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Claire A. Manning, Chairman

Board Members:

Ronald C. Flemal, 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

December was a very busy month for the Board. During our December 21, 2000 Board meeting, we voted on an Informational Order on peaker power plants, adopted the NOx Trading Program, and new procedural rules. All of these actions are important to protecting Illinois' environment.



In July, Governor George H. Ryan asked the Board to hold an inquiry hearing into natural gas-fired, peak-load electrical power generating facilities (peaker plants). During the hearing process more than 80 people testified before the Board during seven days of hearings in Chicago, Naperville, Joliet, Grayslake, and Springfield. In the Informational Order, the Board recommends that the State tighten current environmental regulations concerning peaker plants to ensure the protection of the environment. The Board's recommendations include:

- That the Illinois Environmental Protection Agency (Agency) initiate a rulemaking which would require peaker plant permit applicants to conduct appropriate air modeling;
- That the Agency adopt a rule to require public hearings on air construction permit applications for all peaker plants;
- That the Agency initiate a rulemaking with the Board which will more fully explore the appropriateness of applying "Best Available Control Technologies" for reducing Nitrogen Oxides emissions from peaker plants; and
- That a demonstration of compliance with State noise regulations be a part of the Agency's permitting process.

The Board also sets forth the concerns about local siting requirements that were identified during the hearings and offers various solutions. A companion report to the Informational Order will be released sometime in January.

The NOx Trading Rule for Electrical Generating Units adopted by the Board in December is designed to reduce NOx emissions by using market-based trading controls. The program is Illinois' answer to an order of the United States Environmental Protection Agency and the Clean Air Act Amendments of 1990 to reduce overall Nitrogen Oxide emissions. The new rules will apply to emissions that occur from May 31 through September 30, 2004, and between May 1 and September 30, 2005, and in each of the following years.

Beginning January 1, 2001, the Board will have new procedural rules. After many years of review, the Board approved new procedural rules that govern how persons initiate and participate in all proceedings before the Board. These rules were developed to more efficiently and effectively implement the Environmental Protection Act and other laws and to make it easier for the public to participate in Board proceedings.

The peaker plant Informational Order, NOx Order, and Procedural Rules Order are on the Board's Web site www.ipcb.state.il.us. If you have any questions about these matters you may contact the Board's public information officer, Connie Newman, at (217) 782-7630 or newmanc@ipcb.state.il.us.

Sincerely,

A handwritten signature in cursive script that reads "Claire A. Manning". The signature is written in dark ink and is positioned above the printed name.

Claire A. Manning, Chairman

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Federal Update

United States Environmental Protection Agency Proposes National Emission Standards for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology

On December 6, 2000, USEPA proposed amendments to the “generic” maximum achievable control technology (MACT) standards to add national emission standards for hazardous air pollutants (NESHAP) for four additional source categories: cyanide chemicals manufacturing, carbon black production, ethylene production, and spandex production. 65 Fed. Reg. 76407.

The “generic” MACT standards provide a structural framework allowing source categories with similar emission types and MACT control requirements to be covered under one subpart, thus promoting regulatory consistency in NESHAP development. The USEPA has identified these four source categories as major sources of hazardous air pollutants (HAPs), including cyanide compounds, acrylonitrile, acetonitrile, carbonyl sulfide, carbon disulfide, benzene, 1,3 butadiene, toluene, and 2,4 toluene diisocyanate. The proposed standards will implement Section 112(d) of the Clean Air Act (42 U.S.C. §§ 7401 *et seq.* (1998)) by requiring all major sources to meet HAP emission standards reflecting the application of MACT.

Comments must be received by February 5, 2001. For further information contact Mark Morris at 919/541-5416; e-mail address: morris.mark@epa.gov.

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

United States Environmental Protection Agency Adopts New Source Performance Standards for New Small Municipal Waste Combustion Units in Final Rule

On December 6, 2000, USEPA reestablished new source performance standards (NSPS) for new small municipal waste combustion (MWC) units in a final rule. 65 Fed. Reg. 76349.

The NSPS for small MWC units contain stringent emission limits for organics (dioxins/furans), metals (cadmium, lead, mercury, and particulate matter), and acid gases (hydrogen chloride, sulfur dioxide, and nitrogen oxides). The NSPS for small MWC units were originally promulgated in December 1995, but were vacated by the United States Court of Appeals for the District of Columbia Circuit in March 1997. In response to the 1997 vacature, on August 30, 1999, USEPA proposed to reestablish NSPS for small MWC units. The NSPS contained in the final rule are equivalent to the 1995 NSPS for small MWC units.

The final rule becomes effective June 6, 2001. For further information contact Rick Copland at 919/541-5265; e-mail address: copland.rick@epa.gov.

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

United States Environmental Protection Agency Adopts New Source Performance Standards (NSPS) for Existing Small Municipal Waste Combustion Units in Final Rule

On December 6, 2000, the USEPA reestablished emission guidelines for existing small municipal waste combustion (MWC) units. 65 Fed. Reg. 76377.

The emission guidelines contain stringent emission limits for organics (dioxins/furans), metals (cadmium, lead, mercury, and particulate matter), and acid gases (hydrogen chloride, sulfur dioxide, and nitrogen oxides). Emission guidelines for small MWC units were originally promulgated in December 1995, but were vacated by the U.S. Court of Appeals for the District of Columbia Circuit in March 1997. In response to the 1997 vacature, on August 30, 1999, the USEPA proposed to reestablish emission guidelines for small MWC units. The emission guidelines contained in this final rule are equivalent to the 1995 emission guidelines for small MWC units.

The final rule is effective February 5, 2001. For further information contact Rick Copland at 919/541-5265; e-mail address: copland.rick@epa.gov.

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

United States Environmental Protection Agency Adopts National Primary Drinking Water Regulations for Radionuclides in Final Rule

On December 7, 2000, USEPA promulgated maximum contaminant level goals, maximum contaminant levels (MCLs), and monitoring, reporting, and public notification requirements for radionuclides. 65 Fed. Reg. 76707. The final rule is only applicable to community water systems.

The final rule includes requirements for uranium, which is not currently regulated, and revisions to the monitoring requirements for combined radium-226 and radium-228, gross alpha particle radioactivity, and beta particle and photon radioactivity. Based on an improved understanding of the risks associated with radionuclides in drinking water, the current MCL for combined radium-226/-228 and the current MCL for gross alpha particle radioactivity are retained.

Based on the need for further evaluation of the various risk management issues associated with the MCL for beta particle and photon radioactivity and the flexibility to review and modify standards under the Safe Drinking Water Act (SDWA) (42 U.S.C. §§ 300f *et seq.* (1998)), the current MCL for beta particle and photon radioactivity are retained in the final rule, but will be further reviewed in the near future.

The final rule becomes effective December 8, 2003. For further information contact David Huber at 202/260-9566.

The Board will include any necessary amendments in SDWA identical-in-substance rulemaking docket R01-20 pursuant to Sections 7.2 and 17.5 of the Environmental Protection Act (415 ILCS 5/7.2, 17.5 (1998)).

United States Environmental Protection Agency Proposes National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production

On December 8, 2000, USEPA proposed national emission standards for hazardous air pollutants (NESHAP) for the polyvinyl chloride (PVC) and copolymers production source category. 65 Fed. Reg. 76958.

The proposed NESHAP require that PVC and copolymers production facilities, which already must comply with the existing vinyl chloride NESHAP, continue to comply with that existing NESHAP. The proposed rule reflects USEPA's determination that the hazardous air pollutants (HAP) control level resulting from compliance with the existing vinyl chloride NESHAP already reflects the application of maximum achievable control technology and, thus, meets the requirements of Section 112(d) of the Clean Air Act (42 U.S.C. §§ 7401 *et seq.* (1998)) for PVC and copolymers production source category. USEPA has determined that this source category includes facilities that are major sources of HAP, including vinyl chloride, vinylidene chloride (1,1 dichloroethylene), and vinyl acetate.

Comments must be received by February 6, 2001. For further information contact Warren Johnson at 919/541-5124; e-mail address: johnson.warren@epa.gov.

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

United States Environmental Protection Agency Adopts Consolidated Federal Air Rule for the Synthetic Organic Chemical Manufacturing Industry in Final Rule

On December 14, 2000, USEPA promulgated a consolidated federal air rule for the synthetic organic chemical manufacturing industry (SOCMI). 65 Fed. Reg. 78267.

USEPA consolidated major portions of several new source performance standards (NSPS) and national emission standards for hazardous air pollutants (NESHAP) applicable to storage vessels, process vents, transfer operations, and equipment leaks within the SOCMI. The final rule pulls together applicable federal SOCMI rules into one integrated set of rules in order to simplify, clarify, and improve implementation of the existing rules with which source owners or operators must comply. The consolidated rule is an optional compliance alternative for SOCMI sources, which may simply continue to comply with existing applicable rules or choose to comply with the final consolidated rule.

The final rule became effective December 14, 2000. For further information contact Rick Colyer at 919/541-5262; e-mail address: colyer.rick@epa.gov.

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

United States Environmental Protection Agency Adopts Toxic Substances Control Act Test Guidelines in Final Rule

On December 15, 2000, USEPA promulgated toxic substances control act test guidelines in a final rule. 65 Fed. Reg. 78745. The final rule establishes 17 new Toxic Substances Control Act (TSCA) (15 U.S.C. §§ 2601 *et seq.* (1998)) health effects test guidelines in the Code of Federal Regulations.

Establishment of these guidelines provides a series of standardized test procedures and is necessary to ensure enforceable test standards in test rules promulgated under Section 4 of TSCA. Codification of this series of TSCA test guidelines does not by itself impose obligations upon any person. Obligations are only imposed when these guidelines are cross-referenced in a test rule promulgated under Section 4 of TSCA. The TSCA test guidelines are based on the harmonized test guidelines in the unified library for test guidelines issued by the Office of Prevention, Pesticides and Toxic Substances for use in testing chemical substances to develop data for submission to USEPA under TSCA, the Federal Food, Drug, and Cosmetic Act (21 U.S.C. §§ 301 *et seq.* (1998)), and the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. §§ 136 *et seq.* (1998)).

The final rule became effective December 15, 2000. For further information contact Barbara Cunningham at 202/554-1404; e-mail address: cunningham.barbara@epa.gov.

United States Environmental Protection Agency Gives Notice of Acceptability and Makes Request for Information for Significant New Alternatives Policy Program Under Clean Air Act in Final Rule

On December 18, 2000, USEPA gave notice of acceptability and made a request for information for significant new alternatives policy (SNAP) program. 65 Fed. Reg. 78977.

USEPA expanded the list of acceptable substitutes for ozone-depleting substances under the SNAP program. Substitutes are for the refrigeration and air conditioning, foams, non-aerosol solvent cleaning, and aerosol solvents and propellants sectors.

The final rule also requests information on the composition and safety of certain refrigerants for motor vehicle air conditioners; the possible expansion of the SNAP program to include review of, and potentially to establish use conditions for, operations that involve manual (hand) cleaning with solvents for precision, electronics, and metals cleaning; and the possible restriction of non-aerosol solvent substitutes to equipment that meets the cleaning equipment standards in the national emission standards for halogenated solvent cleaning. The final rule also updates the SNAP program's review of n-propyl bromide for use as a substitute for ozone-depleting solvents used in the non-aerosol solvents cleaning, aerosol solvents and propellants, and adhesives, coatings and inks sectors.

The final rule became effective December 18, 2000. For further information contact Margaret Sheppard at 202/564-9163; e-mail address: sheppard.margaret@epa.gov.

United States Environmental Protection Agency Adopts Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Centralized Waste Treatment Point Source Category in Final Rule

On December 22, 2000, USEPA promulgated effluent limitations guidelines, pretreatment standards, and new source performance standards for the centralized waste treatment point source category in a final rule. 65 Fed. Reg. 81241.

The final rule represents the culmination of USEPA's effort to develop Clean Water Act (33 U.S.C. §§ 1251 *et seq.* (1998)) effluent limitations guidelines and standards for wastewater discharges from the centralized waste treatment industry. The final regulation generally applies to wastewater discharges associated with the operation of new and existing centralized waste treatment facilities which accept hazardous or non-hazardous industrial wastes, wastewater, and used material from off-site for treatment of the wastes or recovery of materials from the wastes.

USEPA expects compliance with this regulation to reduce the discharge of conventional pollutants by at least 9.7 million pounds per year and toxic and non-conventional pollutants by at least 9.3 million pounds per year. USEPA estimates the annual cost of the rule will be \$35.1 million. USEPA estimates that the annual benefits of the rule will range from \$2.56 million to \$8.09 million. The final rule also amends USEPA's guidelines establishing test procedures for the analysis of pollutants (40 CFR Part 136) to add 10 semivolatile organic pollutants to Method 625 and 6 semivolatile organic pollutants to Method 1625.

The final rule becomes effective January 22, 2001. For further information Jan Matuszko at 202/260-9126.

The Board will include any necessary amendments in wastewater pretreatment identical-in-substance rulemaking docket R01-25 pursuant to Sections 7.2 and 17.5 of the Environmental Protection Act (415 ILCS 5/7.2, 17.5 (1998)).

United States Environmental Protection Agency Proposes National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances

On December 22, 2000, USEPA proposed national emission standards for hazardous air pollutants (NESHAP) for large appliance surface coating operations located at major sources of hazardous air pollutants (HAP). 65 Fed. Reg. 81133.

The proposed standards would implement Section 112(d) of the Clean Air Act (CAA) (42 U.S.C. §§ 7401 *et seq.* (1998)) by requiring these operations to meet HAP emission standards reflecting the application of the maximum achievable control technology. The HAP emitted by these operations include ethylbenzene, glycol ethers (including 2-butoxyethanol), hexane, methylene chloride, 4,4'-methylene diphenyl diisocyanate, methyl ethyl ketone, methyl isobutyl ketone, toluene, and xylene.

Comments must be received by February 20, 2001. For further information contact Mohamed Serageldin at 919/541-5689; e-mail address: serageldin.mohamed@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 Primary and Secondary Ambient Air Quality Standards for Particulate Matter in Final Rule

On December 22, 2000, USEPA promulgated national primary and secondary ambient air quality standards (NAAQS) for particulate matter in a final rule. 65 Fed. Reg. 80776.

USEPA took final action to remove requirements relative to the revised PM-10 NAAQS that USEPA issued in 1997, which were intended to clarify the applicability of the PM-10 NAAQS issued in 1987 (the pre-existing PM-10 NAAQS). These requirements were added at that time in anticipation of the transition to the implementation of the revised PM-10 NAAQS, and set forth the criteria under which the pre-existing PM-10 NAAQS would cease to apply and the revised PM-10 NAAQS would then become the solely applicable coarse particle standards. However, a recent ruling of the United States Court of Appeals for the District of Columbia Circuit vacated the revised PM-10 NAAQS and, thus, removed the basis for these requirements. The final rule ensures that the pre-existing PM-10 standards will continue to apply to all areas where they currently apply.

The final rule becomes effective January 22, 2001. For further information contact Gary Blais at 919/541-3223; e-mail address: blais.gary@epa.gov.

The Board anticipates that the Illinois Environmental Protection Agency will 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)).

United States Environmental Protection Agency Adopts Significant New Uses of Certain Chemical Substances in Final Rule Under Toxic Substances Control Act

On December 26, 2000, USEPA promulgated significant new use rules under Section 5(a)(2) of the Toxic Substances Control Act (TSCA) (15 U.S.C. §§ 2601 *et seq.* (1998)) for 40 chemical substances which were the subject of premanufacture notices and subject to TSCA Section 5(e) consent orders issued by USEPA. 65 Fed. Reg. 81386.

The final rule requires persons who intend to manufacture, import, or process these substances for a significant new use to notify USEPA at least 90 days before commencing the manufacturing or processing of the substance for a use designated by this rule as a significant new use. The required notice will provide USEPA with the opportunity to evaluate the intended use, and if necessary, to prohibit or limit that activity before it occurs to prevent any unreasonable risk of injury to human health or the environment.

The final rule becomes effective February 26, 2001, unless USEPA receives adverse comment before January 25, 2001. For further information contact Barbara Cunningham at 202/554-1404; e-mail address: TSCA-Hotline@epa.gov.

United States Environmental Protection Agency Proposes Testing of Certain High Production Volume Chemicals, Data Collection, and Development on High Production Volume Chemicals Under Toxic Substances Control Act

On December 26, 2000, USEPA proposed a test rule under Section 4(a)(1)(B) of the Toxic Substances Control Act (TSCA) (15 U.S.C. §§ 2601 *et seq.* (1998)), to require manufacturers (including importers) and processors of certain high production volume chemical substances to conduct testing for acute toxicity, repeat dose toxicity, developmental and reproductive toxicity, genetic toxicity, ecotoxicity, and environmental fate. 65 Fed. Reg. 81657.

USEPA has preliminarily determined that each of the 37 chemical substances included in the proposed rule is produced in substantial quantities and that there is substantial human exposure to each of them. Moreover, USEPA believes that there is insufficient data to reasonably determine or predict the effects on health or the environment of the manufacture, distribution in commerce, processing, use, or disposal of the chemicals, or any combination of these activities. USEPA has concluded that this proposed testing program is needed and appropriate for developing such data. Data developed under this proposed rule will provide critical information about the environmental fate and potential hazards associated with these chemicals which, when combined with information about exposure and uses, will allow USEPA and others to evaluate potential health and environmental risks and take appropriate follow up action.

Comments must be received by April 25, 2001. For further information contact Barbara Cunningham at 202/554-1404; e-mail address: TSCA-Hotline@epa.gov.

United States Environmental Protection Agency Defers Phase IV Standards for Polychlorinated Biphenyls as a Constituent Subject to Treatment in Soil in Final Rule Under Resource Conservation and Recovery Act

On December 26, 2000, USEPA in a final rule deferred phase IV standards for polychlorinated biphenyls (PCB's) as a constituent subject to treatment in soil. 65 Fed. Reg. 81373.

USEPA is temporarily deferring a portion of the rule applying land disposal restrictions (LDR) under the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. §§ 6901 *et seq.* (1998)) to constituents subject to treatment (CST) in soils contaminated with certain characteristic hazardous wastes. USEPA promulgated this rule on May 26, 1998. Specifically, USEPA is temporarily deferring the requirement that PCB's be considered a CST when they are present in soils that exhibit the toxicity characteristic for metals.

USEPA is taking this action because the regulation appears to be discouraging generators from cleaning up contaminated soils, which is contrary to what USEPA intended when they promulgated alternative treatment standards for contaminated soils. In addition, USEPA needs more time to restudy the issue of appropriate treatment standards for metal-contaminated soils which also contain PCB's as CST. USEPA still requires generators to treat these soils to meet LDR standards for all hazardous constituents except PCB's. Generators also are required to treat PCB's if the total concentration of halogenated organic compounds in the soil equals or exceeds 1000 parts per million.

The final rule became effective December 26, 2000. For further information contact Ernesto Brown at 703/308-8608; e-mail address: brown.ernesto@epa.gov.

The Board will include any necessary amendments in RCRA identical-in-substance rulemaking docket R01-23 pursuant to Sections 7.2 and 17.5 of the Environmental Protection Act (415 ILCS 5/7.2, 17.5 (1998)).

United States Environmental Protection Agency Proposes Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Iron and Steel Manufacturing Point Source Category

On December 27, 2000, USEPA proposed effluent limitations guidelines and standards for wastewater discharges from iron and steel facilities. 65 Fed. Reg. 81963.

The proposed regulation revises technology-based effluent limitations guidelines and standards for wastewater discharges associated with the operation of new and existing iron and steel facilities. This action covers sites that generate wastewater while performing the following industrial activities: metallurgical cokemaking, ironmaking, integrated steelmaking, non-integrated steelmaking, hot forming, steel finishing including electroplating, and other operations including direct iron reduction, briquetting, and forging.

USEPA estimates that compliance with this regulation as proposed would reduce the discharge of priority and non-conventional pollutants by at least 210 million pounds per year and would cost an estimated \$56.5 million to \$61.4 million on an annual basis, with the range reflecting two options proposed for comment. In addition, USEPA expects that discharges of conventional pollutants would be reduced, by at least 31.3 million pounds per year. USEPA has estimated that the annual quantifiable benefits of the proposal would range from \$1.1 million to \$2.7 million.

Comments must be received by February 26, 2001. For further technical information contact George Jett at 202/260-7151. For further economic information contact William Anderson at 202/260-5131.

The Board will include any necessary amendments in a future identical-in-substance pretreatment update rulemaking pursuant to Sections 7.2 and 17.5 of the Environmental Protection Act (415 ILCS 5/7.2, 17.5 (1998)).

Rule Update

Board Adopts Identical in Substance Amendments in *In the Matter of: UIC Update, USEPA Amendments (January 1, 2000 through June 30, 2000)*, R00-11, R01-1 (consolidated)

On December 7, 2000, the Board adopted amendments to the Illinois Regulations that are "identical in substance" to the underground injection control (UIC) regulations that the USEPA adopted to implement Section 1421 of the federal Safe Drinking Water Act (SDWA) (42 U.S.C. § 300h (1998)). The amendments include amendments that USEPA adopted during the period from January 1, 2000 through June 30, 2000. Sections 7.2 and 13(c) of the Environmental Protection Act (Act) (415 ILCS 5/7.2 and 13(c) (1998)) provide for quick adoption of regulations that are identical in substance to federal regulations that USEPA adopts to implement Section 1421 of SDWA (42 U.S.C. § 300h (1998)). Section 13(c) 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 UIC regulations are found at 40 C.F.R. §§ 144 through 148.

In this action, the Board determined that it was necessary to consolidate two separate dockets and expedite consideration of certain later amendments. The proposal was published in the *Illinois Register* on October 6, 2000 (24 Ill. Reg. 14528), and the public comment period expired on November 20, 2000.

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

Board Adopts Identical in Substance Amendments in *In the Matter of: RCRA Subtitle C Hazardous Waste Update, USEPA Amendments (January 1, 2000 through June 30, 2000)*, R01-3

On December 7, 2000, the Board adopted amendments to the Illinois regulations that are "identical in substance" to hazardous waste regulations that USEPA adopted to implement Subtitle C of the federal Resource Conservation and Recovery Act of 1976 (RCRA Subtitle C) (42 U.S.C. §§ 6921 *et seq.* (1998)). The amendments include amendments that USEPA adopted during the period from January 1, 2000 through June 30, 2000. USEPA amended the federal RCRA Subtitle C regulations on five occasions during the period January 1, 2000 through June 30, 2000.

Sections 7.2 and 22.4(a) of the Environmental Protection Act (Act) (415 ILCS 5/7.2 and 22.4(a) (1998)) provide for quick adoption of regulations that are identical in substance to federal regulations that USEPA adopts to implement Sections 3001 through 3005 of RCRA (42 U.S.C. §§ 6921-6925 (1998)). Section 22.4(a) 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. Therefore, the amendments are not subject to first or second-notice review by the Joint Committee on Administrative Rules.

The proposal was published in the *Illinois Register* on October 13, 2000 (24 Ill. Reg. 14945), and the public comment period expired on November 27, 2000.

For additional information contact: Michael McCambridge at 312/814-6924; e-mail: mccambm@ipcb.state.il.us.

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

On December 7, 2000, the Board adopted amendments to 35 Ill. Adm. Code 240. On August 21, 2000, the Illinois Environmental Protection Agency (Agency) filed with the Board proposed amendments to the enhanced vehicle inspection and maintenance (I/M) regulations at 35 Ill. Adm. Code 240. The Agency's proposal was filed under Section 13B-20(a) of the Vehicle Emissions Law of 1995 (Vehicle Emissions Law) (625 ILCS 5/13B-1 *et seq.* (1998)). The Vehicle Emissions Law provides that 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)) "shall not apply to rules adopted by the Board under this subsection." 625 ILCS 5/13B-20(a) (1998). Additionally, Section 13B-20(a) requires the Board to adopt rules within 120 days after it receives the Agency's proposal, that is, on or before December 19, 2000.

On August 24, 2000, the Board accepted the proposal for hearing and directed 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 September 15, 2000 (24 Ill. Reg. 13820).

The Board held two public hearings in this matter. The first hearing was held October 11, 2000, in Chicago, and the second hearing was held October 20, 2000, in Collinsville, Illinois. At both hearings the Agency offered testimony in support of its proposal. On November 9, 2000, the Agency filed public comments. The Board received no other testimony or public comments.

Sections 182(b) and (c) of the federal Clean Air Act (CAA) (42 U.S.C §§ 7582(b), (c) (1998)), require states to implement vehicle 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 in areas with a population of 200,000 or more. The CAA also requires states to submit, for the approval of USEPA, revisions to their State Implementation Plans (SIPs) 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 proposed, and the Board adopted, 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 adopted rules are relatively minor adjustments to the enhanced I/M program, necessary to enable Illinois to meet federal and State mandated enhanced emissions testing requirements.

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

The Board Authorizes Third Hearing in In the Matter of: Revisions to Antidegradation Rules: 35 Ill. Adm. Code 302.105, 303.205, 303.206, and 106.990-106.995, R01-13

On December 7, 2000, the Board authorized a third hearing in this matter. On November 29, 2000, the Board received a motion filed by the Illinois Environmental Regulatory Group requesting a third hearing. The Board did not receive any written responses. However, at hearing on December 6, 2000, oral responses were placed on the record. Based on the motion and the oral responses, the Board agreed that a third hearing was warranted and the Board granted the motion. The hearing is scheduled for February 6, 2001, at 9:30 a.m. at the James R. Thompson Center, 100 W. Randolph Street, Room 9-040, Chicago, Illinois.

For additional information contact: Marie Tipsord at 312/814-4925; e-mail: tipsordm@ipcb.state.il.us.

Board Adopts Amendments in In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives (TACO) (35 Ill. Adm. Code 742), R00-19(A)

On December 21, 2000, the Board adopted amendments to the Tiered Approach to Corrective Action Objectives (TACO) rules found at 35 Ill. Adm. Code 742 of the Board's land regulations. On May 15, 2000, the Illinois Environmental Protection Agency (Agency) submitted proposed amendments to TACO under Sections 27 and 28 of the Environmental Protection Act (Act) (415 ILCS 5/27, 28 (1998)).

The Board moved the Agency's proposal to first notice on July 27, 2000. In doing so, the Board divided the proposal into two subdockets based upon subject matter. Most of the amendments proposed in Subdocket A are required by Public Act 91-909, which was signed and became effective July 7, 2000. Among other things, it creates a new institutional control, known as the Environmental Land Use Control or "ELUC" for use under the TACO regulations. Public Act 91-909 requires regulations to be adopted implementing the ELUC by no later than January 6, 2001.

The Board held public hearings in Chicago, on August 25 and September 21, 2000, and in Springfield on September 11, 2000. The Board accepted public comments through October 23, 2000. On November 16, 2000, the Board adopted its second notice opinion and order, and sent it to the Joint Committee on Administrative Rules (JCAR) for its consideration. JCAR considered the proposed rule at its December 12, 2000 meeting and voted a procedural objection to the Board's inclusion of Appendix A, Table G in Subdocket A. The Board acknowledged the objection and respectfully disagreed with JCAR's conclusion.

For additional information contact: Amy Jackson at 217/524-8507; e-mail: jacksona@ipcb.state.il.us.

Board Adopts Amendments in In the Matter of: Revision of the Board's Procedural Rules: 35 Ill. Adm. Code 101-130, R00-20

On December 21, 2000, the Board adopted amendments to the procedural rules that govern how persons initiate and participate in all proceedings before the Board under the Environmental Protection Act (Act) (415 ILCS 5/1 *et seq.* (1998)), and other legislation directing Board action.

The Board proposed these rules for first notice on March 16, 2000, and the rules were published in the *Illinois Register* on March 31, 2000 (24 Ill. Reg. 5173).

The Board held three public hearings on the first notice rules: April 11, May 4, and July 10, 2000. The Board posted the transcripts of those hearings on its Web site. In this proceeding, for the first time, the Board established a public comment page on its Web site, where the Board posted comments.

The Board filed the proposed rules, as modified at second notice, with the Joint Committee on Administrative Rules (JCAR). JCAR considered the rules at its December 12, 2000 meeting and issued a certificate of no objection. The final rules reflect minor, non-substantive modifications that JCAR requested.

The procedural rules become effective January 1, 2001 and consist of ten parts within Title 35 of the Illinois Administrative Code: Part 101 (General Rules); Part 102 (Regulatory and Informational Hearings and Proceedings); Part 103 (Enforcement); Part 104 (Regulatory Relief Mechanisms); Part 105 (Appeals of Final Decisions of State Agencies); Part 106 (Proceedings Pursuant to Specific Rules or Statutory Provisions); Part 107 (Petition to Review Pollution Control Facility Siting Decisions); Part 108 (Administrative Citations); Part 125 (Tax Certifications); and Part 130 (Identification and Protection of Trade Secrets and Other Non-Disclosable Information).

For additional information contact: Carol Sudman at 217/524-8509; e-mail: sudmanc@ipcb.state.il.us.

Board Adopts Amendments in *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, R01-9*

On December 21, 2000, the Board adopted rules to add 35 Ill. Adm. Code 217, Subpart W, the NOx Trading Program for Electrical Generating Units and amend 35 Ill. Adm. Code 211 and 217. The Illinois Environmental Protection Agency (Agency) filed a proposal in this matter with the Board on July 11, 2000. The filing was pursuant to Section 28.5 of the Environmental Protection Act (Act) (415 ILCS 5/28.5 (1998)), which provides for "fast-track" adoption of certain regulations necessary for compliance with the Clean Air Act Amendments of 1990 (42 U.S.C. §§ 7401 *et seq.* (1990)).

The Board moved the Agency's proposal to first notice on July 13, 2000. First-notice publication occurred in the *Illinois Register* on August 4, 2000 (24 Ill. Reg. 11473).

The Board held public hearings in Springfield, on August 28 and 29, 2000, and in Chicago, on September 26, 2000. The record in this matter closed on October 13, 2000, as provided for by Section 28.5(l) of the Act. On November 16, 2000, the Board adopted its second notice opinion and order, and sent this matter to the Joint Committee on Administrative Rules (JCAR) for its consideration. On December 12, 2000, JCAR voted a certificate of no objection.

This is the first of three Agency regulatory proposals in response to USEPA's NOx SIP. See also Proposed New 35 Ill. Adm. Code 217.Subpart T, Cement Kilns, and Amendments to 35 Ill. Adm. Code 211 and 217, R01-11.

For additional information contact: Cathy Glenn at 312/814-6923; e-mail: glennc@ipcb.state.il.us.

Board Issues Informational Order in *In the Matter of: Natural Gas-Fired, Peak-Load Electrical Power Generating Facilities (Peaker Plants), R01-10*

On December 21, 2000, the Board issued an Informational Order in response to a July 6, 2000 request from Governor Ryan for the Board to conduct inquiry hearings concerning the potential environmental impact of natural gas-fired, peak-load electrical power generating facilities, known as peaker plants. Governor Ryan asked the Board to address in writing whether any further requirements should be imposed on peaker plants to safeguard the environment.

The Board completed its inquiry hearings and issued the Informational Order. Based on the record of the proceedings, the Board made several recommendations to tighten environmental regulations with respect to peaker plants:

- That the Illinois Environmental Protection Agency (Agency) initiate a rulemaking which would require peaker plant permit applicants to conduct appropriate air modeling;
- That the Agency adopt a rule to require public hearings on air construction permit applications for all peaker plants;
- That the Agency initiate a rulemaking with the Board which will more fully explore the appropriateness of applying "Best Available Control Technologies" for reducing Nitrogen Oxides emissions from peaker plants; and
- That a demonstration of compliance with State noise regulations be a part of the Agency's permitting process.

The Informational Order has a companion report that the Board will issue in January 2001. It will provide a detailed summary of the information contained in the record of these proceedings. Both the Informational Order and the companion report are available on the Board's Web site at <http://www.ipcb.state.il.us>; or by calling the Board's Chicago office (312/814-3620) or Springfield office (217/524-8500).

Board Adopts Second 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 for first notice publication in the *Illinois Register* new rules to be codified at 35 Ill. Adm. Code 215.Subpart T as well as amendments to existing 35 Ill. Adm. Code 211 and 217. On August 21, 2000, the Illinois Environmental Protection Agency (Agency) filed a proposal to amend 35 Ill. Adm. Code 211 and 217 of Illinois' air regulations. On December 21, 2000, the Board proposed the rules for second notice review by the Joint Committee on Administrative Rules.

The Illinois Environmental Protection Agency (Agency) proposed that the Board add a new Subpart T to Part 217 and make various conforming amendments to Parts 211 and 217. The Board held public hearings in Chicago, on October 3, and in Springfield, on November 3, 2000. Hearings were scheduled and conducted in accordance with Section 28.5 of the Environmental Protection Act (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. The record in this matter closed on November 23, 2000, as provided for by Section 28.5(l) of the Act. The only comments the Board received were filed by the Agency.

This is the second of three Agency regulatory proposals in response to USEPA's NO_x SIP. See also [Proposed New 35 Ill. Adm. Code 217. Subpart W the NO_x Trading Program for Electrical Generating Units, and Amendments to 35 Ill. Adm. Code 211 and 217 \(July 13, 2000\), R01-9.](#)

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

Board Adopts First Notice Proposal in *In the Matter of: Livestock Waste Regulations (35 Ill. Adm. Code 506), R01-18*

On December 21, 2000, the Board proposed rules to amend the livestock waste regulations at 35 Ill. Adm. Code 506. The Department of Agriculture's (Department) proposal was submitted to the Board on December 4, 2000. The Department explained that the proposed amendments will repeal provisions of Part 506 that will be superseded by the livestock management facility regulations promulgated by the Department at 8 Ill. Adm. Code 900, effective January 1, 2001. This rulemaking is designed to eliminate Board rules that duplicate those adopted by the Department. In an effort to expedite this rulemaking, the Board adopted its first notice order without commenting on the merits of the Department's proposal.

The Department requested that the Board adopt its proposal as emergency rules. The Board determined emergency rules are not justified in the present case.

The hearing officer will be scheduling at least two hearings concerning this proposal.

Please direct any questions regarding this rulemaking to Carol Sudman at 217/524-8509; e-mail address: sudmanc@ipcb.state.il.us.

Board Accepts for Hearing Illinois Environmental Protection Agency Proposal in *In the Matter of: Amendments to Regulation of Petroleum Leaking Underground Storage Tanks: 35 Ill. Adm. Code 732, R01-26*

On December 6, 2000, the Illinois Environmental Protection Agency filed a rulemaking proposal pursuant to Section 57.14 of the Environmental Protection Act (Act) (415 ILCS 5/57.14 (1998)) and 35 Ill. Adm. Code 102.121(b) of the Board's procedural rules. The proposed rule would clarify and refine certain provisions of the Board's underground storage tank rules. The proposal would also add the contaminant methyl tertiary-butyl ether as an indicator contaminant in gasoline.

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By its order of December 21, 2000, the Board found that the proposal meets the minimum requirements of 35 Ill. Adm. Code 102.160(a) and accordingly accepted the proposal for hearing. The hearing officer will be scheduling at least two hearings concerning this proposal.

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

IEPA Restricted Status List

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 January 2001.

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

<u>Name of Public Water Supply/ County/Facility#</u>	<u>EPA Rgn</u>	<u>Nature of Problem</u>	<u>Pop. Served</u>	<u>Listing Date</u>
Bryant (Fulton Co - 0570200)	5	Adjusted 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
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

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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
Edelstein (Peoria Co - 1435150)	5	Adjusted Gross Alpha	125	03/15/98
Edgington Water District (Rock Island Co-1615550)	1	Inadequate Pres Tank	470	03/20/81
Elm Oak Mutual Wtr Syst (Lake Co - 0975736)	2	Inadequate Pres Tank	45	06/13/86
Emmett Utl 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
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
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
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

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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
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
Shawnta 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
Sorento (Bond Co - 0050300)	6	Trihalomethane	750	09/16/96
St Charles Cmsn Wlfnd 3 (DuPage Co - 0437040)	2	Inadequate Pres Tank	30	12/15/89
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

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Sylvan Lake 1st Sbdv (Lake Co - 0977100)	2	Inadequate Pres Tank	210	06/14/91
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

PUBLIC WATER SUPPLIES REMOVED FROM PREVIOUS LIST

114 Towncrest Dr Apts (Will County - 1970120)
 Echo Lake Wtr Sys Block 7 (Lake Co - 0975820)
 Hettick (Macoupin Co - 1170500)
 New Hope Wtrwks Corp (Wayne Co - 1915100)
 Staunton Res Rd Wtr (Macoupin Co - 1175250)

IEPA Critical Review List

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 that 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 January 2001.

Environmental Register - December 2000

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

<u>Name of Public Water Supply/ County/Facility#</u>	<u>EPA Rgn</u>	<u>Nature of Problem</u>	<u>Pop. Served</u>	<u>Listing Date</u>
Bluford (Jefferson Co - 0810100)	7	Low System Pressure	465	03/20/81
Browning (Schuyler Co - 1690050)	5	Inadequate Source	495	03/15/98
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
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
Mathersville (Mercer Co - 1310200)	1	Low System Pressure	793	09/13/00
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
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)	2	Low Sys Pres & Inad Pres Storage	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

PUBLIC WATER SUPPLIES REMOVED FROM PREVIOUS LIST

None

Board Actions

December 7, 2000
Springfield, Illinois

Rulemakings

R00-11 R01-1 (Cons.)	<u>In the Matter of: UIC Update, USEPA Amendments (July 1, 1999 through December 31, 1999) and In the Matter of: UIC Update, USEPA Amendments (January 1, 2000 through June 30, 2000)</u> – The Board adopted a final opinion and order in this consolidated “identical-in-substance” rulemaking to amend the Board’s underground injection control regulations.	7-0 R, Land
R01-3	<u>In the Matter of: RCRA Subtitle C Update, USEPA Amendments (January 1, 2000 through June 30, 2000)</u> – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking to amend the Board’s hazardous waste regulations.	7-0 R, Land
R01-12	<u>In the Matter of: Enhanced Vehicle Inspection and Maintenance (I/M) Regulations: Amendments to 35 Ill. Adm. Code Part 240</u> – The Board adopted a final opinion and order to amend the Board’s air pollution control regulations as proposed under the Vehicle Code.	7-0 R, Air
R01-13	<u>In the Matter of: Revisions to Antidegradation Rules: 35 Ill. Adm. Code 302.105, 303.205, 303.206, and 106.990–106.995</u> – The Board granted the Illinois Environmental Regulatory Group’s motion for a third hearing.	7-0 R, Water

Adjusted Standards

AS 96-9	<u>In the Matter of: Petition of Midwest Generation, LLC (formerly petition of Commonwealth Edison Company) for an Adjusted Standard from 35 Ill. Adm. Code Parts 811 and 814</u> – The Board granted petitioner’s motion to reopen this docket and substitute the name of Midwest Generation, LLC, for Commonwealth Edison Company in its August 15, 1996 order.	7-0 Land
AS 01-6	<u>In the Matter of: Petition of Borden Chemicals & Plastics Operating Limited Partnership for an Adjusted Standard from 35 Ill. Adm. Code 304.105 as it Applies to 35 Ill. Adm. Code 302.211(B)-(E)</u> – The Board accepted this request for an adjusted standard on behalf of this Sangamon County facility and granted petitioner’s request to incorporate materials from a prior proceeding.	7-0 Water

Administrative Citations

AC 01-5	<u>IEPA v. Billy Hammond, Sr.</u> – The Board denied respondent’s motion to dismiss and motion to add third-party respondents, directing that the case proceed to hearing.	7-0
AC 01-6	<u>IEPA v. Jack Busby</u> – The Board denied respondent’s motion to reconsider its September 21, 2000 order.	7-0

AC 01-10	<u>IEPA v. Environmental Reclamation Company d/b/a ERC Landfill and Larry Shilling (ERC Landfill)</u> – The Board found that this Coles County respondent violated Section 21(o)(5) of the Act (415 ILCS 5/21(o)(5) (1998)), and ordered respondent to pay a civil penalty of \$500.	7-0
AC 01-12	<u>IEPA v. J&T Recycling and John A. Gordon</u> – The Board accepted for hearing Williamson County respondent, John A. Gordon’s petition for review of an administrative citation, noting that a default order would be issued against the remaining respondent if no petition for review is filed.	7-0

Adjudicatory Cases

• **Decisions**

PCB 00-156	<u>People of the State of Illinois v. Kenneth Minor and Keith Minor, individually and d/b/a Motorsport Park and Moto Sports, Inc.</u> – In this water enforcement action concerning a Kane County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (1998)), accepted a final stipulation and settlement agreement, ordered the respondents to pay a civil penalty of \$3,000, and ordered respondents to cease and desist from further violations.	7-0 W-E
PCB 00-172	<u>People of the State of Illinois v. Envirofil of Illinois, Inc.</u> – In this water enforcement action concerning a McDonough County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1) (1998)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a civil penalty of \$45,000, and ordered respondent to cease and desist from further violations.	7-0 L&W-E

Motions and Other Matters

PCB 97-147	<u>People of the State of Illinois v. J.D. Plating Works, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water and Resource Conservation and Recovery Act enforcement action involving a Lake County facility, the Board ordered publication of the required newspaper notice.	7-0 RCRA, W-E
PCB 99-138	<u>Hancock Service Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this tax certification appeal involving a Hancock County facility.	7-0 T-C, Appeal
PCB 00-67	<u>People of the State of Illinois v. American Disposal Company and Consolidated Rail Corporation</u> – The Board denied complainant’s motion for default judgment, ordering that the case proceed to hearing.	7-0 RCRA-E

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PCB 00-104	<u>People of the State of Illinois v. The Highlands, L.L.C., Murphy Farms, Inc. a/k/a Murphy Family Farms, and Bion Technologies, 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 Knox County facility, the Board ordered publication of the required newspaper notice.	7-0 A-E
PCB 00-109	<u>People of the State of Illinois v. Arturo Rivero d/b/a Swiss Cleaners</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 Cook County facility, the Board ordered publication of the required newspaper notice.	7-0 A-E
PCB 00-151	<u>People of the State of Illinois v. Cleveland Steel Container Corporation</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 Will County facility, the Board ordered publication of the required newspaper notice.	7-0 A-E
PCB 00-187	<u>Broderick Teaming Company v. IEPA</u> – The Board denied both parties’ motions for summary judgment and directed this underground storage tank appeal involving a Cook County facility to hearing.	7-0 UST-FRD
PCB 01-25	<u>Chrysler Realty Corporation v. Thomas Industries, Inc. and TDY Industries, Inc.</u> – The Board found that the alleged violations were neither duplicitous nor frivolous. The Board accepted this matter involving a Cook County facility for hearing and granted respondent’s motion to appear <i>pro hac vice</i> .	6-1 Flemal dissented UST-E, Citizens
PCB 01-57	<u>G.J. Leasing Company, Inc. v. IEPA</u> – The Board entered an order directing petitioner to file an amended petition including the appearance of an attorney within 30 days in this underground storage tank appeal on behalf of a St. Clair County facility.	7-0 UST-FRD
PCB 01-68	<u>Roger Stone v. IEPA and Naperville Park District</u> – The Board denied petitioner’s motions to declare the challenged NPDES permit ineffective and to stay the effectiveness of the permit.	7-0 P-A, NPDES
PCB 01-71	<u>Wareco Service, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Vermilion County facility.	7-0 UST-FRD
PCB 01-83	<u>People of the State of Illinois v. Indiana Harbor Belt Railroad Company and ACN International, Inc.</u> – The Board accepted for hearing this Resource Conservation and Recovery Act enforcement action against these Cook County respondents.	7-0 RCRA-E
PCB 01-84	<u>Wareco Service, 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 Morgan County facility.	7-0 UST-FRD 90-Day Ext.
PCB 01-85	<u>NACME Steel Processing, L.L.C. v. IEPA</u> – The Board accepted for hearing this permit appeal involving a Cook County facility.	7-0 P-A, Air

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PCB 01-87	<u>Wareco Service, Inc. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a underground storage tank appeal on behalf of this Fayette County facility.	7-0 UST-FRD 90-Day Ext.
PCB 01-88	<u>IBP, Inc. (Joslin Facility) v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Henry County facility.	7-0 P-A, 90-Day Ext.
PCB 01-89	<u>Nash Petroleum, Inc. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a underground storage tank appeal on behalf of this Cook County facility.	7-0 UST-Appeal 90-Day Ext.

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Rulemakings

R00-19(A)	<u>In the Matter of: Proposed Amendments to Tiered Approach to Corrective Action Objectives: 35 Ill. Adm. Code 742 (Environmental Land Use Control (ELUC) Rules: P.A. 91-909)</u> – The Board adopted a final opinion and order which amended the tiered approach to corrective action objectives (35 Ill. Adm. Code 742). Pursuant to Public Act 91-909, a portion of the proposed amendments must be adopted by January 6, 2001, pertaining to a new legal instrument called the “Environmental Land Use Control” or “ELUC.”	7-0 R, Land
R00-20	<u>In the Matter of: Revision of the Board’s Procedural Rules: 35 Ill. Adm. Code 101-130</u> – The Board adopted a final opinion and order that amended the Board’s procedural rules.	7-0 R, Proc. Rule
R01-9	<u>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</u> – The Board adopted a final opinion and order to implement a nitrogen oxides emissions trading program applicable to large fossil fuel electrical generating units.	7-0 R, Air
R01-10	<u>In the Matter of: Natural Gas-Fired, Peak-Load Electrical Power Generating Facilities (Peaker Plants)</u> – The Board issued an Informational Order in response to Governor George Ryan’s request to conduct inquiry hearings concerning the potential environmental impact of peaker plants, and to address in writing at the conclusion of those hearings, whether further requirements are needed to safeguard the environment.	7-0 R, Air
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 adopted a second-notice opinion and order to implement a program to reduce nitrogen oxides emissions from large cement kilns in Illinois.	6-0 Lawton abstained R, Air
R01-18	<u>In the Matter of: Livestock Waste Regulations (35 Ill. Adm. Code 506)</u> – The Board accepted for hearing the Department of Agriculture’s December 4, 2000 proposal to amend the Board’s livestock waste regulations.	7-0 R, Land

R01-26 In the Matter of: Amendments to 35 Ill. Adm. Code 732: Regulation of Petroleum Leaking Underground Storage Tanks – The Board accepted for hearing the Illinois Environmental Protection Agency’s December 6, 2000 proposal to amend the Board’s underground storage tank regulations. 7-0
R, Land

Adjusted Standard

AS 99-1 In the Matter of: Petition of the City of Belleville, Illinois for an Adjusted Standard from 35 Ill. Adm. Code 306.305 – The Board ordered this matter set for hearing. 7-0
Water

Administrative Citations

AC 01-11 IEPA v. Waterman Excavating – The Board found that this Montgomery County respondent violated Sections 21(p)(1) and (p)(7) of the Act (415 ILCS 5/21/(p)(1), (p)(7) (1998)), and ordered respondent to pay a civil penalty of \$3,000. 7-0

AC 01-16 Sangamon County v. Everett Daily – The Board accepted this petition for review of an administrative citation against this Sangamon County respondent. 7-0

AC 01-17 Sangamon County v. Everett Daily – The Board accepted this petition for review of an administrative citation against this Sangamon County respondent. 7-0

AC 01-19 IEPA v. William Basil Flynn and Olen G. Parkhill, Jr. – The Board accepted on behalf of respondent Parkhill this petition for review of an administrative citation against these Champaign County respondents. The Board will enter a default judgment against respondent Flynn should he failed to file a petition for review by January 8, 2001. 7-0

Adjudicatory Cases

• **Decisions**

PCB 01-79 People of the State of Illinois v. Phillips Pipe Line Company, a subsidiary of Phillips Petroleum Company, Inc. – In this Resource Conservation and Recovery Act enforcement action concerning a St.Clair County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Act (415 ILCS 5/31(c)(1)(1998)), accepted a final stipulation and settlement agreement, ordered the respondent to pay a civil penalty of \$15,000, and ordered respondent to cease and desist from further violations. 7-0
RCRA-E

Provisional Variances

PCB 01-94 Libbey-Owens-Ford Company v. IEPA – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this LaSalle County facility a 45-day provisional variance, subject to conditions, from the effluent limits set forth in 35 Ill. Adm. Code 304.141(b). 7-0
W-V

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PCB 01-95	<u>U.S. Chrome Corporation of Illinois v. IEPA</u> – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted a 15-day provisional variance to this Boone 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, RCRA
 Motions and Other Matters		
PCB 93-32	<u>Ford Motor Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this air permit appeal involving a Cook County facility.	7-0 P-A, Air
PCB 93-129	<u>PPG Industries, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this NPDES permit appeal involving a Macon County facility.	7-0 P-A, NPDES
PCB 96-181	<u>ESG Watts, Inc. v. IEPA</u> – The Board granted parties’ motions for dismissal of this permit appeal involving a Rock Island County facility.	7-0 P-A, Land
PCB 97-210	<u>ESG Watts, Inc. v. IEPA</u> – The Board granted parties’ motions for dismissal of this permit appeal involving a Rock Island County facility.	7-0 P-A, Land
PCB 00-82	<u>Jersey Sanitation Corporation v. IEPA</u> – The Board referred petitioner’s motions to file <i>instanter</i> to the hearing officer.	P-A, Land
PCB 00-133	<u>John M. Giertych, Geri Giertych, Wally Stoklosa, Earl Daliege, Everett Johnson, Meddard Sowonik, Max Prindle, Chuck Polizzi, Marge Polizzi, George Brassea, Gladys Brassea, Nancy Pitcher, Geraldine Hughes, Bernard Nagel, Joe Ringbauer, Dee Ringbauer, Carolyn Meyer, Joe Dampf, Sally Dampf, Pat Henry, Gabriele Dalzell, Clifton Cooke, Betty Jane Cooke, Pam Sayner, Carol Bump, Helen Bytnar, and Leslie Koenig v. 4T’s Management, L.L.C.</u> – The Board granted respondent’s motion to dismiss certain complainants for want of prosecution.	7-0 N-E, Citizens
PCB 00-192	<u>People of the State of Illinois v. Wismarq Corporation</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 Cook County facility, the Board ordered publication of the required newspaper notice.	7-0 A-E
PCB 01-40	<u>People of the State of Illinois v. City of Paris and Francis Associates</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 Edgar County facility, the Board ordered publication of the required newspaper notice.	7-0 PWS-E
PCB 01-58	<u>Roman Catholic Diocese/Joliet St. Alexis Church v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank fund reimbursement determination appeal was filed on behalf of this DuPage County facility.	7-0 UST-FRD
PCB 01-65	<u>Arnold’s Service and Repair v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank fund reimbursement determination appeal was filed on behalf of this Fayette County facility.	7-0 UST-FRD

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PCB 01-67	<u>County of Jasper for the Jasper County Highway Department v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Jasper County facility.	7-0 UST-FRD
PCB 01-69	<u>Terminal Railroad Association v. IEPA</u> – The Board accepted for hearing this permit appeal involving a St. Clair County facility.	7-0 P-A, Land
PCB 01-90	<u>Land and Lakes Company v. IEPA</u> – The Board accepted for hearing this national pollutant discharge elimination system permit appeal involving a Cook County facility.	7-0 P-A, NPDES
PCB 01-91	<u>People of the State of Illinois v. Chester Bros Construction 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 air enforcement action involving an Adams County facility, the Board ordered publication of the required newspaper notice.	7-0 A-E
PCB 01-92	<u>People of the State of Illinois v. Marathon Oil Company</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 Sangamon County facility, the Board ordered publication of the required newspaper notice.	7-0 PWS-E

New Cases

December 7, 2000 Board Meeting

01-83 People of the State of Illinois v. Indiana Harbor Belt Railroad Company and ACN International, Inc. – The Board accepted for hearing this Resource Conservation and Recovery Act enforcement action against this Cook County facility.

01-84 Wareco Service, Inc. v. IEPA – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Morgan County facility.

01-85 NACME Steel Processing, L.L.C. v. IEPA – The Board accepted for hearing this permit appeal involving a Cook County facility.

01-86 Robert Gardner and Yvonne Gardner v. Township High School District 211 and Gerald Chapman, Superintendent – The Board held for a later duplicitous/frivolous determination this citizen's noise enforcement action involving a Cook County facility.

01-87 Wareco Service, Inc. v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage appeal on behalf of this Fayette County facility.

01-88 IBP, Inc. (Joslin Facility) v. IEPA – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this petitioner.

01-89 Nash Petroleum, Inc. v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage appeal on behalf of this Cook County facility.

AC 01-13 IEPA v. The Perron Company and Richard Pearce – The Board accepted an administrative citation against these Winnebago County respondents.

AC 01-14 IEPA v. American Disposal Services of Illinois, Inc. and Dave Bryant – The Board accepted an administrative citation against these Livingston County respondents.

AC 01-15 IEPA v. Terry Reynolds d/b/a Reynolds Manufactured Homes and Transport – The Board accepted an administrative citation against this Union County respondent.

AC 01-16 County of Sangamon v. Everett Daily – The Board accepted an administrative citation against this Sangamon County respondent.

AC 01-17 County of Sangamon v. Everett Daily – The Board accepted an administrative citation against this Sangamon County respondent.

AC 01-18 IEPA v. Joe Alecci – The Board accepted an administrative citation against this Franklin County respondent.

AC 01-19 IEPA v. William Basil Flynn and Olen G. Parkhill, Jr. – The Board accepted an administrative citation against these Champaign County respondents.

R01-18 In the Matter of: Emergency Rulemaking: Livestock Waste Regulations (35 Ill. Adm. Code 506) – No action taken.

December 21, 2000 Board Meeting

01-90 Land and Lakes Company v. IEPA – The Board accepted for hearing this national pollutant discharge elimination system permit appeal involving a Cook County facility.

01-91 People of the State of Illinois v. Chester Brass Construction Company, Inc. – 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 an Adams County facility, the Board ordered publication of the required newspaper notice.

01-92 People of the State of Illinois v. Marathon Oil Company – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a Sangamon County facility, the Board ordered publication of the required newspaper notice.

01-93 Strunk Motor Company v. Office of the State Fire Marshal – No action taken.

01-94 Libbey-Owens-Ford Company v. IEPA – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this LaSalle County facility a 45-day provisional variance, subject to conditions, from the effluent limits set forth in 35 Ill. Adm. Code 304.141(b).

01-95 U.S. Chrome Corporation of Illinois v. IEPA – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted a 15-day provisional variance to this Boone County facility from the 90-day limitation on the accumulation of hazardous wastes, as set forth in 35 Ill. Adm. Code 722.134(b).

AC 01-20 IEPA v. John Prior and Prior Oil Company – The Board accepted an administrative citation against these Washington County respondents.

R01-19 In the Matter of: Exemptions from the Definition of VOM Update, USEPA Amendments (July 1, 2000 through December 31, 2000) – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments that occurred during the period of July 1, 2000 through December 31, 2000.

R01-20 In the Matter of: SDWA Update, USEPA Amendments (July 1, 2000 through December 31, 2000) – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments that occurred during the period of July 1, 2000 through December 31, 2000.

R01-21 In the Matter of: UIC Update, USEPA Amendments (July 1, 2000 through December 31, 2000) – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments that occurred during the period of July 1, 2000 through December 31, 2000.

R01-22 In the Matter of: RCRA Subtitle D Update, USEPA Amendments (July 1, 2000 through December 31, 2000) – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments that occurred during the period of July 1, 2000 through December 31, 2000.

Environmental Register - December 2000

R01-23 In the Matter of: RCRA Subtitle C Update, USEPA Amendments (July 1, 2000 through December 31, 2000) – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments that occurred during the period of July 1, 2000 through December 31, 2000.

R01-24 In the Matter of: UST Update, USEPA Amendments (July 1, 2000 through December 31, 2000) – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments that occurred during the period of July 1, 2000 through December 31, 2000.

R01-25 In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (July 1, 2000 through December 31, 2000) – The Board reserved this docket for a routine identical-in-substance update. The update includes any federal amendments that occurred during the period of July 1, 2000 through December 31, 2000.

R01-26 In the Matter of: Amendments to 35 Ill. Adm. Code 732: Regulation of Petroleum Leaking Underground Storage Tanks – The Board accepted for hearing the Illinois Environmental Protection Agency’s December 6, 2000 proposal to amend the Board’s underground storage tank regulations.

Calendar

1/2/2001 11:00 am	R01-16	In the Matter of: Proposed Amendments to 35 Ill. Adm. Code 217.Subpart V, Electric Power Generation	James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago, IL
1/3/2001 9:30 am	R01-17	In the Matter of: Proposed New 35 Ill. Adm. Code 217.Subpart U, NOx Control and Trading Program for Specified NOx Generating Units, Subpart X, Voluntary NOx Emissions Reduction Program, and Amendments to 35 Ill. Adm. Code 211	James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago, IL
1/3/2001 9:30 am	PCB 97-234	Nam v. Suh	Niles Village Hall 1000 Civic Center Drive 2nd Floor Niles, IL
1/3/2001 10:00 am	PCB 94-373	IEPA v. Berger	5th District Mt. Vernon

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1/4/2001 11:00 am		Illinois Pollution Control Board Meeting	James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago, IL
1/9/2001 9:00 am	PCB 01-74	Marathon Ashland Petroleum v. IEPA	Illinois Pollution Control Board Hearing Room 403 600 S. Second Street Springfield, IL
1/10/2001 1:30 pm	PCB 98-146	Don's Service v. Office of the State Fire Marshal	Illinois Pollution Control Board Hearing Room 403 600 S. Second Street Springfield, IL
1/17/2001 9:30 am	PCB 01-48	Community Landfill Company and City of Morris v. IEPA	James R. Thompson Center 100 W. Randolph Street Room 2-025 Chicago, IL
1/18/2001 9:30 am	PCB 01-48	Community Landfill Company and City of Morris v. IEPA	James R. Thompson Center 100 W. Randolph Street Room 9-031 Chicago, IL
1/18/2001 11:00 am		Illinois Pollution Control Board Meeting	James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago, IL
1/19/2001 9:30 am	PCB 01-48	Community Landfill Company and City of Morris v. IEPA	James R. Thompson Center 100 W. Randolph Street Room 9-031 Chicago, IL
1/25/2001 9:30 am	AC 00-84	IEPA v. Day	City Council Chambers 102 North Neil Street Champaign, IL
1/30/2001 9:30 am	PCB 99-142	American National Bank & Trust v. Dunham Cleaners	James R. Thompson Center 100 W. Randolph Street Room 11-512 Chicago, IL
1/30/2001 9:30 am	PCB 00-50	People v. A.E. Staley	Illinois Pollution Control Board Hearing Room 403 600 S. Second Street Springfield, IL
1/31/2001 9:30 am	PCB 00-50	People v. A.E. Staley	Illinois Pollution Control Board Hearing Room 403 600 S. Second Street Springfield, IL

Environmental Register - December 2000

2/1/2001 11:00 am		Illinois Pollution Control Board Meeting	James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago, IL
2/6/2001 9:30 am	R01-13	Revisions to Antidegradation Rules: 35 Ill. Adm. Code 302.105, 303.205, 303.206, and 106.990 – 106.995	James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago, IL
2/15/2001 11:00 am		Illinois Pollution Control Board Meeting	James R. Thompson Center 100 W. Randolph Street, 9-040 Chicago, IL
3/1/2001 11:00 am		Illinois Pollution Control Board Meeting	James R. Thompson Center 100 W. Randolph Street Room 9-040 Chicago, IL
3/15/2001 11:00 am		Illinois Pollution Control Board Meeting	James R. Thompson Center 100 W. Randolph Street, 9-040 Chicago, IL

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
600 South Second Street, Suite 402
Springfield, Illinois 62704