

# ENVIRONMENTAL REGISTER

## Illinois Pollution Control Board News

No. 453

June 3, 1992

### **RULEMAKING UPDATE**

#### **DISMISSED EVALUATION OF UNDERGROUND INJECTION CONTROL, R89-15**

On May 21, 1992, the Board dismissed R89-15, which considered amendments to the underground injection control regulations. Section 6.2 of the Environmental Protection Act mandated that the Department of Energy and Natural Resources study the underground injection of hazardous wastes in Illinois. The Department submitted the results of its study to the Board in October, 1989. That study recommended 19 amendments to the existing regulations. The Board conducted legislatively-mandated hearings on the study in May and June, 1990. The Board concluded, based on the record, that intervening identical in substance amendments to the underground injection control regulations mooted many of the Department's recommendations.

The Board felt that certain other of those recommendations did not warrant regulatory amendments. The Board invited a regulatory proposal to address any remaining concerns and closed the docket. Questions should be directed to Karen Rosenwinkel at 312-814-3665.

#### **BOARD MODIFIES RCRA UPDATE, R91-13**

On May 21, 1992, the Board, modified its final opinion and order of April 9, 1992 in R91-13. This rulemaking included identical in substance updates to the state's RCRA rules to correspond with USEPA actions that appeared in the Federal Register during the second half of 1991. R91-13 included the new boiler and industrial furnace ("BIF") rules, and USEPA corrections to the "third third" land disposal restrictions. In the April 9, 1992, Opinion and Order, the Board indicated that it would allow time for post-adoption comments. The Board received comments from USEPA requesting correction of a typographical error and from three entities interested in having the Board adopt two site-specific, USEPA-granted "treatability variances". The Board corrected the typographical error in the supplemental opinion and order. It also modified Section 728.144 to allow adoption of site-specific USEPA "treatability variances" by identical in substance rulemaking. The Board also added Section 728. Table H to list the two "treatability variances" adopted as part of this docket. Questions should be directed to Morton Dorothy at 217-333-5575.

#### **NEW DOCKET OPENED FOR PROCEDURAL AMENDMENTS TO RECYCLED PAPER REQUIREMENT FOR FILINGS, R92-7**

On May 21, 1992, the Board accepted a petition filed May 19, 1992 by Business and Professional People in the Public Interest.

The petition would amend Section 101.103(d) of the procedural rules to add definition to what constitutes recycled paper. Questions should be directed to Elizabeth Schroer Harvey at 312/814-6921.

### **FOR YOUR INFORMATION**

#### **DISMISSED NOISE COMPLAINT FILED BY CONDOMINIUM OWNER AGAINST ASSOCIATION**

On May 21, 1992, the Board dismissed a noise enforcement action brought by an individual condominium owner against the condominium association. (Nesbitt v. 100 Bellevue Place Condominium Association, PCB 92-48.) The complaint alleged that the condominium's air handling and air conditioning equipment violated the Environmental Protection Act and Board regulations. In dismissing the complaint, the Board noted that the Act and regulations prohibit the emission of noise "beyond the boundaries" of one's property so as to unreasonably interfere with the enjoyment of life. The Board found that pursuant to the Illinois Condominium Property Act, a single property includes the individually owned units as well as the common elements of the building. The Board held that noise which emanates from a common element to a unit remains within the confines of a single property. Therefore, the air handling and air conditioning noise did not emit beyond the boundaries of one property to another.

#### **UPDATE TO ENVIRONMENTAL REGISTER MAILING LIST**

The Board is updating the mailing list for the Environmental Register. This is the second annual update of the mailing list for the mailings of the Register. The Board desires to minimize the impact of these mailings on our budget by assuring that only those who desire to receive regular free copies of the Register will appear on the list. If you would like to continue to receive it after July 1, 1992, please fill out the address label located on the bottom of the next to last page of this issue and return it to the Board as soon as possible.

### **FINAL ACTIONS - MAY 21, 1992 BOARD MEETING**

PCB 90-8      The City of Metropolis v. IEPA - The Board granted the petitioner's motion to dismiss its permit appeal for its Massac County facility.

PCB 90-200      Vito Zivoli and Stella Podczerwinski v. Somebody's Bar and Restaurant and Progress Inc. II - The Board found no violation of the noise pollution control provisions of the Act and Board regulations and dismissed the complaint.

PCB 91-113      Department of the Army v. IEPA - The Board granted the Department of the Army, Rock Island District, Corps

of Engineers a variance, with conditions, from the Water Quality Standards Regulations.

PCB 91-118 City of Braidwood v. IEPA - The Board granted the City of Braidwood a variance, with conditions, from the water regulations for its Will County facility.

PCB 91-136 Don Bolender v. Monticello Bus Service, Wayne Kruger, President - The Board found no violation of the noise pollution control provisions of the Act and Board regulations and dismissed the petition.

PCB 91-176 M & D Flexographic Printers, Inc. v. IEPA - The Board granted the petitioner's motion to dismiss the petition.

PCB 91-205 Fred M. Strube and Cynthia L. Strube v. IEPA - The Board affirmed the Agency's determination that the Strubes' cost of replacement of concrete was not a reimbursable expense for the underground storage tank reimbursement for their Peoria County facility.

PCB 92-18 Village of Glasford v. IEPA - The Board granted the Village of Glasford's petition for variance, with conditions, from the water pollution control regulations for its Peoria County facility.

PCB 92-48 Bruce Nesbitt v. The 100 Bellevue Place Condominium Association, and Illinois not-for-profit corporation - The Board found that it had no jurisdiction in this citizens' noise enforcement matter and granted Bellevue's motion to dismiss.

PCB 92-73 Parkview Plaza Associates, Inc. v. IEPA - The petition for review of an Agency underground storage tank reimbursement determination was remanded to the Agency as prematurely filed and the docket closed.

AC 92-16 IEPA v. Harold Hillebrenner - The Board denied the motion to reconsider and to vacate the order of April 23, 1992 and granted a 30 day extension of the payment due date.

AC 92-27 Logan County Health Department v. Lincoln/Logan Landfill - the Board found Lincoln/Logan violated Sections 21(o)(1), 21(o)(2), 21(o)(3), 21(o)(5), 21(o)(9), 21(o)(11), and 21(12) and instructed it to pay \$3,500 to the Director of Financial Services, Logan County Health Department.

AC 92-28 Logan County Health Department v. Lincoln/Logan Landfill - the Board found Lincoln/Logan violated Sections 21(o)(1), 21(o)(2), 21(o)(3), 21(o)(5), 21(o)(9), 21(o)(11), and 21(12) of the Act and instructed it to pay \$3,500 to the Director of Financial Services, Logan County Health Department.

AC 92-29 County of Ogle v. Richard Haan, Jr. - The Board found that Richard Haan violated Sections 21(p)(1) and 21(p)(3) of the Act and instructed him to pay \$1,000 to the Ogle County Treasurer for his Ogle County facility.

AC 92-31 St. Clair County f. City of Centreville - The Board found the City of Centreville violated Section 21(p)(1) of the Act and instructed him to pay \$500 to Paul Haas, County Collector for its St. Clair County facility.

R89-15 In the Matter of: The Illinois Department of Energy and Natural Resources Evaluation of Underground Injection Control -The Board found many of DENR's suggested regulatory changes moot and closed the docket.

**NEW CASES - MAY 21, 1992 BOARD MEETING**

PCB 92-48 Bruce Nesbitt v. The 100 Bellevue Place Condominium Association, and Illinois not-for-profit corporation - See Final Actions.

PCB 92-67 People of the State of Illinois v. Escast, Inc. - This land pollution control enforcement complaint was accepted for hearing.

PCB 92-68 People of the State of Illinois v. Chem-Plate Industries, Inc. - This land pollution control enforcement complaint was accepted for hearing.

PCB 92-69 People of the State of Illinois v. Patterson Gear & Machine, Inc. - This land pollution control enforcement complaint was accepted for hearing.

PCB 92-70 People of the State of Illinois v. Union Carbide Industrial Gases, Inc. - This land pollution control enforcement complaint was accepted for hearing.

PCB 92-71 People of the State of Illinois v. Valspar Corporation - This land pollution control enforcement complaint was accepted for hearing.

PCB 92-72 Adams Electrical Cooperative v. IEPA - This underground storage tank reimbursement

determination appeal was accepted for hearing.

PCB 92-73 Parkview Plaza Associates, Inc. v. IEPA - See Final Actions.

PCB 92-75 Estate of Larry Junkin, by Patricia Junkin, Executrix v. IEPA - This underground storage tank reimbursement determination appeal was accepted for hearing.

PCB 92-76 Meyer Steel Drum, Inc. v. IEPA - This air permit appeal was accepted for hearing.

PCB 92-77 Village of Watage v. IEPA - The Board granted the Village of Watage's Knox County facility a provisional variance, with conditions, from the water pollution control regulations to allow an opportunity for facility repairs.

R92-7 In the Matter of: Amendments to 35 Ill. Adm. Code 101.103(d) Regarding Recycled Paper - On May 21, 1992, the Board accepted a petition from Business and Professional People for the Public Interest that seeks to amend the procedural rules relating to the use of recycled paper for filings before the Board.

**CALENDAR OF HEARINGS**

All hearings held by the Board are open to the public. All Pollution Control Board Meetings (highlighted) are open to the public but public participation is generally not allowed. Times and locations are subject to cancellation and rescheduling without notice. Confirmation of hearing dates and times is available from the Clerk of the Board at (312) 814-6931.

June 5 10:00 a.m.	PCB 92-49 UST-FRD	<u>Bernard Miller v. IEPA</u> - Newton City Hall, City Council Chambers, 108 N. Van Buren St., Newton.
June 9 10:00 a.m.	PCB 90-146 N-E	<u>Village of Matteson v. World Music Theatre, Jam Productions, Discovery South Group, Ltd.</u> - Village Hall, Village of Matteson, 3625 W. 215th St., Matteson.
June 10 9:30 a.m.	PCB 91-154 L-E	<u>Carrell and Mary Bates v. Edward E. Brake; Ella F. Brake; Eugene Gale Heiser, in his individual capacity and d/b/a Heiser Oil &amp; Gas Company and Heiser Oil &amp; Gas Co., an Illinois Corporation; and Amoco Oil Company</u> - Fisher Village Hall, Council Chambers, 104 W. Front St., Fisher.
June 10 10:30 a.m.	PCB 92-23 P-A	<u>The Grigoleit Company v. EPA</u> - Macon County Courthouse, Board of Supervisor's Room, 253 E. Wood St., Decatur.
June 11 9:00 a.m.	PCB 92-53 UST-FRD	<u>Martin Oil Marketing #64/Chicago v. EPA</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
June 11 10:00 a.m.	PCB 92-23 P-A	<u>The Grigoleit Company v. EPA</u> - Macon County Courthouse, Board of Supervisor's Room, 253 E. Wood St., Decatur.
June 11 10:00 a.m.	PCB 92-31 UST-FRD	<u>City of Roodhouse v. EPA</u> - City of Roodhouse City Hall, 119 W. Palm St., Roodhouse.
June 11 12:00 p.m.	PCB 91-183 N-E	<u>Thomas J. Sneed and Barbara A. Sneed v. Frank Farrar, First Bank &amp; Trust Company</u> - Alexander County Courthouse, Small Courtroom, 2000 Washington St., Cairo.
June 15 10:00 a.m.	PCB 92-55 L-S-R	<u>Stephen A. Smith, d/b/a ABC Sanitary Hauling, et al. v. City of Champaign, Illinois</u> - Champaign City Hall, Council Chambers, 102 N. Neil St., Champaign.
June 16 9:30 a.m.	R 91-20 R	<u>In the Matter of: Potentially Infectious Medical Waste (PIMW): Treatment, Storage, and Transfer Facilities and Transportation, Packaging, and Labelling</u> - Bloomington City Hall, City Counsel Chambers, 109 W. Olive St., Bloomington.
June 23 9:30 a.m.	PCB 92-15 UST-FRD	<u>Mercantile Bank of St. Louis, N.A., Personal Representative of the Estate of Ann Gudder v. EPA</u> - Williamson County Courthouse, 200 W. Jefferson (adjacent to Courtroom #5), Marion.
June 24 9:30 a.m.	PCB 91-67 P-A	<u>Manville Sales Corporation v. EPA</u> - Will County Courthouse, 14 W. Jefferson St. (see Room 439), Joliet.
June 24 10:00 a.m.	PCB 91-259 UST-FRD	<u>City of Rockford v. IEPA</u> - Rockford State of Illinois Building, 200 Wyman, Third Conference Room, Rockford.
June 24 10:00 a.m.	PCB 92-50 A-V	<u>Lawrence Brothers, Inc. v. EPA</u> - Coliseum Building, Community Room, 212 Third Ave., Sterling.
<b>June 25</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
June 25 10:00 a.m.	PCB 91-259 UST-FRD	<u>City of Rockford v. IEPA</u> - Rockford State of Illinois Building, 200 Wyman, Third Conference Room, Rockford.
June 25 1:00 p.m.	PCB 91-221 UST-FRD	<u>Manito/Waddell Airport v. EPA</u> - Mason County Courthouse, Havana.
June 29 9:00 a.m.	PCB 91-250 P-A	<u>Pekin Energy Company v. EPA</u> - Pekin City Hall, Counsel Chambers, 400 Margaret St., Pekin.
June 29 9:30 a.m.	AS 92-2 AS	<u>In the Matter of: Petition of We-Shred-It., Inc. for Adjusted Standard from 35 Ill. Adm. Code Part 848, Management of Used and Waste Tires</u> - Pana City Hall, City Council Chambers, 123 E. 3rd St., Pana.
June 29	AS 91-3	<u>In the Matter of: Petition of Peoria Disposal Company for Adjusted Standard from 35 Ill. Adm.</u>

10:00 a.m.	AS	<u>Code 721, Subpart D</u> - Peoria County Courthouse, Room 403, 324 Main Street, Peoria.
June 29 10:00 a.m.	PCB 91-10 W-V	<u>Amoco Oil Company (Creve Coeur Terminal) v. EPA</u> - McKenzie Building, Tazewell County Board Room, 3rd Floor, Pekin.
June 29 10:00 a.m.	PCB 92-62 UST-FRD	<u>Galesburg Cottage Hospital v. EPA</u> - Knox County Courthouse, County Board Room, 200 S. Cherry St., Galesburg.
June 30 10:00 a.m.	PCB 91-10 W-V	<u>Amoco Oil Company Creve Coeur Terminal) v. EPA</u> - McKenzie Building, Tazewell County Board Room, 3rd Floor, Pekin.
June 30 10:00 a.m.	PCB 92-26 A&N-E	<u>Dale Dettlaff and Deborah Dettlaff v. Mr. Eduardo Boado. EPB Services, Inc.</u> - ELA Town Hall, 95 E. Main St., Lake Zurich.
June 30 10:30 a.m.	PCB 91-234 P-A	<u>Safety-Kleen Corporation (Pekin Facility) v. EPA</u> - Pekin City Council Chambers, 400 Margaret St., Pekin.
June 30 11:00 a.m.	PCB 91-16 P-A	<u>Nicor National, Inc. v. EPA</u> - Madison County Courthouse, 155 N. Main St., Edwardsville.
July 1 9:30 a.m.	PCB 90-42 P-A	<u>Stepan Company v. EPA</u> - Will County Courthouse, 14 W. Jefferson St., Room 439, Joliet.
July 8 10:00 a.m.	PCB 91-52 P-A	<u>Atwood Industries, Inc. v. EPA</u> - Stockton Public Library, 140 W. Benton St., Stockton,
<b>July 9</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 2-025, Chicago.</b>
July 10 10:00 a.m.	AC 92-5 AC	<u>EPA v. Ronald D. And Retha M. Rawe</u> - Greene County Courthouse, Carrollton.
July 10 10:00 a.m.	PCB 91-18 P-A	<u>Illinois Central Railroad (Centralia Facility) v. EPA</u> - City Council Chambers, Second Floor, 222 S. Poplar St., Centralia.
July 14 9:30 a.m.	R 91-20 R	<u>In the Matter of Potentially Infectious Medical Waste (PIMW): Treatment, Storage, and Transfer Facilities and Transportation, Packaging, and Labelling</u> - State of Illinois Center, Room 2-025, 100 E. Randolph St., Chicago.
July 17 9:00 a.m.	PCB 91-195 A-E	<u>Scott A. Thomas and Karen A. Thomas v. Carry Companies of Illinois, Inc.</u> - Macon County Courthouse, County Board Room, 253 E. Wood St., Decatur.
July 17 10:00 a.m.	PCB 91-134 P-A	<u>Safety-Kleen Corporation (Elgin Recycle Center) v. EPA</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
July 20 10:00 a.m.	PCB 91-53 A-E	<u>People of the State of Illinois v. Enamelers and Japanners, Inc.</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
July 21 10:00 a.m.	AS 90-4 AS	<u>In the Matter of: Granite City Division of National Steel for Adjusted Standards from 35 Ill. Adm. Code 302.102, 302.208, 302.210 and Subpart F, Procedures for Determining Water Quality Criteria</u> - City Hall, Mayor's Conference Room, Second Floor, 200 Edison Ave., Granite City.
July 23 10:00 a.m.	AC 91-32 AC	<u>County of Ogle v. Rochelle Disposal Services, Inc.</u> - Ogle County Courthouse, State's Attorney's Conference Room, 4th and Washington Streets, Oregon.
<b>July 30</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
August 3 10:00 a.m.	PCB 91-237 P-A	<u>Laidlaw Environmental Services of Illinois, Inc. (Operating Permit) v. EPA</u> - Rockford Public Library, Room C, Lower Level, 215 N. Wyman St., Rockford.
August 3 10:00 a.m.	PCB 91-238 P-A	<u>Laidlaw Environmental Services of Illinois, Inc. (Supplemental Permit) v. EPA</u> - Rockford Public Library, Room C, Lower Level, 215 N. Wyman St., Rockford.
<b>August 13</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>

August 19 9:30 a.m.	PCB 90-89 SWH-E	<u>EPA v. Fred Johnson, Johnson &amp; Briggs Tank Truck Service a/k/a Johnson &amp; Briggs Tank Truck &amp; Heater Service (Consolidated with PCB 91-123)</u> - Edwards County Courthouse, 50 E. Main St., Albion.
August 27 9:30 a.m.	PCB 91-38 P-A	<u>American Waste Processing, Ltd. v. EPA</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
<b>September 3</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
September 15 10:00 a.m.	PCB 91-201 UST-FRD	<u>RKF Enterprises v. EPA</u> - Benton City Hall, Council Room, 500 W. Main St., Benton.
<b>September 17</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
September 23 10:00 a.m.	AS 91-11 AS	<u>In the Matter of the Illinois-American Water Company for an Adjusted Standard from 35 Ill. Adm. Code 304.124 (Iron and TSS only) for the Water Company's East St. Louis Public Water Supply Facility</u> - Belleville City Hall, Council Chambers, 10 S. Illinois St., Belleville.
September 24 10:00 a.m.	PCB 91-157 L-E	<u>People of the State of Illinois v. The Grigoleit Company</u> - Decatur Civic Center, Human Resources Conference Room, Second Floor, 1 Civic Center Plaza, Decatur.
September 25 10:00 a.m.	PCB 91-157 L-E	<u>People of the State of Illinois v. The Grigoleit Company</u> - Decatur Civic Center, Human Resources Conference Room, Second Floor, 1 Civic Center Plaza, Decatur.
September 30 10:00 a.m.	AS 91-12 AS	<u>In the Matter of: Petition of the Illinois American Water Company for an Adjusted Standard from 35 Ill. Adm. Code 304.124 (Iron and TSS only) for the Water Company's Cairo Public Water Supply Facility</u> - Alexander County Courthouse, Small Courtroom, 2000 Washington St., Cairo.
<b>October 1</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
<b>October 15</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
<b>October 29</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
<b>November 19</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
<b>December 3</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>
<b>December 17</b>		<b>Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.</b>

**Calendar Code**

A-C	Administrative Citation	A-E	Air Enforcement
A-S	Adjusted Standard	A-V	Air Variance
CSO	Combined Sewer Overflow Exception	L-E	Land Enforcement
L-S-R	Landfill Siting Review	L-V	Land Variance
N-E	Noise Enforcement	N-V	Noise Variance
P-A	Permit Appeal	PWS-E	Public Water Supply Enforcement
PWS-V	Public Water Supply Variance	R	Regulatory Proceeding
SO <sub>2</sub>	SO <sub>2</sub> Alternative Standards	SWH-E	Special Waste Hauling Enforcement
SWH-V	Special Waste Hauling Variance	T	Thermal Demonstration Rule (35 ILL. ADM. CODE 302.211(F))
T-C	Tax Certifications	T-S	Trade Secrets
W-E	Water Enforcement	W-V	Water Variance
WWS	Water-Well Setback Exception	UST-E	Underground Storage Tank Enforcement

UST-FRD      Underground Storage Tank Fund Reimbursement Determination

**ENVIRONMENTAL INFORMATION SERVICES  
AVAILABLE FROM THE BOARD**

**SUBSCRIPTION SERVICE FOR BOARD OPINIONS AND REGULATIONS**

Copies of Opinions issued by the Board in enforcement, variance, permit and landfill site location suitability appeals, plus regulatory matters are available in looseleaf form on an annual subscription basis. Loose-leaf binders included.

**REGULATIONS FOR THE DESIGN AND OPERATION OF NONHAZARDOUS WASTE LANDFILLS**

Over 1600 pages of Opinions and Orders from R88-7 and R84-17D, supporting background documents, detailed responses, executive summaries and an overview of the Board have been compiled on diskette (WordPerfect 5.0).

**ENVIRONMENTAL REGISTER NEWSLETTER FOR THE LATEST DEVELOPMENTS**

The Environmental Register is a newsletter published by the Board after every Board meeting. The Register provides updates on rulemakings, lists the final actions taken at the Board meeting, contains the Board's hearing calendar and provides other useful information on environmental issues.

For additional information on electronic copies of the landfill regulations or for subscriptions to Board opinions and orders, write to:

Joe D'Alessandro, Fiscal Officer  
Illinois Pollution Control Board  
100 W. Randolph St., Suite 11-500  
Chicago, Illinois 60601

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Printed by Authority of the State of Illinois, June 3, 1992, 2,000 copies, order #57701.

The Illinois Pollution Control Board is an independent seven member board which adopts the environmental control standards for the State of Illinois and rules on enforcement actions and other environmental disputes. The Board Members are:

John C. Marlin, Chairman  
Urbana, Illinois

Joan G. Anderson  
Western Springs, Illinois

Ronald C. Flemal  
DeKalb, Illinois

Bill S. Forcade  
Chicago, Illinois

G. Tanner Girard  
Grafton, Illinois

J. Theodore Meyer  
Chicago, Illinois

Michael L. Nardulli  
Chicago, Illinois

The Environmental Register is a newsletter published by the Board after every Board meeting. The Register provides updates on rulemakings and other information, lists final actions, and contains the Board's hearing calendar. The Register is provided free of charge.

Illinois Pollution Control Board  
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