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# Environmental Register

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

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Thomas E. Johnson, Chairman

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# Letter from the Chairman

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The Illinois Pollution Control Board is constantly reviewing its practices and procedures to ensure that they are user-friendly and to promote public accessibility the Board. To that end, the Board has opened two rulemakings to accommodate new provisions for electronic filing and recent changes to the Environmental Protection Act (Act).



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On August 21, 2003, the Board opened the rulemaking entitled Amendments to the Board's Procedural Rules: 35 Ill. Adm. Code 101-130 (R04-8). This docket includes amendments proposed in the now closed docket R03-10 that addressed electronic filing through the Board's new Clerk's Office On-Line (COOL) and those necessitated by new legislation. Public Act 93-152, effective July 10, 2003, amended the Act so that, among other things, the Board may accept settlements in citizen enforcement actions without a public hearing. The new law also provides a new rulemaking procedure for updating incorporations by reference. The Board will address all needed procedural rule amendments at one time in docket, R04-8, rather than opening multiple dockets and having new procedural rules taking effect on different dates. The Board incorporated the R03-10 docket into R04-8.

Also on August 21, 2003, the Board opened the rulemaking entitled Amendments to the Board's Administrative Rules: 2 Ill. Adm. Code 2175, in which the Board will propose amendments to its administrative rules primarily to accommodate the payment of filing fees when filing electronically through COOL.

Additionally, the Board recently created an e-mail subscription service for the *Environmental Register*. Many of you are already taking advantage of this service, and the Board expects and encourages many more of you to sign up.

As the Board moves to improve its public accessibility, the hard work of the information technology (IT) staff is readily apparent. Recently, when conducting an internet search using the Google search engine, the Illinois Pollution Control Board's Website was displayed first in the search results. This placement is, in part, due to the content of the Board's Website—including COOL and Rulemakings Pending areas. The Board appreciates the dedication and hard work of its IT, Clerk's Office, rulemaking and public information staff.

Sincerely,

A handwritten signature in black ink, appearing to be "Thomas E. Johnson". The signature is stylized, with a large, looped initial "T" and a long horizontal stroke extending to the right.

Thomas E. Johnson, Chairman

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## Federal Update

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### **United States Environmental Protection Agency Proposes Amendments to the National Primary Drinking Water Regulations Under the Safe Drinking Water Act**

On August 11, 2003 (68 Fed. Reg. 47639), the United States Environmental Protection Agency (USEPA) proposed amendments to the National Primary Drinking Water Regulations' Long Term 2 Enhanced Surface Water Treatment Rule. The rules will apply to all public water supplies (PWSs) that use surface water sources. They will require the use of specified treatment techniques, along with monitoring, reporting, and public notification requirements.

The purposes of the Long Term 2 Enhanced Surface Water Treatment Rule (LT2ESWTR) are to improve control of microbial pathogens, including specifically the protozoan *Cryptosporidium*, in drinking water and to address risk-risk trade-offs with the control of disinfection byproducts. Key provisions in the proposed LT2ESWTR include: (1) source water monitoring for *Cryptosporidium*, with reduced monitoring requirements for small systems; (2) additional *Cryptosporidium* treatment for filtered systems based on source water *Cryptosporidium* concentrations; (3) inactivation of *Cryptosporidium* by all unfiltered systems; (4) disinfection profiling and benchmarking to ensure continued levels of microbial protection while PWSs take the necessary steps to comply with new disinfection byproduct standards; (5) covering, treating, or implementing a risk management plan for uncovered finished water storage facilities; and (6) criteria for a number of treatment and management options (i.e., the microbial toolbox) that PWSs may implement to meet additional *Cryptosporidium* treatment requirements.

The LT2ESWTR will build upon the treatment technique requirements of the Interim Enhanced Surface Water Treatment Rule and the Long Term 1 Enhanced Surface Water Treatment Rule. USEPA believes that implementation of the LT2ESWTR will significantly reduce levels of *Cryptosporidium* in finished drinking water. This will substantially lower rates of endemic cryptosporidiosis, the illness caused by *Cryptosporidium*, which can be severe and sometimes fatal in sensitive subpopulations (e.g., AIDS patients and the elderly). In addition, the treatment technique requirements of this proposal are expected to increase the level of protection from exposure to other microbial pathogens (e.g., *Giardia lamblia*).

Comment on the proposal must be received by November 10, 2003 and should be sent to: Water Docket, Environmental Protection Agency, Mail Code 4101T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attention Docket ID No. OW-2002-0039.

For technical inquiries, contact Daniel Schmelling, Office of Ground Water and Drinking Water (MC 4607M), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone (202) 564-5281. For regulatory inquiries, contact Jennifer McLain at the same address; telephone (202) 564-5248. For general information contact the Safe Drinking Water Hotline, Telephone (800) 426-4791. The Safe Drinking Water Hotline is open Monday through Friday, excluding legal holidays, from 9 a.m. to 5:30 p.m. Eastern Time.

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The Board will include any necessary amendments to Board rules resulting from this federal action in a future SDWA identical in substance rulemaking pursuant to Sections 7.2 and 17.5 of the Environmental Protection Act (415 ILCS 5/7.2, 22.4 (2002)).

### **United States Environmental Protection Agency Proposes Amendments to the National Primary Drinking Water Regulations Under the Safe Drinking Water Act**

On August 18, 2003 (68 Fed. Reg. 49547), the United States Environmental Protection Agency (USEPA) proposed amendments to the National Primary Drinking Water Regulations' Stage 2 Disinfectants and Disinfection Byproducts Rule.

In this rulemaking, the USEPA is proposing: (1) maximum contaminant level goals for chloroform, monochloroacetic acid and trichloroacetic acid; (2) National Primary Drinking Water Regulations which consist of maximum contaminant levels (MCLs) and monitoring, reporting, and public notification requirements for total trihalomethanes; and (3) revisions to the reduced monitoring requirements for bromate. The USEPA has also specified the best available technologies for the proposed MCLs.

Additionally, USEPA is proposing analytical methods for the determination of disinfectants and disinfection byproducts (DBPs) in drinking water and proposing to extend approval of DBP methods for the determination of additional chemical contaminants. This set of regulations is known as the Stage 2 Disinfectants and Disinfection Byproducts Rule (Stage 2 DBPR). USEPA's objective for the Stage 2 DBPR is to reduce the potential risks of reproductive and developmental health effects and cancer associated with DBPs by reducing peak and average levels of DBPs in drinking water supplies. The Stage 2 DBPR applies to public water supplies that are community water systems or nontransient noncommunity water supplies that add a primary or residual disinfectant other than ultraviolet light or deliver water that has been treated with a primary or residual disinfectant other than ultraviolet light.

Comments on this proposal must be received or post-marked by midnight November 17, 2003 and should be sent to: Water Docket, Environmental Protection Agency, Mail Code 4101T, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attention Docket ID No. OW-2002-0043.

For technical inquiries, contact Tom Grubbs, Office of Ground Water and Drinking Water (MC 4607M), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone (202) 564-5262. For regulatory inquiries, contact Jennifer McLain at the same address; telephone (202) 564-5248. For general information contact the Safe Drinking Water Hotline, Telephone (800) 426-4791. The Safe Drinking Water Hotline is open Monday through Friday, excluding legal holidays, from 9 a.m. to 5:30 p.m. Eastern Time.

The Board will include any necessary amendments to Board rules resulting from this federal action in a future SDWA identical in substance rulemaking pursuant to Sections 7.2 and 17.5 of the Environmental Protection Act (415 ILCS 5/7.2, 22.4 (2002)).

### **United States Environmental Protection Announces the Availability of its Draft Watershed-Based National Pollutant Discharge Elimination System (NPDES) Permitting Implementation Guidance**

On August 25, 2003 (68 Fed. Reg. 51011), the United States Environmental Protection Agency (USEPA) announced the availability of its Draft Watershed-Based National Pollutant Discharge Elimination System (NPDES) Permitting Implementation Guidance.

USEPA is making the draft guidance available to the public for a period of thirty days during which USEPA is seeking comments on the document. The purpose of this guidance is to describe the concept of and the process for watershed-based permitting under the NPDES permit program.

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Watershed-based NPDES permitting is an approach to developing NPDES permits for multiple point sources located within a defined geographic area (i.e., watershed boundaries). This approach, aimed at achieving new efficiencies and environmental results, provides a process for considering all stressors within a hydrologically defined drainage basin or other geographic area, rather than addressing individual pollutant sources on a discharge-by-discharge basis. As outlined in the guidance, USEPA will continue to implement the NPDES program through its existing statutory and regulatory authorities. The guidance cannot impose legally binding requirements on USEPA, States, Tribes, or the regulated community, nor can it substitute for Clean Water Act requirements, USEPA's regulations, or the obligations imposed by consent decrees or enforcement orders.

Public comments on the draft guidance must be received on or before September 24, 2003 and should be sent to: Patrick Bradley, U.S. Environmental Protection Agency, EPA East Building (MC 4203M), 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

For further information contact Patrick Bradley, Telephone: (202) 564-0729. Facsimile Number: (202) 564-6392. E-mail: bradley.patrick@epa.gov

## Rule Update

**Board Dismisses 4 Identical in Substance Rulemaking Dockets As Unnecessary: Exemptions from the Definition of VOM Update, USEPA Regulations (January 1, 2003 through June 30, 2003), R04-2; UIC Update, USEPA Regulations (January 1, 2003 through June 30, 2003), R04-4; RCRA Subtitle C Update, USEPA Regulations (January 1, 2003 through June 30, 2003), R04-6; UST Update, USEPA Regulations (January 1, 2003 through June 30, 2003), R04-7**

Every six months, the Board reserves a series of dockets for adoption of Board rules, to address any rules adopted by the United States Environmental Protection Agency (USEPA) to implement various programs. On August 7, 2003, the Board dismissed as unnecessary four dockets reserved to consider any rules adopted by USEPA during the period January 1, 2003 through June 30, 2003. In each of the four program areas described below, USEPA adopted no rules during the update period.

**VOM Program (R04-2).** Section 9.1(e) of the Environmental Protection Act (Act) (415 ILCS 5/9.1(e) (2002)) requires the Board to adopt regulations that are “identical in substance,” as defined at Section 7.2 of the Act (415 ILCS 5/7.2 (2002)), to exemptions from the definition of “volatile organic material” (VOM), those compounds that the USEPA has found to be exempted from regulation under state implementation plans for ozone due to negligible photochemical reactivity. USEPA has codified these exemptions as part of its definitions at 40 C.F.R. 51.100(s).

**UIC Program (R04-4).** Section 13(c) of the Environmental Protection Act (Act) (415 ILCS 5/13(c) (2002)) requires the Board to adopt regulations that are “identical in substance” to regulations of the USEPA. 415 ILCS 5/7.2 (2002). Specifically, Section 13(c) relates to underground injection control (UIC) regulations that USEPA adopted to implement provisions of the Safe Drinking Water Act (42 U.S.C. § 300h *et seq.* (2000)). USEPA has codified its UIC regulations at 40 C.F.R. 144 through 148.

**RCRA, Subtitle C (Hazardous Waste Program) (R03-6).** Sections 7.2 and 22.4(a) of the Environmental Protection Act (415 ILCS 5/7.2 and 22.4(a) (2002)) require the Board to adopt regulations that are “identical in substance” to hazardous waste regulations adopted by the USEPA. These USEPA rules implement Subtitle C of the federal Resource Conservation and Recovery Act of 1976 (RCRA Subtitle C) (42 U.S.C. §§ 6921 *et seq.* (2000)).

**UST Program (R04-7).** Section 22.4(d) of the Environmental Protection Act (Act) (415 ILCS 5/22.4(d) (2002)) requires the Board to adopt regulations which are “identical in substance,” as defined at Section 7.2 of the Act (415 ILCS 5/7.2 (2002)), to underground storage tank (UST) regulations promulgated by the USEPA pursuant to Section 9003 of the federal Resource Conservation and Recovery Act of 1976 as amended, 42 U.S.C. § 6993 (2000), to

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implement Subtitle I of RCRA (42 U.S.C. §§ 6991 *et seq.* (2000)), with certain limitations. USEPA has codified its UST regulations at 40 C.F.R. 281 through 283.

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 Dismisses Outdated Procedural Rules Docket and Opens Two New Dockets to Amend its Procedural and Administrative Regulations**

On August 21, 2003, the Board dismissed one outdated docket dealing with its procedural rules Revision Of The Board's Procedural Rules: 35 Ill. Adm. Code 101-130 (R03-10) and opened two new dockets to amend its procedural and administrative rules, Amendments To The Board's Procedural Rules: 35 Ill. Adm. Code 101-130 (R04-08) and Amendments To The Board's Administrative Rules: 2 Ill. Adm. Code 2175 (R03-09).

In its November 7, 2002 opinion and order in R03-10, the Board proposed amendments to its procedural rules to accomplish two primary objectives: (1) to allow electronic filing in all Board proceedings through the Board's new Clerk's Office On-Line or "COOL;" and (2) to reflect amendments to the Environmental Protection Act in P.A. 92-574, effective June 26, 2002, and to the Administrative Procedure Act in P.A. 92-330, effective August 9, 2001. However, more recent legislation makes additional changes necessary. Therefore, the Board closed outdated docket R03-10. In a separate order, the Board opened a new docket, R04-8, to most efficiently meet these same objectives and to adopt the necessary additional procedural rule amendments.

Additionally, the Board opened docket R04-09 to update its administrative rules. The administrative rules, last amended in 1996, describe the Board's organization, the types of Board proceedings, how to pay filing and photocopy fees, and how the public may access information. Amendments to these rules are needed primarily (1) to reflect recent statutory changes affecting the Board; (2) to accommodate filing fee payment when filing electronically is allowed through the Board's new Clerk's Office On-Line or "COOL"; and (3) to update information about the Board's proceedings and offices.

The Board plans to proceed expeditiously to first-notice publication of the proposed procedural and administrative rule amendments in the *Illinois Register*, which will start a 45-day period during which anyone may file public comments with the Board.

For additional information contact Richard McGill at 312/814-6983; e-mail address: [mcgillr@ipcb.state.il.us](mailto:mcgillr@ipcb.state.il.us).

## **Board Actions**

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**August 7, 2003**

**Via Teleconference**

**Chicago and Springfield, Illinois**

### **Rulemakings**

R04-2	<u>In the Matter of: Exemptions from the Definition of VOM Update, USEPA Regulations (January 1, 2003 through June 30, 2003</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its exemptions from the definition of volatile organic material during the update period of January 1, 2003 through June 30, 2003.	7-0 R. Air
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R04-4	<u>In the Matter of: UIC Update, USEPA Regulations (January 1, 2003 through June 30, 2003)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its underground injection control regulations during the update period of January 1, 2003 through June 30, 2003.	7-0 R, Land
R04-6	<u>In the Matter of: RCRA Subtitle C Update, USEPA Regulations (January 1, 2003 through June 30, 2003)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its hazardous waste regulations during the update period of January 1, 2003 through June 30, 2003.	7-0 R, Land
R04-7	<u>In the Matter of: UST Update, USEPA Regulations (January 1, 2003 through June 30, 2003)</u> – The Board dismissed this reserved identical-in-substance docket because the United States Environmental Protection Agency did not amend its exemptions from the definition of underground storage tank during the update period of January 1, 2003 through June 30, 2003.	7-0 R, Land

### Adjusted Standards

AS 01-3	<u>In the Matter of: Petition of DeKalb Sanitary District for an Adjusted Standard from 35 Ill. Adm. Code 302.208(e)</u> – The Board granted petitioner’s motion for voluntary dismissal of this request for an adjusted standard involving a DeKalb County facility.	7-0 Water
AS 03-5	<u>In the Matter of: Petition of Cromwell-Phoenix, Inc. for an Adjusted Standard from 35 Ill. Adm. Code Subpart F, Section 218.204(c)</u> – The Board granted petitioner’s motions for expedited review and transcripts.	7-0 Air

### Decisions

PCB 95-180	<u>People of the State of Illinois v. Archer Daniels Midland Company</u> – In this air enforcement action concerning a Macon 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) (2002)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$160,000 and to cease and desist from further violations.	7-0 A-E
PCB 97-33	<u>People of the State of Illinois v. Archer Daniels Midland Company</u> – In this air enforcement action concerning a Peoria 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) (2002)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$80,000 and to cease and desist from further violations.	7-0 A-E
PCB 98-148	<u>People of the State of Illinois v. Doren Poland, Lloyd Yoho, and Briggs Industries, Inc. a/k/a Briggs Plumbing Products, Inc.; Briggs Industries, Inc., Third-Party Complainants v. Loren West and Abingdon Salvage Company, Inc.,</u>	7-0 L-E

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Third Party Respondents – The Board entered a final order finding respondent Briggs liable for civil penalties in the amount of \$25,000 and Poland and Yoho liable for civil penalties in the amount of \$5,000. The Board also ordered respondents to remediate the unpermitted area by applying a final cover. This order follows the Board's interim order of September 6, 2001, which found that respondents violated Sections 21(a), (d), (e), and (p)(1) of the Environmental Protection Act (415 ILCS 5/21(a), (d), (e), (p)(1) (2002)) and 35 Ill. Adm. Code 807.201, 807.202(a), 812.101 of the Board's waste disposal regulations at a site located in Knox County. The Board ordered that the third-party complaint be remanded to the hearing officer for hearing.

PCB 99-92	<u>People of the State of Illinois v. Hartz Construction Co., Inc.</u> – In this land 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) (2002)), accepted a stipulation and settlement agreement, and ordered the respondent to pay a total civil penalty of \$31,500 and to cease and desist from further violations.	7-0 L-E
PCB 00-219	<u>Stephen G. Brill v. Henry Latoria d/b/a TL Trucking Foodliner</u> –The Board entered a final order, which ordered respondent to implement physical and operational noise reduction measures to eliminate the unreasonable noise interferences. This order follows the Board's interim order of June 6, 2002, which found that respondent violated Sections 9(a) and 24 of the Environmental Protection Act (415 ILCS 5/9(a), 24 2002) and 35 Ill. Adm. Code 900.102 of the Board's regulations at a site located in Cook County.	7-0 Citizens A&N-E
PCB 03-125 PCB 03-133 PCB 03-134 PCB 03-135	<u>City of Kankakee v. County of Kankakee, County Board of Kankakee, and Waste Management of Illinois, Inc.; Merlin Karlock v. County of Kankakee, County Board of Kankakee, and Waste Management of Illinois, Inc.; Michael Watson v. County of Kankakee, County Board of Kankakee, and Waste Management of Illinois, Inc.; and Keith Runyon v. County of Kankakee, County Board of Kankakee, and Waste Management, Inc.</u> – The Board vacated the Kankakee County Board's (County Board) January 31, 2003 decision granting an application for expansion of a pollution control facility owned and operated by Waste Management of Illinois, Inc. for the facility located in Kankakee County, Illinois. The Board found that the County Board lacked jurisdiction to review the siting application.	7-0 P-C-F-S-R

### **Motions and Other Matters**

PCB 97-9	<u>People of the State of Illinois v. C&amp;S Recycling, Inc., Flood Brothers Disposal Company, Inc., William Flood, Individually and as Treasurer of C&amp;S Recycling, and Brian Flood, Individually and as President of C&amp;S Recycling</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this land enforcement action involving a Cook County facility, the Board ordered publication of the required newspaper notice.	7-0 L-E
PCB 98-169	<u>Union Oil Company of California d/b/a Unocal v. Barge-Way Oil Company, Inc., Gertrude Kellogg, Joseph Kellogg, DuPage Enterprises, Inc. d/b/a Dunn</u>	7-0 L-E



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Rent-A-Car, Jan P. Skladany, and Carl J. Skladany – The Board granted complainant’s motion for voluntary dismissal of this citizen’s land enforcement action involving a DuPage County facility.

PCB 99-187	<u>Gina Pattermann v. Boughton Trucking and Materials, Inc.</u> – The Board granted respondent’s motion for discovery sanctions in part and denied the motion in part. The Board bared Mr. Greg Zak’s testimony at hearing, but denied respondent’s motion to bar any other witnesses, pleadings, or documents pertaining to the subject matter of Mr. Zak’s proposed testimony. The Board also denied respondent’s motion for attorney fees.	7-0 A&N-E
PCB 00-180	<u>People of the State of Illinois v. Jacobs Energy Corporation</u> – The Board granted respondent’s motion for modification of its July 10, 2003 order.	7-0 A&L-E
PCB 01-121	<u>Abed Nesheiwat and SAQ, Inc. (Tony’s Gas) v. IEPA</u> – The Board ordered petitioner to retain an attorney within 30 days, or this matter would be subject to dismissal.	7-0 UST Appeal
PCB 02-115	<u>People of the State of Illinois v. Blue Ridge Construction Corporation</u> – The Board granted complainant’s motion for partial summary judgment against respondent. The Board found that respondent violated Sections 9(a), 12(d), 21(a), (e), (p)(1) and (p)(2) of the Environmental Protection Act (415 ILCS 5/9(a), 9(a), 12(d), 21(a), (e), (p)(1) and (p)(2) 2002), 35 Ill. Adm. Code 201.141 of the Board’s regulations, and 40 C.F.R. 61.145(a) and (b)(1) of the National Emission Standards for Hazardous Air Pollutants. The Board directed the parties to hearing as expeditiously as practicable on the specific issue of penalty.	7-0 A&W-E
PCB 02-164	<u>Barbara and Ronald Stuart v. Franklin Fisher</u> – The Board denied respondent’s motion for site visit.	7-0 Citizens N-E
PCB 03-144	<u>Waste Management of Illinois, Inc. v. County Board of Kankakee County, Illinois</u> – The Board granted petitioner’s motion to dismiss this appeal of siting conditions for a facility located in Kankakee County, Illinois.	7-0 P-C-F-S-R
PCB 03-200	<u>Earl’s Marathon v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Cook County facility.	7-0 UST Appeal
PCB 03-205	<u>Jack’s 66 Service Station v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Madison County facility.	7-0 UST Appeal
PCB 03-207	<u>Silvestri Paving Company (September 11, 2002 to November 19, 2002) v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board	7-0 UST Appeal

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dismissed this matter because no underground storage tank appeal was filed on behalf of this Cook County facility.

PCB 03-212	<u>Wareco Service, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Knox County facility.	7-0 UST Appeal
PCB 03-213	<u>Winslow Boco (Strata Geologic Services, Inc.) v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Stephenson County facility.	7-0 UST Appeal
PCB 03-221	<u>Lowe Transfer, Inc. and Marshall Lowe v. County Board of McHenry County, Illinois</u> – The Board granted petitioners’ motion to strike, but denied petitioners’ motion for sanctions. In addition, the Board struck the Village of Cary’s motion and the response to the motion to strike and request for sanctions. Finally, the Board granted in part and denied petitioners’ motion <i>in limine</i> .	7-0 P-C-F-S-R
PCB 03-237	<u>Estate of Olivia Tyberendt v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Clinton County facility.	7-0 UST Appeal
PCB 04-13	<u>People of the State of Illinois v. Intermatic Incorporated</u> – The Board accepted for hearing this air enforcement action involving a McHenry County facility.	7-0 A-E
PCB 04-14	<u>McDonald’s Corporation v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.	7-0 UST Appeal
PCB 04-15	<u>People of the State of Illinois v. Atkinson Grain &amp; Fertilizer, Inc.</u> – The Board accepted for hearing this water enforcement action involving a Henry County facility.	7-0 W-E

### **August 21, 2003 Chicago, Illinois**

#### **Rulemakings**

R03-10	<u>In the Matter of: Revision of the Board’s Procedural Rules: 35 Ill. Adm. Code 101-130</u> – The Board on its own motion dismissed this docket as unnecessary. In a separate order, the Board opened a new docket, R04-8, to efficiently meet these same objectives and to adopt additional procedural rule amendments, principally those made necessary by more recent legislation. (see below)	7-0 R, Proc. Rules
R04-8	<u>In the Matter of: Amendments to the Board’s Procedural Rules: 35 Ill. Adm. Code 101-130</u> – The Board on its own motion opened a new docket to propose amendments to its procedural rules. Among other things, the amendments will	7-0 R, Proc. Rules

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allow electronic filing in all Board proceedings through the Board's new Clerk's Office On-Line or "COOL," and reflect recent statutory changes. A specific proposal will be issued in the near future.

R04-9	<p><u>In the Matter of: Amendments to the Board's Administrative Rules: 2 Ill. Adm. Code 2175</u> – The Board on its own motion opened a new docket to propose amendments to its administrative rules at Part 2175 of Title 2 of the Illinois Administrative Code. The administrative rules, last amended in 1996, describe the Board's organization, the types of Board proceedings, as well as how to pay filing and photocopy fees, and how the public may access information. Amendments to these rules are needed primarily (1) to reflect recent statutory changes affecting the Board; (2) to accommodate filing fee payment when filing electronically is allowed through the Board's new Clerk's Office On-Line or "COOL"; and (3) to update information about the Board's proceedings and offices. A specific proposal will be issued in the near future.</p>	7-0 R, Proc. Rules
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### Administrative Citations

AC 02-4	<p><u>IEPA v. Mound City</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Pulaski County facility, the Board found respondent violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (2002)) and ordered respondent to pay a civil penalty of \$3,000. The Board also granted the parties' joint motions to dismiss the alleged violation of Section 21(p)(3) of the Act (415 ILCS 5/21(p)(3) (2002)) and to dismiss respondent's petition for review.</p>	7-0
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### Motions and Other Matters

PCB 97-69	<p><u>People of the State of Illinois v. Economy Plating, Inc.</u> – The Board granted complainant's motion for summary judgment. The Board found respondent in violation of Sections 415 ILCS 5/9(a), (b), and 9.1(d)(1) (2002) of the Environmental Protection Act, and 35 Ill. Adm. Code 201.142, 201.143, 201.302, 201.144, 254.102(c), and 254.402 of the Board's regulations. The Board directed this matter to hearing as expeditiously as practicable on the specific issues of the appropriate penalty amount, costs, and attorney fees.</p>	7-0 A-E
PCB 02-77	<p><u>People of the State of Illinois v. Millenium Recycling and Solid Waste Consultants, Inc.</u> – The Board ordered respondent to show cause why a default order in this case should not be entered. Respondent has 14 days, or until September 4, 2003, to respond to this order.</p>	7-0 L-E
PCB 03-9	<p><u>Piasa Motor Fuels, Inc. v. IEPA</u> – The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Madison County facility.</p>	7-0 UST Appeal
PCB 03-34	<p><u>Barry Amoco, Inc. v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Pike County facility.</p>	7-0 UST Appeal
PCB 03-36	<p><u>D&amp;R Service v. IEPA</u> - The Board granted petitioner's motion for voluntary</p>	7-0

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	dismissal of this underground storage tank appeal involving a Randolph County facility.	UST Appeal
PCB 03-37	<u>Illinois Ayers Oil Company v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Knox County facility.	7-0 UST Appeal
PCB 03-41	<u>Newton Community High School v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Jasper County facility.	7-0 UST Appeal
PCB 03-44	<u>Pioneer Oil Company v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Christian County facility.	7-0 UST Appeal
PCB 03-46	<u>Mahr's Sales &amp; Service v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Fulton County facility.	7-0 UST Appeal
PCB 03-48	<u>Mueller Shell, Inc. v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a St. Clair County facility.	7-0 UST Appeal
PCB 03-50	<u>East Side Shell v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Fulton County facility.	7-0 UST Appeal
PCB 03-51	<u>People of the State of Illinois v. Draw Drape Cleaners, Inc.</u> – The Board granted complainant's motion for partial summary judgment. The Board directed this matter to hearing as expeditiously as practicable on the remainder of the contested counts of the complaint, appropriate penalty amount, and remedy.	7-0 A-E
PCB 03-60	<u>V.W. Bowman Oil Company v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Union County facility.	7-0 UST Appeal
PCB 03-61 PCB 03-62 (Cons.)	<u>Brock Oil Company (Normal) and Brock Company (Hoopeston) v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of these underground storage tank appeals involving a McLean County facility.	7-0 UST Appeal
PCB 03-67	<u>Maryville Voice Newspaper Company v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Madison County facility.	7-0 UST Appeal
PCB 03-72	<u>Wabash Valley Service v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Gallatin County facility.	7-0 UST Appeal

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PCB 03-89	<u>Wabash Valley Service v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving an Edwards County facility.	7-0 UST Appeal
PCB 03-92	<u>Ralph Johnson v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Christian County facility.	7-0 UST Appeal
PCB 03-93	<u>Dean Schneidewind v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a St. Clair County facility.	7-0 UST Appeal
PCB 03-96	<u>Martin E. &amp; Kathy L. Geber v. Carri Scharf Trucking and Materials, Carri Scharf Materials Company, and East Side Materials, L.L.C.</u> – The Board denied respondent East Side Materials, L.L.C.'s motion to dismiss the amended complaint. Additionally, it struck two allegations of the amended complaint as frivolous and accepted the remaining allegations for hearing.	7-0 N-E
PCB 03-99	<u>Sather Enterprises, Ltd. v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Dewitt County facility.	7-0 UST Appeal
PCB 03-112	<u>2F, Inc. v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Williamson County facility.	7-0 UST Appeal
PCB 03-114	<u>Village of Karnak v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Pulaski County facility.	7-0 UST Appeal
PCB 03-132	<u>Dickey Oil Company v. IEPA</u> - The Board granted petitioner's motion for voluntary dismissal of this underground storage tank appeal involving a Clay County facility.	7-0 UST Appeal
PCB 03-206	<u>J&amp;C Central, Inc. v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this DuPage County facility.	7-0 UST Appeal
PCB 03-216	<u>Bulk Petroleum Corporation v. IEPA</u> – Having previously granted a request for a 90-day extension, the Board dismissed this matter because no underground storage tank appeal was filed on behalf of this Cook County facility.	7-0 UST Appeal

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PCB 03-217	<u>Prime Time Citgo, Inc. and Alphonsus Olieh v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Kane County facility and granted the motion to consolidate this matter with PCB 03-188.	7-0
PCB 03-188		UST Appeal
PCB 03-235	<u>United Disposal of Bradley, Inc. and Municipal Trust &amp; Savings Bank, as Trustee Under Trust 0799 v. IEPA</u> – The Board granted the petitioners’ motion to strike only as to the Kankakee County Health Department letter and any references to that document contained in Ms. Wheeler’s letter. The Board denied the petitioners’ motion to strike the rest of Ms. Wheeler’s public comment.	7-0 P-A, Land
PCB 04-16	<u>People of the State of Illinois v. Packaging Personified, Inc.</u> – The Board accepted for hearing this air enforcement action involving a DuPage County facility.	7-0 A-E
PCB 04-17	<u>Koch Pipeline Company L.P.(Hartford Terminal) v. IEPA</u> – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Madison County facility.	7-0 P-A, Air 90-Day Ext.
PCB 04-18	<u>Knapp 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 Massac County facility.	7-0 UST Appeal 90-Day Ext.
PCB 04-20	<u>R.W. Sheridan Oil Company, Inc. v. IEPA</u> – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this McLean County facility.	7-0 UST Appeal 90-Day Ext.

## New Cases

### August 7, 2003 Board Meeting

**04-012** Teresa L. Shepro, as Trustee of the Justice W. Shepro Trust, and Teresa L. Shepro and Frank Wiemerslage, as beneficiaries under Trust No. 898, of the Chicago Trust Company v. Newby Oil Company, David E. Tripp and Janice Tripp – The Board held for a later duplicative/frivolous determination this citizen’s noise enforcement action involving a DeKalb County facility.

**04-013** People of the State of Illinois v. Intermatic Incorporated – The Board accepted for hearing this air enforcement action involving a McHenry County facility.

**04-014** McDonald’s Corporation v. IEPA – The Board accepted for hearing this underground storage tank appeal involving a Cook County facility.

**04-015** People of the State of Illinois v. Atkinson Grain & Fertilizer, Inc. – The Board accepted for hearing this water enforcement action involving a Henry County facility.

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**AC 04-001** County of Montgomery v. Luie and Mary Pease – The Board accepted an administrative citation against these Montgomery County respondents.

**AC 04-002** County of Sangamon v. William McGlauchlen – The Board accepted an administrative citation against this Sangamon County respondent.

**AC 04-003** County of Sangamon v. Louis Rutherford – The Board accepted an administrative citation against this Sangamon County respondent.

### August 21, 2003 Board Meeting

**04-016** People of the State of Illinois v. Packaging Personified, Inc. – The Board accepted for hearing this air enforcement action involving a DuPage County facility.

**04-017** Koch Pipeline Company L.P.(Hartford Terminal) v. IEPA – The Board granted this request for a 90-day extension of time to file a permit appeal on behalf of this Madison County facility.

**04-018** Knapp 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 Massac County facility.

**04-019** Paul and Donna Fredrickson v. Jeff Grelyak – The Board held for a later duplicative/frivolous determination this citizen’s air and noise enforcement action involving a McHenry County facility.

**04-020** R.W. Sheridan Oil Company, Inc. v. IEPA – The Board granted this request for a 90-day extension of time to file an underground storage tank appeal on behalf of this McLean County facility.

**AC 04-004** IEPA v. Edward Sapp – The Board accepted an administrative citation against this Logan County respondent.

**AC 04-005** IEPA v. Jerry Summers – The Board accepted an administrative citation against this Fayette County respondent.

**AC 04-006** IEPA v. Mary Lou and H. Frank Record – The Board accepted an administrative citation against these Fulton County respondents.

## Calendar

<b>9/4/03 11:00AM</b>	<b>Illinois Pollution Control Board Meeting</b>		<b>Videoconference Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 W. Randolph St./Chicago and 1021 N. Grand Avenue East Oliver Holmes Conference Room 2012 N Springfield</b>
9/08/03 8:00AM	PCB 03-236	Citizens Against Landfill Expansion (CALE) v. American Disposal Services of Illinois, Inc. and Livingston County Board	Pontiac City Hall Council Chambers 115 W. Howard Street Pontiac
9/9/03 8:00AM	PCB 03-236	Citizens Against Landfill Expansion (CALE) v. American Disposal Services of Illinois, Inc. and Livingston County Board	Pontiac City Hall Council Chambers 115 W. Howard Street Pontiac
9/10/03 9:00AM	PCB 03-236	Citizens Against Landfill Expansion (CALE) v. American Disposal Services of Illinois, Inc. and Livingston County Board	Pontiac City Hall Council Chambers 115 W. Howard Street Pontiac

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9/11/03 8:00AM	PCB 03-236	Citizens Against Landfill Expansion (CALE) v. American Disposal Services of Illinois, Inc. and Livingston County Board	Pontiac City Hall Council Chambers 115 W. Howard Street Pontiac
9/15/03 10:00AM	PCB 02-177	People of the State of Illinois v. John Prior d/b/a Prior Oil Company and James Mezo d/b/a Mezo Oil Company	Washington County Courthouse Courtroom 2 101 East St. Louis Street <b>Nashville, IL</b>
9/16/03 9:00AM	PCB 02-177	People of the State of Illinois v. John Prior d/b/a Prior Oil Company and James Mezo d/b/a Mezo Oil Company	Washington County Courthouse Courtroom 2 101 East St. Louis Street <b>Nashville, IL</b>
9/16/03 10:30AM	AS 03-4	Petition of Argonne National Laboratory for an Adjusted Standard from 35 Ill. Adm. Code 218.182	Wood Dale City Council Chambers 404 North Wood Dale Road Wood Dale
<b>9/18/03 11:00AM</b>	<b>Illinois Pollution Control Board Meeting</b>		<b>Illinois Pollution Control Board James R. Thompson Center 100 W. Randolph Room 9-040 Chicago, Illinois</b>
9/23/03 10:00PM	PCB 97-2	People of the State of Illinois v. Jersey Sanitation Corporation	Jerseyville City Council Chambers 115 E. Prairie Jerseyville
9/24/2003 10:00PM	PCB 97-2	People of the State of Illinois v. Jersey Sanitation Corporation	Jerseyville City Council Chambers 115 E. Prairie Jerseyville
<b>10/2/03 11:00AM</b>	<b>Illinois Pollution Control Board Meeting</b>		<b>Illinois Pollution Control Board Hearing Room, 1244N 1021 N. Grand Avenue East Springfield</b>
10/8/03 9:00AM	PCB 02-79	People of the State of Illinois v. Walter F. Deemie d/b/a River City Demolition	Pollution Control Board Hearing Room 1021 North Grand Avenue East (north entrance) Springfield
<b>10/16/2003 11:00AM</b>	<b>Illinois Pollution Control Board Meeting</b>		<b>Illinois Pollution Control Board James R. Thompson Center 100 W. Randolph Room 9-040 Chicago</b>



## **IEPA Class III: Special Resource Groundwater Designation**

The Illinois Environmental Protection Agency (IEPA) requests listing Fogelpole Cave, which is a dedicated nature preserve (DNP), and the area that contributes groundwater to the DNP, as Class III: Special Resource Groundwater. Fogelpole Cave is located in the southern part of Monroe County, Illinois, approximately three miles north of Renault, Illinois. The DNP is located in the Renault 7.5 Minute Quadrangle, Section 7; Township 4 South, Range 9 West of the Third Principal Meridian. The area contributing groundwater to the DNP, is an irregularly shaped 5.13 square mile (3,283 acre) tract of land located to the north and west of the DNP.

Under the authority of 35 Ill. Adm. Code 620.230, Class III: Special Resource Groundwater can be established for: groundwater that is demonstrably unique (e.g. irreplaceable sources of groundwater) and suitable for application of a water quality standard more stringent than the otherwise applicable water quality standard specified; for groundwater that is vital for a particularly sensitive ecological system; or groundwater contributing to a DNP that has been listed by the IEPA. The IEPA is required to review a written request to list a DNP, and upon confirmation of the technical adequacy, publish the listing of the DNP in the Environmental Register for a 45-day public comment period. Within 60 days after the close of the comment period, the IEPA is required to publish a final listing in the *Environmental Register*.

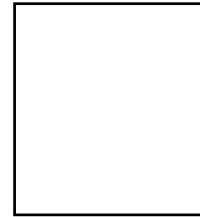
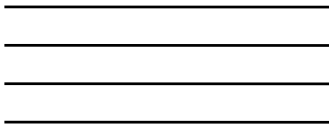
The Groundwater Section, of the Bureau of Water, at the IEPA has completed the review required according to the criteria specified at Subsection 620.230(b)(1), and finds the petition to be technically adequate. In addition, the 45-day comment period has ended, and no comments were received.



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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