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# Environmental Register

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Claire A. Manning, Chairman

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## Letter from the Chairman

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The Board has been very busy over the course of the last year with numerous rulemaking dockets dealing with a variety of substantive issues impacting the State's environmental standards pertaining to water, air, and land. I am pleased and encouraged to note the ever-increasing level of public participation in the Board's rulemaking processes, especially as this has been facilitated by the Board's Web site.



The "Rulemakings Pending" page, which is one of the most visited pages on our Web site, tracks the Board rulemakings from the initial proposal through hearings and public comments, and Board decisions by posting electronic copies of these proceedings on the Board's Web site. Any documents that are not immediately available in an electronic format are scanned at the Board's offices to ensure that they are incorporated into the record posted on the Web site. The Board is looking forward to expanding the level of immediate public access to information that is reflected in the "Rulemaking Pending" page in the future to make it even more user friendly.

The public scrutiny applied to rulemakings is a vital component of the process, as rulemakings can be complicated and involve many steps. The Board remains committed to ensuring that the rules we adopt are accurately represented throughout the process. Recently the Board caught an error in the publication of an adopted rulemaking that, though correctly filed with the Secretary of State's Index Department, was published in the *Illinois Register* (the State's official publication for rulemakings) with an inaccurate effective date. The Board caught this error and took steps to guarantee that the oversight would be corrected through notification in the *Illinois Register*. This is but one example of how the Board always strives to ensure the accuracy of the State's environmental regulations through meticulous review of our own internal documentation and of the publication of the rules in the *Illinois Register*.

I thank you all for your valuable contributions to the Board's many rulemakings, and look forward to continuing and expanding public participation in the rulemaking process.

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

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## Federal Update

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### **United States Environmental Protection Agency Proposes Amendments to the Unregulated Contaminant Monitoring Regulations Under the Safe Drinking Water Act**

On March 7, 2002, the United States Environmental Protection Agency (USEPA) proposed amendments to the National Primary and Secondary Drinking Water Regulations. These amendments would add analytical methods for chemical and microbiological contaminants and associated Minimum Reporting Level (MRL) for the analysis of *Aeromonas*. From January 1, 2003 through December 31, 2003, 120 large and 180 small public water systems will use these methods to perform Unregulated Contaminant Monitoring Regulation's (UCMR) List 2 monitoring. This action is part of a USEPA program to collect data on contaminants that, though currently unregulated, may need to be regulated in the future.

*Aeromonas hydrophilia* is a bacterium that is indigenous to natural waters. It has been implicated as a cause of traveler's diarrhea and other types of infections. *Aeromonas* has been observed in drinking water distribution systems, especially in locations with low residual chlorine levels.

The only regulated entities are the 300 public water systems selected for *Aeromonas* monitoring; the use of the remaining methods proposed for approval in this action is voluntary. However, if one of these methods were selected for use for the purpose of compliance monitoring then compliance with the procedures specified in the method would be required. A nationally representative sample of 120 large community and non-transient non-community water systems serving more than 10,000 persons are required to monitor for *Aeromonas* under the revised UCMR. A nationally representative sample of 180 community and non-transient non-community systems serving 10,000 or fewer persons is also required to monitor for *Aeromonas*.

In Illinois there are 28 small systems that have been selected by USEPA to participate in the UCMR monitoring program. Of these 28 systems, six are required to monitor for *Aeromonas*. These systems are in: Oakland, Wapella, Paris, Aledo, Sullivan, and Barry.

Comments on this proposal must be postmarked by midnight, delivered by hand, or electronically mailed on or before May 6, 2002.

For more information contact David J. Munch, USEPA, 26 West Martin Luther King Dr. (MLK 140), Cincinnati, Ohio 45268, (513) 569-7843 or e-mail at [munch.dave@EPA.gov](mailto:munch.dave@EPA.gov). General information may also be obtained from the USEPA Safe Drinking Water Hotline. Callers within the United States may reach the Hotline at (800) 426-4791.

The Board is not required to adopt amendments related to unregulated contaminant monitoring, since USEPA directly implements the federal requirements in Illinois with the cooperation of the Illinois Environmental Protection Agency. So, if USEPA adopts these proposed regulations, public water supplies in Illinois must engage in unregulated contaminant monitoring and must report their monitoring results to USEPA even though there are no corresponding state regulations.

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### **United States Environmental Protection Agency Extends the Time-Limited Tolerance for Residues of 2,4-D on Soybeans Under the Federal Food, Drug, and Cosmetic Act**

On March 8, 2002, the United States Environmental Protection Agency (USEPA) adopted an extension of the time-limited tolerance for residues of 2,4-D on soybeans. The tolerance will expire on December 31, 2004.

In adopting the extension of this tolerance, USEPA evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. USEPA also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children, before concluding that there is a reasonable certainty that no harm would result from combined exposure to the pesticide chemical residue. Dietary exposures and exposure through drinking water and in residential settings were included in the assessment, although occupational exposure was not included. Under the Federal Food, Drug, and Cosmetic Act USEPA is required to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue.

These amendments are effective March 8, 2002.

For more information contact Joanne I. Miller, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305-6224; e-mail address: [miller.joanne@epa.gov](mailto:miller.joanne@epa.gov).

### **United States Environmental Protection Agency Establishes Reporting Date for Unregulated Contaminant Monitoring Regulation for Public Water Systems Under the Safe Drinking Water Act**

On March 12, 2002, the United States Environmental Protection Agency (USEPA) adopted a direct final rule that established August 9, 2002 as the date by which large public water systems serving more than 10,000 persons must report all contaminant monitoring laboratory results they receive before May 13, 2002 for the unregulated contaminant monitoring Regulation (UCMR) monitoring program. Monitoring results received on or after May 13, 2002 must be reported within thirty days following the month in which laboratory results are received.

USEPA also included identical proposed amendments in the same issue of the *Federal Register*. Should USEPA receive negative comments on the direct final rule by April 11, 2002 they will withdraw it and proceed to take comments on the identical proposed amendments.

For more information contact Jeffrey Bryan (202) 564-3942, Drinking Water Protection Division, Office of Ground Water and Drinking Water (MC-4606-M), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington DC 20460. General information about UCMR may be obtained from the EPA Safe Drinking Water Hotline at (800) 426-4791.

The Board is not required to adopt amendments related to unregulated contaminant monitoring, since USEPA directly implements the federal requirements in Illinois with the cooperation of the Illinois Environmental Protection Agency. Accordingly, public water supplies in Illinois must engage in unregulated contaminant monitoring and must report monitoring results to USEPA in compliance with these federal requirements.

### **United States Environmental Protection Agency Adopts Hazardous Waste Management System Amendments Under the Resource Conservation and Recovery Act**

On March 13, 2002, the United States Environmental Protection Agency (USEPA) adopted final rules in response to a court order of the United States Court of Appeals for the District of Columbia Circuit. In Association of Battery Recyclers, Inc. v. EPA, 208 F.3d 1047 (2000), the court vacated regulatory provisions classifying mineral processing characteristic sludges and by-products being reclaimed as solid wastes under Resource Conservation and Recovery Act's (RCRA's) hazardous waste management regulations. The court also found that the Toxicity

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Characteristic Leaching Procedure (TCLP) may not be used for determining whether manufactured gas plant (MGP) waste is hazardous under RCRA.

USEPA's amendments delete regulatory language that classified mineral processing characteristic sludges and by-products being reclaimed as solid wastes under RCRA's hazardous waste management regulations. The amendments also codify the decision that the TCLP may not be used for determining whether MGP waste is hazardous under RCRA. USEPA initially took action on these matters as part of the Phase IV Land Disposal Restrictions (LDR) on May 26, 1998 (63 FR 28556). After USEPA promulgated the final Phase IV LDR rule, the Association of Battery Recyclers, the National Mining Association and other trade groups challenged this rule. On April 21, 2000, the D.C. Circuit Court issued a decision that vacated two parts of the Phase IV LDR rule.

These changes in this rulemaking make the distinction that mineral processing characteristic sludges and by-products being reclaimed are not solid wastes, and mineral processing characteristic spent materials remain eligible for the conditional exclusion when being reclaimed.

This rule is effective on March 13, 2002.

For further information contact the RCRA/Superfund Hotline at (800) 424-9346 or TDD (800) 553-7672 (hearing impaired). For information on definitions of solid waste aspects of the rule, contact Ms. Ingrid Rosencrantz, Office of Solid Waste (5304W), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC, 20460. [e-mail address and telephone number: [rosencrantz.ingrid@epa.gov](mailto:rosencrantz.ingrid@epa.gov) (703-308-8285).] For information on the manufactured gas plant wastes and the TCLP, contact Mr. Greg Helms, Office of Solid Waste (5304W), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW.

The effect of the Battery Recyclers decision has been raised in pending identical-in-substance consolidated dockets: In the Matters of: RCRA Subtitle C (Hazardous Waste) Update, USEPA Amendments (January 1, 2001, through December 31, 2001) and In the Matter of: UIC Update, USEPA Amendments (July 1, 2001 through December 31, 2001) R02-1/R02-12/R02-17 (consolidated), (January 24, 2002). See also *26 Illinois Register 2257-2549, 2964-2974* (February 22, 2002 and March 1, 2002).

### **United States Environmental Protection Agency Proposes National Emission Standards for Hazardous Air Pollutants for Publicly Owned Treatment Works Under the Clean Air Act**

On March 22, 2002, the United States Environmental Protection Agency (USEPA) proposed amendments to the national emission standards for hazardous air pollutants (NESHAP) for new and existing publicly owned treatment works (POTW), pursuant to a settlement agreement with the Pharmaceutical Research and Manufacturers of America regarding their petition for judicial review of the POTW NESHAP.

The proposed amendments would rescind the current applicability provision and adopt for all industrial POTW treatment plants which are area sources of hazardous air pollutants (HAP), the same NESHAP requirements that apply to industrial POTW treatment plants that are major sources of HAP. The proposal further exempts industrial POTW treatment plants that are area sources of HAP from certain permit requirements of the Clean Air Act (CAA).

Comments regarding this rulemaking must be received on or before April 22, 2002. Comments should be sent to: Air and Radiation Docket and Information Center (6102), Attention Docket Number A-96-46, U.S. EPA, 1200 Pennsylvania Avenue, NW., Washington DC 20460.

For further information contact: Mr. Robert Lucas, Waste and Chemical Processes Group, Emission Standards Division (C439-03), Office of Air Quality Planning and Standards, U.S. EPA, Research Triangle Park, NC 27711, telephone number (919) 541-0884, facsimile number (919) 541-0246, electronic mail address [lucas.bob@epa.gov](mailto:lucas.bob@epa.gov)

Pursuant to Section 9.1(b) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(b) (2000)), once adopted by USEPA, NESHAP rules are applicable and enforceable under the Act without further action by the Board.

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### **United States Environmental Protection Agency Proposes Amendments to the Synthesis Gas Production Regulations Under the Resource Conservation and Recovery Act**

On March 25, 2002, the United States Environmental Protection Agency (USEPA) proposed revisions to the Resource Conservation and Recovery Act (RCRA) hazardous waste program to allow a conditional exclusion from the definition of solid waste.

The proposed exclusion is for hazardous oil-bearing secondary materials generated by the petroleum refinery industry when these materials are processed in a gasification system to produce synthesis gas fuel and other non-fuel chemical by-products. USEPA stated that this exclusion has been proposed to put the gasification of these hazardous oil-bearing secondary materials on the same “excluded” regulatory footing as other hazardous secondary materials returned to a petroleum refining process. If adopted, this proposal could establish a more consistent regulatory framework for this practice, potentially enhancing the use of this technology, as well as establishing conditions on the practice to assure the legitimacy of this fuel manufacturing activity.

Comments regarding this proposed rulemaking must be received by June 24, 2002. Commenters should submit an original and two copies of their comments referencing Docket Number F-2002-RPRP-FFFFF to: RCRA Docket Information Center, Office of Solid Waste (5305G), U.S. Environmental Protection Agency Headquarters (EPA-HQ), 1200 Pennsylvania Avenue, NW., Washington, DC 20460-0002.

For further information contact the RCRA Hotline at 1-800-424-9346 or TDD 1-800-553-7672 (hearing impaired). The RCRA Hotline is open Monday-Friday, 9 am to 6 pm, Eastern Standard Time. For more detailed information on specific aspects of this proposed rulemaking, contact Elaine Eby at 703-308-8449 or [eby.elaine@epa.gov](mailto:eby.elaine@epa.gov), or write her at the Office of Solid Waste, 5302W, U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460-0002.

If rules are adopted by USEPA, the Board will include any necessary amendments in a future RCRA identical in substance rulemaking pursuant to Sections 7.2 and 22.4 of the Environmental Protection Act (415 ILCS 5/7.2, 22.4 (1998)).

### **United States Environmental Protection Agency Gives Notice of a Proposed Administrative Cost Recovery Settlement Under the Comprehensive Environmental Response, Compensation, and Liability Act**

On March 19, 2002, the United States Environmental Protection Agency (USEPA) published notice of a proposed administrative cost recovery settlement under section 122(h)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) concerning the Burgess Inc. Site in Freeport, Illinois.

The Director of the Superfund Division, EPA Region 5, signed the settlement on January 9, 2002. It resolves an USEPA claim under section 107(a) of CERCLA against Gould Electronics Inc. The settlement requires the settling party to pay \$107,500 to the Hazardous Substances Superfund. USEPA will accept written comments concerning this settlement for a thirty-day period following the date of publication of the notice. In the notice, USEPA stated that it would consider all comments received and may modify or withdraw consent to the settlement if comments received disclose facts or considerations that indicate that the settlement is inappropriate, improper, or inadequate.

Comments must be submitted on or before April 18, 2002. The proposed settlement and additional background information relating to the settlement are available for public inspection at 7th Floor Superfund File Room, 77 W. Jackson Blvd., Chicago, Illinois. A copy of the proposed settlement may be obtained from Gaylene Vasaturo at (312) 886-1811. Comments should reference the Burgess Inc. Site, Freeport, Illinois and EPA Docket No. V-W-02-C-673 and should be addressed to Gaylene Vasaturo (C-14J), 77 W. Jackson Blvd., Chicago, Illinois 60604.

For further information contact Gaylene Vasaturo (C-14J), 77 W. Jackson Blvd., Chicago, Illinois 60604, (312) 886-1811

## Rule Update

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### **Board Adopts Project XL Rules Affecting Metropolitan Water Reclamation District of Greater Chicago in Wastewater Pretreatment Update, USEPA Amendments (October 3, 2001), R02-9**

On March 7, 2002, the Board adopted amendments to the Illinois wastewater pretreatment regulations that are identical in substance to amendments adopted by the United States Environmental Protection Agency (USEPA) to implement Sections 307(b), (c), and (d) and 402(b)(8) and (b)(9) of the federal Water Pollution Control Act (FWPCA) (33 U.S.C. §§ 1317(b), (c), and (d) and 1342(b)(8) and (b)(9) (1994)).

The adopted amendments incorporate changes to the Board's wastewater pretreatment regulations by implementing the October 3, 2001 USEPA amendments concerning the federal Project eXcellence and Leadership (Project XL) (published at 66 Fed. Reg. 50334). In response to comments received from the USEPA and the Illinois Environmental Protection Agency (Agency), the Board amended its proposal published for public comment by deleting a provision in subsection 310.930(b) that would have required Board approval of XL projects.

Project XL allows the imposition of alternative requirements to the generally applicable environmental regulations for the sake of achieving greater environmental benefits by alternative means. The October 3, 2001 Project XL action incorporated a new provision in the federal wastewater pretreatment regulations that allows the State to issue permits that relax the generally applicable regulations in favor of imposing alternative requirements that would confer greater environmental benefits than would compliance with the generally applicable rules. USEPA undertook the October 3, 2001 Project XL action for the immediate benefit of five publicly owned treatment works, including the Metropolitan Water Reclamation District of Greater Chicago (MWRDGC), which is regulated under the Illinois wastewater pretreatment program.

In its November 15, 2001 opinion and order proposing these amendments for public comment, the Board granted the October 31, 2001 motion for expedited consideration of that federal action from the Agency and the MWRDGC. The proposal was published in the November 30, 2001 issue of the *Illinois Register*, at 25 Ill. Reg. 15365. Although the 45-day public comment period would have expired on January 14, 2002, the Board granted USEPA's request that it be allowed to file comments on February 15, 2002.

Sections 7.2 and 13.3 provide for quick adoption of regulations that are identical in substance to federal wastewater pretreatment regulations that USEPA adopts to implement Sections 307(b), (c), and (d) and 402(b)(8) and (b)(9) of the FWPCA. Section 13.3 also provides that Title VII of the Act and Section 5 of the Administrative Procedure Act (APA) (5 ILCS 100/5-35 and 5-40 (2000)) do not apply to the Board's adoption of identical-in-substance regulations. The federal wastewater pretreatment regulations are found at 40 C.F.R. 400 through 499.

For additional information contact Mike McCambridge at 312/814-6924; e-mail address: [mccambm@ipcb.state.il.us](mailto:mccambm@ipcb.state.il.us).

### **Board Accepts for Hearing a Site-Specific Air Rulemaking Proposal in Proposed Horween Leather Company Site Specific Air Rule 35 Ill. Adm. Code 211.6170, R02-20**

On March 7, 2002, the Board accepted for hearing a site-specific rulemaking proposal filed by the Horween Leather Company (Horween) of Chicago, Illinois, to amend the Board's Reasonably Available Control Technology (RACT) rules for volatile organic material (VOM) emissions. See 35 Ill. Adm. Code 218.926 and 211.6170. These rules implement the federal Clean Air Act.

The proposal filed by Horween seeks to limit its VOM emissions to 24 lbs. VOM per 1000 square feet for waterproof leather (12 month rolling average) and 14 lbs. for non-waterproof leather. Horween also proposes to cap its total emissions at 20 tones. In the proposal, Horween noted that the United States Environmental Protection Agency (USEPA) has recently approved a similar rule for waterproof leather as RACT as part of the Maine State Implementation Plan.

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Horween operates a facility located in the Elston Corridor Planned Manufacturing District No. 2 at 2015 North Elston Avenue, Chicago, Cook County. The facility produces specialty leathers. Horween stated that relief from the RACT rules for VOM emissions would allow it to begin producing new waterproof products.

A hearing in this rulemaking will be scheduled soon.

For additional information contact William Murphy at 312/814-6062; e-mail address: [murphym@ipcb.state.il.us](mailto:murphym@ipcb.state.il.us)

## Board Actions

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### March 7, 2002

### Via Video Conference Between Springfield and Chicago, Illinois

#### Rulemakings

- |        |   |                 |
|--------|---|-----------------|
| R02-9  | <u>In the Matter of: Wastewater Pretreatment Update, USEPA Amendments (October 3, 2001)</u> – The Board adopted a final opinion and order in this “identical-in-substance” rulemaking to amend the Board’s wastewater pretreatment regulations in response to federal amendments of October 3, 2001 for Project XL.   | 7-0<br>R, Water |
| R02-20 | <u>In the Matter of: Proposed Horween Leather Company Site Specific Air Rule, 35 Ill. Adm. Code 211.6170</u> – The Board accepted for hearing the February 19, 2002 proposal of the Horween Leather Company for a site-specific rulemaking to amend the Board’s air pollution control regulations. The Board also granted petitioner’s motion to waive the 200-signature requirement. | 7-0<br>R, Air   |

#### Adjusted Standard

- |         |  |             |
|---------|--|-------------|
| AS 02-2 | <u>In the Matter of: Petition of World Recycling, Inc. d/b/a Planet Earth Antifreeze for an Adjusted Standard from 35 Ill. Adm. Code 720.131(c)</u> – The Board accepted this Winnebago County facility’s petition for a waste delisting under the hazardous waste regulations and granted petitioner’s request to waive hearing in this matter. | 7-0<br>Land |
|---------|--|-------------|

#### Administrative Citations

- |          |   |     |
|----------|---|-----|
| AC 02-30 | <u>IEPA v. City of Wenona</u> – The Board accepted for hearing this petition for review of an administrative citation against this Marshall County respondent.                              | 7-0 |
| AC 02-32 | <u>IEPA v. Colorado Real Estate &amp; Investment Company</u> – The Board accepted for hearing this petition for review of an administrative citation against this Peoria County respondent. | 7-0 |

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AC 02-33	<u>IEPA v. Lewey-Shields, Lisa and Paul Shields</u> – The Board accepted for hearing this petition for review of an administrative citation against these Champaign County respondents.	7-0
AC 02-34	<u>IEPA v. Manzell Lawson, Sr.</u> – The Board granted complainant’s motion for voluntary dismissal of this administrative citation involving a Peoria County facility.	7-0
AC 02-35	<u>IEPA v. E. Lewis Look</u> – The Board accepted for hearing this petition for review of an administrative citation against these Peoria County respondents.	7-0

### Decisions

PCB 00-163	<u>David and Jacquelyn McDonough v. Gary Robke</u> – In an interim order, the Board found that respondent violated Section 24 of the Environmental Protection Act (415 ILCS 5/24 (2000)) and 35 Ill. Adm. Code 900.102(a) of the Board regulations. The Board ordered respondent to consult with a noise expert and prepare a report detailing what steps can be taken to alleviate the noise emissions reaching complainants’ residence.	6-1 Tristano dissented Citizens N-E
PCB 00-189	<u>People of the State of Illinois v. Fox River Water Reclamation District</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 Environmental Protection Act (415 ILCS 5/31(c)(1) (2000)), accepted a final stipulation and settlement agreement, ordered this respondent to pay a total civil penalty of \$20,000, and to cease and desist from further violations.	7-0 W-E
PCB 00-221	<u>James Glasgow, Vickie Glasgow, Bill Hoppe, and Pat Hoppe Robke v. Granite City Steel</u> – The Board found that respondent did not violate Section 24 of the Environmental Protection Act (415 ILCS 5/24 (2000)) and 35 Ill. Adm. Code 900.102(a) of the Board regulations and dismissed this matter.	7-0 Citizens N&A-E

### Provisional Variances

PCB 02-118	<u>Ensign Bickford Company v. IEPA</u> – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Union County facility a 45-day provisional variance, subject to conditions, from 35 Ill. Adm. Code 237.103, which prohibits open burning without a permit.	7-0 A-V Open Burning
PCB 02-119	<u>Bway Corporation v. IEPA</u> – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted this Cook County facility a 45-day provisional variance, subject to conditions, from the requirements of 35 Ill. Adm. Code 218.204(b), 218.207(h)(2), and condition 7.2.5(a) of its Clean Air Act Permit Program permit.	7-0 A-V

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### Motions and Other Matters

PCB 96-10	<u>Vogue Tyre &amp; Rubber Company v. IEPA</u> – The Board denied respondent’s motion to dismiss this underground storage tank appeal involving a Cook County facility.	7-0 UST Appeal
PCB 97-182	<u>Ingleside Citgo Service, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Lake County facility.	7-0 UST Appeal
PCB 00-33	<u>People of the State of Illinois v. Laidlaw Corporation</u> – The Board granted complainant’s motion to file a supplemental complaint and accepted the supplemental complaint.	7-0 A-E
PCB 01-6	<u>Philip S. Dallosto v. Village of Hampshire</u> – The Board granted complainant’s motion for voluntary dismissal of this citizen’s air enforcement complaint involving a facility located in Kane County.	7-0 Citizens A-E
PCB 02-25	<u>Marconi Data Systems, Inc. and Marconi, Inc. 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 Fund
PCB 02-44	<u>Amoco Oil Company v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Lake County facility.	7-0 UST Appeal
PCB 02-53	<u>E&amp;L Trucking Company v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	7-0 UST Appeal
PCB 02-87	<u>City of Salem v. IEPA</u> – The Board granted petitioner’s motion for withdrawal of its request for a hearing in this public water supply variance request involving a Marion County public water supply.	7-0 PWS-V
PCB 02-88	<u>City of Centralia v. IEPA</u> – The Board granted petitioner’s motion for withdrawal of its request for a hearing in this public water supply variance request involving a Marion County public water supply.	7-0 PWS-V
PCB 02-101	<u>E&amp;L Trucking Company v. IEPA</u> – The Board denied the parties’ request to extend the appeal period concerning the January 4, 2002 determination of the Illinois Environmental Protection Agency, and dismissed this docket, stating that the issues were properly part of the appeal in PCB02-53.	7-0 UST Fund 90-Day Ext.

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PCB 02-111	<u>J&amp;L Oil, Inc. (Lake Villa) v. IEPA</u> – In this underground storage tank appeal involving a Lake County facility, the Board ordered petitioner to file an amended petition to cure specified deficiencies no later than April 11, 2002 or the petition would be subject to dismissal.	7-0 UST Fund
PCB 02-112	<u>J&amp;L Oil, Inc. (Fox Lake) v. IEPA</u> – In this underground storage tank appeal involving a Lake County facility, the Board ordered petitioner to file an amended petition to cure specified deficiencies no later than April 11, 2002 or the petition would be subject to dismissal.	7-0 UST Fund
PCB 02-114	<u>Logan Jones Ltd. Partnership v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Cook County facility.	7-0 UST Fund
PCB 02-115	<u>People of the State of Illinois v. Blue Ridge Construction Corporation</u> – The Board accepted for hearing this air and water enforcement action involving a Peoria County facility.	7-0 A&W-E
PCB 02-116	<u>Rezmar 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.	6-0 Melas abstained UST Fund
PCB 02-117	<u>Marlena Mackie 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 Marion County facility.	7-0 UST Fund

### **March 21, 2002 Chicago, Illinois**

#### **Adjusted Standard**

AS 99-1	<u>In the Matter of: The City of Belleville for an Adjusted Standard from 35 Ill. Adm. Code 306.305</u> – The Board granted this St. Clair County facility an adjusted standard from the combined sewer overflow disinfection requirements, in 35 Ill Adm. Code 306.305(b), subject to conditions.	7-0 Water
AS 02-4	<u>In the Matter of: Petition of Central Illinois Light Company for an Adjusted Standard from 35 Ill. Adm. Code 214.141</u> – The Board directed petitioner to address within 21 days of this order, its concern that the rule revision requested by means of this petition for an adjusted standard may be contrary to the Environmental Protection Act and the Administrative Procedures Act, (5 ILCS 100/1-1 <i>et seq.</i> (2000)).	7-0 Air

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### Administrative Citations

AC 02-32	<u>IEPA v. Colorado Real Estate &amp; Investment Company</u> – The Board rejected complainant’s interpretation that part of the petition to contest the administrative citation was a motion to dismiss.	7-0
AC 02-36	<u>IEPA v. Trevor Pearce d/b/a Pearce Farm Store</u> – The Board found that this Clay County respondent violated Sections 21(p)(1) and (p)(3) of the Act (415 ILCS 5/21(p)(1), (p)(3) (2000)), and ordered respondent to pay a civil penalty of \$3,000.	6-1 Girard dissented
AC 02-37	<u>City of Chicago Department of Environment v. Edward F. Glascott</u> – The Board found that this Cook County respondent violated Section 21(p)(1) of the Act (415 ILCS 5/21(p)(1) (2000)), and ordered respondent to pay a civil penalty of \$1,500.	7-0
AC 02-38	<u>Ogle County v. Lawrence and Eleanora Sandahl</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Ogle County facility, the Board found respondents violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (2000)) and ordered respondents to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss the alleged violation of Section 21(p)(7) of the Act. 415 ILCS 5/21(p)(7) (2000).	7-0
AC 02-40	<u>IEPA v. Robert and John Gray d/b/a Gray’s Material Service</u> – The Board accepted for hearing this petition for review of an administrative citation against these Iroquois County respondents.	7-0

### Decisions

PCB 00-125	<u>People of the State of Illinois v. Nina Enterprises, Inc.</u> – In this air enforcement action concerning a Cook County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2000)), accepted a final stipulation and settlement agreement, ordered the respondents to pay a total civil penalty of \$37,000, and to cease and desist from further violations.	7-0 A-E
PCB 02-65	<u>GBF Graphics, Inc. v. IEPA</u> – The Board dismissed this matter for petitioner’s failure to file an amended petition as ordered on January 10, 2002.	7-0 A-V
PCB 02-87	<u>City of Salem v. IEPA</u> – The Board granted petitioner a variance, subject to conditions from 35 Ill. Adm. Code 611.744 and 611.745, which relate to installing and collecting data from turbidity monitors for its water purification plant located in Marion County, Illinois.	7-0 PWS-V

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PCB 02-88	<u>City of Centralia v. IEPA</u> – The Board granted petitioner a variance, subject to conditions from 35 Ill. Adm. Code 611.743(a)(1), 611.744 and 611.745, which relate to installing and collecting data from turbidity monitors for its water purification plant located in Marion County.	7-0 PWS-V
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### Motions and Other Matters

PCB 00-45	<u>D&amp; R Service v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Randolph County facility.	7-0 L-E
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PCB 02-30	<u>People of the State of Illinois v. Meridian Development Corporation</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 Lake County facility, the Board ordered publication of the required newspaper notice.	7-0 W-E
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PCB 02-86	<u>The Lockformer Company v. IEPA</u> – The Board construed respondent’s motion to dismiss as a motion for summary judgment. The Board granted summary judgment in favor of the Illinois Environmental Protection Agency and affirmed its November 16, 2001 termination of Lockformer’s Site Remediation Program Review and Evaluation Services Agreement.	6-1 Johnson dissented SRP Appeal
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PCB 02-120	<u>People of the State of Illinois v. Entler Excavating Company, Inc.</u> – The Board accepted for hearing this air enforcement action involving a Macon County facility.	7-0 A-E
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PCB 02-121	<u>Aux Sable Liquid Products v. IEPA</u> – The Board opened a docket to address recommended denial of petitioner’s request for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)) for its facility located in Grundy County. Petitioner must file a petition to contest with the Clerk of the Board within 35 days after the respondent served the recommendation. If petitioner fails to timely file a petition, the Board may deny tax certification for the noise pollution abatement control facility based solely on respondent’s recommendation.	7-0 T-C
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PCB 02-122	<u>Aux Sable Liquid Products (Waste Heat Recovery Units) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Aux Sable Liquid Products located in Grundy County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
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## Environmental Register – March 2002

PCB 02-123	<u>Aux Sable Liquid Products (Mercox Treating Process Unit) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Aux Sable Liquid Products located in Grundy County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
PCB 02-124	<u>Aux Sable Liquid Products (Continuous Emissions Monitoring System) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Aux Sable Liquid Products located in Grundy County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
PCB 02-125	<u>Aux Sable Liquid Products (Vapor Recovery Compressor) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Aux Sable Liquid Products located in Grundy County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
PCB 02-126	<u>Aux Sable Liquid Products (Flare System) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Aux Sable Liquid Products located in Grundy County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
PCB 02-127	<u>Aux Sable Liquid Products (Ethane Treaters) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Aux Sable Liquid Products located in Grundy County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
PCB 02-128	<u>Aux Sable Liquid Products (Railcar Level System) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Aux Sable Liquid Products located in Grundy County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
PCB 02-129	<u>Sports Aircraft, Inc. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this DuPage County facility.	7-0 UST Fund 90-Day Ext.

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PCB 02-130	<u>Strong Oil Company v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Schuyler County facility.	7-0 UST Fund 90-Day Ext.
PCB 02-131	<u>BP Amoco Chemical Company (Trimelletic Anhydride Dust Collector MM-2703) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of BP Amoco Chemical Company located in Will County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
PCB 02-132	<u>BP Amoco Chemical Company (Trimelletic Anhydride Barometric Condensers) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of BP Amoco Chemical Company located in Will County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
PCB 02-133	<u>BP Amoco Chemical Company (Trimelletic Anhydride Vacuum Filter MM-2701) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of BP Amoco Chemical Company located in Will County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
PCB 02-134	<u>BP Amoco Chemical Company (Trimelletic Anhydride Dust Collector MM-2702) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of BP Amoco Chemical Company located in Will County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
PCB 02-135	<u>BP Amoco Chemical Company (Trimelletic Anhydride Dust Collector MM-2753) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of BP Amoco Chemical Company located in Will County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
PCB 02-136	<u>Dynegy Midwest Generations, Inc. (Coal Dust Suppression and Low NOx Burners) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generations, Inc. located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C

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PCB 02-137	<u>Dynegy Midwest Generations, Inc. (Electrostatic Precipitator) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generations, Inc. located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
PCB 02-138	<u>Dynegy Midwest Generations, Inc. (Addition to Electrostatic Precipitator) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generations, Inc. located in Randolph County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
PCB 02-139	<u>Dynegy Midwest Generations, Inc. (Bag Filter) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generations, Inc. located in Randolph County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
PCB 02-140	<u>Dynegy Midwest Generations, Inc. (Overfire Air System) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generations, Inc. located in Randolph County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
PCB 02-141	<u>Dynegy Midwest Generations, Inc. (Dry Fly Ash Dust Control System) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generations, Inc. located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
PCB 02-142	<u>Dynegy Midwest Generations, Inc. (Rotating Overfire Air System) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generations, Inc. located in Vermilion County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
PCB 02-143	<u>Dynegy Midwest Generations, Inc. (Selective Catalytic Reduction System) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generations, Inc. located in Mason County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C

## Environmental Register – March 2002

PCB 02-144	<u>Dynegy Midwest Generations, Inc. (Overfire Air System) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generations, Inc. located in Mason County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
PCB 02-145	<u>Dynegy Midwest Generations, Inc. (Dust Control Equipment) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generations, Inc. located in Putnam County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
PCB 02-146	<u>Dynegy Midwest Generations, Inc. (Conveyor System and Dust Suppression) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generations, Inc. located in Putnam County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
PCB 02-147	<u>Dynegy Midwest Generations, Inc. (Bag Filter Units and Ash Transfer Equipment) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generations, Inc. located in Putnam County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
PCB 02-148	<u>Duke Energy Lee, L.L.C. (Dry Low NOx Combustion System) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generations, Inc. located in Lee County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
PCB 02-149	<u>Duke Energy Lee, L.L.C. (Continuous Emissions Monitoring Systems) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generations, Inc. located in Lee County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
PCB 02-150	<u>Kaufman Grain Company (Concrete Driveway) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Kaufman Grain Company located in Vermilion County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C

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PCB 02-151	<u>Ameren Energy Generating Company (Overfire Air System, Unit 1) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Ameren Energy Generating Company located in Montgomery County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	6-0 Tristano abstained T-C
PCB 02-152	<u>Ameren Energy Generating Company (Overfire Air System, Unit 2) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Ameren Energy Generating Company located in Montgomery County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	6-0 Tristano abstained T-C
PCB 02-153	<u>Dynegy Midwest Generation, Inc. (Electrostatic Precipitators) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generations, Inc. located in Randolph County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
PCB 02-154	<u>BP Products North America, Inc. (Vapor Recovery System) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of BP Products North America, Inc. located in Cook County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
PCB 02-155	<u>EM Coatings (Regeneration Catalytic Oxidizer) v. IEPA</u> – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of EM Coatings located in DuPage County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).	7-0 T-C
PCB 02-156	<u>Chroma Corporation v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this McHenry County facility.	7-0 P-A, NPDES 90-day Ext.

## **New Cases**

### **March 7, 2002 Board Meeting**

**02-114 Logan Jones Ltd. Partnership 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.

## Environmental Register – March 2002

**02-115** People of the State of Illinois v. Blue Ridge Construction Corporation – The Board accepted for hearing this air and water enforcement action involving a Peoria County facility.

**02-116** Rezmar 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.

**02-117** Marlena Mackie 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 Marion County facility.

**02-118** Village of Round Lake Park v. IEPA – The Board granted petitioner’s motion for leave to file exhibit “A” to petition for variance at a later date.

**02-119** Milton C. and Virginia L. Kamholz v. Lawrence and Mariane Sporleder – The Board held for a later duplicitous/frivolous determination this citizen’s air and noise enforcement action involving a McHenry County facility.

**AC 02-40** IEPA v. Dwaine Bauer and Tim Tipsword – The Board accepted an administrative citation against these Cumberland County respondents.

**AS 02-4** In the Matter of: Petition of Central Illinois Light Company for an Adjusted Standard from 35 Ill. Adm. Code 214.141 – Pending receipt of the certificate of publication, the Board held this Peoria County facility’s petition for an adjusted standard from the air pollution control regulations.

**R02-20** In the Matter of: Proposed Horween Leather Company Site Specific Air Rule, 35 Ill. Adm. Code 211.6170 – The Board accepted for hearing the February 19, 2002 proposal of the Horween Leather Company for a site-specific rulemaking to amend the Board’s air pollution control regulations. The Board also granted petitioner’s motion to waive the signature requirement.

### March 21, 2002 Board Meeting

**02-120** People of the State of Illinois v. Entler Excavating Company, Inc. – The Board accepted for hearing this air enforcement action involving a Macon County facility.

**02-121** Aux Sable Liquid Products v. IEPA – The Board opened a docket to address recommended denial of petitioner’s request for preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)) for its facility located in Grundy County. Petitioner must file a petition to contest with the Clerk of the Board within 35 days after the respondent served the recommendation. If petitioner fails to timely file a petition, the Board may deny tax certification for the noise pollution abatement control facility based solely on respondent’s recommendation.

**02-122** Aux Sable Liquid Products (Waste Heat Recovery Units) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Aux Sable Liquid Products located in Grundy County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

**02-123** Aux Sable Liquid Products (Mercox Treating Process Unit) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Aux Sable Liquid Products located in Grundy County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

**02-124** Aux Sable Liquid Products (Continuous Emissions Monitoring System) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Aux Sable Liquid Products located in Grundy County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

**02-125** Aux Sable Liquid Products (Vapor Recovery Compressor) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Aux Sable Liquid Products located in Grundy County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

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**02-126** Aux Sable Liquid Products (Flare System) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Aux Sable Liquid Products located in Grundy County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

**02-127** Aux Sable Liquid Products (Ethane Treaters) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Aux Sable Liquid Products located in Grundy County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

**02-128** Aux Sable Liquid Products (Railcar Level System) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Aux Sable Liquid Products located in Grundy County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

**02-129** Sports Aircraft, Inc. v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this DuPage County facility.

**02-130** Strong Oil Company v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this Schuyler County facility.

**02-131** BP Amoco Chemical Company (Trimelletic Anhydride Dust Collector MM-2703) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of BP Amoco Chemical Company located in Will County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

**02-132** BP Amoco Chemical Company (Trimelletic Anhydride Barometric Condensers) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of BP Amoco Chemical Company located in Will County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

**02-133** BP Amoco Chemical Company (Trimelletic Anhydride Vacuum Filter MM-2701) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of BP Amoco Chemical Company located in Will County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

**02-134** BP Amoco Chemical Company (Trimelletic Anhydride Dust Collector MM-2702) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of BP Amoco Chemical Company located in Will County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

**02-135** BP Amoco Chemical Company (Trimelletic Anhydride Dust Collector MM-2753) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of BP Amoco Chemical Company located in Will County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

**02-136** Dynegy Midwest Generations, Inc. (Coal Dust Suppression and Low NO<sub>x</sub> Burners) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generations, Inc. located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

**02-137** Dynegy Midwest Generations, Inc. (Electrostatic Precipitator) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generations, Inc. located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

**02-138** Dynegy Midwest Generations, Inc. (Addition to Electrostatic Precipitator) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generations, Inc. located in Randolph County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

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**02-139** Dynergy Midwest Generations, Inc. (Bag Filter) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynergy Midwest Generations, Inc. located in Randolph County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

**02-140** Dynergy Midwest Generations, Inc. (Overfire Air System) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynergy Midwest Generations, Inc. located in Randolph County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

**02-141** Dynergy Midwest Generations, Inc. (Dry Fly Ash Dust Control System) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynergy Midwest Generations, Inc. located in Madison County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

**02-142** Dynergy Midwest Generations, Inc. (Rotating Overfire Air System) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynergy Midwest Generations, Inc. located in Vermilion County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

**02-143** Dynergy Midwest Generations, Inc. (Selective Catalytic Reduction System) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynergy Midwest Generations, Inc. located in Mason County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

**02-144** Dynergy Midwest Generations, Inc. (Overfire Air System) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynergy Midwest Generations, Inc. located in Mason County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

**02-145** Dynergy Midwest Generations, Inc. (Dust Control Equipment) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynergy Midwest Generations, Inc. located in Putnam County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

**02-146** Dynergy Midwest Generations, Inc. (Conveyor System and Dust Suppression) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynergy Midwest Generations, Inc. located in Putnam County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

**02-147** Dynergy Midwest Generations, Inc. (Bag Filter Units and Ash Transfer Equipment) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynergy Midwest Generations, Inc. located in Putnam County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

**02-148** Duke Energy Lee, L.L.C. (Dry Low NO<sub>x</sub> Combustion System) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynergy Midwest Generations, Inc. located in Lee County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

**02-149** Duke Energy Lee, L.L.C. (Continuous Emissions Monitoring Systems) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynergy Midwest Generations, Inc. located in Lee County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

**02-150** Kaufman Grain Company (Concrete Driveway) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Kaufman Grain Company located in Vermilion County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

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**02-151** Ameren Energy Generating Company (Overfire Air System, Unit 1) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Ameren Energy Generating Company located in Montgomery County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

**02-152** Ameren Energy Generating Company (Overfire Air System, Unit 2) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Ameren Energy Generating Company located in Montgomery County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

**02-153** Dynegy Midwest Generation, Inc. (Electrostatic Precipitators) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of Dynegy Midwest Generations, Inc. located in Randolph County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

**02-154** BP Products North America, Inc. (Vapor Recovery System) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of BP Products North America, Inc. located in Cook County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

**02-155** EM Coatings (Regeneration Catalytic Oxidizer) v. IEPA – Upon receipt of the Illinois Environmental Protection Agency’s recommendation, the Board found and certified that specified facilities of EM Coatings located in DuPage County are pollution control facilities for the purpose of preferential tax treatment under the Property Tax Code (35 ILCS 200/11-10 (2000)).

**02-156** Chroma Corporation v. IEPA – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this McHenry County facility.

**02-157** David L. Weber and Rachel B. Weber v. Cisco United Methodist Church – The Board held for a later duplicitous/frivolous determination this citizen’s noise enforcement action involving a Piatt County facility.

**AC 02-42** IEPA v. Herbert Board – The Board accepted an administrative citation against this Edgar County respondent.

**AC 02-43** IEPA v. James Potter – The Board accepted an administrative citation against this Edgar County respondent.

**AC 02-44** County of Jackson v. Robert L. Morgan d/b/a Morgan Builders – The Board accepted an administrative citation against this Jackson County respondent.

**AC 02-45** IEPA v. Roeco Enterprises, Inc. – The Board accepted an administrative citation against this Champaign County respondent.

## Calendar

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4/4/2002 11:00 am		Illinois Pollution Control Board Meeting	Illinois Pollution Control Board James R. Thompson Center Conference Room 2-025 100 W. Randolph Street Chicago
4/9/2002 10:00 am	AC 01-39	IEPA v. Ivan R. Smith and Lois Smith (Bainbridge Twp./Smith) IEPA Docket No. 175-01-AC	Schuyler County Courthouse Jury Room 1 102 South Congress Rushville

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4/9/02 10:30 am	R02-10	Amendments to General Permitting Provisions for Portable Emission Units: Amendments to 35 Ill. Adm. Code 201	James R. Thompson Center Conference Room 11-500 100 West Randolph Street Chicago
4/11/2002 10:00 am	PCB 96-256	People of the State of Illinois v. Crier Development Company, and Bradley S. Cowell	City Council Chambers 404 North Wood Dale Road Wood Dale
4/16/2002 10:00 am	PCB 02-108	Saline County Landfill, Inc. v. IEPA	Illinois Pollution Control Board Hearing Room 403 600 South Second Street Springfield
4/18/2002 11:00 am		Illinois Pollution Control Board Meeting	Chicago/Springfield Videoconference Illinois Pollution Control Board James R. Thompson Center Conference Room 11-512 100 West Randolph Street Chicago and Hearing Room 403 600 South Second Street Springfield
4/23/2002 10:30 am	R02-19	Proposed Amendments to Ammonia Nitrogen Standards 35 Ill. Adm. Code 302.212, 302.213 and 304.122	Illinois Pollution Control Board Hearing Room 403 600 South Second Street Springfield
4/23/2002 9:00 am	AC 02-2	IEPA v. Nordean and Susan Simons d/b/a Berman Auto Parts IEPA Docket No. 292-01-AC	Boone County Courthouse Courtroom B 601 North Main Street Belvidere
4/23/2002 10:00 am	PCB 02-108	Saline County Landfill, Inc. v. IEPA	Illinois Pollution Control Board Hearing Room 403 600 South Second Street Springfield
5/1/2002 9:00 am	PCB 97-20	People of the State of Illinois v. Bentronics Corporation	City Council Chambers 404 North Wood Dale Road Wood Dale
5/2/2002 11:00 am		Illinois Pollution Control Board Meeting	Chicago/Springfield Videoconference Illinois Pollution Control Board James R. Thompson Center Conference Room 11-512 100 West Randolph Street Chicago and Hearing Room 403 600 South Second Street Springfield
5/6/2002 10:00 am	PCB 00-180	People of the State of Illinois v. Jacobs Energy Corporation	County Building 3rd Floor Conference Room 1504 Third Avenue Rock Island
5/7/2002 9:00 am	PCB 00-180	People of the State of Illinois v. Jacobs Energy Corporation	County Building 3rd Floor Conference Room 1504 Third Avenue Rock Island

## Environmental Register – March 2002

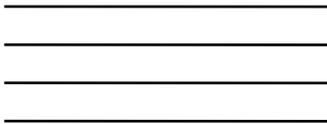
5/14/2002 9:00 am	PCB 99-19	Anthony and Karen Roti, Paul Rosenstock, and Leslie Weber v. LTD Commodities	Libertyville Village Hall Second Floor Board Room 118 West Cook Avenue Libertyville
5/15/2002 9:00 am	PCB 99-19	Anthony and Karen Roti, Paul Rosenstock And Leslie Weber v. LTD Commodities	Libertyville village Hall Second floor Board Room 118 West Cook Avenue Libertyville
5/16/2002 11:00 am		Illinois Pollution Control Board Meeting	Chicago/Springfield Videoconference Illinois Pollution Control Board James R. Thompson Center Conference Room 11-512 100 West Randolph Street Chicago and Hearing Room 403 600 South Second Street Springfield
6/6/2002 11:00 am		Illinois Pollution Control Board Meeting	Illinois Pollution Control Board Conference Room 403 600 South Second Street Springfield
6/20/2002 11:00 am		Illinois Pollution Control Board Meeting	James R. Thompson Center Conference Room 11-512 100 West Randolph Street Chicago



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

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

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Illinois Pollution Control Board  
Environmental Register Coordinator  
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Springfield, Illinois 62704