

**POLLUTION CONTROL BOARD
ELEVENTH YEAR
ANNUAL REPORT**

July 1, 1980 - June 30, 1981



ILLINOIS POLLUTION CONTROL BOARD
ELEVENTH YEAR ANNUAL REPORT

by

Jacob D. Dumelle, Chairman

INTRODUCTION

The Eleventh Year Annual Report presents the highlights of the Illinois Pollution Control Board's activities during the fiscal year from July 1, 1980 to June 30, 1981. Comparative data by individual years is given so that the reader may discern and evaluate any trends.

FUNCTIONS OF ILLINOIS ENVIRONMENTAL AGENCIES

The duties and responsibilities of the three agencies in Illinois state government with major environmental missions are delineated in the Illinois Environmental Protection Act which became effective July 1, 1970. Later legislation creating the Illinois Department of Energy and Natural Resources now contains some language formerly in that Act.

The Illinois system, which is unique in the 50 states, created three separate agencies. The Pollution Control Board ("Board") was set up as the full-time body to do both environmental rulemaking and adjudication. Besides enacting rules and regulations in the fields of air, water, noise, water supply, and wastes, it adjudicates variance requests, permit appeals, and enforcement cases.

The Illinois Environmental Protection Agency ("Agency") has most of the traditional functions of a state environmental protection agency. It does field inspections, surveillance, monitoring, processes grant applications, issues permits, answers complaints, and performs special studies. Its staff numbers about 700 compared to the Board's 17.

The Illinois Department of Energy and Natural Resources (IDENR) is the new name for the Institute of Natural Resources. Of specific interest to the Illinois environmental process is the IDENR preparation of economic and environmental impact studies upon all new rulemaking proposals brought before the Pollution Control Board. Hearings, by law, must be held upon these studies after adequate public notice.

BOARD MEMBERSHIP

During Fiscal Year 1981 Governor James R. Thompson named Mr. Donald B. Anderson of Peru to the Board. Mr. Anderson is a metallurgical engineer with extensive industrial experience and a former three-term state representative. The Governor also named Mrs. Joan G. Anderson of Western Springs to a full three-year term.

The present membership of the Board and the date of term expiration is as follows:

Mr. Nels E. Werner, Chicago, June 30, 1980
Mr. Jacob D. Dumelle, Oak Park, June 30, 1982
Mr. Irvin G. Goodman, Oak Brook, June 30, 1982
Mr. Donald B. Anderson, Peru, June 30, 1984
Mrs. Joan G. Anderson, Western Springs, June 30, 1984

QUASI-JUDICIAL CASE ACTIONS (Contested Cases)

The total number of contested cases filed before the Board dropped to 219 from 264 recorded in FY80. This continues a decline which began in FY79. Enforcement cases declined to 56 compared to 70 in FY80. Variances numbered 123 as against 148 the previous year. Permit appeals totalled 31 as against 34 for the prior year.

Appendix A lists the distribution of contested cases before the Board by types for each of the 11 years of Board existence. As of June 30, 1981 a total of 4,118 cases had been filed with the Board for an average of 374 cases per year.

Appendix B shows 14 "citizen suits" filed in FY81 compared to 19 in FY80. The Environmental Protection Act provides for such suits (defined as those not brought in the name of the IEPA). In such cases the complaining party acts as the prosecutor and must present evidence such as to carry the burden of proof.

Of the 1,384 enforcement cases filed before the Board in the past 11 years, some 180 were filed by persons not connected with the Illinois Environmental Protection Agency or the Attorney General's office.. Thus 13% of all prosecutions were initiated apart from the regular governmental agencies. The citizen suit provision thus provides a remedy and a means of access to a quasi-judicial forum in environmental disputes.

During FY81 the Board assessed \$255,291.75 in penalties compared to \$198,812.50 for the previous year. For the past 11 years the total penalties assessed by the Board (including additional penalties added by the courts) amounts to \$2,579,907.32. Appendix F lists the penalties assessed by the Board in FY81.

QUASI-LEGISLATIVE ACTIONS (Rulemaking Proceedings)

In FY81 a total of 32 rulemaking proceedings were filed with the Board, more than twice the total of 15 for FY80. These are listed by number and title in Appendix D in the order of filing. Except for FY71, the year of the Board's start-up, this total of 32 is the highest on record. Nine of the new proposals, R81-1 through R81-9 inclusive, were reserved for codification of each of the Board's Chapters 1 through 9, respectively. The General Assembly has required that rules by all State agencies

be codified by November 1983. If codification is not done in a timely fashion then the uncodified rules lapse.

Appendix C gives the distribution by type and by year for the 215 rulemaking proposals filed before the Board in its 11 year history. Note that the largest number, 78, have been in air pollution control and the next largest number, 72, deal with water pollution control.

The Board took final action on 28 rulemaking proposals in FY81 compared to 16 final actions in FY80. The actions in chronological order follow:

On July 10, 1980 the Board allowed the withdrawal of R76-7, Mine Waste Amendments, at the proponent's request. Three regulations dealing with mine-related pollution were adopted on July 24, 1980 in R76-20, R77-10, and R79-13. These regulations revised Chapter 4 of the Board's Rules. Coal transfer stations were put under more lenient effluent standards which should encourage increased coal usage in Illinois. Duplicative requirements for NPDES permits were removed.

On August 7, 1980 the Board entered an opinion and order which re-established its jurisdiction over airborne radioactive emissions in R71-9 and R80-1. The latter proceeding was dismissed. Two New Source Performance Standards (NSPS) were adopted on the same date in R80-13 and R80-14.

A new procedural rule on continuances was adopted on September 4, 1980 in R80-2. On October 30, 1980 the Board dismissed R78-8 which would have exempted certain smaller communities from the existing requirement to chlorinate their public water supply. The Board's opinion pointed out that cross-connections with pollution sources and contamination could occur at any time and that a chorine residual was a means to detect such events and protect public health.

An emergency rule in R80-9 and R80-10, Blasting Noise, was enacted on December 4, 1980 to extend a cutoff date for compliance. On the same date two other final actions were taken. R80-7 amending the procedural rules to conform to new legislative changes was adopted. An old proceeding, R73-5, which dealt with leaf burning in cities, was dismissed because of the age of the record and the pendency of a possible federal standard on airborne respirable particles.

On December 18, 1980 the Board adopted an emergency rule in R80-19, Hazardous Hospital Wastes. This was done in order to make certain that landfill operators would continue to accept hospital wastes after January 1, 1981 pursuant to Board variances. This date appears in Public Act 81-1186. R80-21 was enacted on December 18, 1980 in order to adopt two new Federal NSPS regulations.

Two regulations dealing with sulfur dioxide regulations, R78-14 and R78-17, received final action on January 8, 1981. The former was dismissed. The latter, which abolished non-Federal secondary standards, was adopted.

A proposal to put a deposit on beverage containers in R71-24 and R75-14 was dismissed by the Board on January 22, 1981 after extensive hearings. The Board felt that the matter was more properly a public policy question for the General Assembly. It also felt that the necessary administrative framework to operate such a regulation was not available. No position was taken on the merits. Also on January 22, 1981 in R81-10 the Board adopted five NSPS amendments issued by the USEPA. On February 5, 1981 amendments to the procedural rules were adopted in R80-12.

On March 5, 1981 the Board dismissed R79-3 which would have required Illinois industries now controlling below Board limits to continue to do so in the future. For many reasons the Board felt the proposal to be inequitable. On the same date the Board adopted R76-19 which repealed existing noise limits between industrial land use classifications.

A recent amendment to the Environmental Protection Act requires the Board to "pass-through" state standards which are "identical in substance" with federal requirements promulgated under the Resource Conservation and Recovery Act of 1976 (RCRA). On March 19, 1981 the Board adopted R81-14 which "passes-through" rules for hazardous waste sites involving financial responsibility and closure and post-closure.

On May 1, 1981 the Board adopted R77-12, Docket B, which requires generators and users of sewage sludge to be applied to land to obtain an IEPA permit unless exempted by the regulation.

Two regulations which had been the subject of earlier Board emergency rules were enacted in final form on May 14, 1981. R80-9 and R80-10 set limits on impulsive sound from explosive blasting. R80-19 finalized the rules mandated by the General Assembly to be enacted regarding the storing and handling of hazardous hospital wastes.

An emergency rule was enacted on May 28, 1981 in R77-15 relaxing sulfur dioxide emission limits for industrial boilers in the Peoria area. This allowed Illinois coal to continue to be burned without adversely affecting air quality.

On June 10, 1981 the Board dismissed R79-2: Sulfur Recovery, at the proponents' request. A refinery closing mooted the proposal. On the same day the Board enacted a codification of Chapter 4: Mine Related Pollution in R81-4.

Rulemaking proceedings generally involve much more Board and staff time than contested cases. Since the Board is not limited to the initial proposal before it, variations in numerical

limits and language must be considered. After an environmental need has been demonstrated for a regulation then considerations of balance and administrative feasibility must be weighed.

Appendix G gives the numbers of orders and opinions issued by the Board in both rulemaking and contested case proceedings. These opinions and orders are reprinted and may be purchased in volumes by the public. Single copies are available free of charge. They may also be consulted at various locations around Illinois.

ADMINISTRATIVE AND FINANCIAL

The Board expended \$ 663,100 during FY81. This amount compares to expenditures of \$ 612,800 for FY80. These amounts are exclusive of Board Members salaries and their pension and health benefits, which appear in the separate State Officers appropriation.

The appropriated amounts were not adequate during FY81 and travel had to be curtailed and some printing deferred into FY82.

Appendix E gives the categorical distribution of Board expenditures. Total staff numbered 17 which is significantly lower than the 22 total some years ago.

THE YEAR AHEAD

A heightened public interest in the protection of environment seems apparent. Three widely publicized events seem to be the major cause of this. The Love Canal contamination in New York with subsequent permanent evacuation of residents was one. The series of articles on "acid rain" effects was a second. The last was the damage to the nuclear reactor at Three Mile Island in Pennsylvania with some temporary evacuation. This interest manifests itself at the Board offices with an increased number of questions or in requests for copies of regulations or Board decisions or with additional free subscriptions to the Environmental Register, the Board's biweekly newsletter.

Requests for Board speakers have also increased. Board Members and staff try to fulfill all speaking requests within the limits of competence, workload, and travel funds. Pending contested cases may not be discussed, however, unless on a purely procedural point.

The Board tries its best, within its resources, to make timely decisions in all pending matters. Certain types of proceedings, such as variances and permit appeals, must be decided within 90 days or are granted by operation of law. It is important that adequate budget funds are available to the Board so that thorough decisions are made promptly. A secretarial vacancy, for example, may cause a critical delay in transmitting

a draft, opinion or order to a downstate Board Member. If adequate time for review is not available, then the matter may have to be carried over to a subsequent biweekly Board meeting. Valuable time may be lost for want of support funds.

For many years, the Board has had a "public comment" time on its meeting agenda. If there are environmental problems not being addressed, or any suggestions to improve procedures please transmit them to the Board for its consideration, either in person or in writing.

JUDICIAL REVIEW

Seven cases in which the Board was a party were decided by the appellate courts during the last year. Of these, four cases dealt with variances, two with enforcement cases, and one with a permit appeal. There were also three federal cases to which the Board was not a party that may have a bearing on the State's environmental program.

BOARD CASES

On January 27, 1981, the Second District Appellate Court affirmed the Board's granting of a partial variance to Willowbrook Development Corporation. (Willowbrook Development Corp. v. IPCB and IEPA, 92 Ill. App. 3d 1074, 416 N.E. 2d. 385). Willowbrook had requested a variance to allow connection of 152 units in its Lake Willow Way development to the Marionbrook Sewage Treatment Plant in DuPage County, which was on restricted status. Willowbrook had been given a "construct only" permit and had been denied a permit to connect. The Board granted the variance for only 52 of the 152 units (Willowbrook v. IEPA, PCB 80-58, 39 PCB 1; July 3, 1980).

First, the Appellate Court held that the Board was not estopped from denying the variance for the remaining 100 units, in that a necessary element for the invocation of the doctrine of equitable estoppel was lacking. Specifically, the Court found that Willowbrook had failed to establish words or conduct on the part of the Illinois Environmental Protection Agency (Agency) constituting either a misrepresentation or concealment of material facts. The Agency had in fact made it clear to Willowbrook that connection would not be allowed absent the issuance of an operating permit. Further, the court held that the local officials, who had not informed Willowbrook Development of the treatment plant's problems, did not stand in such a relationship to the Agency that their conduct could be imparted to the Agency, and that the Agency did not have any independent obligation to inform the developers of the restricted status.

Second, the Court held that the proper standard for review in this case is the manifest weight of the evidence test (which

is used to review the Board's quasi-judicial functions) rather than the arbitrary and capricious standard (which is used to review policy or rulemaking decisions). Even under this test, the Court could not find that the Board had improperly balanced the hardships.

Finally, the Court found that the Board's Opinion in this case gave sufficient facts and reasons for its decision to fulfill the requirements of Section 35 of the Environmental Protection Act and in no way impaired Willowbrook's due process rights.

In another case involving restricted status imposed upon a treatment plant, the First District Appellate Court upheld the Board in the case of Philipsborn Equities, Inc., v. IPCB and IEPA, 94 Ill. App. 3d. 1055, 419 N.E. 2d 470, (March 26, 1981). In that case Philipsborn had received permits from the Agency in 1971 to connect an apartment complex to the Barrington sewer system. Before construction was complete, the permits expired. In 1976 the Barrington sewage plant was placed on restricted status. The sewer near the developer's site deteriorated and started to overflow.

The developer sought and was granted a variance to allow the issuance of permits for "construction only" of sewer connections for sixty apartment units and a variance to allow the issuance of a permit to operate sewer connections to four model apartments. However, the Board denied Philipsborn's additional request for variance to allow the issuance of permits to operate sewer connections for the remaining fifty-six apartment units which was to be conditioned upon the completion of those portions of the Village of Barrington's sewer improvement program which affected the project area. The Board found that such permits should not issue automatically upon completion of those improvements. Rather, operating permits would not be granted until the improvements were completed and shown to be adequate (Philipsborn Equities, Inc., v. IEPA, PCB 79-86, 38 PCB 143; May 1, 1980).

Justice Jiganti reasoned that even where improvements to treat and transport raw sewage appear adequate when proposed, such improvements may prove deficient once implemented. Thus, the Court held that any hardship to Philipsborn was not arbitrary and unreasonable, and affirmed the Board's variance denial.

A third case held that a variance petitioner has the burden of demonstrating compliance with the Clean Air Act and, in turn with the State Implementation Plan (SIP) (IEPA v. PCB and Mississippi River Grain Elevator, Inc., 95 Ill. App. 3d 400, 420 N.E. 2d 245, April 28, 1981).

The Agency had appealed the Board's granting of a variance to Mississippi River Grain Elevator, Inc. (MRGE) from Board rules regulating grain handling facilities. The Board's order required MRGE to take all reasonable steps to minimize particulate emissions with its existing equipment and granted variance to

January 15, 1981 (Mississippi River Grain Elevator, Inc. v. IEPA, PCB 80-19, 38 PCB 179, May 1, 1980).

In reversing the Board, the Court agreed with the Agency that the Board erred in failing to dismiss the variance petition as inadequate. The Court found that the sufficiency of the petition centered on the required analysis concerning how the granting of variance would affect air quality in the area. Such an analysis is required by the Board's Procedural Rules 401(a)(7) and 401(d) as well as Section 35 of the Environmental Protection Act which mandates that variances be consistent with the Clean Air Act and the SIP.

The Court found that the only analysis or proof offered by MRGE concerning the environmental impact of the variance was the conclusory statement that grain dust has no harmful effect on humans. Since no substantial proof was presented, the Court reasoned that MRGE had failed to meet its burden of showing consistency between its variance petition and Clean Air Act. Therefore, the Court found that the Board's conclusion that there was enough information provided to enable the Board to determine consistency with the Clean Air Act was against the manifest weight of the evidence. It found further that the Board had improperly shifted the burden to the Agency to show inconsistency with the Clean Air Act and the SIP.

Despite the reversal of the variance grant, the Court directed that MRGE be permitted to refile for variance with supporting data and analysis and found that no enforcement action based upon MRGE's failure to comply with the rules involved in this proceeding would be appropriate, thus reversing the variance grant while giving substantially equivalent relief.

The final variance case, and one of the enforcement cases shared a common set of facts and were decided by the appellate court on the same day (Allaert Rendering v. IPCB, 91 Ill. App. 3d 153, 414 N.E. 2d 492, December 12, 1980; and Allaert Rendering v. IPCB 91 Ill. App. 3d 160, 414 N.E. 2d 497, December 12, 1980.)

A rendering company was cited for violations of the Environmental Protection Act, no permits for the wastewater treatment system, land pollution, water pollution, and no certified wastewater treatment operator. The company responded by requesting a variance from the Act and the regulations.

The Board found violation, imposed a \$3,000 penalty, ordered a clean-up and diversion to a municipal sewer system, and required a \$127,000 performance bond. The variance was denied. Both decisions were appealed (Allaert Rendering v. IEPA, PCB 77-334, 35 PCB 303, September 6, 1979; and IEPA v. Allaert Rendering, PCB 76-80, 35 PCB 281, September 6, 1979), and the appellate court upheld both.

In the enforcement case the Court first found that it is not necessary to prove that pollution was actually caused in order to find that pollution was threatened, so long as a definite danger of pollution existed. The Court found that location of a sinkhole lagoon full of contaminated wastewater in a flood plain was sufficient evidence of a threat of water pollution.

Second, the Court held that when income and earnings data are placed in issue by attempting to introduce them as evidence on economic reasonableness, the Board can properly bar their introduction if they had not been disclosed in response to the Agency's earlier request for documents. In this case the company had refused to provide financial data during discovery, claiming that the information was confidential. They applied for non-disclosure, but the Board rejected the application as overly broad. Then, when the company tried to introduce that data at a hearing, they were barred from doing so. The court found that the Board had acted properly.

Third, the Court held that one cannot defend oneself in an enforcement action alleging operation without a permit by claiming that the permit application was wrongfully denied. Finally, the imposition of a performance bond and civil penalty were upheld in light of five years of conspicuous operation without the required permits.

In the variance case, the Court held that the Board properly applied an "arbitrary or unreasonable hardship" standard and that that standard had not been met.

In reviewing another enforcement case the Allaert decision regarding financial data was followed by another court. More significantly, that court also held that a waste hauler must determine whether the landfill at which he deposits his wastes has the proper permits to accept that waste (Darrel Slager, d/b/a Rapid Liquid Waste and Rubbish Removal v. IPCB and IEPA, 96 Ill. App. 3d 332, 421 N.E. 2d 929, May 7, 1981).

The Board had found Darrel Slager in violation of section 21(f) of the Environmental Protection Act and fined him \$1,000 for disposing of hazardous wastes at a landfill which did not have a permit to accept such wastes. The First District Appellate Court upheld the Order of the Board in IEPA v. Darrel Slager, d/b/a Rapid Liquid Waste and Rubbish Removal, PCB 78-28, 37PCB 281, February 7, 1980.

Slager contended on appeal that he was denied a fair hearing, that the Board's decision was against the manifest weight of the evidence, that the complaint was insufficient, and that no monetary penalty should have been imposed.

In finding that Slager had been given a fair hearing, Justice Jigante, writing for the Court, held that the Board

properly denied Slager's application for non-disclosure of income and earnings data since Slager admitted that he intended to introduce that data as evidence bearing on economic reasonableness and, therefore, put the data in issue. The Court further held that section 21(f) of the Act clearly puts the burden upon Slager to determine the capacity of the site to accept the wastes he brought to it. His lack of knowledge of the landfill's permits was, therefore, no defense.

The Court next held that there was sufficient evidence in the record to support the Board's finding of violation, and that it was not necessary for the Agency to introduce evidence bearing on the reasonableness of the discharges under section 33(c) of the Act. Citing Processing and Books v. PCB, (1976), 64 Ill. 2d 68, 351 N.E. 2d 865, the Court held that once the Agency establishes a prima facie showing of violation, the burden shifts to Slager to introduce such evidence.

Third, the Court held that the complaint reasonably appraised Slager of the case against him so that he was able to intelligently prepare his defense. Therefore, the administrative complaint was deemed sufficient.

Finally, the Court found that the Board had not abused its discretion in assessing a \$1,000 penalty. The penalty was found to be reasonably related to the seriousness of the violation given that liquid wastes pose an especially great hazard because of their tendency to spread quickly and react with other wastes, and because Slager had continued to dispose of such waste after notice of the site violations.

In the sole permit appeal case to go before the appellate court during the last year, the Board was reversed in its granting of a permit for U.S. Steel (IEPA v. PCB and U.S. Steel, 88 Ill. App. 3d 71, 410 N.E. 2d 98, August 1, 1980). The Agency had denied U.S. Steel an air operating permit on the grounds that the emissions from its cast house did not comply with Rule 203 of the Board's Air Pollution rules. U.S. Steel appealed to the Board. The Board ruled that the permit should have been issued, and the Agency appealed the Board's decision (U.S. Steel v. IEPA, PCB 77-327, 31 PCB 359, September 7, 1978).

The First District Appellate Court ruled that the Agency had standing to appeal because it was a party to the Board proceeding and was separate and distinct from the Board. After rejecting mootness arguments, the Court held that the public interest required the appeal to be heard even if it were moot. On the merits, the Court ruled against the Board and U.S. Steel because the Board went outside the record in making its decision. The Court held that the Board was bound by the facts before it and could not interject its own knowledge in its decision.

At this point the Board cases section of this Judicial Review would normally end. However, the appellate court's ruling in the U.S. Steel case, discussed above, was reversed by the Illinois Supreme Court on September 30, 1981, and while it does not fall during the period of this Annual Report, a discussion of it is included for the purpose of putting the appellate court decision in its proper context.

This case involves the Board's construction of Rule 203 of Chapter 2: Air Pollution. The Board had first found that the Rule 201 definition of "fugitive particulate matter" rests on the "collectibility" of the emissions, rather than upon whether they are actually collected in a given case or whether it is the industry's practice to collect them. Then, the Board found that the emissions involved were not collectible, and, therefore, Rule 203(f) applied, rather than Rules 203(a) and (b). Since the Agency had relied upon the latter rules, the Board reversed the permit denial.

The Court found that the function of defining the scope of the emission standards is a quasi-legislative act, while the decision whether the given emissions are "collectible" is quasi-judicial. The former act is to be reviewed on the basis of whether the decision is arbitrary and capricious, while the latter is reviewed on the basis of whether the decision was contrary to the manifest weight of the evidence.

Since the Court found the Board's definitional interpretation to be "a good synthesis of rather ambiguous rules," it was certainly not arbitrary and capricious, and was upheld. Further, the Court found that there was adequate supporting evidence, and no contrary evidence, for the decision that the emissions in this case were fugitive, and that the decision was, therefore, not contrary to the manifest weight of the evidence and was not solely dependent upon the Board's own knowledge.

OTHER CASES

In a permit appeal case which was taken to the federal court rather than the Board, the Court ordered the Environmental Protection Agency to issue operating permits pending a hearing before the Agency in conformity with the Illinois Administrative Procedure Act to determine whether allegations of past alleged misconduct by the permit applicant were sufficient to warrant denial of an operating permit for a landfill.

The Agency had granted a permit to develop a landfill but denied an operating permit based on misconduct by the operator. The denial was made without notice or opportunity for hearing, and the operator sought injunctive relief on constitutional grounds in federal court. Judge Kocoras of the Northern District of Illinois granted a preliminary injunction.

The Agency had denied the operating permit on the basis of Section 39 of the Environmental Protection Act which allows such denial upon a showing of a history of violations of Board rules and the Act. None of the asserted violations concerned an adjudication after an evidentiary hearing, several did not name or involve the individual operator, and two involved suits which were settled without admission of wrongdoing. All of the allegations covered instances which preceded the issuance of the development permit and the effective date of Section 39.

The Court held that the operator did not have to exhaust his administrative remedies through a permit denial appeal before the Board. The operator had a legitimate claim of entitlement to his operating permit which could not be denied without a hearing. Since the denial deprived the operator of the only use for his land, he had a possessory interest entitled to due process protection. In addition, the attacks on the operator's reputation and integrity gave him a protected liberty interest.

A post permit denial hearing before the Board was held to be insufficient in this case. The Court found that there was a significant risk of erroneous deprivation of a protected interest and that the public interest would be adequately protected by Agency oversight of the landfill operations. Further, the Court found that administrative burden on the Agency to be slight and the post denial hearing process before the Board to be inadequate to prevent the operator's bankruptcy. (Martell, et al., v. Mauzy and IEPA, No. 81 C 0285, April 17, 1981). This case is currently being appealed.

In another federal case, which does not directly involve Illinois, the court found that Ohio was in violation of its State Implementation Plan (SIP) for refusing to comply with a federally promulgated vehicle inspection and maintenance (I/M) program for the Cincinnati and Hamilton County, Ohio area.

USEPA had found that the Ohio SIP was not adequate to control ozone in those areas and imposed the I/M program. USEPA filed for an injunction against Ohio's continued registration of vehicles that had not passed I/M emission tests, but the district court dismissed the action.

On appeal the Court found that Ohio was not a polluter just because it owned the highways, but Ohio was violating the SIP and was subject to enforcement action. The Court rejected Ohio's Tenth Amendment constitutional arguments by concluding that: "The federal interest in controlling air pollution far outweighs any state interest in permitting non-complying vehicles to use public streets and highways."

The dissent would have dismissed the appeal as moot or ruled against USEPA on grounds of "...the plainest principles of federalism." (U.S. v. Ohio Dept. of Public Safety, Sixth Circuit Nos. 78-3306, 3307, December 12, 1980).

The importance of this case to Illinois is that Illinois faces the possibility of a federally imposed I/M program.

Finally, a 1981 suit brought by Milwaukee against the State of Illinois held that federal common law nuisance no longer exists as a water pollution remedy. In 1972 the U.S. Supreme Court was faced with a lawsuit in original jurisdiction between Illinois and Milwaukee over the pollution of Lake Michigan. Rather than take the case, a unanimous court sent the matter to federal district court. Justice Douglas reasoned that the district court had federal question jurisdiction on the theory of federal common law nuisance. The 1972 opinion, however, warned that extensive federal statutory involvement might preempt the federal common law.

In 1981, a divided court ruled that the 1972 Federal Water Pollution Control Act rendered the 1972 court opinion obsolete six months after it was decided. The court reasoned that there were no "interstices" left for the federal common law to fill. The net result of this is that effluent limitations are to be set only by the Clean Water Act or state law, whichever is tighter. (Milwaukee v. Illinois, No. 79-408, April 28, 1981).

APPENDIX A
ILLINOIS POLLUTION CONTROL BOARD
FY CASE DISTRIBUTION

	FY71	FY72	FY73	FY74	FY75	FY76	FY77	FY78	FY79	FY80	FY81
<u>VARIANCES:</u>											
Water:	56	126	168	126	102	103	155	103	65	93	70
Air:	101	144	145	217	185	81	20	30	35	26	21
Land:	2	12	18	12	12	9	6	9	1	4	3
Public Water Supply:	2	5	30	22	17	5	3	9	2	16	27
Noise:	0	0	0	0	1	5	3	4	4	1	2
Special Waste Hauling:	0	0	0	0	0	0	0	0	4	8	0
Total:	161	287	361	377	317	203	187	155	111	148	123
<u>ENFORCEMENT CASES:</u>											
Water:	25	52	36	35	42	43	29	46	69	32	15
Air:	26	100	68	79	49	52	21	16	5	10	17
Land:	12	53	35	13	57	63	22	61	20	10	17
Public Water Supply:	1	4	1	4	14	27	8	10	14	12	2
Noise:	0	0	0	1	11	10	9	8	7	5	4
Special Waste Hauling:	0	0	0	0	0	0	0	0	0	1	1
Total:	64	209	140	132	173	195	89	141	115	70	56
<u>PERMIT APPEALS:</u>	0	0	12	21	15	29	21	28	36	34	31
<u>OTHER:</u>	2	3	0	0	0	9	20	19	3	12	9
Grand Total:	227	449	513	530	505	436	317	343	265	264	219

APPENDI
ILLINOIS POLLUTION CONTROL BOARD
CITIZEN ENFORCEMENT - FY DISTRIBUTION

	FY71	FY72	FY73	FY74	FY75	FY76	FY77	FY78	FY79	FY80	FY81
FILED BY:											
<u>CITIZENS</u>											
Water:	7	6	17	15	5	4	3	5	10	3	2
Air:	4	6	7	9	4	5	3	1	0	6	12
Land:	1	0	4	4	1	3	6	4	0	1	0
Public Water Supply:	0	0	0	0	3	0	0	0	0	3	0
Noise:	0	0	1	1	3	3	2	1	1	4	0
Special Waste Hauling:	0	0	0	0	0	0	0	0	0	0	0
Total:	12	12	29	29	16	15	14	11	11	17	14
FILED BY:											
<u>ATTORNEY GENERAL</u> (People of the State of Illinois)											
Water:	0	0	0	1	7	2	10	3	0	1	0
Air:	0	0	2	7	18	8	9	4	0	0	0
Land:	0	0	0	0	2	4	6	4	0	0	0
Public Water Supply:	0	0	0	0	3	0	0	0	0	0	0
Noise:	0	0	0	0	0	1	1	0	0	1	0
Special Waste Hauling:	0	0	0	0	0	0	0	0	0	0	0
Total:	0	0	2	8	30	15	26	11	0	2	0
GRAND TOTAL:	12	12	31	37	46	30	40	22	11	19	14

APPENDIX C
ILLINOIS POLLUTION CONTROL BOARD
REGULATIONS FILED BY FISCAL YEARS

	<u>FY71</u>	<u>FY72</u>	<u>FY73</u>	<u>FY74</u>	<u>FY75</u>	<u>FY76</u>	<u>FY77</u>	<u>FY78</u>	<u>FY79</u>	<u>FY80</u>	<u>FY81</u>	<u>TOTAL</u>
Water	20	5	5	5	9	8	8	1	4	2	5	72
Air	9	7	8	7	9	8	4	4	8	6	8	78
Land	0	1	0	0	0	1	0	1	0	0	4	7
Public Water Supply	0	0	0	1	0	0	0	1	0	0	1	3
Noise	1	1	1	0	2	1	4	0	1	2	1	14
Other (Procedural Rules, etc.)	3	8	1	1	1	1	4	1	3	5	13	41
TOTAL	33	22	15	14	21	19	20	8	16	15	32	215

APPENDIX D
REGULATIONS PROPOSED IN FY81

<u>NUMBER</u>	<u>TITLE</u>	<u>DATE PROPOSED</u>	<u>DATE OF BOARD ACTION</u>
R80-10	Amendments to Rules 101, 206, 208 and 209 of Chapter 8: Noise Pollution	July 10, 1980	December 4, 1980
R80-11	Amendments to Rules 312 and 405 of Chapter 2: Air Pollution, Ozone Standards and Episode Criteria	June 17, 1980	Pending
R80-12	Amendments to Rules 401 and 405 of Chapter 1: Procedural Rules	July 10, 1980	February 5, 1981
R80-13	Standards of Performance for New Stationary Sources (Reference Method For Fluoride), Chapter 2: Air Pollution	July 31, 1980	August 7, 1980
R80-14	Standards of Performance for New Stationary Standards - Primary Aluminum Reduction Plants, Chapter 2: Air Pollution	August 4, 1980	August 7, 1980
R80-15	Amendments to Part V of Chapter 1: Procedural Rules, Permit Appeals	August 7, 1980	Pending
R80-16	Amendments to Rules 203.1, 404(c) and 602 of Chapter 3: Water Pollution	August 28, 1980	Pending
R80-17	Amendment to Rule 203(i)(10)(aa) of Chapter 3: Water Pollution	August 7, 1980	Pending
R80-18	Amendments to Rules 304 and 308 of Chapter 1: Procedural Rules	October 17, 1980	Pending
R80-19	Inquiry Hearings on Hazardous Hospital Wastes	October 2, 1980	May 14, 1981
R80-20	Amendments to Chapter 7: Solid Waste Regulations	October 31, 1980	Pending
R80-21	New Source Performance Standards, Appendix A, Reference Methods 24 and 25 and Subpart PP	December 17, 1980	December 18, 1980
R80-22	Amendments to Rules 201, 204(C)(1)(A), 204(d), 204(F)(1), 204(i) and 205(h) of Chapter 2: Air Pollution	December 1, 1980	Pending
R81-1	Codification of Chapter 1: Procedural Rules	January 8, 1981	Pending
R81-2	Codification of Chapter 2: Air Pollution	January 8, 1981	Pending
R81-3	Codification of Chapter 3: Water Pollution	January 8, 1981	Pending
R81-4	Codification of Chapter 4: Mine Waste Regulations	January 8, 1981	Pending

APPENDIX D
REGULATIONS PROPOSED IN FY81

page 2

<u>NUMBER</u>	<u>TITLE</u>	<u>DATE PROPOSED</u>	<u>DATE OF BOARD ACTION</u>
R81-5	Codification of Chapter 5: Livestock Waste Regulations	January 8, 1981	Pending
R81-6	Codification of Chapter 6: Public Water Supply Regulations	January 8, 1981	Pending
R81-7	Codification of Chapter 7: Solid Waste Regulations	January 8, 1981	Pending
R81-8	Codification of Chapter 8: Noise Regulations	January 8, 1981	Pending
R81-9	Codification of Chapter 9: Special Waste Hauling Regulations	January 8, 1981	Pending
R81-10	Standards of Performance for New Stationary Sources	January 21, 1981	January 22, 1981
R81-11	Amendments to Chapter 6: Public Water Supply Regulations, Trihalomethane	January 30, 1981	Pending
R81-12	Amendments to Rule 452 of Chapter 3: Water Pollution	September 30, 1980	Pending
R81-13	Amendments to Rules 208 and 209 of Chapter 1: Procedural Rules	February 23, 1981	Pending
R81-14	"RCRA" Pass-through: Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities	March 19, 1981	March 19, 1981
R81-15	Amendments to Chapter 2: Air Pollution, Emission Standards and Limitations	April 2, 1981	Pending
R81-16	Major Source Construction and Modification, Chapter 2: Air Pollution, Attainment and Non-Attainment Programs	May 1, 1981	Pending
R81-17	Review of Existing Rule 602, Combined Sewer Overflow of Chapter 3: Water Pollution	April 17, 1981	Pending
R81-18	Waste Disposal Site Owner/Operator Certification, Chapter 7, Part IV	June 10, 1981	Pending
R81-19	Amendments to Rules 203 and 402 of Chapter 3: Water Pollution	June 12, 1981	Pending

APPENDIX E

ILLINOIS POLLUTION CONTROL BOARD

OPERATIONS (000 omitted)

	<u>FY74</u> (a)	<u>FY75</u>	<u>FY76</u>	<u>FY77</u>	<u>FY78</u>	<u>FY79</u>	<u>FY80</u>	<u>FY81</u>	<u>FY82</u>
Appropriated:	\$911.7	\$734.6	\$706.2	\$687.3	\$703.3	\$693.6	\$707.2	\$698.9	\$666.2
EXPENDITURES:	579.9	638.5	624.4	574.9	624.7	658.3	612.8	659.6	663.0
Personal Services	220.7	260.0	250.3	243.4	265.6	295.1	292.7	317.2	308.4
Retirement	13.1	16.2	16.2	15.7	19.0	22.9	23.4	23.8	13.8
Social Security	11.9	13.6	13.4	13.5	15.5	17.2	17.8	20.3	20.4
Contractual Services	112.3	110.4	109.1	108.1	119.4	110.4	120.5	119.4	147.6
Travel	13.9	14.8	16.6	18.8	19.5	16.8	18.2	19.9	16.2
Commodities	6.3	8.6	7.4	4.6	5.6	2.5	3.7	4.0	4.0
Printing	41.5	33.4	36.1	40.4	26.4	49.6	34.0	40.4	41.8
Equipment	4.1	0.8	0.8	2.0	1.0	1.0	1.2	0.7	0.1
Telecommunications	9.9	9.6	8.5	10.3	10.1	10.2	9.6	11.8	12.9
Training Officers	50.1	48.4	61.2	36.0	53.8	48.2	39.4	43.7	44.1
Court Reporting	96.1	122.7	107.9	82.3	88.8	84.5	52.3	58.4	53.7

a) FY 71 through FY 73 figures available in previous Annual Reports.

b) Board Member salaries and pension contributions appear in the State Officers budget and are not reflected above.

APPENDIX F
 STATE OF ILLINOIS
 ENVIRONMENTAL PROTECTION AGENCY
 SUMMARY PENALTIES ASSESSED BY POLLUTION CONTROL BOARD
 JULY 1, 1970 TO June 30, 1981

	<u>7/1/70 To</u> <u>6/30/79</u>	<u>7/1/79 To</u> <u>6/30/80</u>	<u>7/1/80 To</u> <u>6/30/81</u>
Penalties Assessed By Pollution Control Board	2,124,812.34	198,812.50	255,291.75
Interest Assessed By Judgement	<u>990.73</u>	<u> </u>	<u> </u>
Total Penalties	<u>2,125,803.07</u>	<u>198,812.50</u>	<u>255,291.75</u>
Penalties Paid, Vacated or Declared Uncollectable	2,089,036.33	189,232.50	204,141.75
Penalties Appealed		1,000.00	
Penalties Receivable	<u>36,766.74</u>	<u>8,580.00</u>	<u>51,150.00</u>
	<u>2,125,803.07</u>	<u>198,812.50</u>	<u>255,291.75</u>

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APPENDIX F
 STATE OF ILLINOIS
 POLLUTION CONTROL BOARD
 PENALTIES ASSESSED
 12 MONTHS ENDED JUNE 30, 1973

<u>Order Date</u>	<u>PCB #</u>	<u>Name</u>	<u>Total Penalty</u>	<u>Receivables</u>			
				<u>Paid & Vacated</u>	<u>Appealed</u>	<u>Past Due</u>	<u>Current</u>
9/12/72	72-23	Broverman, Harold	5,000	2,400		2,600 (AG)	
3/22/73	72-403	Holly Mining Corp.*	500 *	500 U			
			<u>5,500</u>	<u>2,900</u>		<u>2,600</u>	

* Reassessment of Penalty - Previously declared uncollectable

PENALTIES ASSESSED
 12 MONTHS ENDED JUNE 30, 1976

<u>Order Date</u>	<u>PCB #</u>	<u>Name</u>	<u>Total Penalty</u>	<u>Receivables</u>			
				<u>Paid & Vacated</u>	<u>Appealed</u>	<u>Past Due</u>	<u>Current</u>
5/20/76	75-406	McCormick, Richard C.	6,000 *	3,400		2,600	
6/3/76	75-385	Midwest Metals, Inc.	1,500	1,500 U			
6/18/76	75-191	Western Mining Corp.	12,000	12,000 U			
			<u>19,500</u>	<u>16,900</u>		<u>2,600</u>	

* Penalty increased to \$6,000 by 10th Circuit Court of Marshall County.

APPENDIX F
 STATE OF ILLINOIS
 POLLUTION CONTROL BOARD
 PENALTIES ASSESSED
 12 MONTHS ENDED JUNE 30, 1977

<u>Order Date</u>	<u>PCB #</u>	<u>Name</u>	<u>Total Penalty</u>	<u>Receivables</u>			
				<u>Paid & Vacated</u>	<u>Appealed</u>	<u>Past Due</u>	<u>Current</u>
7/22/76	75-203	Vonable, Harry & Hutchings Alexander d/b/a Coal Conversion, Ltd.	2,000			2,000	
12/2/76	75-168	Wood, Harold	5,100			5,100	
1/6/77	75-447	Trump, Kenneth	1,000			1,000	
5/12/77	76-292	Janson, Charles	6,000			6,000	
			<u>14,100</u>			<u>14,100</u>	

PENALTIES ASSESSED
 12 MONTHS ENDED JUNE 30, 1978

<u>Order Date</u>	<u>PCB #</u>	<u>Name</u>	<u>Total Penalty</u>	<u>Receivables</u>			
				<u>Paid & Vacated</u>	<u>Appealed</u>	<u>Past Due</u>	<u>Current</u>
10/13/77	76-150	Kankakee Utilities Corporation	1,500			1,500	
11/10/77	76-304	Targosz, E., & Co.	2,250			2,250	
11/10/77	76-114	Broverman, Harold & Baker, Theodora, d/b/a Taylorville Landfill	2,500 *			2,500	
3/30/78	75-379 & 76-65	Tri-No Enterprises & Starnes, Noble & Geneva	500			500	
			<u>6,750</u>			<u>6,750</u>	

* Penalty reduced from \$10,000 to \$2,500 by 5th District Appellate Court

APPENDIX F
STATE OF ILLINOIS
POLLUTION CONTROL BOARD
PENALTIES ASSESSED
12 MONTHS ENDED JUNE 30, 1979

Order Date	PCB NO.	Name	Total Penalty	RECEIVABLES			
				PAID & VACATED	APPEALED	PAST DUE	CURRENT
9/21/78	77-147	Ford, C.M.	1,000			1,000	
10/6/78	77-CH-1	McCormick, Richard *	5,000	4,583.26		416.74	
1/18/79	78-198	A & F Materials Co., Inc.	1,100			1,100	
2/15/79	77-274	Thompson, Conrad	2,000			2,000	
5/24/79	78-55	Knox Wrecking	1,200			1,200	
6/7/79	78-283	Southern Ill. Minerals Corp.	2,500			2,500	
6/7/79	78-284	Southern Ill. Minerals Corp.	2,500			2,500	
			<u>15,300</u>	<u>4,583.26</u>		<u>10,716.74</u>	

* - Levied by Circuit Court for continued violation

PENALTIES ASSESSED
12 MONTHS ENDED JUNE 30, 1980

Order Date	PCB NO.	Name	Total Penalty	RECEIVABLES			
				PAID & VACATED	APPEALED	PAST DUE	CURRENT
7/12/79	78-163	Greulich, Jeff	200			200	
7/26/79	79-16	So. Ill. Black Truckers, Inc.	500			500	
8/9/79	77-60	Commans, Cecil M. and Joanne	300			300	
9/6/79	76-80	Allaert Rendering, Inc.	3,000	3,000			
1/24/80	79-29	Hale, Clifford	1,000			1,000	
1/24/80	79-76	Rinne, Roger L.	1,000	20		980	
2/7/80	78-28	Slager, Darrell, d/b/a Rapid Liquid Waste & Rubbish Removal	1,000		1,000		
3/6/80	79-77	Rinne, Roger L.	500			500	
3/20/80	79-58	Minerals Management Corp.; Nestler, Irwin; & Smith, Bromeley K. *	4,000			4,000	
4/30/80	78-295	East St. Louis, City of	1,000			1,000	
6/12/80	79-214	Ogle Country View Homeowners Assoc.	300	200		100	
			<u>12,800</u>	<u>3,220</u>	<u>1,000</u>	<u>8,580</u>	

* Modified order of 4/17/80 reduced penalty to \$4,000

APPENDIX F
 STATE OF ILLINOIS
 POLLUTION CONTROL BOARD
 PENALTIES ASSESSED
 12 MONTHS ENDED June 30, 1981

Order Date	PCB NO.	Name	Total Penalty	PAID & VACATED	APPEALED	PAST DUE	CURRENT
7/03/80	78-M-35	Amoco Pipeline Company	15,000	15,000			
7/10/80	79-11	Palos Hills, City of	1,000	1,000			
7/10/80	79-251	Sparton Manufacturing Co.	3,000	3,000			
7/24/80	78-264	Kewanee, City of	2,000	2,000			
7/24/80	77-183	Domestic Utility Services Co.	400	400			
7/24/80	77-206	Ralston Purina Co.	1,500	1,500			
8/07/80	79-102	LaHarpe, City of	1,000	1,000			
8/13/80	79-MR-257	DuPage, County of	30,000	30,000			
8/21/80	79-262	Maney, Mike; and Heil, Gene d/b/a Metropolitan Waste Co.	2,000			2,000	
8/21/80	79-262	Kruse, Lucille E.	75	75			
8/21/80	79-262	Thomas, Harold	75	75			
8/21/80	79-262	Thomas, Gene	75	75			
8/21/80	79-116	Beckwith Comm. Assoc	100	100			
8/21/80	76-CH-84	Peru, City of	5,000	5,000			
9/4/80	78-278	Peterson Puritan, Inc.	500	500			
9/4/80	78-132	Millstadt, Village of, & Testing, Analysis, & Control, Inc.	1,000	1,000			
9/4/80	78-240	Wood Dale, City of	500	500			
9/18/80	78-121	Storey, John J.	2,300	2,300			
9/18/80	75-12	WSC Corp.	5,200			5,500	
9/18/80	75-12	International Harvester Co.	12,000	12,000			
9/24/80	79-79	Monmouth, City of	2,500			2,500	
10/2/80	80-40	Artem Transportation System, Inc.	500	500			
10/2/80	80-40	Moyer, Donald	200	200			
10/2/80	79-270	Riverview Heights Property Owners Assn.	100	100			
10/2/80	79-154	Winslow, Village of	275	137.50		137.50	
10/29/80	80-CH-121d 79-CH-656	Sears Bank & Trust, as Trustees; O'Hare International Bank as Trustees; Carlino, David, James & Joseph	3,000			3,000.00	
10/30/80	78-211	Marlin, Guy	100	100			

APPENDIX F
STATE OF ILLINOIS
POLLUTION CONTROL BOARD
PENALTIES ASSESSED
12 MONTHS ENDED June 30, 1981

Order Date	PCB NO.	Name	Total Penalty	PAID & VACATED	APPEALED	PAST DUE	CURRENT
10/30/80	78-236	Kaney Transportation, Inc.	3,000	3,000			
10/30/80	79-70	Sandman, Edward & Lydia	100			100	
11/20/80	77-286	Burlington Northern, Inc.	5,000	5,000			
11/20/80	77-333	Olin Corporation	750	750			
11/20/80	78-215	Knoxville, City of	500	500			
11/20/80	79-271	Ficklin, Gordon d/b/a Illini Sanitary Service	250	250			
11/25/80	78-CH-2	Macomb, City of	500	500			
12/04/80	79-20	CBC, Inc.	3,000			3,000	
12/04/80	79-20	L&L Hauling	500	500			
12/04/80	78-113	Chicago Heights, City of	500	500			
12/04/80	78-113	Chicago Heights Refuse Depot, Inc.	500	500			
12/04/80	78-158	Streator Disposal Service	5,000			5,000	
12/04/80	80-MR-432	DuPage, County of	15,000	15,000			
12/18/80	78-214	Pontiac, City of	1,000	1,000			
12/19/80	78-33	Lehmkuhl, Fred	250	250			
12/19/80	78-33	Bratvogel, Charles	250	250			
12/19/80	78-33	Jackson, Richard	1,500			1,500	
12/19/80	78-33	East St. Louis, City of	250			250	
12/19/80	78-33	Green, Charles	250			250	
12/19/80	78-33	Spirtas, Arnold	250	250			
12/19/80	78-137	Salem, City of	2,500	2,500			
01/07/81	79-L-69	Swift Agricultural Chemical Corp	3,000	3,000			
01/07/81	79-L-69	Swift Agricultural Chemical Corp. (Fish & Game Fund)	3,541.75	3,541.75			
01/08/81	79-136	Glen Carbon, Village of	1,000	250		750	
01/08/81	79-218	Creve Coeur, Village of	5,000	5,000			
01/08/81	79-78	Quincy, City of	5,000	5,000			
01/19/81	80-C-88	Phillips, Odell	5,000			5,000	
01/28/81	80-CH-3142	Drobot, Anthony	750	750			
02/05/81	80-123	Engstrom, Rodney	3,000	600			2,400

APPENDIX F
 STATE OF ILLINOIS
 POLLUTION CONTROL BOARD
 PENALTIES ASSESSED
 12 MONTHS ENDED June 30, 1981

Order Date	PCB NO.	Name	Total Penalty	PAID & VACATED	APPEALED	PAST DUE	CURRENT
02/05/81	79-42	Port Byron, Village of	700	700			
02/19/81	79-184	Roodhouse, City of	3,000	3,000			
02/19/81	79-201	Apple River, Village of	100	100			
02/19/81	79-122	Caseyville Township	500			500	
02/19/81	79-122	St. Clair Township	500	500			
02/19/81	80-87	International Minerals & Chemical Corporation	5,000	5,000			
02/19/81	79-35	Chevy Chase Water & Sewer Co.	500	500			
03/05/81	78-263	East Peoria, City of	2,000	2,000			
03/05/81	79-41	Geiss, Calvin d/b/a C & A Disposal Co.	1,100	1,100			
03/13/81	79-CH-28	Rock River Sanitation, Inc. & Van Weelden, Adrian and Marvin H.	35,000	35,000			
03/13/81	79-CH-4535	Hokin-Jacobs Enterprises, Inc.	4,000	4,000			
03/13/81	79-CH-4535	Jacobs, Meyer S.	500	500			
03/18/81	80-CH-14	Arlington Heights Utilities, Inc.	500	500			
04/02/81	81-5	American Foundry & Mfg.	1,000			1,000	
04/02/81	76-241	Georgia-Pacific Corp.	10,000	10,000			
04/02/81	80-194	Germantown, Village, and Micheel, Thomas	850	850			
04/16/81	78-186	Hartman, Ernest E.	100	100			
04/16/81	79-205	Weir Machine & Foundry Co., Inc.	1,700	1,700			

STATE OF ILLINOIS
 POLLUTION CONTROL BOARD
 PENALTIES ASSESSED
 12 MONTHS ENDED June 30, 1981

Order Date	PCB NO.	Name	Total Penalty	PAYD & VACATED	APPEALED	PAST DUE	CURRENT
05/01/81	80-32	Planned Communities Inc.	100			100	
05/01/81	79-267	Central Illinois Light Co. (E.D. Edwards Station)	10,000	10,000			
05/14/81	75-112	MSDGC	2,500			2,500	
05/14/81	78-136	Rockdale, Village of	2,000	2,000			
05/28/81	80-217	Beecher Village of	858.82				858.82
05/28/81	80-217	Beecher, Village of (Fish & Game Fund)	141.18	141.18			
06/10/81	77-260	ARF Landfill Corp	1,000				1,000
06/10/81	80-105	Abingdon, City of	4,000				4,000
06/10/81	80-197	Jacksonville, City of	1,994.35				1,994.35
06/10/81	80-197	Jacksonville, City of (Fish & Game Fund)	2,305.65				2,305.65
06/10/81	80-182	Waste Control, Inc. & Irwin Stevens	1,500				1,500
06/25/81	80-162	Service Disposal Co.	5,000				5,000
			<u>255,291.75</u>	<u>204,141.75</u>		<u>32,950</u>	<u>18,200</u>

APPENDIX G
NUMBER OF OPINIONS AND ORDERS ISSUED BY
ILLINOIS POLLUTION CONTROL BOARD

<u>CASES</u>	<u>FY71</u>	<u>FY72</u>	<u>FY73</u>	<u>FY74</u>	<u>FY75</u>	<u>FY76</u>	<u>FY77</u>	<u>FY78</u>	<u>FY79</u>	<u>FY80</u>	<u>FY81</u>	<u>TOTAL</u>
Opinion & Orders	109	369	456	417	354	374	276	192	227	188	168	3130
Orders	14	109	351	550	516	534	462	477	413	321	342	4089
Dissenting	12	20	7	8	23	8	24	11	2	7	11	133
Concurring	5	6	3	2	2	17	11	8	1	9	10	74
Supplemental Statements	5	10	5	5	5	5	6	1	0	1	7	50
TOTAL	145	514	822	982	900	938	779	689	643	526	538	7476
<u>REGULATIONS</u>												
Opinion & Orders	15	15	6	10	11	11	4	14	11	23	26	146
Orders	9	2	19	26	38	36	35	36	45	45	71	362
Dissenting	0	2	0	3	6	0	4	3	0	2	0	20
Concurring	0	2	0	0	1	2	0	0	1	0	0	6
Supplemental Statements	2	3	0	0	0	1	0	1	0	1	0	8
TOTAL	26	24	25	39	56	50	43	54	57	71	97	542
GRAND TOTAL	171	538	847	1021	956	988	822	743	700	597	635	8018