
Environmental Register

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

Claire A. Manning, Chairman

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Letter from the Chairman

It is with mixed emotions that I use this space to write my last letter as Chairman of the Board. After having had the privilege to serve as Chairman for nearly ten years, I am stepping down at the end of this month to take advantage of the State's early retirement program. That program provides me with an opportunity to enter private practice that is too attractive to pass up. Though the private sector offers a very exciting challenge, I will dearly miss the camaraderie and important work of the Board.



I could not be more proud of the Board's record since I arrived in 1993. I am honored to have led the Board during a decade in which the Board altered, forever I believe, the landscape of environmental regulation in Illinois. The examples are many. By establishing innovative, practical cleanup standards that take exposure risk and property use into account, Board regulations—specifically on leaking underground storage tanks, the Tiered Approach to Corrective Action Objectives (TACO), and the Site Remediation Program—have helped put abandoned gasoline stations and other “brownfields” back into economically productive use while protecting human health and the environment. Additionally, in 1997, with intense public and legislative interest, the Board adopted the first pollution control standards for large, concentrated livestock operations after holding hearings throughout the State.

The Board's recently-adopted water “antidegradation” regulations, with provisions for designating outstanding resource waters (ORWs), along with the Board's Great Lakes Initiative water quality standards, also stand out among major Board achievements in protecting our waters. In the arena of improving air quality, the Board over the last five years has tapped the efficiency of the marketplace through “cap and trade” regulations—the nitrogen oxides (NOx) emissions trading rules and the Emissions Reduction Market System (ERMS). In addition, enforcement actions, essential to a successful regulatory program, have resulted in many Board milestones over recent years, including decisions imposing the largest civil penalties in the Board's 32-year history—ensuring that polluters in Illinois do pay.

I am especially gratified that our goal of making it easy for the public to participate in all Board proceedings has been realized. Two years ago, the Board adopted an entirely new set of updated and streamlined procedural rules that are truly “user friendly.” Also, since the mid-90's, the Board, through its Web site (www.ipcb.state.il.us), has become a State leader in the use of digital technology, making the public more aware of environmental law and regulation and greatly enhancing public participation in environmental decision-making. Just this month the Board put its “Clerk's Office On-Line” (COOL), enabling the public to review filings and generate docketing reports, all on the Web site. With the technology already in place and the procedural rulemaking well underway, participants by early next year will be able to electronically file documents with the Clerk's Office and automatically receive electronic notices of filings.

Because the Board ensures that its decisions are so well-grounded in the law, science, and public policy, they are infrequently appealed and rarely reversed. The Board has enjoyed an affirmation rate in Appellate Court of over 90% for a number of years. This finality of Board decisions, and the Board's adherence to precedent, serves to protect Illinois' environment and provide critical regulatory stability for economic planning.

The Board members and staff during my time with the Board exhibited a tremendous depth of character and commitment. I offer them my heart-felt thanks for performing such high-caliber work for the citizens of Illinois. The Board, in its adjudicatory and regulatory capacities, has never been more vital as a neutral, independent, technical forum for individual citizens, industry, environmental groups, and government. I am confident that this unique administrative agency will continue its exceptional work.

Sincerely,

A handwritten signature in cursive script that reads "Claire A. Manning".

Claire A. Manning, Chairman

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Federal Update

United States Environmental Protection Agency Publishes Notice of a Proposed CERCLA Section 122(h) Administrative Settlement

On November 1, 2002 (67 Fed. Reg. 66631) the United States Environmental Protection Agency (USEPA) published notice of a proposed administrative settlement for recovery of past response costs in accordance with section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA), 42 U.S.C. 9622(i). The settlement concerns the Yonkelowitz Junkyard Site in Hoopeston, Vermilion County, Illinois and the settling parties are Martin Young and the Martin Young Trust.

The settlement requires Martin Young to pay \$50,000 to the Hazardous Substance Superfund. The Martin Young Trust must pay to the Hazardous Substance Superfund, within 60 days of receipt, all proceeds received from the sale, lease, transfer, mortgage, grant of, or conveyance of any interest in the property located at the northwest corner of the intersection of First Avenue and Main Street, Hoopeston, Vermilion County, Illinois. USEPA covenants not to sue the settling parties with respect to past response costs pursuant to section 107(a) of CERCLA, 42 U.S.C. 9607(a).

The proposed settlement is available for public inspection at the USEPA, Region 5, 77 West Jackson Blvd., Chicago, Illinois 60604-3590. A copy of the proposed settlement may be obtained from Sally Jansen, Environmental Specialist, USEPA, Region 5, 77 West Jackson Blvd. (SE-5J), Chicago, Illinois 60604-3590, (312) 353-9046. Comments should reference the Yonkelowitz Junkyard Site, Hoopeston, Vermilion County, Illinois and EPA Docket No. V-W-'02-C-690 and should be addressed to Diana Embil, Associate Regional Counsel, USEPA, Region 5, 77 West Jackson Blvd. (C-14J), Chicago, Illinois 60604-3590, (312) 886-7889.

For further information contact Diana Embil, Associate Regional Counsel, USEPA, Region 5, 77 West Jackson Blvd. (C-14J), Chicago, Illinois 60604-3590, (312) 886-7889.

The United States Department of Justice Publishes Notice of Lodging of Consent Decree Under the Clean Air Act and the Emergency Planning and Community Right-To-Know Act

On November 6, 2002 (67 Fed. Reg. 67647), the United States Department of Justice published a notice that on October 21, 2002, a proposed Consent Decree in United States v. Color Communications, Inc., Civil Action No. 99 C 4489, was lodged with the United States District Court for the Northern District of Illinois.

The United States' complaint in this action asserts claims against Color Communications, Inc. (CCI) for injunctive relief and civil penalties for violations of the Clean Air Act, 42 U.S.C. 7401 et seq. (CAA), and applicable provisions of a Federal Implementation Plan and a State Implementation Plan. CCI operates sources that emit volatile organic materials to the ambient air within the Chicago Metropolitan Area Ozone Non-Attainment Area. The complaint also alleges that CCI failed to comply with the reporting requirements of the Emergency Planning

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and Community Right-to-Know Act, 42 U.S.C. 11001 et seq. (EPCRA). The State of Illinois intervened as a plaintiff in this action and asserted additional claims against CCI.

Since the action was filed, CCI implemented measures that brought its facility into compliance with applicable requirements. For CCI's alleged past CAA and EPCRA violations, the Consent Decree requires CCI to pay civil penalties totaling \$435,000, plus interest, to the United States and the Plaintiff-Intervenor State of Illinois, in three separate installments, the last of which will be due two years after entry of the Consent Decree. Of this amount, CCI will pay \$243,931, plus interest, to the United States, and \$191,069, plus interest, to the State of Illinois. In addition, the proposed Consent Decree provides for CCI to implement Supplemental Environmental Projects, including the surrender of certain Illinois emission trading credits that CCI received by reducing facility emissions below levels otherwise allowed by law.

The Department of Justice will receive comments relating to the Consent Decree until December 6, 2002. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, PO Box 7611, U.S. Department of Justice, Washington, DC 20444-7611, and should refer to United States v. Color Communications, Inc., D.J. Ref. 90-5-2-1-2105.

United States Environmental Protection Agency Adopts National Emission Standards for Hazardous Air Pollutants for Benzene Waste Operations In Direct Final Rule Under the Clean Air Act

On November 12, 2002 (67 Fed. Reg. 68526), the United States Environmental Protection Agency (USEPA) adopted direct final rules to amend the national emission standards for hazardous air pollutants (NESHAP) for benzene waste operations. The amendments adopt an exemption for organic vapors routed to the fuel gas system, incorporate a new compliance option for tanks, and clarify the standards for containers. The amendments were published as a direct final rule because USEPA viewed them as noncontroversial. However, USEPA also published an identical separate document that will serve as a regulatory proposal in the event that adverse comments are filed.

The NESHAP for benzene waste operations (40 CFR part 61, subpart FF) applies to equipment and processes at certain chemical manufacturing plants, coke by-product recovery plants, petroleum refineries, and facilities that treat, store, or dispose of waste generated by those industries. In the direct final rule, USEPA is adding a new compliance option for tanks adopted from similar standards established under the Resource Conservation and Recovery Act for hazardous waste treatment, storage, and disposal facilities (40 CFR parts 264 and 265, subpart CC).

The amendments are effective on February 10, 2003 without further notice, unless significant, adverse comments are received by December 12, 2002, or by February 18, 2003 if a public hearing is requested.

Comments should be sent to: Air and Radiation Docket and Information Center (6102T), Attention Docket No. A-2001-23, U.S. EPA, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

For further information contact Mr. Robert B. Lucas, Waste and Chemical Process Group (C439-03), Emission Standards Division, Office of Air Quality Planning and Standards, U.S. EPA, Research Triangle Park, North Carolina 27711, telephone number (919) 541-0884, email address lucas.bob@epa.gov

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

United States Environmental Protection Agency Adopts Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act

On November 19, 2002 (67 Fed. Reg. 69951), the United States Environmental Protection Agency (USEPA) adopted amendments that finalized its approval of several test procedures for measuring the toxicity of effluents and receiving waters. The test procedures are commonly referred to as whole effluent toxicity or WET test methods.

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USEPA also withdrew two WET test methods from the list of nationally approved biological test procedures for the analysis of pollutants.

This action also revises some of the WET test methods to improve performance and increase confidence in the reliability of the results. The rulemaking satisfies settlement agreement obligations designed to resolve litigation over an earlier rulemaking that originally approved WET test methods.

This regulation is effective December 19, 2002.

For further information contact Marion Kelly; Engineering and Analysis Division (4303T); Office of Science and Technology; Office of Water, U.S. Environmental Protection Agency; Ariel Rios Building; 1200 Pennsylvania Avenue, NW; Washington, DC 20460, or call (202) 566-1045, or E-mail at kelly.marion@epa.gov.

The Board anticipates that the Illinois Environmental Protection Agency (IEPA) will determine, as part of the triennial review of the State's water rules required by the Clean Water Act, whether any amendments to the State's water rules are necessary as a result of this federal action. If so, the Board would expect to receive a regulatory proposal from the IEPA under Section 27 or 28.2 of the Environmental Protection Act (415 ILCS 5/27, 28.2 (2000)).

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

On November 27, 2002 (67 Fed Reg. 70850), the United States Environmental Protection Agency (USEPA) adopted amendments to its drinking water regulations. The adopted amendments make changes to the health effects language for di(2-ethylhexyl) adipate (DEHA) and di(2-ethylhexyl) phthalate (DEHP) in the Public Notification (PN) Rule and the Consumer Confidence Report (CCR) Rule.

The rule also makes minor corrections to Appendix A of the CCR Rule. These changes include: correcting drinking water source information listed for copper, changing the placement of regulatory and health effects information for disinfection by-products (i.e., bromate, chloramines, chlorite, chlorine, and chlorine dioxide), and correcting the reference "chloride dioxide" to "chlorine dioxide."

USEPA also amended the listing for three contaminants (i.e., bromate, chlorite, and total trihalomethanes) to correct source information given in Appendix A. The appendix listed "by-product of chlorination," a specific method of disinfection, as the major source for these contaminants in drinking water. The source information in Appendix A is being amended to include the more general term "by-product of drinking water disinfection" for these contaminants.

In addition, USEPA revised the Primacy Rule to remove regulations pertaining to the Administrator's authority to waive national primary drinking water regulations for Federally owned or operated public water systems. Congress removed this authority in the 1996 amendments to the Safe Drinking Water Act.

This regulation is effective December 27, 2002.

For further information contact: Khanna Johnston at 1200 Pennsylvania Avenue, NW, (MC-4606M), Washington, DC 20460; phone, 202-564-3842; email johnston.khanna@epa.gov. For general information, you may contact the Safe Drinking Water Hotline at 1-800-425-4791. The Safe Drinking Water Hotline is open from 9:00 a.m. to 5:30 p.m. Eastern Time, Monday through Friday, excluding Federal holidays.

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, 17.5 (2000)).

Appellate Update

Third District Affirms The Board In Part In Community Landfill and City of Morris v. Illinois Pollution Control Board and Illinois Environmental Protection Agency, No. 3-01-0552 (October 29, 2002) (PCB 01-48 and 01-49 cons.)

The Third District Appellate Court has affirmed in part and reversed in part the Board's decision in a landfill permit appeal, Community Landfill & City of Morris v. IEPA, PCB 01-48, 01-49 (Apr. 5, 2001) (cons.). The landfill owner and operator appealed permit conditions to the Board, and in turn appealed the Board's decision affirming some of the Illinois Environmental Protection Agency's (IEPA) conditions to the Third District. In its October 29, 2002 unpublished order under Supreme Court Rule 23 (155 Ill.2d R. 23), the Court remanded the order for additional proceedings in accordance with the order. See Community Landfill and City of Morris v. Illinois Pollution Control Board and Illinois Environmental Protection Agency, No. 3-01-0552 (October 29, 2002), slip op. at 14-15.

The Morris Community Landfill accepts municipal refuse, non-hazardous special waste, and construction/demolition debris. Part of the landfill still accepts waste (Parcel A) and part of the landfill no longer accepts waste and has begun closure (Parcel B). The IEPA issued a "significant modification" (sigmod) permit for each parcel. The sigmod permits contain more than 200 conditions. Community Landfill and the City of Morris, landfill operator and owner, respectively, appealed to the Board to contest 12 of the permit conditions.

Because permit conditions were at issue, Community Landfill and the City had the burden before the Board to prove that the contested conditions were not necessary to accomplish the purposes of the Environmental Protection Act, *i.e.*, that operating under the permits, minus the contested conditions, would not result in a violation of the Act or Board regulations. The Board affirmed some contested conditions and directed the IEPA to modify other contested conditions. Community Landfill and the City of Morris appealed four of the affirmed conditions to the Third District.

Standard of Review. The first issue the court addressed was the standard of review. The court ruled that the case posed a "mixed question of law and fact", so that the proper standard of review was whether the Board's decision was "clearly erroneous". See slip op. at 3-5, *citing AFM Messenger Service, Inc. v. Dept. of Employment Security*, 198 Ill. 2d 380, 763 N. E. 2d 272 (2001) and City of Belvidere v. Ill. State Labor Relations Board, 181 Ill. 2d 191, 692 N. E. 2d 295 (1998).

Permit Condition on Financial Assurance Amount. The court affirmed the Board's decision to uphold the IEPA's permit condition requiring Community Landfill to post \$17 million in financial assurance to ensure proper closure and post-closure care for the landfill.

Requirements for financial assurance (surety bond or other financial document) in the Board's landfill regulations at 35 Ill. Adm. Code Part 811 reflect requirements of the Environmental Protection Act and the federal Resource Conservation Recovery Act (RCRA). Financial assurance money must be available in the event the landfill owner or operator does not meet its obligations so that the IEPA must assume closure or post-closure responsibilities. These include properly closing the landfill and monitoring it for 30 or more years.

The City had agreed to have its publicly owned treatment works (POTW) treat leachate (liquid that has been or is in direct contact with the landfill's solid waste) without charge for either Community Landfill or the IEPA. So, Community Landfill tried to have the financial assurance reduced by \$10 million, the amount attributable to the cost of leachate treatment. The court agreed with the Board that financial assurance had to cover a scenario in which the City's POTW would be unable to treat the leachate. The court stated that the purpose of the Act's financial assurance Section 21.1 "is not to make the Agency's financial protection dependent on the viability of any particular POTW, but rather to allow the Agency to select the best method of conducting closure and post-closure activities, independent from the constraints of any particular POTW." See slip op. at 7.

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Permit Condition on Timing to Complete Installation. The court affirmed the Board's decision to uphold the IEPA's permit condition imposing a fixed deadline for Community Landfill to finish installing the leachate collection and storage system. The permit application submitted to the IEPA was silent on a completion time for the entire system, but it did propose that the tank portion of the system be installed in 6 months. Because, in the IEPA's experience, the tank is typically the last component of the system to be installed, the IEPA imposed a 6-month deadline to complete the entire installation.

The Board found this reasonable and the court affirmed, agreeing with the Board that, absent a more detailed schedule in the permit application, Community Landfill failed to meet its burden to prove that the permit condition was not necessary to accomplish the purposes of the Act. *See slip op.* at 11-13.

Permit Condition on 5-Day Leachate Storage Capacity Versus 1-Day. The court remanded to the Board for further consideration issues related to a permit condition for leachate storage. Community Landfill's permit application proposed having one day's worth of leachate storage capacity. The IEPA's permit condition required a 5-day storage capacity, which the Board affirmed. Section 811.309 of the Board's landfill regulations addresses leachate storage standards. 35 Ill. Adm. Code 811.309 (d)(1) contains the general requirement of a 5-day storage capacity. Subsection (d)(6) allows for less than 5 days' storage capacity if the landfill owner or operator has 2 or more means to treat or dispose of leachate. Though Community Landfill has two means to transport leachate (tanker truck and direct connection to POTW), it still had only one way to treat or dispose of leachate (the POTW), so the Board held that (d)(6) was unavailable and affirmed the permit condition requiring 5-day storage, consistent with (d)(1).

Community Landfill argued that it was not required to provide any storage based on 35 Ill. Adm. Code 811.309(e)(6) (which deals with discharges to off-site treatment works). Consistent with long-standing precedent that Board review of an IEPA permit decision is limited to the record before the IEPA, the Board held that it could not consider whether subsection (e)(6) applied because Community Landfill did not identify that provision in its permit application and, in fact, did propose one-day's storage capacity.

The court held that Section 811.309(d) on storage capacity applies only in the absence of a direct sewer connection, and that the IEPA, "by its own initiative," applied subsection (d). The court, finding that Community Landfill did not waive its (e)(6) argument, continued: "[t]he Agency should have also read subsection 811.309(e)(6) to determine if any leachate storage was required at all. The Board's duty is to determine whether the Agency's permit modification [*i.e.*, one day to 5 day] was necessary to accomplish the purposes of the Act. *** Consideration of whether the Agency applied the Code provision correctly is a necessary consideration in making the proper determination." The court remanded the issue to the Board to decide whether the landfill has a direct sewer connection and, if so, whether any leachate storage is required. *See slip op.* at 11.

Financial Assurance for Overfill in Parcel B. As earlier stated, the landfill is situated on two parcels, Parcel A and Parcel B. A permit condition, affirmed by the Board, required that Community Landfill post additional financial assurance to cover closure and post-closure care costs for disposal elsewhere of waste exceeding permitted boundaries on Parcel B, known as waste "overfill". (The overfill is the subject of a pending State enforcement action before the Board. People of the State of Illinois v. Community Landfill Company, Inc., PCB 97-193.)

The court was persuaded that any additional financial assurance unnecessary. The court therefore reversed the Board's decision affirming the condition. The court reasoned that an agreement to reserve capacity in Parcel A for free IEPA disposal of Parcel B overfill, along with allocation of \$950,000 in the Parcel B closure plan for overfill disposal was "equivalent to the additional financial assurance required by the Agency". *See slip op.* at 14. (The Board had held that additional third-party financial assurance was needed to accomplish the purposes of the Act's financial assurance provisions "by ensuring that there will be sufficient funds available to properly deal with the excess waste in Parcel B in all eventualities.")

Rule Update

Board Adopts First Notice Opinion and Order in Revision of The Board's Procedural Rules: 35 Ill. Adm. Code 101-130, (R03-10): Clerk's Office on Line ("COOL")

On November 7, 2002, the Board adopted a first notice opinion and order in Revision Of The Board's Procedural Rules: 35 Ill. Adm. Code 101-130, R03-10. In this docket opened on its own motion, the Board is proposing amendments to its procedural rules to allow electronic filing in all Board proceedings through the Board's proposed new program: Clerk's Office On-Line or "COOL." Additionally, the proposal proposed changes to reflect recent amendments to the Environmental Protection Act (415 ILCS 5 (2000), amended by P.A. 92-0574, effective June 26, 2002) and the Administrative Procedure Act (5 ILCS 100 (2000), amended by P.A. 92-0330, effective August 9, 2001).

The procedural rules that the Board proposed for electronic filing and service will appear primarily in a new Subpart J of Part 101. Section 101.1000 of Subpart J provides an overview of electronic filing and service. The Board is proposing changes so that no paper filing will be required for a document filed electronically. Persons making paper filings will need to file only the original and one copy, and not the multiple copies currently required.

Located on the Board's Web site, once fully operational COOL will allow 24-hour electronic access to the entire public case file – not just Board-created documents, but documents filed with the Board as well. Further, COOL will permit public access to case docket information, thereby allowing interested persons to follow the progress of all pending proceedings. Additionally, COOL will allow parties and participants to file documents electronically with the Clerk.

There will be numerous benefits from electronic filing. An electronic record of the documents filed in a pending Board case or rulemaking will be created. This electronic "file cabinet" for a proceeding can then be searched and reviewed on-line and also downloaded. Another benefit will be avoiding the expense and inconvenience of copying and delivering paper filings. The Board expects the amount of paper generated during its adjudicatory and regulatory processes to decrease dramatically. For these reasons, the Board will encourage electronic filing and expects that many will avail themselves of the option. Paper documents may still be filed with the Clerk's Office. Paper documents filed with the Board will also be available through COOL as the Clerk's Office will electronically scan any documents not filed on-line and place them on COOL.

The Board's proposed rules provide that persons who wish to file documents with the Board electronically must first obtain a State of Illinois digital signature certificate, issued under the Electronic Commerce Security Act (5 ILCS 175/1-101 *et seq.* (2000)). There is no fee to obtain the certificate. The purpose of digital signatures is to verify the identities of document senders, thereby promoting the integrity and security of the electronic transactions.

The digital signature certificate provides the document sender with a unique identification number and password. When a person with a certificate seeks to submit an electronic document to COOL, the document sender will have to provide the information from their certificate. A document cannot be electronically filed unless the person seeking to submit the document to COOL has been issued a digital signature certificate that has not expired or been revoked.

The Board's proposal also reflects recent amendments to the Environmental Protection Act, amendments that were based on the review of the Illinois Environmental Regulatory Review Commission (IERRC). The IERRC proposed many non-substantive amendments to streamline and clarify the Environmental Protection Act. Those proposed changes were adopted in P.A. 92-0574, effective June 26, 2002.

Also amended since the Board completely revised its procedural rules is the Administrative Procedure Act. In P.A. 92-0330, effective Aug. 9, 2001, the Administrative Procedure Act now requires rulemaking proposals published in the *Illinois Register* to describe any published study or research report used in developing the rule and where the

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public may obtain a copy. This new requirement is reflected in proposed changes to Board rules at Sections 102.202, 102.210, and 102.820.

The Board has scheduled two hearings on this proposal. The first hearing will be held in Springfield on December 12, 2002 at 1:00 p.m. in the Pollution Control Board Hearing Room, 600 S. Second Street, Suite 403. The second hearing will be in Chicago on December 19, 2002 at 1:00 p.m. at the James R. Thompson Center 100 W. Randolph Street, Suite 9-040.

For additional information contact Richard McGill at 312/814-6983; email address mcgillr@ipcb.state.il.us.

Board Accepts for Hearing a Site-Specific Water Rulemaking Proposal in Site Specific Rule for City of Effingham Treatment Plant Fluoride Discharge, 35 Ill. Adm. Code 304.233 (R03-11)

On November 7, 2002, the Board accepted for hearing a proposal filed by the City of Effingham (City), Blue Beacon International, Inc. (BBI) and Truckomat Corporation (Truckomat) (referred to collectively as “petitioners”) under Section 27 of the Environmental Protection Act (Act) (415 ILCS 5/27 (2000)), to change regulations governing fluoride found in the Board’s rules at 35 Ill. Adm. Code 302.208(g). The petition, filed on October 22, 2002, was accompanied by a motion to waive the 200-signature requirement of 35 Ill. Adm. Code 102.202(f). In its order, the Board waived the signature requirement and accepted the petition for hearing.

The wastewater from Effingham’s publicly owned treatment works (POTW) discharges into an unnamed tributary of Salt Creek, which flows into the Little Wabash River, 37 miles upstream from the City of Flora. The City’s current daily fluoride effluent limit is 1.4 mg/l, the same as the 1.4 mg/l water quality standard. The City seeks an effluent limit of 4.5 mg/l subject to the averaging rule of 35 Ill. Adm. Code 304.104.

The City seeks a site-specific rule to allow it to accommodate two dischargers into its POTW: BBI and Truckomat, both operators of truck washes in Effingham, Effingham County. The wastewater from the truck washes contains fluoride resulting from the brighteners used in washing the trucks. Petitioners state that there are no alternative replacements for these brighteners, and discontinuing their use would cause a severe negative economic impact. Petitioners further state that the site-specific fluoride level proposed will be protective of aquatic life, human health, and the environment as a whole.

For additional information contact John Knittle at 217/278-3111; email address knittlej@ipcb.state.il.us.

Board Actions

November 7, 2002

Via Video Conference Between Springfield and Chicago, Illinois

Rulemakings

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| R02-10 | <u>In the Matter of: Amendments to General Permitting Provisions for Portable Emission Units: Amendments to 35 Ill. Adm. Code 201</u> – The Board adopted a second notice opinion and order in this matter to amend the Board’s air regulations. | 6-0
R, Air |
| R03-10 | <u>In the Matter of: Revision of the Board’s Procedural Rules: 35 Ill. Adm. Code 101-130</u> – The Board adopted a proposal for public comment in this rulemaking to amend the Board’s procedural regulations. | 6-0
R, Proc.
Rules |

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R03-11	<p><u>In the Matter of: Site-Specific Rule for City of Effingham Treatment Plant Fluoride Discharge, 35 Ill. Adm. Code 304.233</u> – The Board accepted for hearing the October 22, 2002 proposal of the City of Effingham for a site-specific rulemaking to amend the Board’s water pollution control regulations. The Board also granted petitioner’s motion to waive the 200 signature requirement.</p>	6-0 R, Water
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Administrative Citations

AC 02-7	<p><u>IEPA v. Terry and Latisha Springer</u> – The Board entered a final order requiring respondents to pay the Board and the Environmental Protection Agency hearing costs in the amount of \$339.70 and \$53.13 respectively, and a civil penalty of \$1,500. This order follows the Board's interim order of August 8, 2002, which found that these respondents had violated Section 21(p)(1) of the Environmental Protection Act (415 ILCS 5/21 (p)(1) (2000) <i>amended by</i> P.A. 92-0574, eff. June 26, 2002) and assessed a penalty of \$1,500 at respondents’ Jersey County facility.</p>	6-0
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AC 02-51	<p><u>IEPA v. Gerald Goines</u> – In response to a joint stipulation and settlement agreement in this administrative citation action involving a Johnson County facility, the Board found respondent violated Section 21(p)(1) of the Environmental Protection Act (Act) (415 ILCS 5/21(p)(1) (2000)) and ordered respondent to pay a civil penalty of \$1,500. The Board also granted the parties’ joint motion to dismiss the alleged violations of Section 21(p)(3) and (p)(7) of the Act (415 ILCS 5/21(p)(3), (p)(7) (2000)) and the petition for review.</p>	6-0
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Decisions

PCB 97-66	<p><u>People of the State of Illinois v. D’Angelo Enterprises</u> – The Board previously found that respondent violated Sections 21(f)(1) and (f)(2) of the Environmental Protection Act (Act) (415 ILCS 5/21(f)(1) and (f)(2) (2000) <i>amended by</i> P.A. 92-0574, eff. June 26, 2002), and 35 Ill. Adm. Code 703.121(a) and (b), 722.111, 728.107(a), 725.116(a) and (d), 725.135, 725.137, 725.151, 725.155, 725.274, 728.150(a)(1) and 809.301 of the Board’s hazardous waste and special waste regulations. In its final order, the Board ordered the respondent to pay a total civil penalty of \$70,000 for violating the above hazardous waste and special waste provisions of the Act and the Board’s regulations and \$7,893 in costs and attorney fees.</p>	5-1 Marovitz dissented RCRA-E
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PCB 02-185	<p><u>People of the State of Illinois v. Ferrara Pan Candy Company, Inc.</u> – In this air enforcement action concerning a Cook County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2000) <i>amended by</i> P.A. 92-0574, eff. June 26, 2002), accepted a stipulation and settlement agreement, ordered the respondent to pay a total civil penalty of \$371,688 and to cease and desist from further violations.</p>	6-0 Marovitz concurred A-E
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PCB 03-6	<p><u>The City of Farmington, Farmington Sanitary District, and the Farmington Central Community Unit School District No. 265 v. IEPA</u> – The Board granted this Peoria County facility a variance, subject to conditions, from the water regulation found at 35 Ill. Adm. Code 306.402. This allows the construction and</p>	6-0 W-V, NPDES
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operation of a new K-12 school building, including the attendant sanitary sewer connections to the Farmington City wastewater collection system and the Farmington Sanitary District sewerage treatment plant located in Farmington.

PCB 03-11	<u>City of Carlyle v. IEPA</u> – The Board granted this Clinton County facility a variance, subject to conditions, from the public water supply turbidity regulations found at 35 Ill. Adm. Code 611.743, 611.744, and 611.745, from November 7, 2002 to April 1, 2003.	6-0 PWS-V
PCB 03-32	<u>People of the State of Illinois v. City of Chicago Heights and Robinson Engineering, Ltd.</u> – In this public water supply enforcement action concerning a Cook County facility, the Board granted relief from the hearing requirement of Section 31(c)(1) of the Environmental Protection Act (415 ILCS 5/31(c)(1) (2000) <i>amended by</i> P.A. 92-0574, eff. June 26, 2002), accepted a final stipulation and settlement agreement, ordered the respondent to pay a total civil penalty of \$38,000 and to cease and desist from further violations.	6-0 Marovitz concurring PWS-E

Provisional Variance

PCB 03-64	<u>Osmoster Wood Preserving, Inc. v. IEPA</u> – Upon receipt of an Illinois Environmental Protection Agency recommendation, the Board granted a 30-day provisional variance to this Cass County facility from the 90-day limitation on the accumulation of hazardous wastes, as set forth in 35 Ill. Adm. Code 722.134(b).	6-0 RCRA L-V
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Motions and Other Matters

PCB 96-99	<u>The Belleville Development, L.P. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this permit appeal involving a St. Clair County facility.	6-0 P-A NPDES
PCB 98-169	<u>Union Oil Company of California d/b/a Unocal v. Bargeway Oil Company, Inc., Gertrude Kellogg and Joseph Kellogg, Bargeway Oil Company, Inc. Third-Party Complainant v. Robert F. Atkins, Bargeway Systems, Inc. and Robert Nielsen</u> – The Board granted complainant’s motion for leave to file an amended complaint and accepted the complaint for hearing.	Manning Citizens L-E
PCB 99-19	<u>Karen & Anthony Roti, Paul Rosenstock, and Leslie Weber v. LTD Commodities</u> – The Board denied complainants’ motion to reopen limited discovery and compel production of financial information.	6-0 Citizens A-E
PCB 01-169	<u>Gerry Blohm v. Dominick’s Finer Foods</u> – The Board granted complainant’s motion for voluntary dismissal of this citizen’s noise enforcement action involving a McHenry County facility.	6-0 Citizens N-E
PCB 02-114	<u>Logan Jones Ltd. Partnership v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Cook	6-0

Environmental Register – November 2002

	County facility.	UST Fund
PCB 02-157	<u>David L. Weber and Rachel B. Weber v. Cisco United Methodist Church</u> – The Board denied respondent’s motion for summary judgment in this citizen’s noise enforcement action involving a Piatt County facility.	6-0 Citizens N-E
PCB 03-8	<u>Ralph Johnson Estate 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 Christian County facility.	6-0 UST Appeal
PCB 03-21	<u>Clean The Uniform Company - Highland v. Aramark Uniform & Career Apparel, Inc.</u> – The Board found that the alleged violations in the complaint were neither duplicative nor frivolous, dismissed the request for injunctive relief as frivolous, and accepted for hearing this matter involving a Madison County facility. The Board also granted counsel’s motion to appear pro hac vice.	6-0 Citizens L&W-E
PCB 03-31	<u>County of Kankakee and Edward D. Smith, State’s Attorney of Kankakee County v. The City of Kankakee, Illinois, City Council, Town and Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C.; Byron Sandberg v. The City of Kankakee, Illinois, City Council, Town and Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C.; and Waste Management of Illinois Inc. v. The City of Kankakee, Illinois, City Council, Town and Country Utilities, Inc., and Kankakee Regional Landfill, L.L.C.</u> – The Board denied the County of Kankakee and Edward D. Smith, State’s Attorney of Kankakee County’s motion for expedited decision and its motion for summary judgment.	6-0
PCB 03-33		P-C-F-S-R
PCB 03-35		3d Party
PCB 03-38	<u>Morry Gabel, Myra Gabel, Don Foreman, Marsha Foreman, Keith Pinsoneault and Tracy Pinsoneault v. The Wealshire, Inc.</u> – The Board found that the alleged violations in the complaint were neither duplicative nor frivolous and accepted for hearing this matter involving a Lake County facility.	6-0 Citizens N-E
PCB 03-43	<u>Landfill 33, Ltd. v. Effingham County Board and Sutter Sanitation Services</u> – The Board on its own motion consolidated this matter with PCB 03-52 and accepted for hearing the amended petition.	6-0 P-C-F-S-R 3d Party
PCB 03-48	<u>Mueller Shell, 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 St. Clair County facility.	6-0 UST Appeal 90-Day Ext.
PCB 03-49	<u>Karco, 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 Jackson County facility.	6-0 UST Appeal 90-Day Ext.

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PCB 03-50	<u>East Side Shell 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 Fulton County facility.	6-0 UST Appeal 90-Day Ext.
PCB 03-51	<u>People of the State of Illinois v. Draw Drape Cleaners, Inc.</u> – The Board accepted for hearing this air enforcement action involving a Cook County facility.	6-0 A-E
PCB 03-52	<u>Stock & Company, L.L.C. v. Effingham County Board and Sutter Sanitation Service, Inc.</u> – The Board accepted for hearing this third-party pollution control facility siting appeal involving an Effingham County facility and on its own motion consolidated this matter with PCB 03-43.	6-0 P-C-F-S-R 3d Party
PCB 03-53	<u>People of the State of Illinois v. Northern Building Concepts, Inc. and Landscape Concepts Construction, Inc.</u> – The Board accepted for hearing this water enforcement action involving a Lake County facility.	6-0 W-E
PCB 03-54	<u>Freedom 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 Edgar County facility.	6-0 UST Appeal 90-Day Ext.
PCB 03-56	<u>Freedom 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 Edgar County facility.	6-0 UST Appeal 90-Day Ext.
PCB 03-57	<u>Leslie C. Ko 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 Williamson County facility.	6-0 UST Appeal 90-Day Ext.
PCB 03-58	<u>Pechiney Plastic Packaging, 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 Kane County facility.	6-0 P-A 90-Day Ext.
PCB 03-59	<u>Godfrey Sunoco 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 Madison County facility.	6-0 UST Appeal 90-Day Ext.
PCB 03-60	<u>V.W. Bowman 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 Union County facility.	6-0 UST Appeal 90-Day Ext.

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PCB 03-61	<u>Brock 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 McLean County facility.	6-0 UST Appeal 90-Day Ext.
PCB 03-62	<u>Brock 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 Vermilion County facility.	6-0 UST Appeal 90-Day Ext.
PCB 03-63	<u>Goben 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 Clark County facility.	6-0 UST Appeal 90-Day Ext.

November 21, 2002 Via Video Conference Between Springfield and Chicago, Illinois

Adjusted Standards

AS 02-3	<u>In the Matter of: Petition of Ford Motor Company (Chicago Assembly Plant) for and Adjusted Standard from 35 Ill. Adm. Code 218.986</u> – The Board granted this Cook County facility a revision to the adjusted standard previously granted in <u>Petition of Ford Motor Company for an Adjusted Standard from 35 Ill. Adm. Code 218.986</u> , AS 00-06 (Apr. 6, 2000). The adjusted standard is granted with conditions from the volatile organic material emissions regulations found at 35 Ill. Adm. Code 218.986 as that regulation applies to Ford Motor Company's solvent clean-up operations.	6-0 Air
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Administrative Citations

AC 03-10	<u>IEPA v. Bobby Keller</u> – The Board found that this Macoupin County respondent violated Sections 21(p)(1), (p)(3) and (p)(7) of the Environmental Protection Act (415 ILCS 5/21(p)(1), (p)(3), (p)(7) (2000), <i>amended by</i> P.A. 92-0574, eff. June 26, 2002), and ordered respondent to pay a civil penalty of \$4,500.	5-1 Girard dissented
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Motions and Other Matters

PCB 97-69	<u>People of the State of Illinois v. Economy Plating, Inc.</u> – The Board granted complainant's motion to file a late second amended complaint and accepted the November 14, 2002 amended complaint for hearing.	5-0 A-E
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PCB 99-19	<u>Karen & Anthony Roti, Paul Rosenstock, and Leslie Weber v. LTD Commodities</u> – The Board denied respondent’s motion to view of premises as unnecessary to its decision.	6-0 Citizens A-E
PCB 99-134	<u>People of the State of Illinois v. Peabody Coal Company</u> – The Board granted complainant’s motion for leave to amend its second amended complaint and accepted complainant’s third amended complaint filed October 24, 2002. The Board denied complainant’s motion for reconsideration of the October 3, 2002 Board Order as moot.	6-0 W-E
PCB 00-108	<u>People of the State of Illinois v. BFI Waste Systems of North America, Inc. a foreign corporation and as successor-by merger to E & E Hauling, Inc.</u> – The Board granted the parties motion to amend the caption as shown above. 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 DuPage County facility, the Board ordered publication of the required newspaper notice.	5-0 L-E
PCB 01-29	<u>People of the State of Illinois v. Kiehl Engineering Company, Inc. d/b/a Thomas Foster Group, Inc. and United Plastics Group, Inc.</u> – Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this air enforcement action involving a DuPage County facility, the Board ordered publication of the required newspaper notice.	6-0 A-E
PCB 02-13	<u>Bahlman Oil Company, Inc. v. IEPA</u> – The Board granted petitioner’s motion for voluntary dismissal of this underground storage tank appeal involving a Will County facility.	6-0 UST Fund
PCB 02-56	<u>People of the State of Illinois v. Chiquita Processed Foods, L.L.C.</u> – The Board granted Chiquita’s motion for summary judgment, and as to counts IV and V of the complaint and dismissed them without prejudice. The parties were directed to proceed expeditiously to hearing on the remainder of the complaint.	5-0 W-E
PCB 03-9	<u>Piasa Motor Fuels, Inc. v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Madison County facility.	5-0 UST Appeal
PCB 03-10	<u>Ralph’s Bonded Service 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 Hancock County facility.	5-0 UST Appeal
PCB 03-16	<u>King’s 66 Service Station v. IEPA</u> – The Board accepted for hearing this underground storage tank appeal involving a Madison County facility.	5-0 UST Appeal
PCB 03-55	<u>2222 Elston L.L.C. v. Purex Industries, Inc., Federal Die Casting Co., Federal Chicago Corp., Raymond E. Cross, Beverly Bank Trust No. 8-7611, and</u>	6-0

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	<u>Lakeside Bank Trust Nos. 10-1087 & 10-1343</u> – The Board granted respondent Purex Industries, Inc.’s motion for extension of time. In the interest of administrative economy, all respondents were granted until December 5, 2002, to file any motion addressing whether the complaint is duplicative or frivolous.	Citizens UST-E
PCB 03-65	<u>Knox College 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 Knox County facility.	5-0 UST Appeal 90-Day Ext.
PCB 03-66	<u>Klean Car Wash, 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 Cook County facility.	5-0 UST Fund 90-Day Ext.
PCB 03-67	<u>Maryville Voice Newspaper Co. 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 Madison County facility.	5-0 UST Fund 90-Day Ext.
PCB 03-68	<u>Campton Township Highway Department 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 Kane County facility.	5-0 UST Appeal 90-Day Ext.
PCB 03-69	<u>Cunningham Service 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 Edwards County facility.	5-0 UST Appeal 90-Day Ext.
PCB 03-70	<u>Illinois Ayers 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 Cass County facility.	5-0 UST Appeal 90-Day Ext.
PCB 03-71	<u>Wabash Valley Service 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 Gallatin County facility.	5-0 UST Appeal 90-Day Ext.

New Cases

November 7, 2002 Board Meeting

- 03-048** Mueller Shell, 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 St. Clair County facility.
- 03-049** Karco, 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 Jackson County facility.
- 03-050** East Side Shell 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 Fulton County facility.
- 03-051** People of the State of Illinois v. Draw Drape Cleaners, Inc. – The Board accepted for hearing this air enforcement action involving a Cook County facility.
- 03-052** Stock & Company, L.L.C. v. Effingham County Board and Sutter Sanitation Service, Inc. – The Board accepted for hearing this third-party pollution control facility siting appeal involving an Effingham County facility and on its own motion consolidated this matter with PCB 03-43.
- 03-053** People of the State of Illinois v. Northern Building Concepts, Inc. and Landscape Concepts Construction, Inc. – The Board accepted for hearing this water enforcement action involving a Lake County facility.
- 03-054** Freedom 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 Edgar County facility.
- 03-055** 2222 Elston L.L.C. v. Purex Industries, Inc., Federal Die Casting Co., Federal Chicago Corp., Raymond E. Cross, Beverly Bank Trust No. 8-7611, and Lakeside Bank Trust Nos. 10-1087 & 10-1343 – The Board held for a later duplicitous/frivolous determination this citizen's underground storage tank enforcement action involving a Cook County facility.
- 03-056** Freedom 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 Edgar County facility.
- 03-057** Leslie C. Ko 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 Williamson County facility.
- 03-058** Pechiney Plastic Packaging, 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 Kane County facility.
- 03-059** Godfrey Sunoco 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 Madison County facility.
- 03-060** V.W. Bowman 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 Union County facility.
- 03-061** Brock 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 McLean County facility.
- 03-062** Brock 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 Vermilion County facility.
- 03-063** Goben 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 Clark County facility.
- AC 03-11** City of Chicago Department of Environment v. City Wide Disposal, Inc. – The Board accepted an administrative citation against this Cook County respondent.

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R03-11 In the Matter of: Site-Specific Rule for City of Effingham Treatment Plant Fluoride Discharge, 35 Ill. Adm. Code 304.233 – The Board accepted for hearing the October 22, 2002 proposal of the City of Effingham for a site-specific rulemaking to amend the Board’s water pollution control regulations. The Board also granted petitioner’s motion to waive the 200 signature requirement.

November 21, 2002 Board Meeting

03-065 Knox College 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 Knox County facility.

03-066 Klean Car Wash, 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 Cook County facility.

03-067 Maryville Voice Newspaper Co. 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 Madison County facility.

03-068 Campton Township Highway Department 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 Kane County facility.

03-069 Cunningham Service 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 Edwards County facility.

03-070 Illinois Ayers 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 Cass County facility.

03-071 Wabash Valley Service 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 Gallatin County facility.

AC 03-12 The Ogle County Solid Waste Management Department v. Merle and Joanne Cornelius and Dennis Bergmann – The Board accepted an administrative citation against these Ogle County respondents.

Calendar

11/04/02 9:00 AM	PCB 03-31	County of Kankakee and Edward D. Smith, States Attorney of Kankakee County v. City of Kankakee, Illinois, The City of Kankakee, Illinois City Council, Town and Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C. (Consolidated with PCB 03-33 & PCB 03-35)	Bradley Quality Inn 800 North Kinzie Avenue
11/06/02 9:00 AM	PCB 99-127	Mineral Solutions, Inc. v. IEPA	Springfield Conference Room 403 600 South Second Street
11/06/02 9:00 AM	PCB 03-31	County of Kankakee and Edward D. Smith, States Attorney of Kankakee County v. City of Kankakee, Illinois, The City of Kankakee, Illinois City Council, Town and Country Utilities, Inc. and Kankakee Regional Landfill, L.L.C. (Consolidated with PCB 03-33 & PCB 03-35)	Bradley Quality Inn 800 North Kinzie Avenue
11/07/02 9:00 AM	PCB 03-8	Noise Rule Update: Amendments to 35 Ill. Adm. Code 900 and 903	Chicago James R. Thompson Center Conference Room 11-512 100 West Randolph Street
11/19/02 9:00 AM	PCB 02-41	Milton C. and Virginia L. Kamholz v. Lawrence and Mariane Sporleder	Woodstock Public Library Training Room 414 West Judd Street

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11/20/02 9:00 AM	PCB 02-41	Milton C. and Virginia L. Kamholz v. Lawrence and Mariane Sporleder	Woodstock Public Library Training Room 414 West Judd Street
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11/21/02 1:00 PM	PCB 03-8	Noise Rule Update: Amendments to 35 Ill. Adm. Code 900 and 903	Chicago James R. Thompson Center Conference Room 11-512 100 West Randolph Street
12/09/02 9:00 AM	PCB 03-39	Mineral Solutions, Inc. v. IEPA	Springfield Conference Room 403 600 South Second Street
12/09/02 10:00 AM	PCB 99-19	Anthony and Karen Roti, Paul Rosenstock, and Leslie Weber v. LTD Commodities	Libertyville Village Hall 118 West Cook 2nd Floor Board Room
12/10/02 10:00 AM	PCB 98-148	People v. Doren Poland, Lloyd Yoho, and Briggs Industries, Inc. a/k/a Briggs Plumbing Products, Inc.; Briggs Industries, Inc.; Third-Party Complainant v. Loren West and Abingdon Salvage Company, Inc., Third-Party Respondents	Galesburg Knox County Courthouse Second Floor 200 South Cherry Street
12/12/02 1:00 PM	R03-10	Revision of the Board's Procedural Rules: 35 Ill. Adm. Code 101-130	Springfield Conference Room 403 600 South Second Street
12/18/02 9:00 AM	PCB 02-91 PCB 02-116	Rezmar Corporation v. IEPA (Consolidated with PCB 02-116)	Chicago James R. Thompson Center Conference Room 11-512 100 West Randolph Street
12/19/02 9:00 AM	PCB 03-43 PCB 03-52	Landfill 33, LTD., & Stock & Company, LLC, v. Effingham County Board and Sutter Sanitation Services (Consolidated with PCB 03-52)	Effingham County Building 101 N. Fourth Street County Board Room
12/19/02 1:00 PM	R03-10	Revision of the Board's Procedural Rules: 35 Ill. Adm. Code 101-130	Chicago James R. Thompson Center Conference Room 11-512 100 West Randolph Street
12/19/2002 11:00 AM	<u>ILLINOIS POLLUTION CONTROL BOARD MEETING</u>		Chicago James R. Thompson Center Conference Room 11-512 100 West Randolph Street
12/20/02 9:00 AM	PCB 03-43	Landfill 33, LTD., v. Effingham County Board and Sutter Sanitation Services	Effingham County Building 101 N. Fourth Street County Board Room
12/20/02 9:00 AM	PCB 03-52	Stock & Company, LLC, v. Effingham County Board and Sutter Sanitation Services	Effingham County Building 101 N. Fourth Street County Board Room
1/9/2003 11:00 AM	<u>ILLINOIS POLLUTION CONTROL BOARD MEETING</u>		VIDEOCONFERENCE— Chicago/Springfield James R. Thompson Center Hearing Room 11-512 100 West Randolph St./Chicago Hearing Room 403 600 South Second St./Springfield

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2/19/03 9:00 AM	PCB 01-167	People v. ESG Watts, Inc. (Taylor Ridge Landfill)	Springfield Conference Room 403 600 South Second Street
2/20/03 9:00 AM	PCB 01-167	People v. ESG Watts, Inc. (Taylor Ridge Landfill)	Springfield Conference Room 403 600 South Second Street

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

DIVISION OF WATER POLLUTION CONTROL

RESTRICTED STATUS LIST

In order to comply with 35 Illinois Administrative Code Section 306.401, Illinois Pollution Control Board Regulations, the Illinois EPA has prepared the following list of facilities which are on Restricted Status. Restricted Status is defined as the Agency determination that a sewer or lift station has reached hydraulic capacity or that a sewage treatment plant has reached design capacity, such that additional sewer connection permits may no longer be issued without causing a violation of the Act or Regulations. Please note that the list is continually being revised to reflect the current situation. Therefore, if you have any questions on the capability of a treatment facility or transport system, please contact this Agency for a final determination. This listing reflects the status as of September 30, 2002.

Facility names followed by an asterisk (*) indicates that construction is underway to ultimately alleviate problems which resulted in imposition of Restricted Status. Facilities followed by a double asterisk (**) are additions to the list.

<u>FACILITY NAME</u>	<u>RESPONSIBLE AUTHORITY</u>	<u>COUNTY</u>	<u>REMAINING CAPACITY</u>
Bonnie Brae Forest Manor SD STP	Bonnie Brae Forest Manor SD	Will	0
Bourbonnais (Belle Aire Subd.)	Village of Bourbonnais	Kankakee	0
Camelot Utilities Wastewater Collection System	Camelot Utilities	Will	0
Camp Point (a portion mh 60-68)	Village of Camp Point	Adams	0
Clearview S.D.	Clearview S.D.	McLean	0
East Alton	City of East Alton	Madison	0
Farmington	City of Farmington	Fulton	0
Hinckley STP	Village of Hinckley	DeKalb	0
Hurst & Blairville Collection SYSTEM	City of Hurst	Williamson	0
Lockport Heights SD STP	City of Lockport	Will	0
Maple Lawn Homes STP	Maple Lawn Homes	Woodford	0
Port Byron STP	Village of Port Byron	Rock Island	0

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Rosewood Heights S.D.- Ninth Street LS	Rosewood Heights S.D.	Madison	0
South Palos Twp. SD	South Palos Twp.	South Palos Twp.	0
Taylorville-Shawnee Ave. PUMP STATION	City of Taylorville	Christian	0
Utilities Unlimited	Utilities Unlimited	Will	0
Washington (Rolling Meadows)	City of Washington	Tazewell	0
Wauconda-Larkdale LS	Village of Wauconda	Lake	0
Winnebago-SS overflow to Westfield LS; East 4 blocks of Soper St.	Village of Winnebago	Winnebago	0

Deletions from previous quarterly report: 0

IEPA Critical Review Status List

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

DIVISION OF WATER POLLUTION CONTROL

CRITICAL REVIEW LIST

In order to comply with 35 Illinois Administrative Code Section 306.401, Illinois Pollution Control Board Regulations, the Illinois Environmental Protection Agency has prepared the following list of facilities which are on Critical Review. Critical Review as defined as the Agency determination that a sewer or lift station is approaching hydraulic capacity or that a sewage treatment plant is approaching design capacity such that additional sewer connection permit applications will require close scrutiny to determine whether issuance would result in a violation of the Act or Regulations. Please note that these lists are continually being revised to reflect the current situation. Therefore, if you have any questions on the capability of a treatment facility or transport system, please contact the Agency for a final determination. This listing reflects the status as of September 30, 2002.

Facility names followed by a double asterisk (**) are additions to the list.

FACILITY	RESPONSIBLE		REMAINING	PE ADDED
<u>NAME</u>	<u>AUTHORITY</u>	<u>COUNTY</u>	<u>CAPACITY</u>	<u>LAST LIST</u>
Antioch STP	Village of Antioch	Lake	1,539	0
Athens STP	City of Athens	Menard	54	0
Beardstown SD	City of Beardstown	Cass	1,769	0
Benton-Southeast STP	City of Benton	Franklin	60	0
Bethalto (L.S. #1)	Village of Bethalto	Madison	87	0
Carrier Mills	Village of Carrier Mills	Saline	836	0
Carrollton	City of Carrollton	Greene	140	0
Chester STP	City of Chester	Randolph	485	0
Citizens Utilities Co. of Ill.- River Grange	Citizens Utilities Co. of Ill.	Will	10	0
Dakota	Village of Dakota	Stephenson	90	0
Downers Grove S.D.	Downers Grove S.D.	DuPage	3,851	144
Earlville	City of Earlville	LaSalle	120	0
East Dundee STP	Village of E. Dundee	Kane	556	21
Elkville	Village of Elkville	Jackson	6	0

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Ferson Creek Utilities Co.	Utilities, Inc.	Will	70	0
LCPWD-Diamond-Sylvan STP	County of Lake Public Works Department	Lake	0	0
Lake Barrington Home Owners Assn. STP	Lake Barrington Home Owners Assn.	Lake	80	0
Lindenhurst S.D.	Village of Lindenhurst	Lake	869	0
Lockport	City of Lockport	Will County	1,250	0
Moline (North Slope)	City of Moline	Rock Island	1,151	0
Morris STP	City of Morris	Grundy	0	96
Mundelein STP	Village of Mundelein	Lake	0	0
Paris STP	City of Paris	Edgar	0	47
Plainfield STP	Village of Plainfield	Will	0	3,520
Rock Island (Main)	City of Rock Island	Rock Island	4,683	0
Sandwich	Village of Sandwich	DeKalb/Kendall	401	0
Streator	City of Streator	LaSalle/ Livingston	1,100	0
Thompsonville STP	Village of Thompsonville	Franklin	0	0
Wauconda – Remaining Collection System & Lakeview Villa LS	Village of Wauconda	Lake	***	206

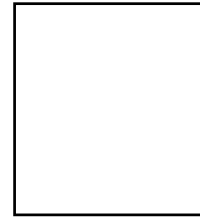
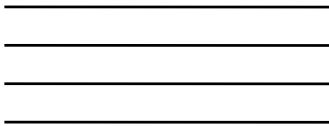
Deletions from previous quarterly report: 0

***Contact IEPA – Permit Section

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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