

ENVIRONMENTAL REGISTER

Illinois Pollution Control Board News

No. 457

September 16, 1992

**PCB LEGISLATIVE REPORT:
POLLUTION PREVENTION ACT (S.B. 1295) REACHES GOVERNOR'S DESK;
READERS URGED TO NOTE NEW CLEAN AIR ACT RULEMAKING REQUIREMENTS**

Undoubtedly the most significant piece of environmental legislation passed in the Spring Session of the legislature was Senate Bill 1295, The Illinois Pollution Prevention Act. The bill, now on Governor Edgar's desk, is the product of weeks of intensive negotiations among agencies, the Governor's Office, various segments of the regulated community, and representatives of several environmental advocacy groups. The bill would make sweeping changes in Illinois' environmental laws. Among its significant changes, the bill would establish the Pollution Prevention Advisory Council as part of a program to establish a pollution prevention strategy for Illinois. It would also prohibit the use of packaging containing certain toxic materials effective July 1, 1994.

However, the most significant changes in S.B. 1295 are those relating to the federal Clean Air Act Amendments of 1990 (CAAA). The bill would create the Clean Air Act Permit Program (CAAPP) and establish unique identical-in-substance and "fast-track" rulemaking procedures for CAAA regulations. It would prohibit the Board from initiating rulemaking to implement the CAAA; such rules would rather be required to be proposed by the Illinois Environmental Protection Agency (IEPA). Importantly, it would create the Clean Air Act Permit Fund to fund the CAAA-related activities of the Agency, the Board and other entities; the Fund would be supported by annual fees imposed on air pollution emission sources no sooner than January 1, 1994. It would create the position of Small Business Ombudsman and a State Compliance Advisory Panel to support small business in trying to comply with CAAA/CAAPP requirements. It would impose a civil penalty of not to exceed \$10,000 per day for violation of CAAPP-related regulations, fee provisions, or filing requirements. Finally, it would amend the Public Utilities Act to allow public utilities to file a separate tariff to recover CAAPP fees.

If the bill is signed in its present form, the Board urges all interested persons to take special note of the new CAAA rulemaking provisions, designed to expedite the rulemaking process. One practical difference is that there is virtually no discretion provided to the Board to accommodate any participant's scheduling problems, such as the unavailability of witnesses on designated hearing days, whether due to illness, flight delays or other unavoidable causes. Participants thus should be particularly diligent and conservative in preparing for and meeting filing deadlines and hearing schedules.

As of press time (9/15/92), the Governor had not yet taken action to approve, veto or amendatorily veto this legislation. For additional information on recent legislation contact Phil Van Ness, the Board's Intergovernmental Affairs Attorney, at (312) 814-3620.

This is the second of a series of special reports describing Illinois legislative developments and their prospective impact on Board operations.

RULEMAKING UPDATE

**ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
NOTICE OF PUBLIC HEARING ON PROPOSED STATE IMPLEMENTATION PLAN SUBMITTAL
INSIDE THIS ISSUE ON PAGE 9**

INFORMATION SERVICES AVAILABLE FROM THE BOARD

See the inside of the last page of this issue for details on informational items available from the Board. These items include a subscription service for Board opinions and orders and copies of the landfill regulations in electronic format.

GROUNDWATER QUALITY STANDARDS AMENDMENTS ADOPTED, R89-14(C)

On September 3, 1992, the Board adopted amendments to the public water supply and water pollution control rules relating to groundwater quality. This rulemaking completed a set of rules adopted in prior proceedings that establish quality standards for Illinois groundwater. The proposed amendments effect corrections to the earlier-adopted rules. They clarify the applicability of the water pollution control regulations of Subtitle C to underground waters. They also restore an inadvertently-omitted phrase to the text of the earlier-adopted rules. The Board adopted the amendments without substantive change from the April 23, 1992 second First Notice. Directed questions to Michelle Dresdow, at 815-753-0947. (Please refer to docket R89-14(C)).

LIST OF TOXIC AIR CONTAMINANTS ADOPTED, R90-1(A)

On September 3, 1992, in Docket R90-1(A), the Board made final a list of 263 toxic air contaminants which may pose a significant risk to human health. In addition to the list of chemicals, the Board adopted a method for use in determining if a chemical is toxic or carcinogenic (cancer-causing). The rules also include provisions by which the listing of a chemical may be proposed or challenged.

Section 9.5(c) of the Environmental Protection Act mandated that the Board adopt this list, which the Illinois Environmental Protection Agency initiated by filing a proposal. Due to the nature of some of the questions arising during the public hearing and comment periods in this docket R90-1(A), the Board has deferred action on some issues. Docket R90-1(B) will consider the listing of chemicals that may threaten plant and animal life. Docket R90-1(C) contains that portion of the rules proposed as the new 35 Ill. Adm. Code 232.Subpart D recordskeeping and reporting requirements, as published at 15 Ill. Reg. 14969, Oct. 15, 1991. The Board opened docket R90-1(D) on September 3, 1992 by RES 92-1 in response to an objection by the Joint Committee on Administrative Rules relating to the proposal to include styrene on the list of air toxics in R90-1(A). R90-1(D) will allow further consideration as to whether the Board should or should not list styrene and a fuller explanation of the Board's rationale for any action it may take in this regard.

Copies of the final rules (R90-1(A)) and the Board's resolution on styrene (RES 92-1) are available from the Clerk of the Board, 100 W. Randolph, Suite 11-500, Chicago, Illinois 60601 (312-814-3620). Direct questions to LouAnn C. Burnett at 217-333-5573. (Please refer to docket R90-1(A) or RES 92-1, as appropriate.)

APPEAL UPDATE

FIRST DISTRICT AFFIRMS BOARD REGIONAL POLLUTION CONTROL FACILITY SITING APPEAL DECISION ON REMAND

By an August 28, 1992 decision on remand in Waste Management of Illinois, Inc. v. PCB (1992), No. 1-89-2541, the First District appellate court affirmed the Board's July 13, August 10, and September 13, 1989 decisions in Waste Management of Illinois, Inc. v. Village of Bensenville, PCB 88-39, 101 PCB 73, 102 PCB 25, 103 PCB 17. In that regional pollution control facility siting review, the Board upheld the Village of Bensenville's February 2, 1989 denial of siting approval for a waste transfer station proposed for a seven-acre site within the Village. The Village had held, *inter alia*, that Waste Management had failed to prove the site was necessary for the area proposed to be served, as required by Section 39.2(a)(i) of the Environmental Protection Act, Ill. Rev. Stat. 1991 ch. 111½, par. 1039.2(a)(i). The Board affirmed the Village's determination by its order of July 13, 1989 without opinion. The Board rendered its supporting opinion on August 10, 1989. Waste Management petitioned for Board reconsideration, which the Board denied on September 13, 1989.

Waste Management appealed the Board's decision, and the court held that the Board had failed to render its final decision within the 120 days required by statute, Ill. Rev. Stat. 1991 ch. 111½, par. 1040.1(a), so the siting approval was deemed granted by operation of law. The Board appealed this decision to the Illinois supreme court, which reversed by upholding the Board's determination. The supreme court held that the Board's decision of July 13, 1989 was a "final action" for the purposes of Section 40.1(a), even though the Board did not render its supporting opinion including the required "statement of reasons" until August 10. Waste Management of Illinois, Inc. v. PCB (1992), 145 Ill. 2d 345, 585 N.E.2d 606.

On remand, the First District addressed the merits of the Board's affirmance of the Village's determination on facility siting. The court addressed the issue of the statutorily-required showing of need. The court found that the record failed to establish a need for the facility in the area proposed to be served. Rather, the court highlighted its numerous informational deficiencies, including the percentage of the service area the facility would serve, the lack of an economic analysis of the proposal, and the anticipated remaining capacity of local landfills. On the other hand, the court found that the record clearly indicated the facility would improve the efficiency of Waste Management's operations. It found that this was not enough to establish the statutory requirement of necessity. The court held that the Village's determination as upheld by the Board was not against the manifest weight of the evidence and affirmed the Board's decision.

FOR YOUR INFORMATION

MOTIONS FOR RECONSIDERATION MAY BE NECESSARY TO PERFECT AN APPEAL

On August 20 the Third District court of appeals denied the Attorney General's July 17, 1992 motion to dismiss in Strube v. Pollution Control Board (3-92-0468). The motion, filed on behalf of the Board and the IEPA, sought to dismiss the appeal based on the Illinois Supreme Court's decision in Casteneda v. Illinois Human Rights Commission (1989), 132 Ill. 2d 304, 547 N.E.2d 437, where the court held that the failure to file a motion for reconsideration amounted to a failure to exhaust administrative remedies. The Board and the IEPA contended, based on Casteneda, that a motion for reconsideration must be filed with the Board in order to perfect an appeal to the appellate court. The Third District's order denying the motion to dismiss was without opinion, so the impact of Casteneda on appeals from Board orders is still uncertain. Whenever an Illinois court issues a decision on this issue, an item will appear in the *Environmental Register*.

FORMER CHAIRMAN DUMELLE TO BE HONORED

The Illinois Association of Wastewater Agencies has announced its intent to bestow its 1992 Illinois Award to former Board chairman Jacob D. Dumelle. Mr. Dumelle was selected from numerous nominees to receive this award for his contributions to the fields of waste collection, treatment, and purification. Mr. Dumelle will receive the award at the Association's 1992 annual meeting to be held October 15, 1992 at Pere Marquette State Park, near Grafton, Illinois.

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, please fill out the address label located on the next to last page of this issue and return it to the Board as soon as possible.

FINAL ACTIONS - SEPTEMBER 3, 1992 BOARD MEETING

PCB 86-161 IEPA v. Elizabeth Street Foundry, Inc. - The Board found that Elizabeth Street Foundry had violated Section 9(a) and (b) of the Act and Sections 201.141, 201.144, and 212.321 of the air pollution control regulations. The Board directed Elizabeth Street Foundry to pay a penalty of \$5,000 to the Environmental Protection Trust Fund for its Cook County facility.

PCB 90-42 Stepan Company v. IEPA - The Board granted petitioner's motion to withdraw its air permit appeal for its Will County facility.

PCB 90-108 Joseph B. Stratton and Pamela J. Stratton v. Charles M. Rock and Little Caesar's Pizza - The Board granted the Stratton's motion to withdraw their citizens' noise enforcement complaints against both respondents involving a Peoria County facility.

PCB 90-197 The Celotex Corporation v. IEPA - The Board granted petitioner's motion to dismiss its air permit appeal for its Adams County facility.

PCB 91-10 Amoco Oil Co. v. IEPA - The Board granted a variance, with conditions, from the water quality standards for Amoco's Tazewell County facility.

PCB 91-16 Nicor National, Inc. v. IEPA - The Board granted petitioner's motion to dismiss its RCRA permit appeal for its Madison County facility.

PCB 91-222 Ronk Electrical Industries v. IEPA - The Board

granted petitioner's motion to dismiss its RCRA permit appeal for its Montgomery County facility.

PCB 92-128 Laclede Steel Inc. v. IEPA - Upon receipt of an Agency recommendation, the Board granted a 30-day provisional variance from the RCRA 90-day limit on hazardous waste accumulation at Laclede Steel's Madison County facility.

PCB 92-129 Akzo Chemicals, Inc. v. IEPA - Upon receipt of an Agency recommendation, the Board granted a 30 day provisional variance from the RCRA 90-day limit on hazardous waste accumulation at Akzo Chemical's Cook County facility.

AC 92-53 Sangamon County v. Illinois Central Railroad Co. - The Board found that Illinois Central Railroad had violated Sections 21(p)(1) and 21(p)(5) of the Act and imposed a penalty of \$1,000 payable to the Sangamon County Public Health Department.

AC 92-54 IEPA v. Jim Mayo - The Board found that Jim Mayo had violated Sections 21(p)(1) and 21(p)(5) of the Act and imposed a penalty of \$1,000 payable to the Environmental Protection Trust Fund for his Henderson County facility.

AC 92-56 IEPA v. Jeral Miller d/b/a Miller Trucking and Excavating - The Board found that Jeral Miller had violated Sections 21(p)(1) and 21(p)(3) of the Act and imposed a penalty of \$1,000 payable to the Environmental Protection Trust Fund for his Rock Island County facility.

AC 92-57 IEPA v. Western Lion Ltd. - The Board found that Western Lion Ltd. had violated Sections 21(o)(5) of the Act and imposed a penalty of \$500 payable to the Environmental Protection Trust Fund for its Coles County facility.

R89-14 In the Matter of: Groundwater Quality Standards: Amendments to 35 Ill. Adm. Code 303, 616 and 620 - See Rulemaking Update.

R 90-1(A) In the Matter of: Toxic Air Contaminants List (35 Ill. Adm. Code 232) - See Rulemaking Update.

R 90-1(C) In the Matter of: Toxic Air Contaminants List (35 Ill. Adm. Code 232) - See Rulemaking Update.

AS 92-2 In the Matter of: Petition of We-Shred-it, Inc., for an Adjusted Standard from 35 Ill. Adm. Code 848.101 (Waste Tires) - Upon Agency recommendation, the Board denied We-Shred-It's petition for and adjusted standard from the used and waste tire regulations for its Christian County facility.

NEW CASES - SEPTEMBER 3, 1992 BOARD MEETING

PCB 92-117 IEI Barge Services, Inc. v. IEPA - The Board accepted the air variance petition for a Jo Daviess County facility for hearing.

Incident No. 912705) v. IEPA - The Board accepted this underground storage tank reimburse fund determination appeal for hearing involving a St. Clair County facility.

PCB 92-118 Ideal Heating Company, an Illinois Corporation v. IEPA - The Board accepted this underground storage tank reimburse fund determination appeal for hearing involving a DuPage County facility.

PCB 92-125 Mercantile Bank of St. Louis, N.A., Personal Representative of the Estate of Ann Gudder, (LUST Incident No. 912563) v. IEPA - The Board accepted this underground storage tank reimburse fund determination appeal for hearing involving a Vermillion County facility.

PCB 92-119 Yolanda Price v. South Shore Villa Condominiums, and Quality Management Service, Inc. - The Board ordered briefing on a jurisdictional issue raised by the citizen's noise pollution enforcement complaint involving a Cook County facility.

PCB 92-126 Safety-Kleen Corp. v. IEPA - The Board accepted the RCRA permit appeal for a Cook County facility for hearing.

PCB 92-120 Amerock Corporation v. IEPA - The Board requested more information in this water pollution control variance matter involving a Winnebago County facility.

PCB 92-127 City of Des Plaines, Gail Papasteriadis, and Gabriel and Linda Gulo v. Solid Waste Agency of North Cook County - The Board held the citizens' land enforcement complaint involving a Cook County facility for a statutorily-mandated "frivolous and duplicitous" determination.

PCB 92-121 People of the State of Illinois v. Minnesota Mining and Manufacturing Co. - A hearing is mandatory in this land pollution control enforcement action involving a Cook County facility.

PCB 92-128 Laclede Steel Inc. v. IEPA - See Final Actions.

PCB 92-122 F & R Enterprises, Inc. and Illinois Corporation v. IEPA - The Board accepted this underground storage tank reimburse fund determination appeal for hearing involving a Cook County facility.

PCB 92-129 Akzo Chemicals, Inc. v. IEPA - See Final Actions.

PCB 92-123 Chemrex, Inc. v. IEPA - The Board accepted this underground storage tank reimburse fund determination appeal for hearing involving a Cook County facility.

PCB 92-130 Olin Corp. v. IEPA - The Board held the air variance petition involving a Williamson County facility for the Agency Recommendation.

PCB 92-124 Mercantile Bank of St. Louis, N.A., Personal Representative of the Estate of Ullus Gudder, (LUST

R92-8 In the Matter of: Proposed Amendments to 35 Ill. Adm. Code Subtitle C (Water Toxics and Bioaccumulation) - The Board accepted the water pollution control rulemaking proposal for hearing.

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.

September 18 9:30 a.m.	AS 92-5 AS	<u>In the Matter of: Petition of D & L Landfill, Inc. and D & L Disposal, Inc. for Adjusted Standard from 35 Ill. Adm. Code Section 814.104(a), 914.401 and 814.501</u> - Bond County Courthouse, Main Courtroom, 200 W. College, Greenville.
September 21 9:00 a.m.	PCB 92-111 UST-FRD	<u>Russell L. Bacon v. IEPA</u> - Law & Justice Center, Dining Room, 104 W. Front St., Bloomington.
September 21 10:00 a.m.	PCB 91-53 A-E	<u>People of the State of Illinois v. Enamellers and Japanners, Inc.</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
September 22 10:00 a.m.	PCB 91-262 UST-FRD	<u>The Pumper, Inc. v. EPA</u> - Hinsdale Public Library, Lower Level Conference Room, 20 E. Maple St., Hinsdale.
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 23 10:00 a.m.	PCB 92-98 UST-FRD	<u>Reichhold Chemicals, Inc. v. EPA</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
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 24 10:00 a.m.	PCB 92-105 UST-FRD	<u>Weyerhaeuser Co., v. EPA</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
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 28 10:00 a.m.	PCB 92-103 UST-FRD	<u>City of Freeport v. EPA</u> - Freeport City Hall, Council Chambers, 230 W. Stephenson St., Freeport.
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.
September 30 10:00 a.m.	PCB 90-244 P-A	<u>General Electric Company v. EPA</u> - Whiteside County Courthouse, 200 E. Knox, Room 117, Morrison.
September 30 10:00 a.m.	PCB 92-81 UST-FRD	<u>James Lynch v. EPA</u> - Macoupin County Courthouse, County Board Room, Carlinville.
October 1		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.

October 1 9:15 a.m.	AC 92-51 AC	<u>EPA v. John McCullum and Nina J. McCullum</u> - Peoria County Courthouse, County Board Room, 324 Main St., Peoria.
October 1 10:00 a.m.	PCB 90-244 P-A	<u>General Electric Company v. EPA</u> - Whiteside County Courthouse, 200 E. Knox, Room 117, Morrison.
October 1 1:00 p.m.	AC 92-41 AC	<u>EPA v. Lakewood Homes & Development Co., Inc.</u> - Law Offices of James T.J. Keating, Suite 1220, 542 S. Dearborn St., Chicago.
October 2 9:30 a.m.	PCB 91-18 P-A	<u>Illinois Central Railroad (Centralia Facility) v. EPA</u> - City Council Chambers, Second Floor, 222 S. Poplar, Centralia.
October 2 10:00 a.m.	AC 92-50 AC	<u>Logan County Health Department v. Lincoln/Logan Landfill, Inc.</u> - Logan County Courthouse, Lincoln.
October 2 10:00 a.m.	AC 92-39 AC	<u>County of Jackson v. Leslie Norman Fred, Sr., d/b/a Murphysboro/Norman Fred Trucking</u> - Jackson County Courthouse Board Room, First Floor, Murphysboro.
October 2 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.
October 6 9:00 a.m.	PCB 92-88 UST-FRD	<u>Southern Food Park, Inc. v. EPA</u> - Franklin County Courthouse, County Board Room, Public Square, Benton.
October 7 9:00 a.m.	PCB 92-88 UST-FRD	<u>Southern Food Park, Inc. v. EPA</u> - Franklin County Courthouse, County Board Room, Public Square, Benton.
October 8 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.
October 8 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.
October 13 9:30 a.m.	PCB 91-56 P-A	<u>Douglas Furniture of California, Inc. v. EPA</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
October 13 10:00 a.m.	PCB 92-17 UST-FRD	<u>Tim's Standard v. IEPA</u> - Council Chambers, Freeport City Hall, 230 W. Stephenson St., Freeport.
October 14 9:30 a.m.	PCB 91-38 P-A	<u>American Waste Procassing, Ltd. v. EPA</u> - State of Illinois Center, EPA Conference Room, Fourth Floor, 100 W. Randolph St., Chicago.
October 14 10:00 a.m.	AS 92-4 Air	<u>In the Matter of: Joint Petition of Detroit Diesel Corporation, Navistar International Transportation Corporation, Cummins Engine Company and the Engine Manufacturers Association for Adjusted Standards from 35 Ill. Adm. Code 240.141</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago,
October 15 9:30 a.m.	PCB 91-38 P-A	<u>American Waste Processing, Ltd. v. EPA</u> - State of Illinois Center, EPA Conference Room, Fourth Floor, 100 W. Randolph St., Chicago.
October 19 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.
October 15		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.

October 20 9:30 a.m.	PCB 91-235 A-V	<u>Marsco MFG. Co. v. EPA</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
October 22 9:00 a.m.	AC 92-55 AC	<u>County of Christian v. Max Wayman and Carlotta J. Wayman</u> - Christian County Court House, County Board Room, Second Floor, Taylorville.
October 22 9:00 a.m.	PCB 91-197 P-A	<u>Cabot Corporation (Tuscola Facility) v. EPA</u> - Douglas County Courthouse, First Floor, 401 S. Center St., Tuscola.
October 27 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 & Gas Company and Heiser Oil & Gas Co., an Illinois Corporation; and Amoco Oil Company</u> - Fisher Village Hall, Council Chambers, 104 W. Front St., Fisher.
October 27 10:00 a.m.	PCB 92-99 UST-FRD	<u>A.B. Dick Company v. EPA</u> - State of Illinois Center, Suite 11-500, 100 W. Randolph St., Chicago.
October 28 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 & Gas Company and Heiser Oil & Gas Co., an Illinois Corporation; and Amoco Oil Company</u> - Fisher Village Hall, Council Chambers, 104 W. Front St., Fisher.
October 29		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
November 5 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.
November 12 10:00 a.m.	AC 92-26 AC	<u>County of Ogle v. City of Rochelle and Rochelle Disposal Service, Inc. (Rochelle Municipal #2 Landfill)</u> - Ogle County Courthouse, 4th and Washington Streets, Oregon.
November 12 10:00 a.m.	AC 92-80 AC	<u>Lake County Forest Preserve District v. Neil Ostro; Janet Ostro; and Big Foot Enterprises</u> - County Building, Room 1002, 18 N. County Rd., Waukegan.
November 19		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
December 3		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.
December 9 9:30 a.m.	AS 92-7 AS	<u>In the Matter of: Petition of Illinois Power Company (Vermilion Power Station) for Adjusted Standards from 35 Ill. Adm. Code Sec. 302.208(e)</u> - Danville City Hall Council Chambers, 204 N. Hazel St., Danville.
December 17		Pollution Control Board Meeting, State of Illinois Center, 100 W. Randolph St., Conference Room 9-040, Chicago.

Calendar Codes

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 ₂	SO ₂ 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		

WATERWAYS CRUISE AND ENVIRONMENTAL WORKSHOP

EILEEN JOHNSTON is organizing another waterways cruise and floating seminar for Saturday, September 26, 1991. The floating seminar is planned to discuss areas of environmental concern and the progress made in solving problems since the first Earth Day in 1970. Participants will view pictures of what the areas looked like twenty years ago. Speakers from state and federal agencies and industries will discuss the environmental progress made, pollution abatement and current problems.

The cruise is on the Wendella and is 72 miles long. Participants will view the ever changing and exciting shoreline and skyline of Chicago and northern Indiana, and the waterways of the Calumet Sag Channel, Calumet River and I & M Shipping Canal. The cruise also passes steel mills, new water reclamation facilities, barges, landfills and the canyon of city skyscrapers.

Eileen's cruise serves to demonstrate the environmental challenges facing our country due to the dramatic impact of man on the environment. Some of the questions addressed during the floating seminar include: What progress has been made? Can we eat fish from the lake? How are environmental regulations proposed and enforced?

Participants meet at 8:45 a.m. at the foot of the Wrigley Building, and we return before 4 p.m. Parking facilities are located west of the building, allow time to locate a space. Use public transportation if possible. Be prompt, don't miss the boat!! Bring your lunch. Soft drinks are sold on board. Warm clothes and head gear are in order. The cost is \$45, \$35 for full time students. Send checks to:

Eileen Johnston, 505 Maple Avenue, Wilmette, IL 60091; (312) 814-3470

Please make reservation before September 20, 1991. Space is limited, so the sooner the better!

Name _____

School, Firm, Group _____

Address _____

Phone _____

Ticket No. _____ Amount Enclosed _____

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

**NOTICE OF PUBLIC HEARING ON PROPOSED
STATE IMPLEMENTATION PLAN SUBMITTAL**

The Illinois Environmental Protection Agency ("Agency" or "Illinois EPA") will hold a public hearing on Tuesday October 27, 1992, at 10:00 a.m. at the Illinois EPA's Sangamo Building Premises Training Room "D", at 1340 North 9th Street, Springfield, Illinois.

The hearing will be held by the Illinois EPA Bureau of Air for the sole purpose of gathering comments prior to submittal to the United States Environmental Protection Agency on the following State Implementation Plan submittals:

Small Business Assistance Program
Enhanced Vehicle Inspection and Maintenance
Reasonable Available Control Technology for Oxides of Nitrogen
Offsets for Vehicular Miles Traveled

Copies of the proposal may be viewed by the public prior to hearing during regular business hours (Monday through Friday, 8:30 a.m. until 5:00 p.m., except for State or national holidays) at the Illinois Environmental Protection Agency's office at 1340 North Ninth Street, Springfield, Illinois; at the Illinois Environmental Protection Agency's Regional Office, 1701 First Avenue, Maywood, Illinois; and at the Illinois Environmental Protection Agency's Regional Office in Collinsville, 2009 Mall Street, Collinsville, Illinois. Members of the public may copy the proposals at their own expense during regular business hours.

Questions may be directed to:

Kathleen C. Bassi
Associate Counsel
Illinois Environmental Protection Agency
Bureau of Air
P. O. Box 19276
Springfield, IL 62794-9276
217/524-3333

Closure of the Hearing Record. The Hearing Record will close on **November 6, 1992**. Written comments need **not** be notarized and should be postmarked before midnight November 6, 1992 and mailed to:

John Williams
Agency Hearing Officer
Illinois Environmental Protection Agency
2200 Churchill Road
P. O. Box 19276
Springfield, Illinois 62794-9276
217/782-5541

The hearing will be held under the provisions of the Agency's "Procedures for Information and Quasi-Legislative Public Hearings" (35 Ill. Adm. Code 164) copies of which are available from the Agency Hearing Officer upon request, see address and phone number above.

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.

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HARD COPIES OF BOARD OPINIONS AND ORDERS FOR FISCAL YEAR 1992 (July 1, 1991 through June 30, 1992) **ARE AVAILABLE FOR IMMEDIATE DELIVERY.** The cost is \$350.00 per set.

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LANDFILL REGULATIONS. This consists of the Board's landfill regulations and other supporting background documentation. This is offered only in an electronic version which consists of WordPerfect 5.1 (DOS) on either 3.5" or 5.25" inch diskettes. The electronic format will allow for word searches and other useful tools provided by the WordPerfect software. The cost is \$100.00.

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All checks should be made payable to the Pollution Control Board. Direct all orders to Joe D'Alessandro, Fiscal Officer, Pollution Control Board, 100 West Randolph Room 11-500, Chicago, Illinois 60601.

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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:

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Urbana, Illinois

Joan G. Anderson
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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.

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