRA
PCB 99-158 (Cons.)		
PCB 98-148	<u>People of the State of Illinois v. Doren Poland, Lloyd Yoho, and Briggs Industries, Inc.</u> - The Board granted respondent Briggs Industries’ motion for leave to join additional parties.	7-0 L-E
PCB 99-116	<u>Rivinius, Inc. v. IEPA</u> - The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Woodford County facility.	7-0 UST-Appeal
PCB 99-150	<u>KB Oil Company (Union 76) v. IEPA</u> - The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Cook County facility.	7-0 UST-FRD
PCB 00-65 PCB 00-66 (Cons.)	<u>Community Landfill Company and City of Morris v. IEPA</u> - The Board granted the parties’ joint motion for voluntary dismissal of these permit appeals involving a Grundy County facility.	7-0 P-A, RCRA
and		
PCB 00-118		
PCB 00-93	<u>People of the State of Illinois v. Waste Professional, Inc. d/b/a Pekin Landfill</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a facility located in Tazewell County, the Board ordered publication of the required newspaper notice.	7-0 W-E
PCB 00-122	<u>People of the State of Illinois v. City of Lawrenceville, John A. Gordon, Gordon &amp; Price, Inc., David Guillaume d/b/a D&amp;G Construction, and Wayne Lappington d/b/a Lappington Trucking and Excavating</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 supply enforcement action involving a facility located in Lawrence County, the Board ordered publication of the required newspaper notice.	7-0 PWS-E
PCB 00-158	<u>ESG Watts, Inc. (Viola Landfill) v. IEPA</u> - The Board granted respondent’s motions to dismiss this petition and to strike petitioner’s filing of May 19, 2000, as untimely. The Board did not address the issues of mootness nor consolidation.	7-0 P-A, Land
PCB 00-159	<u>ESG Watts, Inc. (Taylor Ridge/Andalusia Landfill) v. IEPA</u> - The Board granted respondent’s motions to dismiss this petition and to strike petitioner’s filing of May 19, 2000, as untimely. The Board did not address the issues of mootness nor consolidation.	7-0 P-A, Land
PCB 00-160	<u>ESG Watts, Inc. (Sangamon Valley Landfill) v. IEPA</u> - The Board granted respondent’s motions to dismiss this petition and to strike petitioner’s filing of May 19, 2000, as untimely. The Board did not address the issues of mootness nor consolidation.	7-0 P-A, Land
PCB 00-218	<u>E/M, a Division of Morgan Chemical Products, Inc. v. IEPA</u> - The Board accepted for hearing this permit appeal involving a DuPage County facility.	7-0 P-A, Air

PCB 00-220	<u>A&amp;A McHenry, 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 McHenry County facility.	7-0 UST-FRD
PCB 00-221	<u>James A. Glasgow, Vickie L. Glasgow, Bill Hoppe and Pat Hoppe v. Granite City Steel</u> - The Board found that the alleged violations of Section 24 of the Environmental Protection Act (415 ILCS 5/24 (1998)) and 35 Ill. Adm. Code 900.102, 901.102(a) and 901.102(b) of the Board's noise rules were neither duplicitous nor frivolous. The Board accepted those allegations involving a Madison County facility for hearing. The alleged violations of Section 23 of the Environmental Protection Act (415 ILCS 5/23 (1998)) were determined to be frivolous, and the Board dismissed them from the complaint.	7-0 N-E Citizens
PCB 00-226	<u>Equilon Enterprises L.L.C. v. IEPA</u> - The Board accepted for hearing this permit appeal involving a Cook County facility.	7-0 P-A, Air
PCB 01-14	<u>General Motors Corporation v. Office of the State Fire Marshal</u> - The Board granted petitioner's attorney's motion to appear <i>pro hac vice</i> and ordered petitioner to file an amended petition concerning this Jackson County facility by September 23, 2000, or this action will be dismissed.	7-0 UST-Appeal
PCB 01-16	<u>Ameren Energy Generating Company v. IEPA</u> - The Board accepted this request for a water variance on behalf of a Jackson County facility.	7-0 W-V, NPDES
PCB 01-28	<u>People of the State of Illinois v. Plastic Decorators, Inc.</u> - The Board accepted for hearing this air enforcement action against this Kane County facility.	7-0 A-E
PCB 01-29	<u>People of the State of Illinois v. Kiehl Engineering Company, Inc. d/b/a Thomas Foster Group, Inc. and United Plastics Group, Inc.</u> - The Board accepted for hearing this air enforcement action against this DuPage County facility.	7-0 A-E
PCB 01-31	<u>People of the State of Illinois v. Village of South Elgin</u> - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action involving a facility located in Kane County, the Board ordered publication of the required newspaper notice.	7-0 W-E
PCB 01-32	<u>Waukegan Port District 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 Lake County facility.	7-0 UST-FRD 90-Day Ext.

## **New Cases**

---

### **August 10, 2000 Board Meeting**

- 01-14 General Motors Corporation v. Office of the State Fire Marshal - No action taken.
- 01-15 Federal-Mogul Corporation 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.
- 01-16 Ameren Energy Generating Company v. IEPA - The Board ordered petitioner to file an amended petition concerning this Jackson County facility by August 24, 2000, or this action will be dismissed.
- 01-17 People of the State of Illinois v. N.E. Finch - The Board accepted for hearing this air enforcement action against this Peoria County facility.
- 01-18 Greenville Airport Authority 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 Bond County facility.
- 00-19 Bond County Community School District 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 Bond County facility.
- 01-20 Abbott Laboratories v. IEPA - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Lake County facility.
- 01-21 Michael E. Mellon and Rebecca J. Mellon v. Illinois Department of Transportation - The Board held for a later duplicitous/frivolous determination this citizen air and noise enforcement action involving a Cook County facility.
- 01-22 Homewood-Flossmoor Park District 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.
- 01-23 Hillerich's Car Care 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.
- 01-24 U.S. Chrome Corporation of Illinois v. IEPA - The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Boone County facility.
- 01-25 Chrysler Realty Corporation v. Thomas Industries, Inc. and TDY Industries, Inc. - The Board held for a later duplicitous/frivolous determination this citizen's underground storage tank enforcement action involving a Cook County facility.
- 01-26 City of Carlyle 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 01-06 IEPA v. Jack Busby - The Board accepted an administrative citation against this Marion County respondent.

### **August 24, 2000 Board Meeting**

- 00-26 Equilon Enterprises L.L.C. v. IEPA - The Board accepted for hearing this permit appeal involving a Cook County facility.
- 01-27 Town of Cortland v. IEPA - The Board held this request for a water variance on behalf of a DeKalb County facility pending receipt of the Illinois Environmental Protection Agency's recommendation.
- 01-28 People of the State of Illinois v. Plastic Decorators, Inc. - The Board accepted for hearing this air enforcement action against this Kane County facility.
- 01-29 People of the State of Illinois v. Kiehl Engineering Company, Inc. d/b/a Thomas Foster Group, Inc. and United Plastics Group, Inc. - The Board accepted for hearing this air enforcement action against this DuPage County facility.
- 01-30 Stuart C. Nuss v. IEPA and Village of Durand - The Board held for a later duplicitous/frivolous determination this citizen water enforcement action involving a Winnebago County facility.
- 01-31 People of the State of Illinois v. Village of South Elgin - 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 involving a facility located in Kane County, the Board ordered publication of the required newspaper notice.

00-32 Waukegan Port District 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 Lake County facility.

01-33 Russell Minerals West Frankfort, Inc. v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted a 30-day provisional variance to this Franklin County facility from the 90-day limitation on the accumulation of hazardous wastes, as set forth in 35 Ill. Adm. Code 722.134(b).

01-34 West Shore Pipe Line Company v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Cook County petitioner a 45-day provisional variance, subject to conditions, from 35 Ill. Adm. Code 304.141(b) and 309.102(a), which prohibit discharges not specifically allowed by permit.

01-35 Illinois Department of Natural Resources (Ballards Island Dredging Project) v. IEPA - Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this petitioner for its Ballards Island Dredging Project, near Marseilles, LaSalle County, Illinois, a 45-day provisional variance, subject to conditions, from the total suspended solids limits set forth in 35 Ill. Adm. Code 304.124 and 304.141(a).

AC 01-7 IEPA v. Bill Wallace d/b/a Wallace Sanitation - The Board accepted an administrative citation against this Hardin County respondent.

AS 01-3 In the Matter of: Petition of DeKalb Sanitary District for an Adjusted Standard from Water Quality Standards for Copper Under 35 Ill. Adm. Code Section 302.208(e) - Pending receipt of the certificate of publication, the Board held this DeKalb County facility's petition for an adjusted standard from the water quality regulations found at 35 Ill. Adm. Code 302.208(e).

R01-11 In the Matter of: Proposed New 35 Ill. Adm. Code 217.Subpart T, Cement Kilns, and Amendments to 35 Ill. Adm. Code 211 and 217 - The Board accepted the Illinois Environmental Protection Agency's August 21, 2000 fast-track proposal to amend the Board's air pollution control regulations, granted the motion to waive the requirement, and adopted a first notice opinion and order, noting that the rules must be adopted 180-days from the filing of the proposal.

R01-12 In the Matter of: Enhanced Vehicle Inspection and Maintenance (I/M) Regulations: Amendments to 35 Ill. Adm. Code Part 240 - The Board accepted the Illinois Environmental Protection Agency's August 21, 2000 proposal to amend the Board's air pollution control regulations, granted the motion to waive the requirement, and adopted a first notice opinion and order, noting that the rules must be adopted 120-days from the filing of the proposal.

## Board Calendar

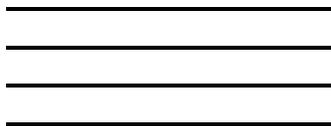
9/7/2000 11:00 am		Illinois Pollution Control Board Meeting	James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago, IL
9/7/2000 3:00 pm	R01-10	In the Matter of: Natural Gas-Fired, Peak-Load Electrical Power Generating Facilities (Peaker Plants)	Naperville City Hall City Council Chambers 400 S. Eagle St. Naperville, IL
9/11/2000 10:00 am	R00-19(A) & (B)	In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742) (TACO)	Illinois Pollution Control Board Hearing Room 403 600 S. Second Street Springfield, IL
9/12/2000 10:00 am	R00-19(A) & (B)	In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742) (TACO)	Illinois Pollution Control Board Hearing Room 403 600 S. Second Street Springfield, IL
9/14/2000 3:00 pm	R01-10	In the Matter of: Natural Gas-Fired, Peak-Load Electrical Power Generating Facilities (Peaker Plants)	Joliet Junior College K Building – Theater 1215 Houbolt Road Joliet, IL
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

9/21/2000 3:00 pm	R01-10	In the Matter of: Natural Gas-Fired, Peak-Load Electrical Power Generating Facilities (Peaker Plants)	College of Lake County Grayslake Campus Auditorium, Room C005 19351 W. Washington St. Grayslake, 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
9/22/2000 10:00 am	R00-19(A) & (B)	In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (35 Ill. Adm. Code 742) (TACO)	James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago, IL
9/26/2000 9:30 am	R01-9	In the Matter of: Proposed New 35 Ill. Adm. Code 217, Subpart W, The NOx Trading Program for Electrical Generating Units, and Amendments to 35 Ill. Adm. Code 211 and 217	James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago, IL
10/3/2000 11:00 am	R01-11	In the Matter of: Proposed New 35 Ill. Adm. Code 217.Subpart T, Cement Kilns, and Amendments to 35 Ill. Adm. Code 211 and 217	James R. Thompson Center 100 W. Randolph Street Room 11-500 Chicago, IL
10/4/2000 10:00 am	R01-8	In the Matter of: Amendments to Diesel Opacity Rules Required by P.A. 91-254 and P.A. 91-865: Amendments to 35 Ill. Adm. Code 240	Illinois Pollution Control Board Hearing Room 403 600 S. Second Street Springfield, IL
10/5/2000 11:00 am		Illinois Pollution Control Board Meeting	Illinois Pollution Control Board Hearing Room 403 600 S. Second Street Springfield, IL
10/5/2000 1:00 pm	R01-10	In the Matter of: Natural Gas-Fired, Peak-Load Electrical Power Generating Facilities (Peaker Plants)	Illinois Pollution Control Board Hearing Room 403 600 S. Second Street Springfield, IL
10/6/2000 10:00 am (If needed)	R01-10	In the Matter of: Natural Gas-Fired, Peak-Load Electrical Power Generating Facilities (Peaker Plants)	Illinois Pollution Control Board Hearing Room 403 600 S. Second Street Springfield, IL
10/10/2000 1:00 pm	R01-9	In the Matter of: Proposed New 35 Ill. Adm. Code 217, Subpart W, The NOx Trading Program for Electrical Generating Units, and Amendments to 35 Ill. Adm. Code 211 and 217	James R. Thompson Center 100 W. Randolph Street Suite 11-500 Chicago, IL
10/19/2000 11:00 am		Illinois Pollution Control Board Meeting	James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago, IL
10/24/2000 10:00 am	R01-8	In the Matter of: Amendments to Diesel Opacity Rules Required by P.A. 91-254 and P.A. 91-865: Amendments to 35 Ill. Adm. Code 240	James R. Thompson Center 100 W. Randolph Street Suite N-505 Chicago, IL

11/2/2000 11:00 am		Illinois Pollution Control Board Meeting	James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago, IL
11/3/2000 10:00 am	R01-11	In the Matter of: Proposed New 35 Ill. Adm. Code 217.Subpart T, Cement Kilns, and Amendments to 35 Ill. Adm. Code 211 and 217	James R. Thompson Center 100 W. Randolph Street Room 11-500 Chicago, IL
11/15/2000 11:00 am	R01-11	In the Matter of: Proposed New 35 Ill. Adm. Code 217.Subpart T, Cement Kilns, and Amendments to 35 Ill. Adm. Code 211 and 217	Illinois Pollution Control Board Hearing Room 403 600 S. Second Street Springfield, IL
11/16/2000 11:00 am		Illinois Pollution Control Board Meeting	James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago, IL



-----CUT HERE-----



Illinois Pollution Control Board  
Environmental Register Coordinator  
600 South Second Street, Suite 402  
Springfield, Illinois 62704