

POLLUTION CONTROL BOARD
FOURTEENTH YEAR
ANNUAL REPORT

July 1, 1983 – June 30, 1984



ILLINOIS POLLUTION CONTROL BOARD
FOURTEENTH YEAR ANNUAL REPORT

by

Jacob D. Dumelle, P.E., Chairman

INTRODUCTION

The Fourteenth Year Annual Report gives a view of the Illinois Pollution Control Board's operations during the fiscal year from July 1, 1983 through June 30, 1984. Activity measures for recent past years are given in order that comparisons can be made.

DEDICATION

This Annual Report is dedicated to the many Board Hearing Officers who have served through the years. These are part-time employees who are licensed lawyers and work on a per diem basis. Without their services, the Board could not function.

ENVIRONMENTAL FUNCTIONS

Environmental responsibilities in Illinois are mainly distributed among three agencies. These are the Pollution Control Board ("Board"), the Illinois Environmental Protection Agency ("Agency"), and the Illinois Department of Energy and Natural Resources ("ENR"). The Illinois Department of Nuclear Safety ("DNS") has responsibility for ionizing radiation. Some DNS rules can be promulgated by the Board. The Illinois Department of Public Health has responsibilities for bathing beach conditions, for private wells, for indoor air pollution, and other matters.

The Board has two main functions: rulemaking and adjudication. It promulgates, amends, or repeals environmental rules in the fields of air, water, land, noise, agricultural wastes, mine wastes, and water supply. It decides contested cases in its adjudicatory function including enforcement, variance, permit appeal, landfill siting appeal, tax certification determinations, and issuance of permits for construction in Lake Michigan.

Proposed rules in Illinois may be initiated by anyone if accompanied by 200 signatures. The signature requirement is often waived by the Board. Public hearings are held by the Board in various locations in Illinois. If an economic impact study is required then additional hearings are held on it. Proceedings are transcribed and witnesses are sworn. Cross-examination is permitted from the public.

Contested cases by statute require hearings for all enforcement, permit appeal, and landfill siting appeal types.

Hearings are not required in variance cases unless an objection is received within 21 days of the case filing date or the Board decides on its own motion to require a hearing or the petitioner requests a hearing or a hearing is Federally required.

Enforcement actions on behalf of the Agency are filed before the Board by the Illinois Attorney General. He may also file actions before the Board under his independent powers representing The People of the State of Illinois. The Board, in its decision in an enforcement case, may levy penalties, issue cease and desist orders, revoke permits, allow bond issues without referendum, and set schedules for corrective actions.

The Agency is the "field force" in the environment. It has about 714 employees (compared to the Board's 22) and operates out of seven regional offices across Illinois. It performs inspections, does monitoring, issues permits, processes grant applications, answers complaints, and prepares recommendations in variance proceedings. The Agency is the official contact governmental unit with the Federal government on environmental matters. In order to meet Federal requirements for various programs it often proposes new rules to the Board.

The third Illinois agency referred to initially is the Illinois Department of Energy and Natural Resources. It provides a research function into unsolved environmental problems. It can draw upon its nationally recognized divisions for this; the State Water Survey, the State Natural History Survey, and the State Geological Survey. It can also contract for needed research with consulting firms or scientists.

By statute ENR prepares economic and environmental impact studies on all proposed rules before the Board. These studies are reviewed by a citizen group appointed by the Governor which is called the Economic and Technical Advisory Committee ("ETAC").

BOARD MEMBERSHIP

The Pollution Control Board was expanded in 1983 from five persons to seven. In November 1983 Governor Thompson appointed two persons (Messrs. Forcade and Marlin) to the new posts. On March 12, 1984 Board Member Donald B. Anderson died suddenly. The previous Annual Report was dedicated to Mr. Anderson.

As of June 30, 1984 The Board membership, residence location, and term expiration was as follows:

Mr. Jacob D. Dumelle	Oak Park	June 30, 1985
Mr. J. Theodore Meyer	Chicago	June 30, 1985
Mr. Bill S. Forcade	Chicago	June 30, 1986
Dr. John C. Marlin	Urbana	June 30, 1986
Mr. Walter J. Nega	Chicago	June 30, 1986
Mrs. Joan G. Anderson	Western Springs	June 30, 1987
Vacancy		June 30, 1987

ADJUDICATORY (CONTESTED) CASES

Fiscal Year 1984 ("FY84") which ended June 30, 1984 saw a total of 245 adjudicatory cases compared to the all-time low of 149 recorded in FY83. Variance cases numbered 96 compared to 77 for the previous year. Enforcement cases equalled the previous year's total of 26. Permit appeals numbered 39 compared to 23 for the previous year. Landfill siting reviews numbered six; the same as in FY83. Miscellaneous cases increased to 78 compared to 17 in FY83 because of the filing of a large number of tax certification appeals.

By the end of FY84, a total of 4,699 contested cases had been filed with the Board in its 14 full years of existence. See Appendix A for details as to types of cases filed by year. Six "citizen" cases were filed (the same as in FY83) and the Attorney General (in the Name of the People of the State of Illinois) filed four cases compared to none in FY83. See Appendix B for comparisons of these types of cases by years.

In the Board's 14 years of record, a total of 200 citizen suits have been filed plus 99 suits by the Attorney General of Illinois for a total of 299. Thus, of the 1,470 enforcement cases filed to date, 299, or 20.4% were not brought by the IEPA.

Penalties levied by the Board or by the courts in FY84 amounted to \$36,972.82 and went mainly to the State's General Revenue Fund (GRF). The 14-year total of all GRF penalties (and to other funds) including interest levied by the Board and by various courts is \$3,045,161.50. In FY84 the Board and the courts levied \$154,900 in penalties payable to the Environmental Protection Trust Fund. Total penalties to this Fund, FY81 through FY84, come to \$715,226.10. Appendix F gives the penalties and interest amounts by fiscal year and their collection status.

RULEMAKING PROCEEDINGS

In FY84 a total of 53 rulemaking proceedings were filed with the Board. This was a record number and greatly exceeded that of the previous year, FY83, when 36 were filed. Many of these rulemakings were of the "pass-through" type requiring Board adoption without mandatory hearings. These totalled 22, consisting of 15 new source performance standards (NSPS), three were national emission standards for hazardous air pollutants (NESHAPS) and four were proceedings concerning the Resource Conservation and Recovery Act (RCRA) and the Underground Injection Control (UIC) program.

Appendix D lists by number and name and date of filing these 53 new rulemakings filed in FY84. Appendix C gives the 14-year distribution of the 329 rulemakings filed through the end of FY84. Note that the largest amount, 129, concern air pollution while the next largest amount, 95, are water pollution-related

rules. On June 30, 1984 the Board had 46 pending regulations before it.

The Board took final action (adoption or dismissal) on 47 proposed rules in FY84 compared to 42 such decisions in FY83. These final actions, by categories, are as follows in chronological order. All are enactments unless otherwise stated.

Air-related rules acted upon were: R81-16(B), the New Source Review Rules (on July 14, 1983); R82-12, the Ambient Air Quality Standard for Lead (July 26, 1983); R83-15, NSPS (on August 18, 1983); R83-16, NSPS (on September 8, 1983); R81-2, Codification of Chapter 2 (Air) (on September 23, 1983); R83-18, NSPS (on September 23, 1985); R83-5, General Tire and Rubber Sulfur Dioxide Site-Specific, (withdrawn by proponent and dismissed on September 23, 1983); R83-21, NSPS (on October 19, 1983); R83-22(A,B,C), NSPS (on November 3, 1983); R83-38, NSPS (on December 15, 1983); R83-40, 41, NSPS (on December 29, 1983); R83-42, NESHAPS (on December 29, 1983); R82-15, Emission Reduction Banking (dismissed on January 12, 1984 because no regulatory proposal was filed); R84-6, NSPS (on February 22, 1984); R81-20(B), "Bubble" Useful Life Definition (on March 8, 1984); R84-8, NSPS (on April 5, 1984); R80-22, Winnetka Power Plant Sulphur Dioxide Site-Specific (on April 19, 1984); R82-20, Grain Handling (dismissed on April 19, 1984 because the proponent was unwilling to proceed); R84-11, NSPS (on April 19, 1984); R84-14,15, NSPS (on May 3, 1984); R82-14 (portion), RACT-III VOC for Vegetable Oil Industry (on June 14, 1984); R84-21, NSPS (on June 14, 1984; and R84-24, 25, NESHAPS (on June 29, 1984).

Water-related rules decided were: R81-26, John Deere Co. Thermal Discharge Site-Specific (on October 6, 1983); R83-6(B), Mine Waste (on October 6, 1983); R82-5, 10, Water Pollution Control Rules (on November 18, 1983); R83-14, G.D. Searle Co. Water Discharge Site-Specific (dismissed on December 29, 1983 because the proponent was not ready to proceed); R83-9, Algicide Permit Period Extension (on January 26, 1984); R84-12, Sauget/E. St. Louis Sewage Treatment Plant Site-Specific (on March 8, 1984); R80-16, Galesburg Sanitary District Site-Specific (on April 19, 1984); and R83-6(A), Mine Waste Rules (on June 29, 1984).

Waste disposal rules acted upon were: R82-19, RCRA Phase II (on July 26, 1983); R81-7 and R81-9, codification of Chapter 7 (Solid Waste) and of Chapter 9 (Special Waste Handling) (on October 6, 1983); R83-24, corrections to RCRA Phase II (on December 15, 1983); R83-39, UIC rules (on December 15, 1983); and R83-28, Liquid Hazardous Waste Ban (on June 29, 1984). The Board, on a 6-1 vote, enacted R84-1, Hazardous Waste Disposal Fees on February 29, 1984 but later repealed it on June 14, 1984.

Noise-related rules enacted were: R81-8, codification of Chapter 8 (Noise) (on September 23, 1983) and R82-31, A,B,C, Forging Shops Site-Specific Noise Limits (on October 6, 1983).

Miscellaneous rules decided in FY84 were: R81-30, Trade Secret Rules (on November 3, 1983); R83-2, Alton Public Water Supply Plant Site-Specific (on March 8, 1984); and R84-5, Illinois Contingency Plan (on June 8, 1984).

Appendix G lists the total number of Board opinions and orders by year for contested cases and for regulatory proceedings. In FY84 some 119 regulatory opinions and orders were filed. This equalled the total for FY83 which was a record year. Board opinions and orders are published chronologically and totalled 57 volumes by the end of FY84. Sets are available for purchase or for public inspection.

ADMINISTRATIVE AND FINANCIAL

Expenditures during FY84 totalled \$787,860 compared to appropriations of \$815,026. This marked the 14th consecutive year the Board spent less than was appropriated. FY84 was the first year (partial) of the Board's operation as a 7-person Board. The expenditures consequently are higher to provide for staff travel, telephone, and office rental for the new members.

Appendix E gives Board expenditures and appropriations for FY75 through FY84. The appropriation for FY85 is listed and includes partial year funding for a new 6-person Scientific/Technical Section to aid the Board in rulemaking.

THE YEAR AHEAD

As FY85 begins the expanded 7-person Board will have had 8 months of experience (since early November 1983) with this format. Communications among the members of a larger Board are more involved than those with the 5-person Board. More time is needed to circulate draft opinions and to reflect upon additional language offered.

This Annual Report as well as the previous one reflect increased regulatory volume. Part of this is a consequence of statutory "pass-through" requirements. The Board must now adopt NSPS and NESHAPS rules and all changes to them as they are Federally issued. In FY85 the Board will seek a statutory change to be relieved of this requirement and the accompanying voluminous paperwork. All persons subject to Federal NSPS and NESHAPS rules are still liable to obey them. A ministerial adoption by the Board of these rules is of little or no value in informing Illinoisans of their obligations.

Increased regulatory volume is also a result of various industries and cities and sanitary districts seeking site-specific rules for their individual discharges. As these rulemakings are decided, the Board must be careful to not enact precedents that would have statewide ramifications. How is the Board to balance benefits and costs in a site-specific rule? As always, benefits in the environmental sense are difficult to

quantify ("how much is clean water worth?") while the costs of treatment are much more definite. What must always be kept in mind is that air or water "cleaner than" existing standards has room thereby for increased development, be it industrial, commercial, residential, or traffic-oriented.

In FY85, and even into FY86, the Federal government will be examining new standards and re-examining existing standards. The respirable particulate standard based upon 10 micron size may be finalized to replace the existing total suspended particulate rule which weighs particles up to about 45 microns which cause soiling but are not inhaled. A re-evaluation of existing Safe Drinking Water Act maximum levels for fluoride, radioactivity, and barium is expected. Existing levels seem much too stringent based upon possible health effects and are extremely costly for small cities to meet.

Congress and the courts are expected to require the Federal government to quickly issue new maximum level rules for airborne toxics and for groundwater contaminants. Each of these may require Board rulemakings.

In FY85 the Board will be operating with its new 6-person Scientific/Technical Section. Nationwide recruiting will be done for the four environmental scientist positions. Other staff will be a technical librarian and a secretary.

The Scientific Staff will study on-going rulemakings and make certain that the latest technical literature on the subject is in the record. They will also cross-examine technical witnesses to make certain that crucial issues are fully developed. Lastly, if an important "gap" appears in the record, they will search out competent experts who can be engaged by the Board to testify in a professional manner. Many rulemakings have evolved under the old method and have been thoroughly examined in Board hearings. But in a few proceedings, especially those on the very frontier of science, the expert witnesses almost have to be sought out and engaged, if the Board is to have the most recent knowledge in its record.

The Environmental Protection Act is written to allow a great deal of public participation. Citizen witnesses are encouraged. Public comment is available to anyone interested in a proceeding. The Board's files and records (except for trade secrets) are open to public inspection. Single copies of Board opinions and orders are available free to the public.

The Board is always seeking methods to better communicate with the public. Let us know how our notices or procedures can be improved to encourage additional public participation.

JUDICIAL REVIEW

WASTE DISPOSAL

Most of the litigation involving the Board during the past year considered issues pertaining to the management of solid waste. A majority of these cases concerned the appropriateness of site locations for sanitary landfills.

A major issue in this area was whether the Illinois Environmental Protection Act gave local governmental units the authority to review technical issues when evaluating site locations for sanitary landfills. If local governments have such authority then the scope of review by the Board of landfill siting decisions must be limited to a determination of whether these decisions are supported by the manifest weight of the evidence.

A Board ruling by a 4-1 decision that local government did not have authority to review technical issues and that the Board was, therefore, required to conduct a de novo review of the appropriateness of local government landfill siting decisions was reversed by the Illinois Appellate Court, Third District. City of East Peoria, Illinois, People of the State of Illinois, and Board of Supervisors of Tazewell County v. IPCB and Waste Management of Illinois, Inc., 117 Ill. App. 3d 673, 452 N.E.2d 1378 (3d Dist. 1983), PCB 82-55. The Appellate Court disagreed with the Board and ruled that the Act did authorize the local government to review technical issues, and the Board erred when it conducted a de novo review. The case was remanded to the Board for a review under the manifest weight of the evidence standard.

On appeal to the Supreme Court of Illinois, the decision of the Appellate Court was vacated, apparently delaying a final resolution of the issue. Id.

A second case concerning landfill siting was decided on December 12, 1983 by the Appellate Court of Illinois, Second District; County of Lake v. IPCB, IEPA and Browning-Ferris Industries of Illinois, Inc., 120 Ill. App. 3d 89, 457 N.E.2d 1309 (2d Dist. 1983), PCB 82-101. The Court affirmed in part a Board order striking certain conditions imposed by the County for the approval of a landfill site location, but remanded the case to the Board to consider technical conditions imposed by the County.

The Court, agreeing with the Board, held that the County lacked the authority to require the Agency to adopt its conditions in a permit and to require enforcement by the Agency; that the County could not require Browning-Ferris Industries (BFI) to pay the county's inspection costs; and that the County lacked authority to require BFI to provide proof of financial responsibility. In upholding the Board's order striking these

conditions, the Court cited the Agency's exclusive authority to issue a permit and the lack of statutory language and legislative intent to authorize either the imposition of inspection fees or the requirement of proof of financial responsibility.

The case was remanded to the Board for a review of technical conditions imposed by the County pursuant to the decision of the Third District in City of East Peoria.

Two cases involving the site approval for a landfill concerned the question of whether the facilities were necessary to accommodate the waste needs of the area. The Appellate Court of Illinois, Third District, in Waste Management of Illinois, Inc. v. IPCB, Will County Board, et al., 122 Ill. App. 3d 639, 461 N.E.2d 542 (3d Dist. 1984), PCB 82-141, affirmed the denial of a petition by Waste Management for site approval to expand an existing landfill. The Court held that the determinations by both the Will County Board and the Board that Waste Management had not met its burden of showing that the facility was necessary to accommodate the waste needs of the area it was intended to serve was supported by the manifest weight of the evidence. Waste Management's contention that "necessary" meant "expedient" or "reasonable" was rejected. The Court held that the burden was on Waste Management to show that the landfill was reasonably required by the waste needs of the area intended to be served.

In Waste Management of Illinois, Inc. v. IPCB, Lake County Board, and Village of Antioch, 123 Ill. App. 3d 1075, 463 N.E.2d 969 (2d Dist. 1984), PCB 82-119, decided May 8, 1984, the Board's denial of an application for site approval of an expansion of an existing sanitary landfill was affirmed. The Appellate Court, Second District, upheld the Board's finding that the manifest weight of the evidence supported the determinations of the Lake County Board (LCB) that Waste Management had failed to show that the expansion was necessary and that the proposed landfill was located to minimize incompatibility with and effects on character and value of surrounding properties.

The Court rejected Waste Management's contention that LCB's decision-making process was fundamentally unfair holding there was no requirement that LCB conduct a debate on the recommendations of its hearing committee and that the taking of notice of public opposition to the facility was proper. The Court concluded there was no evidence that Waste Management was denied the right to present its case before the LCB. The Court also ruled that the Board correctly reviewed LCB's denial of the petitioner's application using the manifest weight of the evidence standard.

Turning to the substantive issues, the Court found that the manifest weight of the evidence supported the determination that there was a failure to show the need for the new facility where uncontradicted testimony indicated existing facilities could handle waste disposal for ten years, and where the petitioner

failed to present evidence to support its contention that denial of its application would result in increased service costs.

The Court also found that the evidence supported the determination that the proposed facility was not located to minimize incompatibility with and effects on the character and value of surrounding properties where several witnesses rebutted Waste Management's limited evidence on the issue.

In still another Appellate Court decision concerning the location of a waste control facility, the Second District affirmed the Board's approval of a site for a liquid industrial waste regional pollution control facility in City of Rockford v. IPCB and Frink's Industrial Waste, Inc., 125 Ill. App. 3d 384, 465 N.E.2d 996 (2d Dist. 1984), PCB 83-41.

The Court held that the Board had properly reversed the City Council of Rockford, which had denied the application. The Court held that the Board correctly applied the manifest weight of the evidence standard when it found that the proposed facility's proximity to a school did not support the City Council's determinations that the location was incompatible with the character of the surrounding area and that the proposed operation of the facility would not protect the public health, safety and welfare. The Court found that the statute did not require a guarantee that the risks concerning incompatibility and health, safety and welfare would not increase.

In a decision by the Third District Appellate Court, Wasteland, Inc. and Roger Pemble v. IPCB and IEPA, 118 Ill. App. 3d 1041, 456 N.E.2d 964 (3d Dist. 1983), PCB 81-93, a Board finding that Wasteland and Pemble violated rules and regulations in their operation of a landfill site was upheld. The Court also affirmed the Board's assessment of a \$75,000 penalty and requirement of the posting of a performance bond to insure that remedial measures were taken.

In finding that eight of the nine violations cited by the Board were supported by the manifest weight of the evidence, the Court held that where there was conflicting evidence, questions of credibility were to be decided by the Board as fact-finder. The monetary penalty and performance bond requirements were upheld based on the evidence that Pemble and Wasteland acted in bad faith by operating in blatant disregard of the Environmental Protection Act as well as notices of violations from state and local officials. The Court also determined that the penalty assessed would aid in the enforcement of the Act and that the punishment was related to the conduct of the defendants and the seriousness of the dangers posed by that conduct.

In an unpublished opinion, the Appellate Court of Illinois, Fifth District, reviewed an order of the Board permitting Trojan Corporation to open burn certain waste products and contaminated buildings in IEPA v. IPCB and Trojan Corporation, No. 83-51,

September 14, 1983, PCB 82-23. The Court affirmed the Board's finding that explosive powder had accumulated in certain buildings to such an extent that the buildings were in fact explosive material within the meaning of the Federal RCRA regulations (40 C.F.R. Section 265.382) and could therefore be open-burned subject to certain conditions. The Court found the Board's reliance on witness testimony pertaining to this issue appropriate and the decision, therefore, was supported by the manifest weight of the evidence.

The Court also affirmed a Board determination that Trojan's residual interest in adjacent Federal lands was sufficient to allow the use of these lands in calculating whether open burning of the buildings and other explosive wastes complied with Federal regulations establishing minimum distances from open burning to the property of others. Because the purpose of Trojan's interest was to provide a buffer zone between the area in which explosives were handled and the public, the Board's inclusion of the Federal lands in the distance calculations was appropriate. As a result, the permitted activity complied with the Federal RCRA regulations.

Finally, the Supreme Court of Illinois considered three consolidated cases pertaining to landfill siting in Pioneer Processing, Inc., et al. v. IEPA, The County of LaSalle ex rel. Gary Peterlin, et al. v. IPCB, et al., and The People v. IPCB, et al., 102 Ill. 2d 119, 464 N.E.2d 238 (Ill. 1984), PCB 81-10. In a June 4, 1984 decision, the Court held that the Attorney General did have standing to obtain judicial review of the Board's decision to affirm the Agency's issuance of a permit to Pioneer Processing, Inc. (Pioneer) to develop a hazardous waste disposal site, even though the Attorney General had not participating in the proceedings before the Agency and the Board. The Court reasoned that the Attorney General, as chief legal officer of the state, has the duty and authority to represent the interests of the People of the State to insure a healthful environment and therefore had standing pursuant to Section 41 of the Environmental Protection Act.

The Court held that the contested case provisions of the Administrative Procedure Act (APA) applied to the Agency's proceedings for issuing hazardous waste disposal permits. Finding that Agency had ex parte communications with Pioneer, the Court held that the Agency's decision to issue the permit was void because these communications were relied upon in reaching the decision and were not made a part of the administrative record, in violation of the APA. The cases were, therefore, remanded to the Agency for a new hearing on the issuance of a permit to Pioneer.

WATER POLLUTION

On November 15, 1983, the Appellate Court of Illinois, First District, reviewed a Board order repealing two water quality

regulations pertaining to state surface waters and relaxing requirements for the discharge of sewage treatment plant effluents into state surface waters; People v. IPCB, IEPA and the Metropolitan Sanitary District, 119 Ill. App. 3d 561, 456 N.E.2d 909 (1st Dist. 1983), R77-12 Docket D.

The Court reversed the Board's order that repealed the fecal coliform water quality standard for general use waters finding that the Board exceeded its authority in failing to replace this indicator with another microbiological indicator. The Court determined that the Board's action contravened the federal and state law requirement to prescribe water quality standards designed to protect the designated uses of surface waters. The Court rejected the Board's contention that fecal coliform is not a reliable indicator of the presence of pathogens in water citing the Board's retention of this indicator as a water quality standard for Lake Michigan and for public water supplies.

The Court did uphold the order repealing the fecal coliform water quality standard for secondary contact waters noting the lack of evidence in the record that deletion of this standard would affect the purposes for which secondary waters are used.

Finally, the Court struck down the Board's modification of the effluent disinfection requirement permitting discharges from sewage treatment plants without disinfection from those plants whose effluent outfall lay greater than 20 miles upstream from public water supplies, food processing supplies, and licensed bathing beaches during the swimming season. The figure of 20 miles was found to be arbitrary and the Court rejected the contention that relaxation of disinfection requirements was necessary to reduce the dependence on chlorine as a disinfectant.

The case was remanded to the Board with directions, but is presently on appeal to the Illinois Supreme Court.

In Archer Daniels Midland Corporation v. IPCB and IEPA, 119 Ill. App. 3d 428, 456 N.E.2d 914 (4th Dist. 1983) PCB 80-151, the Appellate Court of Illinois, Fourth District, affirmed a Board finding that Archer-Daniels Midland Corporation (ADM) had violated the Environmental Protection Act by discharging contaminated storm water. In finding that the Board's decision was supported by the manifest weight of the evidence, the Court noted that ADM did not seriously contest the charges and that the evidence relied on by the Board was unrefuted.

The Court did, however, vacate the \$40,000 fine imposed by the Board for the violations. The Court found that the amount of the fine had been determined using base figures unsupported by evidence in the record. The Court also found that the method used to make the calculations were not explained in the record. The case was remanded to the Board for another determination as to whether a penalty was justified and if so, for appropriate calculations of the amount.

In another Fourth District decision dated December 20, 1983, the Appellate Court decided National Marine Service, Inc. v. IEPA, 120 Ill. App. 3d 198, 458 N.E.2d 551 (4th Dist. 1983). National Marine Service sought review in the circuit court of an Agency denial of certification that discharges of dredge and fill material pertaining to a proposed barge fleeting facility would comply with the Federal Clean Water Act (FWCA) and state water pollution laws. The Court disagreed with the Agency and held that the circuit court's dismissal of the cause was in error. The Court noted that the Federal courts had already refused to hear challenges to state certification decisions and that the Supreme Court of Illinois had already determined that the IPCB lacked the authority to oversee the Agency's decision-making process [Landfill, Inc. v. IPCB, 74 Ill. 2d 541, 387 N.E.2d 258 (Ill. 1978, PCB 75-440)]. For these reasons, the Court determined that the circuit court had jurisdiction on a writ of common law certiorari and the case was, therefore, remanded to the circuit court to determine whether the Agency acted properly in denying certification.

Lastly, in still another Fourth District decision, the Appellate Court considered whether a party involuntarily joined as a respondent in a petition seeking a variance for use in certain sewers was entitled to a hearing in Macoupin County Housing Authority v. IPCB, IEPA and City of Mt. Olive, 123 Ill. App. 3d 1092, 463 N.E.2d 958 (4th Dist. 1984), PCB 83-9. The Court reversed the Board and held that even though the Housing Authority favored approval of the variance and the original Petitioner, City of Mt. Olive, waived its rights to a hearing, the Housing Authority was entitled to a hearing. The Court reasoned that the recommendation of denial of the variance by the Agency was sufficient to trigger the Housing Authority's right to a hearing as it would be bound by any decision of the Board.

AIR POLLUTION

Only one case concerning air pollution control which was litigated during the past year was decided by the Illinois Court of Appeals, First District on September 29, 1983. It reversed a Board decision to remove two conditions from a permit issued by IEPA to the operator of a liquid waste incinerator. IEPA v. IPCB and Alburn, Inc., 118 Ill. App. 3d 772, 455 N.E.2d 188 (1st Dist. 1983), PCB 80-189, 80-190. The court disagreed with the Board and held that Rule 203(e), Particulate Emission Standards and Limitations for Incinerators did apply to liquid waste incinerators because of the qualifying language used by the Board in an amendment to Rule 203(e)(4). The court further held that the Board's decision to remove a condition preventing the operator from blending wastes before burning them was unreasonable, arbitrary and capricious because the Agency's decision to impose the condition was not against the manifest weight of the evidence. The court found that the operator's own engineer admitted that there was insufficient information for the Agency to determine the adequacy of the operator's blending

capacity. The court noted that it was improper for the Board to rely on information concerning the blending capability that was developed after the filing of the permit application and that the record otherwise supported the action taken by the Agency. The court, therefore, reimposed the two permit conditions.

FEDERAL CASES

Three cases of interest were decided by the U.S. Court of Appeals for the Seventh Circuit during the past year.

The Appellate Court held on March 27, 1984, that the City of Milwaukee does not have to comply with Illinois nuisance laws and the Illinois Environmental Protection Act concerning Milwaukee's alleged pollution of Lake Michigan. (Illinois v. City of Milwaukee, 731 F.2d 403 (1984)). An earlier U.S. Supreme Court ruling in Milwaukee v. Illinois, 451 U.S. 304 (1981), that the 1972 Amendments to the Clean Water Act precluded the development of a Federal common law of water pollution, had remanded the case to the Appellate Court to decide whether the state could enforce its laws on Milwaukee.

In reaching its decision, the Appellate Court viewed the dispute as one involving the equitable apportionment of the use of an interstate body of water and, therefore, Federal law preempted state law. Effluent limitations prescribed in permits granted to Milwaukee under the Clean Water Act constituted such an apportionment.

In an August 19, 1983 decision, a revision to Illinois' State Implementation Plan (SIP) under the Clean Air Act withstood a challenge by the state of New York [State of New York v. U.S. Environmental Protection Agency, 716 F.2d 440 (7th Cir. 1983)].

The revised SIP allowed Commonwealth Edison's Kincaid Power station to increase its sulfur dioxide emissions. New York objected because USEPA's analysis considered only the effect on the air of emissions from the power station rather than the effect of all Illinois emissions, the effect on the air quality in the vicinity of the power station rather than on the interstate effects, and the effect of sulfur dioxide emissions without consideration of the increase in sulfate particles in the atmosphere.

The Court affirmed the approval of the SIP revision holding that it was within USEPA's discretion to limit the scope of its analysis to the effect of the power station emissions. The Court also held that USEPA did not have to conduct a study of the interstate effects and of the effect on sulfate particles where the USEPA determined that short-range modeling was more reliable and that the effect on sulfate particles could not be evaluated. The appeal was denied.

Finally, on September 14, 1983, the Seventh Circuit affirmed a lower court decision permitting USEPA to enter Mobil Oil's refinery to sample internal wastewater streams discharging into the Des Plaines River. [Mobil Oil Corp. v. USEPA, 716 F.2d 1187 (7th Cir. 1983)]. Mobil has argued that because its permit requires it to monitor only its treated wastewater, USEPA was not authorized to sample its untreated wastewater. The Court rejected this argument and held that where the sampling of untreated wastewater would not significantly disrupt Mobil's operations, USEPA's interest in policing compliance with the Clean Water Act outweighed any interest Mobil may have in frustrating EPA's efforts to assess the efficiency of its treatment processes.

APPENDIX A
ILLINOIS POLLUTION CONTROL BOARD
FY CASE DISTRIBUTION

	FY71	FY72	FY73	FY74	FY75	FY76	FY77	FY78	FY79	FY80	FY81	FY82	FY83	FY84	TOTAL
<u>VARIANCES:</u>															
Water:	56	126	168	126	102	103	155	103	65	93	70	61	48	52	1,328
Air:	101	144	145	217	185	81	20	30	35	26	21	23	23	38	1,089
Land:	2	12	18	12	12	9	6	9	1	4	3	2	1	2	93
Public Water Supply:	2	5	30	22	17	5	3	9	2	16	27	16	3	4	161
Noise:	0	0	0	0	1	5	3	4	4	1	2	1	2	0	23
Special Waste Hauling:	0	0	0	0	0	0	0	0	4	8	0	4	0	0	16
Total	161	287	361	377	317	203	187	155	111	148	123	107	77	96	2,710
<u>ENFORCEMENT CASES:</u>															
Water:	25	52	36	35	42	43	29	46	69	32	15	14	14	16	468
Air:	26	100	68	79	49	52	21	16	5	10	17	4	7	6	460
Land:	12	53	35	13	57	63	22	61	20	10	17	5	2	2	372
Public Water Supply:	1	4	1	4	14	27	8	10	14	12	2	6	2	1	106
Noise:	0	0	0	1	11	10	9	8	7	5	4	3	0	1	60
Special Waste Hauling:	0	0	0	0	0	0	0	0	0	1	1	1	1	0	4
Total	64	209	140	132	173	195	89	141	115	70	56	34	26	26	1,470
<u>PERMIT APPEALS:</u>	0	0	12	21	15	29	21	28	36	34	31	26	23	39	315
<u>LANDFILL SITING REVIEWS:</u>												3	6	6	15
<u>OWNER:</u>	2	3	0	0	0	9	20	19	3	12	9	17	17	78	189
Grand Total:	227	499	513	530	505	436	317	343	265	264	219	187	149	245	4,699

APPENDIX B
ILLINOIS POLLUTION CONTROL BOARD
CITIZEN ENFORCEMENT - FY DISTRIBUTION

	FY71	FY72	FY73	FY74	FY75	FY76	FY77	FY78	FY79	FY80	FY81	FY82	FY83	FY84	TOTAL
FILED BY:															
<u>CITIZENS</u>															
Water:	7	6	17	15	5	4	3	5	10	3	2	3	2	2	84
Air:	4	6	7	9	4	5	3	1	0	6	12	0	3	3	63
Land:	1	0	4	4	1	3	6	4	0	1	0	1	1	0	26
Public Water Supply:	0	0	0	0	3	0	0	0	0	3	0	0	0	0	6
Noise:	0	0	1	1	3	3	2	1	1	4	0	3	0	1	20
Special Waste Hauling:	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1
Total:	12	12	29	29	16	15	14	11	11	17	14	8	6	6	200

FILED BY:

ATTORNEY GENERAL
(People of the State of Illinois)

Water:	0	0	0	1	7	2	10	3	0	1	0	1	0	1	26
Air:	0	0	2	7	18	8	9	4	0	0	0	0	0	1	49
Land:	0	0	0	0	2	4	6	4	0	0	0	0	0	2	18
Public Water Supply:	0	0	0	0	3	0	0	0	0	0	0	0	0	0	3
Noise:	0	0	0	0	0	1	1	0	0	1	0	0	0	0	3
Special Waste Hauling:	0	0	0	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	0	4	99
GRAND TOTAL:	12	12	31	37	46	30	40	22	11	19	14	9	6	10	299

APPENDIX C
ILLINOIS POLLUTION CONTROL BOARD
REGULATIONS FILED BY FISCAL YEARS

	FY71	FY72	FY73	FY74	FY75	FY76	FY77	FY78	FY79	FY80	FY81	FY82	FY83	FY84	TOTAL
Water	20	5	5	5	9	8	8	1	4	2	5	9	5	9	95
Air	9	7	8	7	9	8	4	4	8	6	8	9	22	20	129
Land	0	1	0	0	0	1	0	1	0	0	4	4	5	10	26
Public Water Supply	0	0	0	1	0	0	0	1	0	0	1	1	0	1	5
Noise	1	1	1	0	2	1	4	0	1	2	1	0	2	9	25
Other (Procedural Rules, etc.)	3	8	1	1	1	1	4	1	3	5	13	2	2	4	49
TOTAL	33	22	15	14	21	19	20	8	16	15	32	25	36	53	329

APPENDIX D
REGULATIONS PROPOSED IN FY84

<u>NUMBER</u>	<u>TITLE</u>	<u>DATE PROPOSED</u>	<u>DATE OF BOARD ACTION</u>
R83-15	New Source Performance Standards, Rules 901 and 952	August 18, 1983	August 18, 1983
R83-16	New Source Performance Standards, Rules 948 and 951	September 8, 1983	September 8, 1983
R83-17	Stage II Vapor Recovery Controls at Gasoline Dispensing Stations	September 8, 1983	Pending
R83-18	New Source Performance Standards: Beverage Can Surface Coating Industry	September 23, 1983	September 23, 1983
R83-19	City of Lockport's Petition to Amend Water Pollution Regulations	September 14, 1983	Pending
R83-20	Amendments to Water Quality and Effluent Standards for Waters in the Sangamon Basin	September 19, 1983	Pending
R83-21	New Source Performance Standards, Rule 906	October 19, 1983	October 19, 1983
R83-22	New Source Performance Standards, Dockets A, B & C	November 3, 1983	November 3, 1983
R83-23	City of Tuscola's Petition to Amend Water Pollution Regulations	October 31, 1983	Pending
R83-24	Technical Corrections to Phase II RCRA Rules	October 13, 1983	December 15, 1983
R83-25	Clifford-Jacobs Forging Company, Site-Specific Noise Amendments	November 10, 1983	Pending
R83-26	Cornell Forge Hampshire Division, Site-Specific Noise Amendment	November 15, 1983	Pending
R83-27	Administrative Procedures Act	November 18, 1983	April 27, 1984
R83-28 Dockets A & B	Definition of Liquid Hazardous Waste	November 18, 1983	Docket A - June 29, 1984 Docket B - Pending
R83-29	Forgings and Stampings, Inc., Site-Specific Noise Amendment	November 17, 1983	Pending

APPENDIX D

<u>NUMBER</u>	<u>TITLE</u>	<u>DATE PROPOSED</u>	<u>DATE OF BOARD ACTION</u>
R83-30	Rockford Drop Forge, Company, Site-Specific Noise Amendment	November 17, 1983	Pending
R83-31	C. S. Norcross and Sons Company Site-Specific Noise Amendment	November 18, 1983	Pending
R83-32	Vaughan and Bushnell Manufacturing Company, Site-Specific Noise Amendment	November 21, 1983	Pending
R83-33	Moline Forge, Site-Specific Noise Amendment	November 23, 1983	Pending
R83-34	Atlas Forgings Division of Scot Forge, Site-Specific Noise Amendment	November 23, 1983	Pending
R83-35	Wagner Castings Company, Site-Specific Noise Amendment	November 29, 1983	September 6, 1984
R83-36	Ford Motor Company, Petition to Amend Air Pollution Regulations	December 2, 1983	Pending
R83-37	Contingent Penalty, Procedural Rules Revisions, Section 103.181	December 5, 1983	Pending
R83-38	New Source Performance Standards, Appendix A - Reference Methods for Nitrogen Oxide Emissions	December 15, 1983	December 15, 1983
R83-39	Amendments to Underground Injection Control Rules 704.122	December 14, 1983	December 15, 1983
R83-40	New Source Performance Standards, Moisture Content in Stack Gases and Determination of Particulate Emissions from Stationary Sources	December 29, 1983	December 29, 1983
R83-41	New Source Performance Standards, Bulk Gasoline Terminals	December 29, 1983	December 29, 1983
R83-42	National Emission Standards for Hazardous Air Pollutants, Methods 103 & 104	December 29, 1983	December 29, 1983
R84-1	Permit and Inspection Fees for Hazardous Waste Disposal Facilities (Emergency Rule)	January 3, 1983	February 29, 1983
R84-2	New Source Performance Standards, VOC Emissions From the Synthetic Organic Chemical Manufacturing Industry	January 12, 1983	January 12, 1983
R84-3	Landfill Operator Certification, (Training and Experience)	January 12, 1984	Pending

APPENDIX D

<u>NUMBER</u>	<u>TITLE</u>	<u>DATE PROPOSED</u>	<u>DATE OF BOARD ACTION</u>
R84-4	Applied Biochemists, Algicide Amendments	January 10, 1984	Pending
R84-5	Illinois Contingency Plan	February 9, 1984	June 8, 1984
R84-6	New Source Performance Standards, Metallic Mineral Processing Plants	February 22, 1984	February 22, 1984
R84-7	Permit and Inspection Fees For Hazardous Waste Disposal Facilities (Final Rule)	February 29, 1984	Pending
R84-8	New Source Performance Standards, Corrections and Additions; Appendix A Reference/Methods	April 5, 1984	April 5, 1984
R84-9	RCRA and UIC Update	March 21, 1984	Pending
R84-10	RCRA and UIC Procedural Rules	March 21, 1984	Pending
R84-11	New Source Performance Standards, Synthetic Fiber Production Facilities	April 19, 1984	April 19, 1984
R84-12	Trihalomethanes Drinking Water Standards, Inquiry Hearings	May 3, 1984	Pending
R84-13	Union Oil Company of California, Petition to Amend Water Pollution Regulations	April 25, 1984	Pending
R84-14	New Source Performance Standards, Lime Manufacturing Plants; Final Rule	May 3, 1984	May 3, 1984
R84-15	New Source Performance Standards, Synthetic Fiber Production Facilities	May 3, 1984	Pending
R84-16	Mobil Oil Corporation, Petition to Amend Water Pollution Regulations	May 1, 1984	Pending
R84-17	Permit Requirements and Operating Standards For Owners and Operators of Class I and Class II Landfills and For Generators and Haulers of Special Waste ,	May 31, 1984	Pending
R84-18	City of Rock Island, Site-Specific Exemption for Sludge Discharge to the Mississippi River	May 17, 1984	Pending
R84-19	Carus Chemical Company, Petition to Amend Algicide Permits	May 23, 1984	Pending
R84-20	City of Joliet, East Side Joliet Waste-Water Treatment Facility, Petition to Amend Water Pollution Regulations	May 29, 1984	Pending

APPENDIX D

<u>NUMBER</u>	<u>TITLE</u>	<u>DATE PROPOSED</u>	<u>DATE OF BOARD ACTION</u>
R84-21	New Source Performance Standards Equipment Leaks of VOC Petroleum Refineries and Synthetic Organic Chemical Manufacturing Industry	June 14, 1984	June 14, 1984
R84-22	Financial Assurance For Closure and Post- Closure Care of Waste Disposal Sites	June 8, 1984	Pending
R84-23	Insta-Foam, Petition to Delist	May 23, 1984	Pending
R84-24	National Emission Standards For Hazardous Air Pollutants, Benzene Equipment Leaks - Asbestos Correction	June 29, 1984	June 29, 1984
R84-25	National Emission Standards For Hazardous Air Pollutants, Amendments to Asbestos Standards	June 29, 1984	June 29, 1984

APPENDIX E
ILLINOIS POLLUTION CONTROL BOARD
EXPENDITURES (000 omitted)

	FY75	FY76	FY77	FY78	FY79	FY80	FY81	FY82	FY83	FY84	FY85(c)
APPROPRIATED:	\$734.6	\$706.2	\$687.3	\$703.3	\$693.6	\$707.2	\$698.9	\$666.2	\$691.1	\$815.0	\$1098.5
EXPENDITURES:	638.5	624.4	574.9	624.7	658.3	612.8	659.6	663.0	676.5	787.9	
Personal Services	260.0	250.3	243.4	265.6	295.1	292.7	317.2	308.4	331.9	387.6	583.0
Retirement	16.2	16.2	15.7	19.0	22.9	23.4	23.8	13.8	15.3	22.2	33.5
Social Security	13.6	13.4	13.5	15.5	17.2	17.8	20.3	20.4	22.2	26.7	40.8
Contractual Services	110.4	109.1	108.1	119.4	110.4	120.5	119.4	147.6	161.1	205.0	144.7
Travel	14.8	16.6	18.8	19.5	16.8	18.2	19.9	16.2	17.4	19.8	26.5
Commodities	8.6	7.4	4.6	5.6	2.5	3.7	4.0	4.0	5.0	8.2	6.0
Printing	33.4	36.1	40.4	26.4	49.6	34.0	40.4	41.8	43.8	32.4	43.5
Equipment	0.8	0.8	2.0	1.0	1.0	1.2	0.7	0.1	1.0	2.3	12.0
Telecommunications	9.6	8.5	10.3	10.1	10.2	9.6	11.8	12.9	13.6	17.7	26.0
Hearing Officers	48.4	61.2	36.0	53.8	48.2	39.4	43.7	44.1	23.5	27.7	31.6
Court Reporting	122.7	107.9	82.3	88.8	84.5	52.3	58.4	53.7	41.6	38.3	40.2
Expert Testimony Special Studies											80.0
Electronic Data Processing											30.7

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- (a) FY 71 through 74 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 85 figures are for appropriations and do not represent expenditures; includes \$258.0 allocated to new Scientific/Technical Section.

APPENDIX F
STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY
SUMMARY PENALTIES ASSESSED BY POLLUTION CONTROL BOARD
JULY 1, 1970 TO JUNE 30, 1984

	<u>07/01/70 to</u> <u>06/30/71</u>	<u>07/01/71 to</u> <u>06/30/72</u>	<u>07/01/72 to</u> <u>06/30/73</u>	<u>07/01/73 to</u> <u>06/30/74</u>	<u>07/01/74 to</u> <u>06/30/75</u>	<u>07/01/75 to</u> <u>06/30/76</u>	<u>07/01/76 to</u> <u>06/30/77</u>
Penalties Assessed by Pollution Control Board	96,950	422,861.96	374,380.55	226,081.52	239,373.60	275,350	221,722
Interest assessed by Judgement		247.62	248.51	105.00			160
Total Penalties	<u>96,950</u>	<u>423,109.58</u>	<u>374,629.06</u>	<u>226,186.52</u>	<u>239,373.60</u>	<u>275,350</u>	<u>221,882</u>
Number of Penalties	18	75	148	94	92	135	84
Penalties Paid							
General Revenue Fund	87,200	159,950.00	272,750.00	209,081.52	207,000.00	246,540	183,057
Interest Paid		247.62	248.51	105.00			160
Environmental Scholarship Fund		150,000.00					
Wildlife and Fish Fund	<u>3,750</u>	<u>13,611.96</u>	<u>3,280.-</u>		<u>31,373.60</u>	<u>2,600</u>	<u>1,345</u>
Total Penalties Paid	90,950	323,809.58	276,279.06	209,186.52	238,373.60	249,140	184,562
Penalties Vacated	6,000	99,100.00	86,000.00	6,500.00	1,000.00	10,100	20,720
Penalties Declared Uncollectible		200.00	9,750.00	10,500.00		13,510	6,100
Penalties Appealed							
Penalties Receivable			2,600.00			2,600	10,500
Interest Receivable							
Wildlife and Fish Fund Receivable							
Wildlife and Fish Fund Appealed							
Penalties Assessed by Pollution Control Board	<u>\$96,950</u>	<u>\$423,109.58</u>	<u>\$374,629.06</u>	<u>\$226,186.52</u>	<u>\$239,373.60</u>	<u>\$275,350</u>	<u>\$221,882</u>

MJH:0394B/sp/1

APPENDIX F
STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY
SUMMARY PENALTIES ASSESSED BY POLLUTION CONTROL BOARD
JULY 1, 1970 TO JUNE 30, 1984

	<u>07/01/77 to 06/30/78</u>	<u>07/01/78 to 06/30/79</u>	<u>07/01/79 to 06/30/80</u>	<u>07/01/80 to 06/30/81</u>	<u>07/01/81 to 06/30/82</u>	<u>07/01/82 to 06/30/83</u>	<u>07/01/83 to 06/30/84</u>	
Penalties Assessed by Pollution Control Board	106,475.00	164,117.71	198,812.50	262,391.75	196,273.32	222,758.04	36,972.82	
Interest assessed by Judgement	<u>229.60</u>			<u>285.00</u>				
Total Penalties	<u>106,704.60</u>	<u>164,117.71</u>	<u>198,812.50</u>	<u>262,676.75</u>	<u>196,273.32</u>	<u>222,758.04</u>	<u>36,972.82</u>	<u>\$3,045,161.50</u>
Number of Penalties	59	104	77	87	72	36	10	
Penalties Paid								
General Revenue Fund	91,775.00	135,808.26	190,432.50	247,553.17	179,475.00	87,950.00	9,850.00	
Interest Paid	229.60			150.00				
Environmental Scholarship Fund								
Wildlife and Fish Fund		<u>4,592.71</u>		<u>5,988.58</u>	<u>12,598.32</u>		<u>4,122.82</u>	
Total Penalties Paid	92,004.60	140,400.97	190,432.50	253,691.75	192,073.32	87,950.00	13,972.82	
Penalties Vacated	8,450	14,000.00	100.00					
Penalties Declared Uncollectible	3,750	5,000.00	5,980.00	7,350.00		7,300.00		
Penalties Appealed						40,000.00	10,000.00	
Penalties Receivable	2,500	4,716.74	2,300.00	1,500.00	4,200.00	86,500.00	13,000.00	
Interest Receivable				135.00				
Wildlife and Fish Fund Receivable								
Wildlife and Fish Fund Appealed						<u>1,008.04</u>		
Penalties Assessed by Pollution Control Board	<u>\$106,704.60</u>	<u>\$164,117.71</u>	<u>198,812.50</u>	<u>262,041.75</u>	<u>196,273.32</u>	<u>222,758.04</u>	<u>36,972.82</u>	<u>\$3,045,161.50</u>

MJH:03948/sp/2

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>FY83</u>	<u>FY84</u>	<u>TOTAL</u>
Opinion & Orders	109	369	456	417	354	374	276	192	227	188	168	159	114	147	3,550
Orders	14	109	351	550	516	534	462	477	413	321	342	275	280	340	4,984
Dissenting	12	20	7	8	23	8	24	11	2	7	11	12	16	15	176
Concurring	5	6	3	2	2	17	11	8	1	9	10	7	19	22	122
Supplemental Statements	5	10	5	5	5	5	6	1	0	1	7	2	1	2	55
TOTAL	145	514	822	982	900	938	779	689	643	526	538	455	430	526	8,887
 <u>REGULATIONS</u>															
Opinion & Orders	15	15	6	10	11	11	4	14	11	23	26	21	60	34	261
Orders	9	2	19	26	38	36	35	36	45	45	71	77	53	82	574
Dissenting	0	2	0	3	6	0	4	3	0	2	0	1	3	3	27
Concurring	0	2	0	0	1	2	0	0	1	0	0	1	3	0	10
Supplemental Statements	2	3	0	0	0	1	0	1	0	1	0	0	0	0	8
TOTAL	26	24	25	39	56	50	43	54	57	71	97	100	119	119	880
GRAND TOTAL	171	538	847	1,021	956	988	822	743	700	597	635	555	549	645	9,767

