

**POLLUTION CONTROL BOARD
TWELFTH YEAR
ANNUAL REPORT**

July 1, 1981 - June 30, 1982



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by

Jacob D. Dumelle, Chairman

INTRODUCTION

The Twelfth Year Annual Report lists highlights of the Illinois Pollution Control Board's activities for the fiscal year from July 1, 1981 through June 30, 1982. Where feasible, activity figures are given for other recent years so that trends can be evaluated.

FUNCTIONS OF THE ILLINOIS ENVIRONMENTAL AGENCIES

The unique Illinois system for environmental protection became effective on July 1, 1970 under the then newly enacted Environmental Protection Act. Some amendments have since been adopted to that Act and the following short description gives present functions.

Three agencies in Illinois are major participants in environmental protection. They are the Pollution Control Board ("Board"), the Illinois Environmental Protection Agency ("Agency"), and the Department of Energy and Natural Resources ("ENR").

The Board consists of five fulltime Board Members with a staff of 16 employes. Board Members are appointed by the Governor to 3-year terms and must be confirmed by the State Senate. The Board has two main functions: rulemaking and adjudication.

All substantive environmental rulemaking in Illinois must be done by the Board. Public hearings are required. Rulemaking is a delegation by the Legislature and thus is considered a quasi-legislative function. All types of environmental rules are enacted by the Board to control air pollution, water pollution, land disposal, public water supply and noise. Some aspects of nuclear plant emissions also come under Board jurisdiction with administration and enforcement of these rules under the Illinois Department of Nuclear Safety.

The adjudicatory cases which come before the Board deal with enforcement of the Act or the rules promulgated under it; variances to gain more time to comply; and appeals of permit denials or permit conditions or local landfill siting decisions. Public hearings are required by statute for all of these types of actions except for variances where they are optional or can be requested by a citizen. When deciding adjudicatory cases, the Board functions in a quasi-judicial mode.

The Agency, except for the above functions, performs the usual duties of a state environmental protection department. It issues permits, does field inspections, answers complaints, processes grant applications and monitors for pollution. It can initiate rulemakings before the Board and it can initiate enforcement actions before the Board with the Attorney General's consent. During FY82 the Agency had approximately 667 employes at its Springfield headquarters and field offices.

The Department of Energy and Natural Resources has two main functions so far as the environmental protection process is concerned. First, it contracts for the mandatory economic and environmental impact studies on new rulemakings. It has a citizen Economic Technical Advisory Committee which oversees these studies and issues an opinion to go with them. Second, ENR has environmental studies performed on such matters as health effects, control technology, inventories of environmental damage, etc.

BOARD MEMBERSHIP

During Fiscal Year 1982 no changes were made in the Board membership. After the fiscal year had ended, Governor James R. Thompson nominated former State Senator Walter J. Nega, to succeed Nels E. Werner. The Senate confirmed Mr. Nega on Feb. 24, 1983. Mr. Nega is a graduate of DePaul University and attended its Law School. He is a former long-time member of U.S. Representative Dan Rostenkowski's staff.

Mr. Irvin G. Goodman, Vice Chairman of the Board and a member since April 4, 1975 died suddenly on April 13, 1983.

The present membership of the Board and the dates of term expiration are as follows:

Mr. Jacob D. Dumelle, Oak Park, June 30, 1982
Mr. Walter J. Nega, Chicago, June 30, 1983
Mr. Donald B. Anderson, Peru, June 30, 1984
Mrs. Joan G. Anderson, Western Springs, June 30, 1984

CONTESTED CASES (Quasi-Judicial Actions)

Contested cases continued to decline in FY82 for the fourth straight year. A total of 187 cases of all types were filed with the Board in FY82 compared to 219 cases in FY81. Enforcement cases numbered 34 compared to 56 in FY81. In FY72 an all time high of 209 enforcement cases were filed before the Board. Variance cases in FY82 totalled 107 which was a decrease from 123 received in FY81. Both numbers are far lower than the record 377 variances filed in FY74. Permit appeals numbered 26 compared to 31 such cases in FY81. The first landfill siting appeals from local government decisions (or by third party appeals) were received in FY82 under the provisions of Public Act 82-682 and totalled three in number.

Appendix A gives the distribution by type of all contested cases for the past 12 years. As of June 30, 1982 a total of 4,305 cases had been filed with the Board for an annual average of 359.

Appendix B shows 9 cases filed in FY82 either by citizens or in the name of the People of the State of Illinois compared to 14 for FY81. The Act has a provision for enforcement by anyone who has a valid complaint and is able and willing to act as the prosecutor. To date, of 1,418 enforcement cases brought before the Board some 188 were brought by citizens (12.7%). Thus about 1 in 8 enforcement actions have been brought by non-State persons or groups.

During FY82 the Board imposed \$196,273.32 in penalties compared to \$255,291.75 in FY81. The 12-year total for penalties, interest, and additional court actions comes to \$2,787,930.64 or an average of \$232,328 per year. Appendix F gives all outstanding penalties as well as the complete list of those levied in FY82.

RULEMAKING PROCEEDINGS (Quasi-Legislative Actions)

A total of 25 proposed rulemaking proceedings were filed with the Board in FY82, down from the 32 for the previous year. However, this was the third highest yearly total in the Board's history. In 12 years, the Board has received 240 proposed rules or exactly 20 per year on the average. The number is increasing annually because of greater desire by dischargers for site-specific rules (which in effect become permanent variances) and also because of certain "pass-through" requirements placed on the Board by the General Assembly. Appendix D lists all proposed regulations filed in FY82 by number and title in order of filing.

Appendix C gives the distribution of all proposed rules by category. Note that rules dealing with air pollution lead in number with 87 while water pollution rules are a close second with 81.

In FY82 the Board took final action (enactment or dismissal) on 18 proposed rules compared to 28 such decisions in FY81. In chronological order, the final actions on rules were:

An emergency rule allowing three firms in the Peoria area to burn Illinois coal was corrected on July 9, 1981 in R77-15.

On July 23, 1981 the Board adopted R79-10 which set limits for noise emissions from snowmobiles. The limits and the measurement methods are identical with those for other Snowbelt states and also with Canada's limits.

A regulation adopting a Federal New Source Performance Standard (NSPS) authorizing a "lidar" (laser radar) method to measure emission opacity was adopted on November 19, 1981 as R81-27.

On December 3, 1981, the Board completed a 5-year long comprehensive review of its effluent standards for water dischargers. R76-21 was enacted and changed the averaging rules and set new limits for chromium, copper, lead, mercury and pH. Deleted were former limits for dissolved iron, total dissolved solids (TDS), and selenium. The change in the mercury standard is expected to save Illinois industries (mainly laundries) about \$146.5 million a year in avoided costs. The deregulation of TDS will save about \$8.2 million annually. The loosening of the standard for lead discharges will save from \$1.7 to \$3.5 million a year. Periodic reviews such as this are part of the Board's continuing effort to revise all of its standards as new scientific and economic data become available.

The emergency rule in R77-15 was made final on December 17, 1981 to allow the three firms in Peoria to continue to burn Illinois coal. On the same date, the Board adopted the IEPA's non-attainment area permit rules as its rules in R81-16.

Two sets of Board rules were adopted in codified form on January 21, 1982. In R81-3, Chapter 3: Water Pollution was done. R81-5 codified Chapter 5: Agriculture Related Pollution. All Board rules must be redone in codified form by November 1983 or will lapse. No substantive changes are made but a decimal numbering system is used to make further changes easier to do.

The General Assembly requires the Board to adopt regulations to control hazardous wastes substantially equal to those issued by the Federal government under the Resource Conservation and Recovery Act (RCRA). On February 4, 1982 the Board adopted R81-22 which did this. These rules total 265 pages and bring together in one place materials which have appeared in the Federal Register.

The Attorney General proposed a rulemaking (R82-2) to control radiological air emissions through the Illinois Department of Nuclear Safety. An earlier related proceeding, R79-1, was then dismissed by the Board on February 4, 1982. R82-2 will be the first rule the Board has considered for DNS.

On March 4, 1982 the Board adopted R78-7 which relaxed the local water quality standards for fluoride at the request of a General Motors Co. foundry in Danville. On the same day, it adopted R82-4 which is an NSPS for stationary gas turbines.

A proposal to amend the Board's Procedural Rules (R80-15) to require written testimony in advance of public hearings was dismissed on March 19, 1982. The Board felt that the proposed rule might create "paper hearings" and inhibit questions from persons not on initial distribution lists. Hearing officers now have discretion to require advance written testimony.

Board rules for air quality standards for non-methane hydrocarbons and for ozone and for ozone episode stages were adopted in R80-11 on April 15, 1982. These changes bring Illinois into conformity with new Federal standards on these topics.

A proposal docketed R80-6 was dismissed by the Board on April 29, 1982. Portions of it were added to R82-5 and dealt with permit requirements under Chapter 3: Water Pollution.

The use of an imaginary "bubble" over factories has been advocated as a way to consider air emission permits. Industry might wish to undercontrol at one stack and overcontrol at another if the resulting costs were more favorable than the uniform control approach. The environment would not be harmed because the total amount of pollutants leaving the "bubble" would not increase. The Board adopted an interim "bubble" rule in R81-20 on May 13, 1982. A final rule will have to be adopted in the future and no later than December 31, 1982 according to State Law.

Also on May 13, 1982 the Board adopted R81-32 dealing with Underground Injection Control (UIC). These were originally Federal rules and are "passed-through" by the Board and adapted to the Illinois environmental system pursuant to Public Act 82-380. The total number of pages in the enacted rules comes to 176.

On May 27, 1982 the codification of the Procedural Rules of the Board was adopted in R81-1.

Rulemaking proceedings are generally more complex than most contested cases. Since economic impact studies are generally required the entire process from initial proposal to final decision often takes several years.

Appendix G lists the number of opinions and orders issued by the Board by years. Note that for regulations the total number of these, 100, for FY82 was the largest on record in Board history. The volume exceeds the 3-year total of 75 for the Board's "startup" years of FY71 through FY73 inclusive. In part, the increased volume reflects the newer procedures of First Notice, Second Notice, and final enactment added to Board rulemaking procedures by the Administrative Procedures Act.

Opinions and Orders of the Board are reprinted and issued in chronological volumes. FY82 ends in Volume 47. These materials may be consulted at the Board offices or at depositories around Illinois or may be purchased on a subscription basis. Single copies of opinions or orders may be obtained free of charge except that postage must be supplied for a few weighty items.

ADMINISTRATIVE AND FINANCIAL

Expenditures during FY82 came to \$663,053 compared to appropriations of \$666,201. The FY81 expenditure total was

\$659,632. These amounts do not include Board Members' salaries and related pension and health benefits which appear in the separate State Officers appropriation.

For the second consecutive year the appropriated amounts were not sufficient to conduct all Board operations. A number of public hearings already scheduled and announced to be held during June 1982 had to be cancelled and rescheduled into FY83. Such rescheduling causes delays in reaching the final decision. It also is difficult to communicate with all of the interested public and they may be inconvenienced. Appendix E gives the distribution of Board expenditures by categories for recent years. Total staff now numbers 16 including two part time employes. This is the lowest number in many years.

THE YEAR AHEAD

It is easy to get lost in the detail of the Board's operation for a year. What are the governing ideas which control Board actions?

Let me list a few. First, the Environmental Protection Act was designed for public participation and public access to the system. It is important that public notice of hearings or of comment periods be adequate both in time and in duration. And it is necessary to keep up a program to explain Board functions to those who become interested in environmental protection.

Second, policy decisions have been made by the Governor and in some cases, by the Legislature, to do what is necessary to qualify Illinois to itself administer various Federal environmental programs. From the Board's standpoint this means sometimes adopting voluminous Federal rules adapted to Illinois. It also means avoiding the reverse effects, namely, loss of Federally delegated programs and imposition of associated sanctions such as loss of program or grant funds or bans on industrial operating permits.

Finally, there is the balance to be struck that is inherent in the phrase in the Act about the Board's rulemaking considerations of "technical feasibility and economic reasonableness." With Illinois in a recession the phrase becomes doubly important.

JUDICIAL REVIEW

The state and federal courts had a busy year with environmental cases. Decisions were rendered concerning air pollution, water pollution, public water supplies, solid waste and environmental law procedures. Once again, the Board's sulfur dioxide emission standards came under fire and were held to be unenforceable as were the visual and particulate standards, but most of the other Board actions which were reviewed by the courts were upheld. Several

federal cases helped clarify the status of the federal common law of nuisance and the application of some of the federal environmental programs.

AIR POLLUTION

In three separate cases the Third District held the sulfur dioxide emissions standard for Peoria area sources, set forth in Rule 204(c)(1)(A) of Chapter 2: Air Pollution, to be unenforceable under state law. In The Celotex Corporation v. Illinois Pollution Control Board and Illinois Environmental Protection Agency, No. 81-10 (September 29, 1981), Illinois Environmental Protection Agency v. Bemis Company, Inc. and Illinois Pollution Control Board, No. 81-81 (September 30, 1981), and Illinois Environmental Protection Agency v. Sherex Chemical Company, Inc., and Illinois Pollution Control Board, No. 81-32 (September 30, 1981), the Court rejected the argument of the Agency that Rule 204, although having previously been found invalid under state law, is still valid as a federal regulation. In all three cases the Agency had denied permits based on violations of Rule 204(c)(1)(A), which denial the Court found to be improper.

In Celotex, the Court reversed the Board's decision in PCB 78-177 which had affirmed the Agency's denial of an application for renewal of an operating permit filed by Celotex. The Agency denial had been based upon invalidated Rule 204, Rule 203(g)(1)(B), Rule 202(b) and Rule 103(b)(3) of Chapter 2. The Board reversed the Agency denial as to the former two rules, but affirmed because of violations of the latter two rules.

The Court decided that the Board improperly relied upon Rule 202(b) in that the Board's finding of the economic reasonableness of Rule 202 was based solely on the economic reasonableness of Rule 203. Since Rule 203 had been invalidated on the basis that economic reasonableness had not been taken into account, the Court reasoned that Rule 202 must also be held void, and that a permit cannot be denied on the basis of a void rule. As a result the Board's visual and particulate emission standards were both invalidated.

The Court also rejected the Agency's contention that the Clean Air Act required denial of the permit. The Agency had argued that, even though the rules in question had been invalidated under Illinois law, they continue as viable provisions of the Illinois State Implementation Plan (SIP), and must be enforced as part of federal law. The Court, however, reasoned that such a holding would allow the Agency to circumvent the rulings of Illinois courts.

Finally, the court held that a permit applicant seeking renewal of a permit may satisfy a request for current information by certifying that information submitted with the original application remains true and correct, even though the Agency suspects bad faith in the certification.

The Bemis and Sherex cases were quite similar except that the Board had reversed Agency permit denials in both cases since the denials were based solely upon Rules 204(c)(1)(A) and 308 (sulfur dioxide ambient air quality standard). The appellate court upheld those reversals. In these cases the Board and the Court agreed that Rule 204(c)(1)(A) could not be relied upon to support a permit denial since it had been held invalid and that modeling showed no violations of the sulfur dioxide ambient air quality standard.

In Illinois Environmental Protection Agency v. Pollution Control Board, et al. United States Steel Corporation, No. 54131, September 30, 1981, the Illinois Supreme Court upheld the Board's interpretation of its fugitive particulate emission regulation. U.S. Steel Corporation had appealed to the Board after permits were denied by the Agency for cast house emissions at its Chicago "South Works," because of possible violations of emissions regulations.

This case involved the Board's construction of Rule 203 of Chapter 2. The Board had 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. The decision was, therefore, held not to be contrary to the manifest weight of the evidence.

In Getty Synthetic Fuels, Inc. v. IEPA, No. 81-1071 January 29, 1982, the First District Illinois Appellate Court upheld the Board's application of its Air Pollution Rule 205(f), to Getty's methane gas recovery facility. That rule limits the emission of organic material to eight pounds per hour. Emissions may exceed that limit only if they are controlled by equipment capable of reducing the uncontrolled organic material by at least 85%.

Getty operates a methane recovery facility at its CID Landfill. The recovery facility collects and transports methane gas emitted from the landfill to a processing plant. Getty argued that the reference point for determining the 85% reduction was the 220 pounds per hour of gas naturally emitted from the landfill. The Agency, however, determined the reference point to be the 20 pounds per hour emitted from the collection and recovery facility. The Board agreed with the Agency and the Appellate Court affirmed.

Two federal cases involving the United States Environmental Protection Agency (USEPA) considered the question of how to determine when a new source is a new source for purposes of the applicability of the new source performance standards (NSPS). In Potomac Electric Power Co. v. EPA, 16 ERC 1132, #80-1255 (June 8, 1981), the Court upheld USEPA's "significant liability" test.

An electric utility company started planning some new generating facilities in the 1960's. Arrangements with an equipment supplier were completed in 1971 but no formal contract was signed until 1973. In the meantime (August, 1971) USEPA announced its NSPS for emissions from fossil fuel-fired steam generating units. USEPA contended that a contractual obligation did not exist prior to August, 1971 so the more restrictive NSPS should be applied. USEPA felt that no contractual obligation existed unless the utility would incur significant liability if it attempted to cancel the agreement. The Fourth Circuit upheld USEPA's "significant liability" test and the test used to determine whether the boiler units in issue were "affected facilities." Since the utility could not show that it would have incurred significant liability if it had cancelled its contract prior to August, 1971, the NSPS was properly applicable.

In a related case, two power companies requested a permit for a joint venture involving the construction of a coal-fired electric power plant in Nevada. The plant was to have two boilers. USEPA ruled that one of the boilers had not "commenced construction" in time to avoid the 1978 NSPS for permissible emissions.

Planning for construction of both boilers had begun in 1974. A contract was let for the first boiler in 1976, but no contract was let for the second boiler until 1979. The Ninth Circuit Court of Appeals agreed with USEPA and upheld USEPA's decision to view the two boilers separately and to focus on the date a binding construction contract was executed. (Sierra Pacific Power Co. v. EPA, 16 ERC 1313, #79-7542 and 80-7301, June 5, 1981).

WATER POLLUTION

Two state appellate court cases have looked at the national pollutant discharge elimination system (NPDES) permitting process. The first considered whether an adjudicatory hearing may be required before the Agency.

On October 8, 1981 the Third District Appellate Court filed an Opinion in Borg-Warner Corporation v. Michael M. Mauzy, et al., No. 81-13, reversing a circuit court's action which granted injunctive relief and entered declaratory judgment for Borg-Warner. The circuit court had ordered the Agency to grant Borg-Warner an adjudicatory hearing on its application for renewal of an NPDES permit and enjoined the Agency from enforcing the appealed permit until such a hearing had been held.

Borg-Warner had objected to each of three proposed draft permits and had requested a hearing before the Agency. None was held and a permit was issued. Borg-Warner appealed to the Board and was granted a stay of enforcement of the new conditions of that permit. The Board deferred further action pending the resolution of the circuit court action.

The Court first noted that the provision of the Administrative Procedures Act (APA) applied rather than the Board's procedural rules since the Board's rules concerning NPDES permits did not become effective prior to July 1, 1977, the effective date of the APA. Had they become effective before that date, the Board rules apparently would have applied.

The Court then reached the central issue of whether Section 16 of the APA requires that the Agency provide an adjudicatory hearing prior to the issuance of a renewed NPDES permit which contains significant changes in the conditions imposed. Its answer was that it did not, in that Section 402(a) of the Clean Water Act and Rule 909 of Chapter 3: Water Pollution left the holding of a hearing to the discretion of the Agency.

The Court then turned to the due process arguments. It found that Borg-Warner had a right to a hearing before the Board and that the conditions of the appealed permit are necessarily stayed prior to a final Board decision (APA Section 16(b)). These safeguards, the Court concluded, are sufficient to comport with due process. In another case involving the NPDES permitting process, the Board's decision was partially overturned in Illinois Power Company v. IPCB and IEPA, No. 81-34, PCB 79-243. By Order of December 19, 1980, the Board had remanded this permit appeal case to the Agency. The Order left chlorine monitoring conditions and screen backwashing conditions to the Agency's discretion.

The Court found the remand of these to be inconsistent with the Board's adjudicatory role under the Act in that the Board gave the Agency the identical options to consider as permit conditions as those which Illinois Power had originally found objectionable. In that way, the Court found that the Board had abrogated its duty to resolve the issues. Further, the Court was concerned that such a remand might well result in another appeal to the Board and such a circular sequence "hardly fosters timely resolution of litigation."

The Board was also reversed in its determination concerning backwashing that the permit should expressly authorize the discharge of background or addition of "traces" to background. The Court found that this was too vague in that "traces" was not defined and the opinion, therefore, "fails to adequately inform the petitioner as to how it must conduct itself."

The Court upheld the Board on two other issues, however. The first related to a condition which allows the Agency to impose a restriction it deems necessary where the Board and federal agency have failed to promulgate particular effluent limitations. The Court upheld the Board's determination that Illinois Power could not attack that condition until and unless the Agency exercises it.

Finally, the Board was sustained in its denial of Illinois Power's motion to complete the record by including a transcript of the Board meeting held the day the decision was reached. The Court found that Board Members' opinions expressed at the meeting are not actions of the Board, that their statements are not evidence, and that the accuracy of any "recorded information is disputed since a Board meeting...is not required to be recorded."

A third water pollution case concerned the question of whether flood waters can be considered waters of the State.

On March 30, 1982 the First District appellate Court (Second Division) affirmed the Board's decision in the Village of Western Springs v. IPCB and John F. Burns (No. 81-117, PCB 80-30) finding that the Board's decision was supported by the manifest weight of the evidence and that appropriate relief was ordered.

After summarizing evidence of recurrent flooding of Mr. Burns property, sometimes contaminated with combined sewer overflow, the Court held that the "Board could have reasonably found a violation of Section 12(a) [of the Environmental Protection Act] from evidence showing that during a heavy rainstorm there is substantial risk of the Village's combined sewer becoming full and discharging sewer water composed of sanitary wastes and storm water on to the surface street areas." The Court thus implicitly upheld the Board's finding that flood waters became waters of State in a case such as this.

The Court also considered Western Springs' argument that the Board's cease and desist order was economically unreasonable and in excess of the scope of its authority. After summarizing possible remedies, the Court found that since the Village "has not yet attempted to ameliorate the problem" the Board's order cannot be said to exceed the Board's powers. The Court pointed out that the Board had not demanded any "unreasonable solution" to the problem, but rather that Western Springs work with the Environmental Protection Agency to find some workable solution.

Western Springs later petitioned for leave to supplement the record with facts concerning the abatement of the discharge. Despite denial of the motion, the Court found the evidence relevant and material, vacated its affirmance and remanded the matter to the Board for further hearings on August 8, 1982.

PUBLIC WATER SUPPLIES

The most important public water supply case decided in the last year was not brought before the Board, but rather was brought before the circuit court. The case was originally filed in 1968. After numerous amended complaints, dismissals, eleven judge assignments, and one appeal, on February 24, 1982 a Madison County, circuit court held that the Illinois fluoride requirement (Ill. Rev. Stat., ch. 111½, par. 121(g)(1)) is unconstitutional. Illinois Pure Water Committee, Inc., et al. v. Director of the Department of Public Health of the State of Illinois, et al., No. 68-C-128 (3rd Judicial Circuit of Illinois).

The only count which survived for trial alleged that the mandatory fluoridation law was an unconstitutionally unreasonable exercise of police power. It stated that the fluoride in drinking water at the levels prescribed was a "poisonous, noxious and deleterious substance" resulting in higher incidences or aggravation of cancers, bone and kidney disease, mongoloid births, genetic and chromosome damage, allergies, etc.

The Court did not find that fluoridation causes or aggravates the diseases as alleged, but did find that it exposes the public to an uncertain risk of "unhealthy side effects." It added that "where legislation touches on a fundamental personal interest in life and health, a stricter standard of judicial scrutiny is required," and the "burden of persuasion shifts to the government to justify its intrusion into the life and health of the individual." The decision, then, was based more on the "failure of the state to adequately explain the scope of the risks to the public" than on the plaintiff's case, which, the Court noted with disappointment, contained "very little evidence on the subject matter." The Court, then, was "faced with the decision of whether it is reasonable to require artificial fluoridation of public water supplies to proceed in the absence of such evidence," and with "no showing that the State of Illinois has taken a 'hard look' at the side effects." The judgment is currently stayed pending the outcome of the appeal by the defendants directly to the Illinois Supreme Court.

Another case affirmed the Board's decision in a variance case. In a Supreme Court Rule 23 disposition, the Second District Appellate Court found that the Board's denial of a barium limitation for public water supply wells, was not contrary to the manifest weight of the evidence. Village of Wauconda v. Illinois Pollution Control Board and Illinois Environmental Agency No. 81-172 (April 29, 1982).

The Court found that the Board could properly consider water taste and odor, where no specific danger was shown, as inconveniences rather than arbitrary or unreasonable hardship. The Village had requested the use of water from a well which smelled and tasted better than the water presently in use, but which contained barium in concentrations greater than present standards. Second, the Court held that a recommendation of denial by the Agency cannot be treated as an "objection" requiring a hearing under Procedural Rule 406. Finally, the Court found that the Board did not have to consider the validity of the barium standard since that issue was not presented in the petition for variance and was, therefore, waived, unlike the Village of Cary v. PCB, 82 Ill. App. 3d 793 (1980).

SOLID WASTE AND SPECIAL WASTE HAULING

Two Board cases were decided by the appellate courts which dealt specifically with solid and special wastes. One dealt largely with the issue of transfer of permits while the other concerned the definition of "waste." In Village of Hillside, et al. v. John Sexton Sand and Gravel Corporation, et al., Nos. 80-2470, 81-289 (March 26, 1982), the First District held that the Agency procedure for transfer of landfill permits from a prior owner to the new owner was valid. It also held that, to the extent that Rules 211 and 213(a) of Chapter 7: Solid Waste, apply to such transfers, they are unauthorized assumptions by the Board of the Agency's functions under Sections 4(a) and 39(a) of the Illinois Environmental Protection Act.

The dispute involved the transfer of operating and supplemental permits for a seventy-five acre solid waste facility in Hillside from Hillside Stone Corporation to Commonwealth Edison for the disposal of combustion by-products and the subsequent transfer to Sexton for use as a sanitary landfill. The Agency issued Sexton supplemental and operating permits.

On appeal the Village of Hillside (Village) contended that the Agency was barred from transferring solid waste permits to Sexton because the Agency had failed to adopt formal transfer procedures as required by Rules 211 and 213(a) of Chapter 7: Solid Waste; that there was no rational basis for the transfer or issuance of the permits; that the Village's zoning laws precluded operation of the sanitary landfill; and that the Agency's transfer procedure violated its duty to protect the environment. The Court ruled against the Village in all regards.

The Court first held that Rules 211 and 213(a) are unauthorized assumptions of the Agency's permitting function and invalid insofar as they apply to the Agency's permit transfer authority. The Board was found to be limited to requiring permits and setting substantive standards under which the Agency may issue permits. It cannot, therefore, require the Agency to adopt procedures for issuing or transferring permits as Rules 211 and 213(a) purport

to do. That determination was found to be consistent with Landfill, Inc., v. PCB (1978), 74 Ill.2d 541, 387 N.E. 2d 258.

The Court next held that the Agency's permit transfer system afforded sufficient data to determine whether operation of a facility would violate the Act or Board regulations and that any defects that may have existed concerning permit transfer procedures were adequately rectified by the extensive public hearings which were conducted concerning the transfer.

Similarly, the Court upheld the Agency's supplemental permit system by finding that Rules 206(a), 207, and 210 contain sufficient limitations upon the Agency's discretion to properly implement the Agency's permitting authority under Section 39(c) of the Act.

Finally, the Court found that the law was clear "that non-homerule units such as the Village are pre-empted by the Act from applying their zoning ordinances to sanitary landfills." The Court noted that Public Act 82-682 may have an impact in this area in the future but that all the permits at issue in this case were granted prior to the effective date of that Act.

In Illinois Environmental Protection Agency v. Illinois Pollution Control Board and Safety-Kleen Corp., No. 80-650 (September 18, 1981), the Second district affirmed the Board's dismissal of a petition for a variance from the Board's Special Waste Hauling Regulations (Chapter 9). The Board had determined that under the facts alleged, since the spent solvent transported and regenerated by Safety-Kleen was under its ownership and control at all times during its use and regeneration, it never became a "waste" nor subject to Chapter 9 provisions. The Court deferred to the Board's decision stating that "when one considers the unique facts of this case, the decision of the Board was not against the manifest weight of the evidence."

The Court also held that the Board was not required to hold a hearing on the matter, despite the filing of timely objections, in that the Board did not grant the variance.

ENVIRONMENTAL LAW PROCEDURES

Several cases within the last year were decided on the basis of procedural issues. These issues included exhaustion of administrative remedies, hearing requirements, and intervention, among others.

Two of the appellate courts ruled that citizen plaintiffs must exhaust administrative remedies before the Board before seeking injunctive relief in the circuit courts. In County of LaSalle v. Mauzy, #81-244 and #81-191, (July 27, 1981), the Third District affirmed dismissal of a complaint in LaSalle County circuit court. After the Agency issued a permit for development of a hazardous waste landfill, local plaintiffs

appealed to the Board, but before the Board could hear the case, a suit was filed for declaratory and injunctive relief.

The Third District saw no challenge to the constitutionality of the Environmental Protection Act, only a claim of due process for violations of that Act. Consequently, there was no exception to the exhaustion doctrine and no reason for court action before a Board decision. That decision was appealed, but on October 19, 1982, the Illinois Supreme Court denied review.

In White Fence Farm v. Land & Lakes Company and IEPA, #16673 (August 20, 1981), the Fourth District affirmed dismissal of another landfill complaint in Sangamon County circuit court. This plaintiff filed a third party review of a sanitary landfill permit under Procedural Rule 503(a). That rule had been at issue in Landfill Inc. v. PCB, 74 Ill.2d 541, 387 N.E.2d 258 (1978) where the Supreme Court held that the Board had no authority to review the grant of an Agency sanitary landfill permit.

In 1979, the Board dismissed this case for want of jurisdiction, citing Landfill. The plaintiff then went to circuit court alleging violations of Board regulations and the Environmental Protection Act.

The Fourth District saw no reason why the plaintiff should not be required to pursue a Section 31(b) citizen suit before the Board before seeking injunctive and declaratory relief. Plaintiff claimed an exception to the exhaustion doctrine on the basis that the Agency had acted beyond its jurisdiction when it issued a permit in violation of Board rules, but the Court held that the Board lacked the authority to delineate the Agency's jurisdiction through rules. Consequently, there was no exception to the exhaustion doctrine. Although plaintiff had no remedy to appeal the grant of a permit, remedies were still available where pollution is either caused or threatened.

The question of whether a negative recommendation by the Agency or a motion to dismiss should be treated as an objection which results in a mandatory hearing was also considered by the appellate court.

In dispositions under Supreme Court Rule 23, the Second District Appellate Court affirmed and reversed dismissals of two separate variance petitions before the Board on the issue of the hearing requirement set forth in Sec. 37 of the Act, which states,

...if the Board, in its discretion, concludes that a hearing would be advisable, or if the Agency or any other person filed a written objection to the grant of such variance within 21 days, then a hearing shall be held...

In a February 2, 1982 order in Unity Ventures v. Illinois Environmental Protection Agency, No. 81-59, the Court reversed the Board's dismissal of Unity's variance petition, remanding it for hearing. It found that a motion to dismiss, filed by the Agency in response to the petition for variance, triggered the hearing requirement of Section 37. The Board had dismissed the petition without prejudice and with leave to amend, upon finding the petition to be inadequate under Procedural Rule 401(b). The Court held further that the dismissal without a hearing constituted an action not authorized by the Board's enabling legislation, and thus Unity was not required to exhaust administrative remedies before appealing to the circuit court.

In Village of Wauconda v. Illinois Pollution Control Board and Illinois Environmental Protection Agency, No. 81-568 (January 26, 1982) the Court found that an Agency recommendation for denial of a variance petition does not constitute an "objection" so as to trigger the Section 37 hearing requirement. The decision here, however, seems to be based more upon the fact that Wauconda could have requested a hearing either when it filed its petition, or when the Agency recommended denial, but failed to do so.

Administrative hearings were also the subject of a non-Board case. The Fifth District Appellate Court in Sahara Coal Company, Inc. v. Illinois Department of Mine and Minerals, No. 80-532, December 30, 1981, held that agency determinations, not requiring a full hearing by the agency; can fall within the Administrative Review Act's definition of reviewable administrative decision, i.e., that a full hearing is not a prerequisite to a judicially reviewable agency determination. It also held that the Court's authority under ARA review does not allow for the issuance of a permit that the Court determines was wrongfully denied.

Two unpublished appellate court orders issued under Supreme Court Rule 23 concerned intervention and dismissal for failure to request relief which the court could grant. In Florence Farmer v. Illinois Pollution Control Board, Environmental Protection Agency and Granite City Steel Division of National Steel Corporation, No. 80-337 (Oct. 14, 1981), the court found that the Board abused its discretion by failing to allow a citizen to intervene in an enforcement action brought by the Agency against Granite City Steel. The citizen had sought intervention just prior to the hearing when she learned that a stipulation by the parties would be submitted which she felt did not impose stringent enough study requirements of the source of Granite City's emission problem. The Court found that the Board's intervention requirements had been met and that the citizen's reliance on the Agency to protect her interests had been adequate cause for not having intervened sooner. The case was, therefore, remanded to the Board.

On October 28, 1981 the Third District Appellate Court dismissed the case of The Celotex Corporation v. IPCB and EPA, Case No. 78-154 which was an appeal of the Board's decision in PCB 75-154 dismissing a Celotex variance petition. Celotex,

which operates a dry roofing felt plant including two industrial boilers for process heating and electricity, argued that it was unable to meet the sulfur dioxide emission standards of Rule 204(c)(1)(A) of Chapter 2: Air Pollution. The potential violation of that rule was one of the reasons that Celotex had been earlier denied an operating permit, thus necessitating the variance. However, in The Celotex Corp. v. PCB, No. 81-10, above, the Court held that denial of that permit was improper. Therefore, the requested variance became unnecessary and the appeal was dismissed.

MISCELLANEOUS FEDERAL CASES

Six additional federal cases were decided during the last year which affect Illinois, but which do not fit into any of the above categories. Three of the cases involve the federal common law of nuisance and three others concern nuclear wastes.

On April 19, 1982 the Seventh Circuit U.S. Appellate Court decided the case of People of the State of Illinois v. Outboard Marine Corporation, Inc. (No. 80-126) on remand from the United States Supreme Court (see Illinois v. Outboard Marine Corp., 619 F.2d 623 (7th Cir. 1980)). When the case was last before the Court, it held that the federal common law of nuisance for water pollution recognized in Illinois v. Milwaukee, 406 U.S. 1981, 92 S.Ct. 1335, 31 L.Ed. 2d 712 (1972) (Milwaukee I) extended to Illinois' claim against an in-state industrial polluter of navigable waters and that the Clean Water Act gives Illinois a right to intervene in the federal government's action. The Supreme Court vacated that action in light of Milwaukee v. Illinois, 451 U.S. 304, 101 S.Ct. 1784, 68 L.Ed. 2d 114(1981) (Milwaukee II). The Court held that the Clean Water Act had preempted the federal common law, but that Illinois did have a right to intervene in the federal action.

In Milwaukee II the Court found that Illinois had no right to relief for Milwaukee's pollution of Lake Michigan under the federal common law because the formation of federal rules of law is more appropriate to the political than the judicial process, especially where the Clean Air Act had, in fact, addressed the question.

In Outboard Marine the Court found that the Clean Water Act in fact "considered the residual effects of pre-1972 discharges." Since Congress was once again found to have "addressed the question," the Court held that preemption must be found unless Congress intended to preserve the federal common law. The Court also concluded that nothing in Milwaukee II acted to change its decision that the Clean Water Act gave Illinois a right to intervene in the United State's action against Outboard Marine.

In another case the federal appellate court found that a common law nuisance action should be dismissed due to preemption. A complaint was filed against a New York electric utility for

maintaining a common law nuisance by burning oil containing 2.8% sulfur. The federal district court in Connecticut dismissed the case for failure to state a claim on which relief could be granted. In a per curiam opinion, the Second Circuit Court of Appeals reviewed Milwaukee v. Illinois, 451 U.S. 304 (1981), to see whether this remedy had been preempted by the Clean Air Act. While the Court did not address the issue of total preemption it concluded that this particular complaint could not be pursued since the utility's conduct had been specifically approved by USEPA in a 1977 variance. The court cited traditional judicial reluctance to enjoin as public nuisances activities which have been considered and specifically authorized by the government. (New England Legal Foundation v. Costle, 16 ERC 1851, No. 79-6202, August 24, 1981).

However, a third case held Illinois nuisance law applicable to an out-of-state polluter. While Illinois v. Milwaukee apparently did away with the federal common law of nuisance as a water pollution remedy, that case did not decide whether one state's nuisance law could be applied in federal court to control water pollution from another state. On June 24, 1981, Judge Crowley of the Northern District of Illinois ruled that it could.

The case involved water from Hammond, Indiana, which forced several beach closings in Chicago. The Court found that interstate water pollution does not present the kind of case where state law cannot be implied. The Court applied a choice of law analysis to determine that Illinois law was appropriate. and quoted Nevada v. Hall, 440 U.S. 410 (1979), for the proposition that the Constitution "does not require a State to apply another State's law in violation of its own legitimate public policy." Nothing in the Clean Water Act preempts tighter pollution standards on in-state polluters, so nothing in the Act should preempt application of these standards against an out-of-state polluter. (Scott v. Hammond and Illinois and MSD v. Sanitary District of Hammond, No. 80C 4563 and No. 80C 4775.)

Another federal case held that Illinois must accept out-of-state nuclear waste. In 1981, Illinois passed a Spent Fuel Act which provided that no nuclear power waste could come into Illinois from any state which would not accept similar waste from Illinois. General Electric, which operates a storage facility for this waste in Grundy County, and Southern California Edison, which ships waste to GE, filed suit for violations of the Supremacy Clause and the Commerce Clause. Judge McGarr, of the Northern District of Illinois held that the Illinois law was invalid because it "asserts state jurisdiction over an area of regulation preempted by an exclusive federal regulatory scheme." The Court viewed regulation under the law as having an invalid discriminatory effect on interstate commerce because no other state has a facility like GE's which can accept the material. Illinois could not isolate itself from a nationwide problem. (General Electric Company & Southern California Edison Company v. Fahner, No. 81 C461, October 12, 1981).

Two other federal cases, however, held that local regulation of nuclear waste sites has not been totally preempted. Illinois sued Kerr-McGee in DuPage County Circuit Court for violations of the Environmental Protection Act. The suit concerned a factory in West Chicago which produces compounds derived from radioactive natural ores. West Chicago sued Kerr-McGee in the same court for maintaining a public nuisance. Both cases were removed to federal district court and dismissed on the theory that the Atomic Energy Act preempted state regulation of radioactive waste disposal.

The Seventh Circuit avoided the question of preemption in the Illinois lawsuit by holding that the case should not have been removed to federal court. Illinois had not alleged violations of federal law, but had instead claimed that the site constituted a water pollution hazard and was a common law nuisance. Therefore, the defense of federal preemption did not raise a federal question justifying removal.

The Court did, however, face the issue of preemption in the West Chicago lawsuit and found that federal law does not preempt the city's power to enforce and to abate public nuisances as long as non-radiation hazards are at issue. The city's complaint dealt with the safety problems of some abandoned buildings (not preempted) and the dumping of hazardous material as fill. The Court couldn't tell whether the Nuclear Regulatory Commission (NRC) had any jurisdiction over the dumping and sent the case back to the District court to find out. If the NRC lacks jurisdiction, the city's suit can proceed as long as there is not conflict with NRC regulation of radiation hazards. (Illinois v. Kerr-McGee, No. 81-110 and City of West Chicago v. Kerr-McGee, No. 81-1152, May 4, 1982).

DEDICATION

The Board and Illinois lost a dedicated public servant when Irvin G. Goodman died on April 13, 1983. Mr. Goodman, a chemical engineer and an attorney, had served for more than 8 years on the Board. At the time of his unexpected death at age 50 he was Vice Chairman of the Board.

Mr. Goodman handled a great number of difficult legal and technical matters before the Board. His judgment and fairness and industry were respected by all. He will be greatly missed by the Board and staff and those who knew him.

Governor James R. Thompson termed Mr. Goodman "a strong and respected gentleman who approached his duties with the best interests of the people of Illinois in mind."

This Annual Report is dedicated to Mr. Goodman.

APPENDIX A
ILLINOIS POLLUTION CONTROL BOARD
FY CASE DISTRIBUTION

| | <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>FY82</u> |
|-------------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| <u>VARIANCES:</u> | | | | | | | | | | | | |
| Water: | 56 | 126 | 168 | 126 | 102 | 103 | 155 | 103 | 65 | 93 | 70 | 61 |
| Air: | 101 | 144 | 145 | 217 | 185 | 81 | 20 | 30 | 35 | 26 | 21 | 23 |
| Land: | 2 | 12 | 18 | 12 | 12 | 9 | 6 | 9 | 1 | 4 | 3 | 2 |
| Public Water Supply: | 2 | 5 | 30 | 22 | 17 | 5 | 3 | 9 | 2 | 16 | 27 | 16 |
| Noise: | 0 | 0 | 0 | 0 | 1 | 5 | 3 | 4 | 4 | 1 | 2 | 1 |
| Special Waste Hauling: | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 8 | 0 | 4 |
| Total: | 161 | 287 | 361 | 377 | 317 | 203 | 187 | 155 | 111 | 148 | 123 | 107 |
| <u>ENFORCEMENT CASES:</u> | | | | | | | | | | | | |
| Water: | 25 | 52 | 36 | 35 | 42 | 43 | 29 | 46 | 69 | 32 | 15 | 14 |
| Air: | 26 | 100 | 68 | 79 | 49 | 52 | 21 | 16 | 5 | 10 | 17 | 4 |
| Land: | 12 | 53 | 35 | 13 | 57 | 63 | 22 | 61 | 20 | 10 | 17 | 5 |
| Public Water Supply: | 1 | 4 | 1 | 4 | 14 | 27 | 8 | 10 | 14 | 12 | 2 | 6 |
| Noise: | 0 | 0 | 0 | 1 | 11 | 10 | 9 | 8 | 7 | 5 | 4 | 4 |
| Special Waste Hauling: | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 1 |
| Total: | 64 | 209 | 140 | 132 | 173 | 195 | 89 | 141 | 115 | 70 | 56 | 34 |
| <u>PERMIT APPEALS:</u> | 0 | 0 | 12 | 21 | 15 | 29 | 21 | 28 | 36 | 34 | 31 | 26 |
| <u>LANDFILL SITING REVIEWS:</u> | | | | | | | | | | | | 3 |
| <u>OTHER:</u> | 2 | 3 | 0 | 0 | 0 | 9 | 20 | 19 | 3 | 12 | 9 | 17 |
| Grand Total: | 227 | 449 | 513 | 530 | 505 | 436 | 317 | 343 | 265 | 264 | 219 | 187 |

APPENDIX B
ILLINOIS POLLUTION CONTROL BOARD
CITIZEN ENFORCEMENT - FY DISTRIBUTION

| | <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>FY82</u> |
|---------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| FILED BY: | | | | | | | | | | | | |
| <u>CITIZENS</u> | | | | | | | | | | | | |
| Water: | 7 | 6 | 17 | 15 | 5 | 4 | 3 | 5 | 10 | 3 | 2 | 3 |
| Air: | 4 | 6 | 7 | 9 | 4 | 5 | 3 | 1 | 0 | 6 | 12 | 0 |
| Land: | 1 | 0 | 4 | 4 | 1 | 3 | 6 | 4 | 0 | 1 | 0 | 1 |
| Public Water Supply: | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 3 | 0 | 0 |
| Noise: | 0 | 0 | 1 | 1 | 3 | 3 | 2 | 1 | 1 | 4 | 0 | 3 |
| Special Waste Hauling: | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Total: | 12 | 12 | 29 | 29 | 16 | 15 | 14 | 11 | 11 | 17 | 14 | 8 |

| | | | | | | | | | | | | |
|--|----|----|----|----|----|----|----|----|----|----|----|---|
| FILED BY: | | | | | | | | | | | | |
| <u>ATTORNEY GENERAL</u> (People of the State of Illinois) | | | | | | | | | | | | |
| Water: | 0 | 0 | 0 | 1 | 7 | 2 | 10 | 3 | 0 | 1 | 0 | 1 |
| Air: | 0 | 0 | 2 | 7 | 18 | 8 | 9 | 4 | 0 | 0 | 0 | 0 |
| Land: | 0 | 0 | 0 | 0 | 2 | 4 | 6 | 4 | 0 | 0 | 0 | 0 |
| Public Water Supply: | 0 | 0 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Noise: | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 1 | 0 | 0 |
| Special Waste Hauling: | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total: | 0 | 0 | 2 | 8 | 30 | 15 | 26 | 11 | 0 | 2 | 0 | 1 |
| GRAND TOTAL: | 12 | 12 | 31 | 37 | 46 | 30 | 40 | 22 | 11 | 19 | 14 | 9 |

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>FY82</u> | <u>TOTAL</u> |
|-----------------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|
| Water | 20 | 5 | 5 | 5 | 9 | 8 | 8 | 1 | 4 | 2 | 5 | 9 | 81 |
| Air | 9 | 7 | 8 | 7 | 9 | 8 | 4 | 4 | 8 | 6 | 8 | 9 | 87 |
| Land | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 4 | 4 | 11 |
| Public Water Supply | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 1 | 4 |
| Noise | 1 | 1 | 1 | 0 | 2 | 1 | 4 | 0 | 1 | 2 | 1 | 0 | 14 |
| Other (Procedural Rules, etc.) | 3 | 8 | 1 | 1 | 1 | 1 | 4 | 1 | 3 | 5 | 13 | 2 | 43 |
| TOTAL | 33 | 22 | 15 | 14 | 21 | 19 | 20 | 8 | 16 | 15 | 32 | 25 | 240 |

APPENDIX D
REGULATIONS PROPOSED IN FY82

| <u>NUMBER</u> | <u>TITLE</u> | <u>DATE PROPOSED</u> | <u>DATE OF BOARD ACTION</u> |
|--------------------|---|----------------------|-----------------------------|
| R81-20 | Interim Bubble Rules | July 23, 1981 | May 13, 1982 |
| R81-22 | RCRA Regulations | July 22, 1981 | February 4, 1982 |
| R81-23 | Ammonia Nitrogen Rule 203(f), WQS | July 13, 1981 | July 21, 1982 |
| R81-24 | Olin Corporation, Site Specific Rule 203(f), WQS | August 17, 1981 | Pending |
| R81-25 | Proposal for Adoption of Sanitary Landfill Regulation, Rule 310: Special Wastes | September 25, 1981 | Pending |
| R81-26 | John Deere Thermal Discharge, WQS Amendment, Rule 203(i)(11) | October 19, 1981 | Pending |
| R81-27 | Standards of Performance for New Stationary Sources, Rule 951 and 909 | November 19, 1981 | November 19, 1981 |
| R81-28 | Public Water Supply Amendments and Codification | November 24, 1981 | Pending |
| R81-29 | Pfizer, Inc., Site Specific Rule 250 and 450, WQS | December 3, 1981 | Pending |
| R81-30 | Rules for Identifying and Protecting Trade Secret Information | December 16, 1981 | Pending |
| R81-31 | Special Waste Hauling Amendments | December 23, 1981 | Pending |
| R81-32 | Underground Injection Control Regulations, Waste Disposal | December 23, 1981 | May 13, 1982 |
| R82-1 | Particulate Emission Limitations, Rule 203(g) and 202(b) | January 21, 1982 | Pending |
| R82-2 | Radiological Air Emissions | January 27, 1982 | Pending |
| R82-3 | Alton Water Company, Site Specific Rule and Effluent Standard Exception | February 9, 1982 | Pending |
| R82-4 | New Source Performance Standards, Rule 931 | March 4, 1982 | March 4, 1982 |
| R82-5 | Effluent Standard Amendments, Rules 304 and 307 | April 1, 1982 | Pending |
| R82-6 | Reserved for Regflex | March 19, 1982 | Pending |
| R82-7 | City of Alton, Site Specific Water Amendments | April 15, 1982 | Pending |
| R82-8 and R82-9 | Standards of Performance for New Stationary Sources, Rule 935 and 938 | April 29, 1982 | April 29, 1982 |
| R82-10 | Modification of NPDES Rules to Agree with UIC Rules | May 13, 1982 | Pending |
| R82-11 | Parallel Shore Protection in Lake Michigan | May 13, 1982 | Pending |
| R82-12 | AQS Amendments, Rule 313, Lead | June 10, 1982 | Pending |
| R82-14 | RACT III: Amendments to Emissions of Organic Material | June 30, 1982 | 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> | <u>FY83</u> |
|----------------------|-----------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-----------------|
| Appropriated: | \$811.7 | \$734.6 | \$706.2 | \$687.3 | \$703.3 | \$693.6 | \$707.2 | \$698.9 | \$666.2 | 707.6 |
| 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 | 331.8 |
| Retirement | 13.1 | 16.2 | 16.2 | 15.7 | 19.0 | 22.9 | 23.4 | 23.8 | 13.8 | 17.6 |
| Social Security | 11.9 | 13.6 | 13.4 | 13.5 | 15.5 | 17.2 | 17.8 | 20.3 | 20.4 | 22.2 |
| Contractual Services | 112.3 | 110.4 | 109.1 | 108.1 | 119.4 | 110.4 | 120.5 | 119.4 | 147.6 | 151.2 |
| Travel | 13.9 | 14.8 | 16.6 | 18.8 | 19.5 | 16.8 | 18.2 | 19.9 | 16.2 | 20.0 |
| Commodities | 6.3 | 8.6 | 7.4 | 4.6 | 5.6 | 2.5 | 3.7 | 4.0 | 4.0 | 4.5 |
| Printing | 41.5 | 33.4 | 36.1 | 40.4 | 26.4 | 49.6 | 34.0 | 40.4 | 41.8 | 47.4 |
| Equipment | 4.1 | 0.8 | 0.8 | 2.0 | 1.0 | 1.0 | 1.2 | 0.7 | 0.1 | 0.3 |
| Telecommunications | 9.9 | 9.6 | 8.5 | 10.3 | 10.1 | 10.2 | 9.6 | 11.8 | 12.9 | 14.0 |
| Hearing Officers | 50.1 | 48.4 | 61.2 | 36.0 | 53.8 | 48.2 | 39.4 | 43.7 | 44.1 | 38.0 |
| Court Reporting | 96.1 | 122.7 | 107.9 | 82.3 | 88.8 | 84.5 | 52.3 | 58.4 | 53.7 | 60.6 |

(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.

(c) *FY 83 figures are for appropriations and do not represent expenditures.

APPENDIX F
 STATE OF ILLINOIS
 ENVIRONMENTAL PROTECTION AGENCY
 SUMMARY PENALTIES ASSESSED BY POLLUTION CONTROL BOARD
 JULY 1, 1970 TO JUNE 30, 1982

| | <u>07/01/70 To 06/30/80</u> | <u>07/01/80 To 06/30/81</u> | <u>07/01/81 To 06/30/82</u> | |
|--|---------------------------------|---------------------------------|---------------------------------|---------------------|
| Penalties Assessed By Pollution Control Board | 2,323,624.84 | 266,891.75 | 196,273.32 | |
| Interest Assessed By Judgment | <u>990.73</u> | <u>150.00</u> | | |
| Total Penalties | <u>2,324,615.57</u> | <u>267,041.75</u> | <u>196,273.32</u> | <u>2,787,930.64</u> |
| Penalties Paid, Vacated or Declared Uncollectable | 2,295,448.83 | 254,091.75 | 171,706.14 | |
| Penalties Appealed | | | | |
| Penalties Receivable | <u>29,166.74</u> | <u>7,950.00</u> | <u>24,567.18</u> | |
| | <u>2,324,615.57</u> | <u>267,041.75</u> | <u>196,273.32</u> | |

PENALTIES ASSESSED
 12 MONTHS ENDED JUNE 30, 1973

| Order Date | PCB # | Name | Total Penalty | Receivables | | |
|---------------|-------|-------------------|------------------|-------------------|----------|--------------------------|
| | | | | Paid & Vacated | Appealed | Past Due Current |
| 09/12/72 | 77-23 | Broverman, Harold | 5,000 | 2,400 | | 2,600 (AG) |

APPENDIX F
 STATE OF ILLINOIS
 POLLUTION CONTROL BOARD
 PENALTIES ASSESSED
 12 MONTHS ENDED JUNE 30, 1976

| Order Date | PCB # | Name | Total Penalty | Receivables | | | |
|---------------|--------|-----------------------|------------------|-------------------|----------|-------------|---------|
| | | | | Paid & Vacated | Appealed | Past Due | Current |
| 05/20/76 | 75-406 | McCormick, Richard C. | 6,000 * | 3,400 | | 2,600 | |

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

PENALTIES ASSESSED
 12 MONTHS ENDED JUNE 30, 1977

| Order Date | PCB # | Name | Total Penalty | Receivables | | | |
|---------------|--------|--|------------------|-------------------|----------|--------------|---------|
| | | | | Paid & Vacated | Appealed | Past Due | Current |
| 07/22/76 | 75-203 | Vonable, Harry & Hutchings, Alexander d/b/a Coal Conversion, Ltd. | 2,000 | | | 2,000 | |
| 01/06/77 | 75-447 | Trump, Kenneth | 1,000 | | | 1,000 | |
| 05/12/77 | 76-292 | Janson, Charles | 6,000 | | | 6,000 | |
| | | | <u>9,000</u> | | | <u>9,000</u> | |

APPENDIX F
STATE OF ILLINOIS
POLLUTION CONTROL BOARD
PENALTIES ASSESSED
12 MONTHS ENDED JUNE 30, 1978

| Order Date | PCB # | Name | Total Penalty | Receivables | | |
|------------|--------|---|---------------|----------------|----------|------------------|
| | | | | Paid & Vacated | Appealed | Past Due Current |
| 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 |
| | | | <u>6,250</u> | | | <u>6,250</u> |

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

PENALTIES ASSESSED
12 MONTHS ENDED JUNE 30, 1979

| Order Date | PCB NO. | Name | Total Penalty | RECEIVABLES | | | |
|------------|---------|---------------------------|---------------|-----------------|----------|-----------------|---------|
| | | | | PAID & VACATED | APPEALED | PAST DUE | CURRENT |
| 09/21/78 | 77-147 | Ford, C.M. | 1,000 | | | 1,000 | |
| 10/06/78 | 77-CH-1 | McCormick, Richard * | 5,000 | 4,583.26 | | 416.74 | |
| 01/18/79 | 78-198 | A & F Materials Co., Inc. | 1,100 | | | 1,100 | |
| 02/15/79 | 77-274 | Thompson, Conrad | 2,000 | | | 2,000 | |
| 05/24/79 | 78-55 | Knox Wrecking | 1,200 | | | 1,200 | |
| | | | <u>10,300</u> | <u>4,583.26</u> | | <u>5,716.74</u> | |

* - Levied by Circuit Court for continued violation

APPENDIX F
STATE OF ILLINOIS
POLLUTION CONTROL BOARD
PENALTIES ASSESSED
12 MONTHS ENDED JUNE 30, 1980

| Order Date | PCB NO. | Name | Total Penalty | RECEIVABLES | | | |
|------------|---------|---|---------------|----------------|----------|--------------|---------|
| | | | | PAID & VACATED | APPEALED | PAST DUE | CURRENT |
| 07/12/79 | 78-163 | Greulich, Jeff | 200 | | | 200 | |
| 07/26/79 | 79-16 | So. Ill. Black Truckers, Inc. | 500 | | | 500 | |
| 08/09/79 | 77-60 | Commans, Cecil M. and Joanne | 300 | | | 300 | |
| 01/24/80 | 79-29 | Hale, Clifford | 1,000 | | | 1,000 | |
| 01/24/80 | 79-76 | Rinne, Roger L. | 1,000 | 20 | | | |
| | | | | 980 U | | | |
| 03/06/80 | 79-77 | Rinne, Roger L. | 500 | 500 U | | | |
| 03/20/80 | 79-58 | Minerals Management Corp.; Nestler, Irwin; & Smith, Bromeley K. * | 4,000 | 4,000 U | | | |
| 04/30/80 | 78-295 | East St. Louis, City of | 1,000 | | | 1,000 | |
| | | | <u>8,500</u> | <u>5,500</u> | | <u>3,000</u> | |

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

PENALTIES ASSESSED
12 MONTHS ENDED June 30, 1981

| Order Date | PCB NO. | Name | Total Penalty | Receivables | | | |
|------------|----------|---|---------------|----------------|----------|--------------|------------|
| | | | | PAID & VACATED | APPEALED | PAST DUE | CURRENT |
| 08/21/80 | 79-262 | Maney, Mike; and Heil, Gene d/b/a Metropolitan Waste Co. | 2,000 | 1,000 | | 1,000 | |
| 09/18/80 | 75-12 | WSC Corp. | 5,500 | | | 5,500 | |
| 09/24/80 | 79-79 | Monmouth, City of | 2,500 | 2,500 | | | |
| 10/30/80 | 79-70 | Sandman, Edward & Lydia | 100 | 100 | | | |
| 12/19/80 | 78-33 | Jackson, Richard | 1,500 | 1,500 u | | | |
| 12/19/80 | 78-33 | Green, Charles | 250 | | | 250 | |
| 01/19/81 | 80-CH-88 | Phillips, Odell | 100 * | | | 100 | |
| 02/05/81 | 80-123 | Engstrom, Rodney | 3,000 | 2,400 | | | 600 |
| 02/19/81 | 79-122 | Caseyville Township | 500 | | | 500 | |
| 06/10/81 | 80-105 | Abingdon, City of | 4,000 | 4,000 | | | |
| | | | <u>19,450</u> | <u>11,500</u> | | <u>7,350</u> | <u>600</u> |

*Levi by Circuit Court. Reduced from \$5,000 to \$100 on 2/26/82.

APPENDIX F

STATE OF ILLINOIS
 POLLUTION CONTROL BOARD
 PENALTIES ASSESSED
 12 MONTHS ENDED JUNE 30, 1982

| Order Date | PCB NO. | Name | Total Penalty | Receivables | | | |
|---------------|---------|---|------------------|-------------------|----------|----------|--------------------|
| | | | | PAID & VACATED | APPEALED | PAST DUE | CURRENT |
| 07/09/81 | 81-7 | Watts Trucking | 1,000 | 1,000 | | | |
| 07/09/81 | 81-7 | Case, J.I., Co. | 1,000 | 1,000 | | | |
| 07/09/81 | 81-7 | International Harvester | 1,000 | 1,000 | | | |
| 07/23/81 | 81-14 | Brighton, Village of | 750 | 750 | | | |
| 07/23/81 | 78-301 | Airview Mobile Home Park | 3,000 | 3,000 | | | |
| 08/20/81 | 80-140 | Wilson & Shipler | 2,500 | 2,500 | | | |
| 08/20/81 | 78-212 | Caterpillar Tractor Co. | 1,000 | 1,000 | | | |
| 09/03/81 | 80-4 | Alba Manufacturing Co. | 2,500 | 2,500 | | | |
| 09/03/81 | 80-113 | Archer-Daniels-Midland | 2,000 | 2,000 | | | |
| 09/03/81 | 77-157 | Decatur Sanitary District | 1,000 | 1,000 | | | |
| 09/03/81 | 80-177 | McLean County Service Co. | 1,000 | 1,000 | | | |
| 09/03/81 | 80-177 | McLean County Service Co. | 8,031.14 | 8,031.14 | | | (Fish & Game Fund) |
| 09/03/81 | 81-19 | King, Earl | 100 | 100 | | | |
| 09/03/81 | 81-19 | Parks, Jack | 100 | 100 | | | |
| 09/03/81 | 81-19 | Marion, City of | 5,500 | 5,500 | | | |
| 09/08/81 | 79-CH-9 | Carlson, Ronald E.* | 250 | 250 | | | |
| 10/08/81 | 80-181 | Illinos Fruit & Produce Co. | 750 | 750 | | | |
| 10/08/81 | 79-215 | Logan, G.E. | 150 | 150 | | | |
| 10/08/81 | 79-215 | Popp, John | 1,500 | 300 | | | 1,200 |
| 10/08/81 | 80-56 | O'Fallon, City of | 3,660 | 3,660 | | | |
| 10/08/81 | 77-322 | Waukegan, City of & Waukegan Unit School Dist. #60 | 1,000 | 1,000 | | | |
| 10/22/81 | 79-272 | Comm. Ed. Co. (Will Co.) | 10,000 | 10,000 | | | |
| 10/22/81 | 79-273 | Comm. Ed. Co. (Powerton) | 20,000 | 20,000 | | | |
| 10/22/81 | 79-273 | Comm. Ed. Co. (Powerton) | 3,000 | 3,000 | | | (Fish & Game Fund) |
| 10/22/81 | 79-274 | Comm. Ed. Co. (Waukegan) | 10,000 | 10,000 | | | |
| 10/22/81 | 79-275 | Comm. Ed. Co. (Joliet) | 10,000 | 10,000 | | | |
| 10/22/81 | 80-167 | Edinburg, Village of | 100 | 100 | | | |

*Levied by Circuit Court

APPENDIX F
 STATE OF ILLINOIS
 POLLUTION CONTROL BOARD
 PENALTIES ASSESSED
 12 MONTHS ENDED JUNE 30, 1982

| Order Date | PCB NO. | Name | Total Penalty | Receivables | | |
|------------|-----------|--|---------------|----------------------------|----------|------------------|
| | | | | PAID & VACATED | APPEALED | PAST DUE CURRENT |
| 10/22/81 | 81-68 | Hardin, Village of | 750 | 750 | | |
| 10/22/81 | 81-121 | Koster, Russell W. & Wesley | 250 | 250 | | |
| 10/22/81 | 79-207 | Romeoville, Village of | 500 | 500 | | |
| 11/05/81 | 78-62 | Davenport Packing Co., Inc. | 2,000 | 500 | | 1,500 |
| 11/05/81 | 80-23 | Benld, City of | 800 | 800 | | |
| 11/19/81 | 80-101 | Lippold & Arnett Ready Mix | 1,000 | 750 | | 250 |
| 11/19/81 | 81-41 | Cooksville, Village of | 200 | 200 | | |
| 11/20/81 | 80-CH-121 | Cranford, Jeffrey Borke | 3,200 * | 1,750 | | 1,450 |
| 12/03/81 | 79-256 | ESL Inc & Waste Management of IL | 7,000 | 7,000 | | |
| 12/03/81 | 80-191 | Benton, City of | 500 | 500 | | |
| 12/03/81 | 80-191 | Odom, James P. | 500 | 500 | | |
| 12/03/81 | 80-195 | Core-Lube, H/L Disposal and Duckett Disposal | 1,000 | 1,000 | | |
| 12/17/81 | 79-239 | Herrin, City of | 1,200 | 300 | | 900 |
| 12/17/81 | 80-185 | Pielet, Bros. Trading, Inc. | 7,500 ** | 7,500 S | | |
| 01/07/82 | 80-214 | Jobe, James | 2,000 | 200 | | 1,800 |
| 01/07/82 | 79-67 | Chicago/Joliet Livestock Marketing Center, Inc. | 2,125 | 2,125 | | |
| 01/07/82 | 79-67 | Chicago/Joliet Livestock Marketing Center, Inc. | 875 | 875 (Fish & Wildlife Fund) | | |
| 01/07/82 | 80-114 | Kraemer, Fred A. | 3,000 | 1,000 | | 2,000 |
| 01/21/82 | 80-127 | Monmouth, City of | 2,500 | 2,500 | | |
| 01/21/82 | 80-220 | Schaumburg Park District | 990 | 990 | | |
| 01/21/82 | 81-50 | United Steel Drum, Inc. Cletus R. Carron, Individually & as Pres. of United Steel Drum & SW, Regional Port, Dist. | 1,000 | 1,000 | | |
| 01/21/82 | 81-63 | Jaraczewski, Gene | 750 | | | 750 |
| 01/21/82 | 81-130 | Tallula, Village of | 300 | 300 | | |

*Levied by Circuit Court

**Board Order of 2/4/82 stayed penalty

MJH:0308B/sp/9-10

APPENDIX F
 STATE OF ILLINOIS
 POLLUTION CONTROL BOARD
 PENALTIES ASSESSED
 12 MONTHS ENDED JUNE 30, 1982

| Order Date | PCB NO. | Name | Total Penalty | Receivables | | | |
|---------------|----------------|---|-------------------|------------------------|----------|------------------|---------------|
| | | | | PAID & VACATED | APPEALED | PAST DUE | CURRENT |
| 01/29/82 | 79-CH-2 | TRI-NO Enterprises, Inc. & Starnes, Noble & Geneva | 500 * | 500 | | | |
| 02/04/82 | 74-193 | Bulk Terminals Co. | 10,000 | 10,000 | | | |
| 02/04/82 | 74-193 | Cabot Corp. | 10,000 | 10,000 | | | |
| 02/04/82 | 77-25 | Marquette Cement | 15,000 | 15,000 | | | |
| 02/04/82 | 80-152 | Apex International Alloys | 1,500 | 1,500 | | | |
| 02/04/82 | 81-110 | Roesch, Inc. | 10,000 | 3,000 | | | 7,000 |
| 02/17/82 | 77-49 | IL-Central Gulf R.R. | 500 | 500 | | | |
| 02/17/82 | 78-88 & 78-225 | Sundale Sewer Corp. | 2,000 | | | | 2,000 |
| 02/17/82 | 81-142 | Mike Camerer & William Wiist, D/B/A W-C Farms | 800 | 800 | | | |
| 03/16/82 | 76-CH-12 | Herrin, City of | 750 * | 750 | | | |
| 03/19/82 | 81-178 | Old Salem Chautauqua Assn. | 300 | 75 | | | 225 |
| 03/19/82 | 81-133 | White City, Village of | 100 | 100 ** | | | |
| 04/01/82 | 81-127 | Kankakee Water Co. | 1,000 | 1,000 | | | |
| 04/01/82 | 75-11 | Republic Steel Corp. | 5,000 | 5,000 | | | |
| 04/15/82 | 79-127 | Marquette Heights, City of | 1,500 | 1,500 | | | |
| 04/19/82 | 79-CH-2 | American Minerals, Inc. | 800 * | | | 800 | |
| 04/29/82 | 78-50 | North Shore Sanitary Dist. | 1,000 | | | 1,000 | |
| 04/29/82 | 78-50 | North Shore Sanitary Dist. | 692.18 | (Wildlife & Fish Fund) | | 692.18 | |
| 04/29/82 | 81-176 | Conley, Marion E. d/b/a Willow Wood Mobile Home Park | 1,000 | 1,000 | | | |
| 05/13/82 | 80-125 | Welin, A.J. | 500 | | | 500 | |
| 05/13/82 | 80-38 | Second Chance | 1,000 | | | 1,000 | |
| 06/10/82 | 81-196 | Westport Water Systems, Inc. & Switzer, Leo, Jr. | 1,500 | | | | 1,500 |
| | | | <u>196,273.32</u> | <u>171,706.14</u> | | <u>12,142.18</u> | <u>12,425</u> |

*Levied by Circuit Court

**Nominal \$100 penalty assessed as required by PWS Act, payment of which is abated and forgiven

MJH:sp/0395B/11

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>FY82</u> | <u>TOTAL</u> |
|----------------------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|
| Opinion & Orders | 109 | 369 | 456 | 417 | 354 | 374 | 276 | 192 | 227 | 188 | 168 | 159 | 3289 |
| Orders | 14 | 109 | 351 | 550 | 516 | 534 | 462 | 477 | 413 | 321 | 342 | 275 | 4364 |
| Dissenting | 12 | 20 | 7 | 8 | 23 | 8 | 24 | 11 | 2 | 7 | 11 | 12 | 145 |
| Concurring | 5 | 6 | 3 | 2 | 2 | 17 | 11 | 8 | 1 | 9 | 10 | 7 | 81 |
| Supplemental Statements | 5 | 10 | 5 | 5 | 5 | 5 | 6 | 1 | 0 | 1 | 7 | 2 | 52 |
| TOTAL | 145 | 514 | 822 | 982 | 900 | 938 | 779 | 689 | 643 | 526 | 538 | 455 | 7931 |
| | | | | | | | | | | | | | |
| <u>REGULATIONS</u> | | | | | | | | | | | | | |
| Opinion & Orders | 15 | 15 | 6 | 10 | 11 | 11 | 4 | 14 | 11 | 23 | 26 | 21 | 167 |
| Orders | 9 | 2 | 19 | 26 | 38 | 36 | 35 | 36 | 45 | 45 | 71 | 77 | 439 |
| Dissenting | 0 | 2 | 0 | 3 | 6 | 0 | 4 | 3 | 0 | 2 | 0 | 1 | 21 |
| Concurring | 0 | 2 | 0 | 0 | 1 | 2 | 0 | 0 | 1 | 0 | 0 | 1 | 7 |
| Supplemental Statements | 2 | 3 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 1 | 0 | 0 | 8 |
| TOTAL | 26 | 24 | 25 | 39 | 56 | 50 | 43 | 54 | 57 | 71 | 97 | 100 | 642 |
| | | | | | | | | | | | | | |
| GRAND TOTAL | 171 | 538 | 847 | 1021 | 956 | 988 | 822 | 743 | 700 | 597 | 635 | 555 | 8573 |

