



ENVIRONMENTAL REGISTER



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RULEMAKING UPDATE

Triennial Water Quality Review Amendments Proposed For Second Notice, R94-1(B)

On November 21, 1996, the Board proposed amendments to the Illinois water quality regulations on ammonia nitrogen for Second Notice review by the Joint Committee on Administrative Rules (JCAR). The amendments are based on a mandatory triennial review of the Illinois stream water quality regulations conducted by the Illinois EPA (Agency), as required under the federal Clean Water Act (33 U.S.C. §§ 1251 et seq.). The larger Agency proposal amends Parts 302 and 304 of the Water Pollution Control regulations to revise the general water quality standards for ammonia nitrogen, mercury, and lead; secondary contact and indigenous aquatic life standards; and other regulations. The segment of the proceeding involved in subdocket R94-1(B) relates to ammonia nitrogen. The segment of the proceeding adopted on May 16, 1996, designated subdocket R94-1(A), related to mercury and lead.

The Agency filed the proposal, docketed by the Board as R94-1, on February 24, (Cont'd on p. 2)



Board Attorney Volunteers with Expedited Adoption Program

“The task is not time-consuming but it has enormous benefits for the adopting family and the child.” It was that statement from Linda Rio, coordinator for the Chicago Bar Foundation’s Adoption Assistance Program, which convinced Board attorney, K.C. Poulos, to become a volunteer attorney. Poulos, attorney assistant (Cont'd on p.2)

FEDERAL ACTIONS

Refrigerant Recycling and Purity Requirements Temporarily Extended

On November 1, 1996 (61 Fed. Reg. 56493), USEPA proposed an extension of certain recycled refrigerant quality standards. The proposed extension would cause the present standards, which will presently expire on December 31, 1996, to remain effective until USEPA can adopt revised purity standards based on its proposal of February 29, 1996 (61 Fed. Reg. 7858). Extended was the effectiveness of the refrigerant purity requirements of the Clean Air Act (CAA) section 608 refrigerant recycling regulations. The recycled refrigerant quality standards are part of the May 14, 1993 (58 Fed. Reg. 28660) program for recycling and recovery of ozone-depleting refrigerants. The (Cont'd on p.4)

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Board Attorney Volunteers with Expedited Adoption Program
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for Board Member J. Theodore Meyer, was interested in pro bono work, but faced time constraints and work commitments. After attending a lunch-hour orientation meeting, Ms. Poulos stated, "I knew this volunteer program was an excellent option for the busy attorney."

The Adoption Assistance Program is a volunteer effort sponsored by the Chicago Bar Foundation to assist foster caretakers who are seeking to adopt the foster child or children in their care. Children eligible for this expedited program are those who are free for adoption due to one or more of the following factors: death, parental consent to the adoption, or a court judgment of parental unfitness. Many of the children in the program have been living with their foster families for a number of years, and often the foster parents are relatives of the child.

The volunteer attorneys are responsible for completing adoption forms and court documents; confirming that all legal requirements are met; and ensuring that the adoptive parent or parents understand the adoption process and their obligations. The volunteer attorney also pays any court expenses, which vary from case to case. "It sounds complicated, but the whole process, including reading the adoption laws, reviewing the case, having one client meeting and making two court appearances took less than four total hours and cost less than \$80," Ms. Poulos stated.

Ms. Poulos' first case involved a grandmother adopting her 10-year-old grandson. Ms. Poulos filed the petition for adoption in October and received the final judgment a month later. "Everyone involved in the case was really helpful, especially Linda Rio, who was always there to answer my questions," Ms. Poulos said. "When I appeared in court with my client and her grandson, Judge Barth took time to ask them questions and get to know them a little. I could tell that talking to a judge was really exciting for the grandson."

Once the final judgment is certified, the attorney files a Certificate of Adoption with the county clerk and requests a new birth certificate. After receiving the birth certificate and reviewing it for accuracy, the attorney forwards it to the adopting parents and the adoption is complete. "I'm hoping the birth certificate arrives in time for the holidays," Ms. Poulos stated, "so I can wrap it up as a present for the family."

For more information regarding the Adoption Assistance Program, attorneys should call Linda Rio or Aimee Delaney at the Chicago Bar Foundation at 312-554-1204. ♦

RULEMAKING UPDATE

(Cont'd from p.1)

1994, and the Board accepted it on March 17, 1994. The Board decided to proceed on the proposal as a Section 28.2 federally required rule on May 5, 1994. The Board proposed amendments based on the R94-1 proposal for First Notice publication in the Illinois Register on September 15, 1994, and Notices of Proposed Amendments appeared in the Register on September 30, 1994. The Board held a pre-hearing conference on the proposal on November 10 and 22, 1994 and January 26 and November 8, 1995.

The Board severed the docket on January 4, 1996, when it proposed the subdocket R94-1(A) amendments for First Notice publication in the Illinois Register. A Notice of Proposed Amendments appeared in the January 26, 1996 Register. The Board proposed the R94-1(A) amendments for Second Notice review by the Joint Committee on Administrative Rules (JCAR) on March 21, 1996. On May 16, 1996, the Board adopted the subdocket A amendments, after receiving a Certificate of No Objection from JCAR. The R94-1(A) amendments became effective on May 24, when filed with the Secretary of State. A Notice of Adopted Amendments appeared in the June 7, 1996 issue of the Illinois Register (at 20 Ill. Reg. 7682). (See issues 487, Oct., 1994; 503, Apr., 1996 & 505, June, 1996.)

The Board proposed the R94-1(B) amendments for First Notice publication in the Illinois Register on July 18, 1996. (See issue 507, Aug., 1996.) Notices of Proposed Amendments appeared in the August 9, 1996 issue of the Illinois Register, at 20 Ill. Reg. 10539 (Part 302) and 20 Ill. Reg. 10760 (Part 304). The Second Notice period began on November 25, 1996, when JCAR accepted the Second Notice package from the Board. It will end after 45 days, on January 8, 1997, or when JCAR votes "No Objection" to the proposed amendments, whichever comes first. This will leave the Board free to adopt the amendments. (Note: JCAR placed these amendments on its agenda for consideration at its meeting of December 17, 1996 meeting.)

Direct questions to Diane F. O'Neill at 312-814-6062 (Internet address: doneill@pcb016r1.state.il.us). Request copies of Board orders from the Board's Chicago receptionist at 312-814-3620. Please refer to docket R94-1(B). ♦

Amendments to the Steel and Foundry Industry Waste Regulations Proposed for First Notice, R96-3

On November 7, 1996, the Board proposed amendments to the steel and foundry industry waste landfill regulations for Second Notice review by the Joint Committee on Administrative Rules (JCAR). The proposed amendments, docketed as R96-3, are based on a petition filed by the Illinois Cast Metals Association on September 6, 1995 and amended on February 26, 1996. (See issue 497, Oct., 1995.) At present, the existing steel and foundry industry waste landfill regulations prohibit construction of new landfill units within a regulated recharge area or within 1200 feet of Class I or Class III groundwater. The Association would have the Board create an exemption for those facilities that can demonstrate no potential to impact groundwater.

The Board conducted public hearings on the proposal on June 24, 1996, in Chicago, and June 26, 1996, in Edwardsville. Hearings scheduled earlier for November, 1995 did not occur, at the request of the petitioner for an opportunity to amend its petition. On August 1, 1996, the Board proposed the amendments for First Notice Publication in the Illinois Register. (See issue 508, Sept., 1996.) A Notice of Proposed Amendments appeared in the August 30, 1996 issue of the Illinois Register, at 20 Ill. Reg. 11544 (Part 817). The Second Notice period began on November 13, 1996, when JCAR accepted the Second Notice package from the Board. It will end after 45 days, on December 27, 1996, or when JCAR votes "No Objection" to the proposed amendments, whichever comes first. This will leave the Board free to adopt the amendments. (Note: JCAR placed these amendments on its agenda for consideration at its meeting of December 17, 1996 meeting.)

Direct questions to the hearing officer, Audrey Lozuk-Lawless, at 312-814-6923 (Internet address: alozukla@pcb016r1.state.il.us). Request copies from Victoria Agyeman, at 312-814-3620 (Internet address: vagyeman@pcb016r1.state.il.us). Please refer to docket R96-3. ♦

TACO Proposed for First Notice, R97-12

On November 7, 1996, the Board proposed new regulations for First Notice publication in the Illinois Register. The proposed rules would add new Part 740 to the land pollution control regulations, establishing a tiered approach to corrective action objectives (also known as "TACO"), as required by P.A. 89-431. The intent of this proposal and its companion "Brownfields" proposal, R97-11 (35 Ill. Adm. Code 740), is to (1) establish a risk-based system of remediation based on the protection of human health and the environment relative

to present and future uses of the land; (2) assure that the land use for which remedial action was undertaken will not be modified without consideration of the adequacy of such remedial action for the new land use; (3) provide incentives for the private sector to undertake remedial action; (4) establish expeditious alternatives for the review of site investigation and remedial activities, including a privatized review process; and (5) assure that the resources of the Hazardous Waste Fund are used in a manner that is protective of human health and the environment relative to present and future uses of the site and surrounding area.

The Illinois Environmental Protection Agency filed the TACO proposal on September 16, 1996. The Board accepted that proposal for hearing on September 19, 1996. Public hearings are scheduled as follows:

10:00 a.m., December 2 and 3, 1996
James R. Thompson Center
100 West Randolph Street, Suite 1-040
Chicago

10:00 a.m., December 10, 1996
William Stratton Building
First Floor, A1
Springfield

10:00 a.m., January 15, 1997
201 Municipal Center West
7th and Monroe Street
Council Chambers, Third Floor
Springfield

Direct questions to Kevin G. Desharnais, at 312-814-6926 (Internet address: kdeshar@pcb016r1.state.il.us). Request copies of Board orders from Victoria Agyeman, at 312-814-3620 (Internet address: vagyeman@pcb016r1.state.il.us). Please refer to docket R97-12. (Note: A Notice of Proposed Rules was to appear in the December 6, 1996 issue of the Illinois Register, which would mean that the public comment period should expire on January 20, 1997, after which the Board could propose the rules for Second Notice review by the Joint Committee on Administrative Rules (JCAR).) ♦

Amendments to Subpart F Public Water Supplies Regulations Proposed for First Notice, R96-18

On November 21, 1996, the Board proposed amendments to the Subtitle F public water supplies regulations for First Notice publication in the Illinois Register, under docket R96-18. The Subtitle F regulations include the Illinois drinking water rules, the federally-derived Safe Drinking Water Act (SDWA) rules, the groundwater quality rules, and the groundwater

protection rules. The opening of the docket R96-18 followed a June 20, 1996 request by the Illinois Environmental Protection Agency (Agency) that the Board consider certain amendments requested in another proceeding as a separate petition for rulemaking. The requested amendments basically fall into three categories: (1) amendments to update and correct several provisions throughout the text, (2) amendments that would allow the Agency to issue construction permits notwithstanding the fact that a supply is listed on "restricted status" for a violation of the radium MCL, and (3) revision of the authority note for the groundwater quality regulations to reflect that it was adopted pursuant to the Environmental Protection Act.

The Agency submitted a list of desired corrections and minor amendments in the identical-in-substance SDWA update docket R95-17, which includes federal amendments that occurred during the period January 1 through June 30, 1995. In its February 1, 1996 proposed opinion and order in R95-17, the Board proposed many of the amendments submitted by the Agency that it felt it could accomplish using the identical-in-substance procedure. The Board did not propose several other suggested amendments that it felt were beyond its identical-in-substance authority. Rather, the Board suggested that the Agency should submit a general

rulemaking petition pursuant to Section 27 of the Environmental Protection Act. The Agency responded with a request that the Board consider its request for amendments submitted in R95-17 as a general rulemaking petition. In the June 20 order, the Board opened and reserved the new docket R96-18, but it ordered the Agency to submit an amended petition by September 1, 1996 that cures the procedural defects in the R95-17 request. The Agency filed that amended proposal on September 4, 1996, so the Board proceeded to accept the proposal. The Board accepted the Agency proposal on September 19, 1996 and conducted public hearings on October 25, 1996, in Geneva, and October 30, 1996, in Springfield. (See issue 509, Oct., 1996.)

The 45-day public comment period will begin when Notices of Proposed Amendments appear in the Illinois Register. After that time, the Board will be free to propose the amendments for Second Notice review by the Joint Committee on Administrative Rules. Direct questions to Michael J. McCambridge, at 312-814-6924 (Internet: mmccambr@pcb016r1.state.il.us). Request copies of Board orders from Victoria Agyeman, at 312-814-3620 (Internet address: vagyeman@pcb016r1.state.il.us). Please refer to consolidated docket R96-18. ♦

SIGNIFICANT FEDERAL ACTIONS

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extended regulations set forth quality standards for the sale of used refrigerant.

This proposed rule would be the third action extending the existing purity standards; on March 15, 1996 (61 Fed. Reg. 10676), USEPA issued a temporary order that extended the effectiveness of certain recycled refrigerant quality standards. It had the effect of making immediately effective the extension adopted by a direct final rule on February 29, 1996 (61 Fed. Reg. 7724). (See issues 502, Mar., 1996 & 503, Apr., 1996.)

USEPA extended the rules in response to requests from the air-conditioning and refrigeration industry out of concern over possible contamination of the stock of chlorofluorocarbon (CFC) and hydrochlorofluorocarbon (HCFC) available. The production of these chemicals is banned under the CAA and 40 CFR 82 out of concern over their potential to deplete stratospheric ozone, so replacement of these compounds in commerce is dependent on recycled material. (See issue 495, June-July, 1995.) USEPA stated that it is in the process of developing newer, more flexible standards, which it proposed on February 29 (61 Fed. Reg. 7857), but it

would not be able to complete that proceeding prior to the former March 18, 1996 expiration date of the existing quality standards. (See issue 503, Apr., 1996.) ♦

Nominations Sought for National Drinking Water Advisory Council

On November 1, 1996 (61 Fed. Reg. 56540), USEPA published a notice that it was seeking nominations of qualified persons to serve on the National Drinking Water Advisory Council. One of the previously-appointed members resigned, and other five positions will be open for reappointment on December 15, 1996. The 15-member Council is intended to advise USEPA on implementation of the amended Safe Drinking Water Act (SDWA). Five members will represent the general public, five will represent state and local agencies, and five will represent those who have an active interest in drinking water-related issues. Annually, the terms of five members expire in December. ♦

Final PCBs Cancer Dose-Response Assessment and Application Document Available

On November 4, 1996 (61 Fed. Reg. 56680), USEPA announced the release of a final report entitled "PCBs:

Cancer Dose-Response Assessment and Application to Environmental Mixtures." The National Center for Environmental Assessment (NCEA) of USEPA's Office of Research and Development (ORD) assembled the document. The report updates the cancer dose-response assessment for polychlorinated biphenyls (PCBs). It gives information on how the toxicity, disposition, and environmental processes can be considered in evaluating human health risks associated with PCBs. The document sets forth guidance for applying dose-response parameters to different exposure routes, partial lifetime exposure, and varying mixture compositions. The focus is on analysis and interpretation. USEPA intends to include the document on its on-line Integrated Risk Information System (IRIS). ♦

New Occupational Exposure Standard Adopted for 1,3-Butadiene

On November 4, 1996 (61 Fed. Reg. 56745), the Occupational Safety and Health Administration (OSHA) adopted a new occupational exposure standard for 1,3-butadiene. The action was based on OSHA's determination that the existing 1,000 parts per million (ppm) 8-hour time-weighted average (TWA) permissible exposure limit (PEL) did not adequately protect worker health. The new 8-hour TWA PEL is 1 ppm, and the short-term exposure limit is 5 ppm for 15 minutes. The standard also includes an "action level" of 0.5 ppm and requirements for engineering controls, work practices, personal protective equipment, exposure monitoring, etc. ♦

Applications Sought for 1997 National Brownfields Assessment Demonstration Pilots

On November 5, 1996 (61 Fed. Reg. 56953), USEPA invited applications for the 1997 National Brownfields Assessment Demonstration Pilots. The pilots, which will receive federal funding up to \$200,000 over two years, are intended to test assessment models in the context of site cleanup and redevelopment planning, to direct efforts toward removing regulatory barriers without sacrificing environmental protection, and to coordinate state, federal, and local cleanup and redevelopment efforts. USEPA has previously funded 76 Brownfields Assessment Pilots, 39 of which were selected by USEPA headquarters in Washington, and 37 of which were selected by the USEPA regions. USEPA stated that it hopes to select another 25 projects by March, 1997. USEPA stated that it will give special consideration to empowerment zones and enterprise communities and to communities with populations less than 100,000. The deadline for submission of applications is January 15, 1997. ♦

Pesticide Tolerance Exemption Proposed for Sodium and Potassium Bicarbonate

On November 6, 1996 (61 Fed. Reg. 57356), USEPA proposed a pesticide tolerance exemption for residues of sodium bicarbonate and potassium bicarbonate on or in agricultural commodities. The exemption would apply to residues of these materials when they are applied to the commodities as fungicides or post-harvest fungicides. USEPA proposed the exemptions on its own initiative under the Food Quality Protection Act of 1996, Pub. L. 104-170, effective Aug. 3, 1996. ♦

Clarification Issued Relating to Implementation of the Interim Permitting Approach of Water Quality-Based Limitations in Stormwater Permits

On November 6, 1996 (61 Fed. Reg. 57425), USEPA issued a list of questions and answers relating to implementation of its interim permitting approach for imposing water quality-based effluent limitations in stormwater permits. USEPA issued its interim approach for incorporating water quality-based effluent limitations into NPDES stormwater permits On August 26, 1996 (61 Fed. Reg. 43761). USEPA will use the interim approach to reduce the threat of wet-weather flows to stream water quality, aid the states in solving wet-weather flow-related problems, and reduce the burden of the Phase I stormwater permit program. (See issue 508, Sept., 1996.) USEPA published the questions and answers relating to its approach in response to questions it received since the August 26 publication, in an effort to clarify its policy. ♦

CWA Pesticide Chemicals Category Effluent Limitations and Pretreatment Standards Adopted for Two Subcategories

On November 6, 1996 (61 Fed. Reg. 57517), USEPA adopted Clean Water Act (CWA) wastewater limitations for new and existing direct and indirect dischargers for two subcategories in the pesticide chemicals category. The rules establish CWA best conventional control technology (BCT) and best available technology economically achievable (BAT) for existing discharge sources, new source performance standards (NSPSs) for new direct discharge sources, and pretreatment standards for existing sources and new sources (PSESs and PSNSs). The two subcategories affected are pesticide formulating, packaging, and repackaging facilities and agricultural refilling facilities. The rule will require zero discharge of agricultural refilling facilities and offer pesticide formulating, packaging, and repackaging facilities the options of zero discharge of a "pollution prevention alternative."

The regulations will become effective January 6, 1997. USEPA estimated that there are 2,600 affected sources. It further estimated that the rules will remove 7.6 million pounds of toxic discharges per year at an annualized cost of \$29.9 million.

(Note: The Board will include these amendments in the reserved wastewater pretreatment update docket R97-23, which will cover the period July 1 through December 31, 1996.) ♦

Presumptive Service Connection Established for Herbicide Agents

On November 7, 1996 (61 Fed. Reg. 57586), the Department of Veterans Affairs (VA) adopted a regulation that established a presumptive connection between exposure to certain pesticide agents and later medical problems. Under the Agent Orange Act of 1991, the VA established the presumptive connection between prostate cancer and subacute peripheral neuropathy and exposure to 2,4-D and dioxin-containing herbicides while on active duty in the Republic of Vietnam. The VA undertook this action, as required by law, in response to a National Academy of Sciences report: "Veterans and Agency Orange: Update 1996." ♦

Input Sought into Development of CAA Organic Chemical Processes NESHAP

On November 7, 1996 (61 Fed. Reg. 57602), USEPA invited input into the development of Clean Air Act (CAA) national emission standards for hazardous air pollutants (NESHAPs) that would apply to organic chemical processes. USEPA intends to develop a single set of NESHAPs that would apply to 21 listed source categories for which it has not yet developed NESHAPs or which have been excluded from NESHAPs adopted to date. The NESHAPs would apply to sources for which final standards are due under the CAA by November 15, 2000. USEPA dubbed this prospective rule the "miscellaneous organic chemical process NESHAP" or "MON." USEPA invited interested persons, including representatives of government, industry, and environmental groups, to participate in development of the NESHAPs through submission of information.

USEPA is required by section 112 of the federal CAA to list and adopt NESHAPs for major categories of sources to reduce and control emissions of hazardous air pollutants (HAPs). USEPA published its listing of 174 source categories on December 3, 1993 (58 Fed. Reg. 63941) together with a schedule for NESHAP development. USEPA stated that a number of the source categories for which it must develop NESHAPs by 2000 can be classified as miscellaneous organic chemical

processes, including more than 300 sources nationally under Standard Industrial Classification (SIC) code 28. The information collected on these sources by USEPA indicates that these sources collectively use similar process and control equipment, similar emission points, and are often located with other listed emission sources.

USEPA stated that the MON will establish control requirements for organic chemical processes described as follows: they are described by SIC codes 282, 284, 285, 286, 287, 289, and 386; they emit HAP; they are located within a stationary source or a contiguous group of stationary sources that emit or has the potential to emit at least 10 tons of one, or an aggregate 25 tons or more HAP per year; and they are not covered by any other MACT standard. Organic chemical processes not covered by any other MACT standard include 21 listed source categories; organic chemical processes excluded from applicable requirements of any other MACT standard; product processes identified by USEPA, including alcohols, plasticizers, oil additives, synthetic fatty acids, trioxane/trioxane polymer, hexamethylene diisocyanate, urea, nitroparaffin derivatives, polyethylene, Exxate™, dicapryl phthalate, glyphosate, ethoxolates, alkyl naphthalene, polypropylene, neopentyl glycol, hexanediol, primene, hexamethylene diisocyanate, adipic acid, sorbic acid, alkyl phenol, primene, and lactic acid; and other organic chemical product processes not covered by any other MACT standard.

Twelve of the 21 listed source categories potentially covered by the MON are listed under the Miscellaneous Processes Industry Group, including benzyltrimethylammonium chloride production, carbonyl sulfide production, chelating agents production, chlorinated paraffins production, ethylidene norbornene production, explosives production, hydrazine production, photographic chemicals production, phthalate plasticizers production, rubber chemicals production, symmetrical tetrachloropyridine production, and OBPA/1,3-diisocyanate production. Eight of the source categories are listed under the Polymers and Resins Industry Group, including alkyd resins production, polyester resins production, polyvinyl alcohol production, polyvinyl acetate emulsions production, polyvinyl butyral production, polymerized vinylidene chloride production, polymethyl methacrylate production, and maleic anhydride copolymers production. One of the 21 potentially affected listed source categories is listed as the Surface Coating Processes Industry Group, and includes the manufacture of paints, coatings, and adhesives. ♦

Proposed Amendment of Comprehensive Procurement Guideline Would Include 13 New Items Made with Recovered Materials

On November 7, 1996 (61 Fed. Reg. 57747), USEPA proposed amending the May 1, 1995 Comprehensive Procurement Guideline (CPG) to add 13 new products that are or could be made from recovered materials. The added materials are shower and restroom dividers, latex paint, parking stops, channelizers, delineators, flexible delineators, snow fencing, garden and soaker hoses, lawn and garden edging, printer ribbons, ink jet cartridges, plastic envelopes, and pallets. USEPA further clarified its previous designation of floor tiles, structural fiberboard, and laminated paperboard as items that can be made with recovered materials. Implementing Subtitle F of the Resource Conservation and Recovery Act (RCRA), the listing of an item requires federal buyers to procure that item with the highest portion of recovered materials available. The listing further describes those conditions of competition, price, quality, etc. under which such procurement is not required. On the same day that USEPA proposed the addition of the 13 new products, it released a draft Recovered Materials Advisory Notice (RMAN) that will guide federal agencies in procurement of the products (61 Fed. Reg. 57760). ♦

Additional Year Proposed for Manufacturer Certification under Option 2 of the Urban Bus Retrofit/Rebuild Program

On November 12, 1996 (61 Fed. Reg. 58022), USEPA proposed an amendment to its Urban Bus Retrofit/Rebuild Program that would allow equipment manufacturers an additional year to certify their equipment under Option 2 of the program. USEPA intends the amendment to make Option 2 equivalent to Option 1, removing the incentive to switch options.

Under section 219(d) of the Clean Air Act (CAA), on April 21, 1993 (58 Fed. Reg. 21359), USEPA established emission standards or control technology requirements for certain 1993 and earlier model year buses whose engines are rebuilt or replaced. Under the regulations, fleet owners may select compliance options 1 or 2. Option 1 establishes PM emission standards for each rebuilt or replaced engine. Option 2 is a fleet averaging program for each vehicle with a rebuilt or replaced engine that sets forth average PM emission targets for the operator's fleet. (See issue 508, Sept., 1996.) ♦

Large Nonroad Compression-Ignition Vehicle Emissions Requirements Amended

On November 12, 1996 (61 Fed. Reg. 58101), USEPA adopted a direct final rule that amended the large (greater than 37 kilowatt) new nonroad compression-ignition engine vehicle emissions requirements. The amendments allow manufacturers to use certified on-highway engines in nonroad vehicles constructed from on-highway vehicles or which must use public roads between job sites. The amendments also allow the use of uncertified engines to rebuild pre-regulation nonroad equipment when the equipment suffers engine failure and no certified engine would fit the equipment. A notice of proposed rulemaking appeared in the same issue of the Federal Register (61 Fed. Reg. 58028). ♦

Municipal Solid Waste Landfill News

On November 13, 1996 (61 Fed. Reg. 58189), USEPA released draft guidance to help owners and operators of municipal solid waste landfills (MSWLFs) submit no-migration exemptions for consideration. The title of the document is "Preparing No-Migration Petitions for Municipal Solid Waste Disposal Facilities--Draft Guidance Document." Under the MSWLF rules, a no-migration exemption would allow the owner or operator to suspend the groundwater monitoring requirements of the Resource Conservation and Recovery Act (RCRA) Subtitle D MSWLF regulations under certain circumstances. To obtain a no-migration exemption, the owner or operator must demonstrate that no migration of waste constituents would occur from the site during the life of the facility and the closure and post-closure care period due to climatic and hydrogeologic conditions.

USEPA also re-established the groundwater monitoring exemption for small municipal solid waste landfill (MSWLFs) located in dry or remote areas on September 25, 1996 (61 Fed. Reg. 50409). That exemption applies to MSWLFs that accept an average of less than 20 tons per day of municipal solid waste, which have no evidence of groundwater contamination, and which are located either in a dry or a remote location. USEPA undertook this action to codify section 3 of the Land Disposal Program Flexibility Act of 1996 (Pub. L. 104-119, effective March 26, 1996), which amended section 4010(c) of the Resource Conservation and Recovery Act (RCRA). The September action restored an exemption present in the original RCRA Subtitle D MSWLF regulations, adopted on October 9, 1991 (56 Fed. Reg. 50978). As a result of the decision in *Sierra Club v. EPA*, 992 F.2d 337 (D.C. Cir. 1993), the court effectively vacated the groundwater monitoring exemption,

and USEPA rescinded it on October 1, 1993 (58 Fed. Reg. 51536). USEPA proposed alternative groundwater monitoring standards for these facilities on August 10, 1995 (60 Fed. Reg. 40799) and twice delayed the effective date times, so that the ultimate groundwater monitoring requirements would go into effect as to these facilities on October 9, 1997. Enactment of the Land Disposal Program Flexibility Act allowed exemption of the small MSWLFs, so long as no groundwater contamination is evident and the unit is located in a dry or remote area that has no practicable waste management alternative. The Act also allows a state to suspend the groundwater monitoring requirements for any MSWLF that demonstrates that there is no potential for migration of hazardous constituents from the unit during its active life and post-closure care period. (See issue 510, Nov., 1996.)

This action will be included, together with that of September 25, 1996, in the RCRA Subtitle D update docket for the period July 1 through December 31, 1996, R97-20. As noted in the Board's March 7, 1996 dismissal of the RCRA Subtitle D update docket R96-9, which covered the time-frame that included the October 5, 1995 federal amendments, the Board never incorporated the original exemption for small MSWLFs located in dry or remote areas. ♦

Pesticide Experimental Use Permits Issued for Use in Illinois

On November 13, 1996 (61 Fed. Reg. 58190), USEPA issued an experimental use permit to allow the use of 730 grams of *Bacillus thuringiensis* d-endotoxin in seeds in 20 states and Puerto Rico, including Illinois. The use is to control European corn borer, southwestern corn borer, fall armyworm, and corn earworm. The permit is effective May 2, 1996 through April 30, 1997. A limitation of the permit would require destruction of the crops tested or use for research purposes only.

Another experimental use permit announced in the same notice would allow the use of 91.78 pounds of a herbicide 7-fluoro-6-[(3,4,5,6-tetrahydro)phthalimido]-4-(2-propynyl)-1,4-benzoxazin-3(2H)-one on 480 acres of soybeans over two years to evaluate the control of various broadleaf weeds. Illinois is one of the 17 states covered by the permit. ♦

CO Emissions Requirements Amended for New Nonroad Small Spark-Ignition Engines

On November 13, 1996 (61 Fed. Reg. 58295), USEPA amended the carbon monoxide (CO) emissions requirements applicable to non-handheld new nonroad Phase I small (less than 9 kilowatt) spark-ignition (SI)

engines. USEPA increase the allowable CO emissions rate from 469 grams per kilowatt hour (g/kW-hr) to 519 g/kW-hr. USEPA originally adopted the emissions standards for these engines on July 3, 1995. USEPA stated that it intended the correction to ensure that manufacturers of small SI engines can certify their products, such as lawn mowers, in time for the 1997 season. Accompanying amendments would allow the use of open crankcase engines in snowthrowers. ♦

Use of Alternative Reformulated Gasoline Test Methods Extended

On November 13, 1996 (61 Fed. Reg. 58303), USEPA extended the use of alternative analytical test methods for use in the reformulated gasoline (RFG) program. The alternative test methods were to have expired on January 1, 1997, but USEPA extended their permissible use until September 1, 1998. USEPA stated that it extended the use of alternative methods pending its consideration of approving expanded use of alternative methods. ♦

National Lead Laboratory Accreditation Program Amended

On November 14, 1996 (61 Fed. Reg. 58408), USEPA announced that it had revised the National Lead Laboratory Accreditation Program (NLLAP) in the document "Laboratory Quality System Requirements (LQSR) Revision 2.0," dated August 1, 1996. The revisions included changed personnel training requirements and expansion to cover laboratory lead testing programs that can occur in the field. USEPA established NLLAP pursuant to the Residential Lead-Based Paint Hazard Reduction Act of 1992 to assure that laboratories testing for lead in paint, dust, and soil samples are capable of performing analyses for lead. ♦

Selenium Standard Revision Approved for Great Lakes System

On November 14, 1996 (61 Fed. Reg. 58443), USEPA proposed a new criterion maximum contaminant level for selenium for the Water Quality Guidance for the Great Lakes System. USEPA adopted the Water Quality Guidance for the Great Lakes System on March 23, 1995 (60 Fed. Reg. 15365), setting the criterion continuous concentration (CCC) for selenium at 5 micrograms per liter (mg/l) and the criterion maximum concentration (CMC) at 19.34 mg/l. A federal appellate court vacated the acute selenium criterion on September 19, 1996, in *American Iron and Steel Institute v. EPA*, no. 95-1348 (D.C. Cir.). The plaintiffs had argued that USEPA erred in not distinguishing the two oxidation states of

aqueous selenium, selenite (selenium IV) and selenate (Selenium VI). USEPA requested that the court vacate the selenium criterion and remand the matter to USEPA for further consideration. As a result, USEPA proposed revision of the CMC for selenium to 185.9 mg/l for selenite and 12.82 mg/l for selenate. USEPA did not propose amendment of the CCC for selenium. ♦

USEPA to Decide Whether New Mexico WIPP Meets Radiation Protection Standards; Final Economic Impact Study Released on Management of the Nuclear Stockpile; USEPA-OSW Terminates Review

In an advance notice of proposed rulemaking on November 15, 1996 (61 Fed. Reg. 58499), USEPA stated that it will be rendering its determination whether the New Mexico Waste Isolation Pilot Plant (WIPP) will comply with USEPA's environmental radiation protection standards for disposal of radioactive waste. The Department of Energy (DOE) submitted an application for USEPA certification on October 29, 1996, and USEPA announced by its notice that it will commence a rulemaking proceeding to consider the application.

The WIPP is being developed by the DOE as a repository for transuranic radioactive waste. The development was authorized by the DOE National Security and Military Applications of Nuclear Energy Authorization Act of 1980 (Pub. L. 96-164) to demonstrate the safe disposal of radioactive waste. Under the 1992 WIPP Land Withdrawal Act (Pub. L. 102-579), disposal in the WIPP is limited to transuranic radioactive wastes generated in the course of defense-related activities. That statute defines transuranic waste and specifically excludes high-level radioactive waste. The WIPP Land Withdrawal Act further requires USEPA to certify whether the WIPP will comply with the environmental radiation protection standards and to develop implementing disposal regulations. USEPA adopted those rules on February 9, 1996 (61 Fed. Reg. 5224). Under the WIPP Land Withdrawal Act, the DOE may begin disposal of waste at the facility after USEPA has granted its certification.

On November 19, 1996 (61 Fed. Reg. 58871), the DOE announced that a final programmatic environmental impact statement (PEIS) was available for the Stockpile Stewardship and Management Program. The PEIS analyzes the environmental consequences of alternative methods for maintaining the safety and reliability of the nuclear weapons stockpile in the absence of underground testing. DOE explained that the U.S. is no longer producing new design nuclear weapons, and the focus of the arms program has shifted to reducing the size of the stockpile and dismantling existing weapons. DOE designed the Stockpile Stewardship and Management

Program to help fulfill its charge of maintaining the safety and reliability of the nuclear weapons in the stockpile.

On November 29, 1996 (61 Fed. Reg. 60690), DOE released a draft supplemental environmental impact statement (SEIS-II) on the WIPP project, invited public comments, and announced public hearings. SEIS-II considers the impact of burial of the allowed quantities of treated transuranic wastes at the WIPP 2,100 feet below ground level in a salt deposit.

USEPA announced on November 29, 1996 (60704) that its Office of Solid Waste (OSW) had terminated its review of the no-migration exemption petition submitted by DOE for the WIPP. USEPA explained that the hazardous wastes to be managed at the facility were originally regulated under the Resource Conservation and Recovery Act (RCRA), which would have subjected them to the Subtitle C land disposal restrictions (LDRs). However, recent legislation (the National Defense Authorization Act for Fiscal Year 1997, Pub. L. 104-201, effective Sept. 23, 1996) exempted the WIPP wastes from the LDRs. USEPA terminated its review of the petition effective October 1, 1996. Obtaining a no-migration exemption would have required the DOE to demonstrate that hazardous waste disposed at the WIPP would not migrate from the site for at least 10,000 years. ♦

Settlement Announced in Gasoline Distribution NESHAP Litigation

On November 15, 1996, USEPA announced a proposed settlement in *American Petroleum Institute v. EPA*, no. 95-1098 (D.C. Cir.), which involves a challenge to the stage 1 national emission standards for hazardous air pollutants (NESHAP) for gasoline distribution facilities. The stage 1 gasoline distribution NESHAP, adopted on December 14, 1994 (59 Fed. Reg. 64303) established hazardous air pollutant (HAP) emissions limitations for gasoline bulk terminals and gasoline pipeline breakout stations. Under the settlement agreement, USEPA would alter the formulae for estimating emissions in order to enhance their accuracy and utility. ♦

Hazardous Waste Characteristics Scoping Study Available

On November 15, 1996 (61 Fed. Reg. 58549), USEPA announced the availability of the "Hazardous Waste Characteristics Scoping Study." USEPA prepared the study under a May 17, 1996 consent agreement in *Environmental Defense Fund v. Browner*, no. 89-0598 (D.D.C.) in order to investigate gaps in the coverage of existing hazardous waste characteristics. It considers

contamination resulting through the management of waste that does not fulfill the criteria for being designated hazardous waste. (See issue 510, Oct., 1996.) ♦

Interim Revised Durability Procedures for Light-Duty Vehicles and Light-Duty Trucks Extended Indefinitely

On November 15, 1996 (61 Fed. Reg. 58617), USEPA issued a direct final rule that indefinitely extended the revised durability procedures for light-duty vehicles and light-duty trucks. The procedure is used by manufacturers for demonstrating compliance with the vehicle emission standards. USEPA adopted the standards, dubbed the "RDP-I rule," on January 12, 1993 (58 Fed. Reg. 3994). It applies only to model year 1994 through 1996 vehicles. USEPA intended to adopt a separate "RDP-II" durability rule for vehicles beginning with model year 1997. USEPA did not adopt the RDP-II rule, so it temporarily extended the applicability of the RDP-I durability testing procedure through model year 1998 on July 18, 1994 (59 Fed. Reg. 36368). This latest action indefinitely extends the applicability of the RDP-I rule. It presently plans to develop new rules that would apply to model year 2000 and later vehicles. ♦

Toxicity Data Received on Glycidyl Methacrylate

USEPA announced on November 18, 1996 (61 Fed. Reg. 58688) that it had received toxicity test data on glycidyl methacrylate (GMA) pursuant to the Toxic Substances Control Act (TSCA). The data was submitted on behalf of the Dow Chemical Company, investigated the inhalation toxicity on rats. GMA is an epoxy resin additive used on paint and adhesive applications. ♦

Comments Sought on the 1996 Progress Report of the Air Quality Committee Under the Canada-U.S. Air Quality Agreement

On November 18, 1996 (61 Fed. Reg. 58728), the State Department announced that the International Joint Commission invited comment on the 1996 Progress Report of the Air Quality Committee Under the Canada-U.S. Air Quality Agreement. The U.S. and Canada entered into the Agreement in 1991 to help reduce cross-boundary air pollution. Under the agreement, a bilateral Air Quality Committee reviews progress in implementation of the Agreement. The Committee sought comment on the 1996 report. ♦

Amendments Adopted to Correct Fuel and Fuel Additive Testing Rules

USEPA adopted a set of minor corrections to the fuel and fuel additive testing rules by a direct final rule on November 18, 1996 (61 Fed. Reg. 58743). The amendments are intended to ensure flexibility in scheduling testing, to allow a single set of tests on multiple detergent additive products that have the same active ingredients, and to correct errors in the rules.

USEPA adopted the fuel and fuel additive testing requirements in 1975 and amended them on June 27, 1994 (59 Fed. Reg. 33042) and July 11, 1996 (61 Fed. Reg. 36506). (See issue 507, Aug., 1996.) In amending the rules, USEPA inadvertently disallowed the use of exposure studies interrupted by long federal holiday weekends. One correction allows the use of data from such studies where the interruption of longer than two days was not through the fault of the tester. ♦

Environmental Leadership Program ICR Submitted to OMB for Review

USEPA announced on November 18, 1996 (61 Fed. Reg. 58749) that it was submitting an information collection request (ICR) to the Office of Management and Budget (OMB) for review. The ICR is intended for use in the Environmental Leadership Program, a voluntary program to gain enhanced environmental protection by promoting systematic management of environmental issues and encouragement of environmental enhancement activities. When accepted into the program, participating facilities must submit annual performance reports to USEPA. USEPA estimates that about 75 facilities will seek participation in the program each year. ♦

Great Lakes Priorities and Funding Guidance Available

On November 19, 1996, USEPA announced that fiscal year 1997 Great Lakes Priorities and Funding Guidance is available. The document identifies USEPA's Great Lakes priorities and solicits preproposals for assisted projects. It further describes alternative sources of funding. USEPA stated that \$3.7 million will be available to help study contaminated sediments, pollution prevention, assessment indicators, habitat protection and restoration, exotic species, and information management on the Great Lakes. The funding will be available through USEPA; the U.S. Department of Agriculture, Natural Resources Conservation Service; the Fish and Wildlife Service; and the U.S. Army Corps of Engineers. ♦

Technical Amendments Adopted to Acid Rain Program Continuous Monitoring Rule

On November 20, 1996 (61 Fed. Reg. 59141), USEPA amended the continuous emission monitoring (CEM) rule of the acid rain program. USEPA adopted the acid rain program on January 11, 1993 (58 Fed. Reg. 3590) with its CEM rules. It attempted to make the program simpler to implement by interim final amendments on May 17, 1995 (60 Fed. Reg. 26510). Several of the interim final amendments expire on January 1, 1997. USEPA adopted permanent amendments to the CEM to address issues involved in the expiration of the interim final rule. USEPA stated that the amendments are intended to streamline the CEM rule and increase flexibility in its implementation. ♦

Assessment on U.S. Initiative on Joint Implementation Greenhouse Gas Projects

On November 22, 1996 (61 Fed. Reg. 59480), the State Department Bureau of Oceans and International Environmental and Scientific Affairs announced that it is beginning its review of the U.S. Initiative on Joint Implementation (USIJI). The USIJI commenced as a result of the October 19, 1993 U.S. Climate Change Action Plan, which seeks to lower U.S. emissions of greenhouse gasses to 1990 levels through voluntary actions. The State Department initiated the USIJI and received proposals for projects from numerous countries to study such things as renewable energy, energy recovery, methane recovery, and land-use change projects. It is estimated that the projects collectively reduce emissions by 30 million metric tonnes of carbon equivalent each year. ♦

Group I and Group IV Polymers and Resins NESHAPs to Be Amended

USEPA published an advance notice of proposed rulemaking on November 25, 1996 (61 Fed. Reg. 59849) announcing its intent to amend the national emission standards for hazardous air pollutants (NESHAPs) for the Group I and Group IV polymers and resins industry categories. USEPA plans amendments to parallel those for proposed for the NESHAPs for the synthetic organic chemical manufacturing industry (SOCMI) and other processes subject to the negotiated rulemaking for equipment leaks ("hazardous organics NESHAP" or "HON"). Proposed HON amendments will apply to Group I and Group IV polymer and resins facilities, USEPA plans amendments for consistency, and it will extend the compliance date for heat exchange systems for September 5, 1999.

USEPA adopted the Group I polymers and resins NESHAP on September 5, 1996 (61 Fed. Reg. 46905) and the Group IV NESHAP on September 12, 1996 (61 Fed. Reg. 48207). Group I facilities manufacture butyl rubber, halobutyl rubber, epichlorohydrin elastomers, ethylene propylene rubber, Hypalon[®], neoprene, nitrile butadiene rubber, nitrile butadiene latex, polysulfide rubber, polybutadiene rubber/styrene butadiene rubber by solution, styrene butadiene latex, and styrene butadiene rubber by emulsion. They emit several hazardous air pollutants (HAPs), including styrene, n-hexane, 1,3-butadiene, acrylonitrile, methyl chloride, hydrogen chloride, carbon tetrachloride, chloroprene, and toluene. Group IV facilities manufacture acrylonitrile butadiene styrene resin (ABS), styrene acrylonitrile resin (SAN), methyl methacrylate acrylonitrile butadiene styrene resin (MABS), methyl methacrylate acrylonitrile butadiene styrene resin (MBS), polystyrene resin, poly(ethylene terephthalate resin (PET), and nitrile resin. The HAPs emitted by these facilities include styrene, acrylonitrile, butadiene, ethylene glycol, methanol, acetaldehyde, and dioxane. (See issue 509, Oct., 1996.)

USEPA adopted the HON on April 22, 1994 (59 Fed. Reg. 19402) to control HAP emissions from SOCMI facilities. Group I and Group IV polymer and resin facilities emit similar HAPs to those from SOCMI facilities, so USEPA used the HON to develop the Group I and Group IV regulations. In settlement of litigation, USEPA proposed amending the HON on August 26, 1996 (61 Fed. Reg. 43698). (See issue 508, Sept., 1996.) Several of the HON provisions involved in the proposed amendments are referenced in the Group I and Group IV polymer and resins rules, prompting USEPA to propose the conforming amendments. ♦

Proposals Invited for Natural and Accelerated Bioremediation Research Program Grants

On November 25, 1996 (61 Fed. Reg. 59868), the Department of Energy (DOE), Office of Energy Research, Office of Health and Environmental Research solicited applications for research grants in the Natural and Accelerated Bioremediation Research (NABIR) Program. NABIR embraces several research elements: acceleration; assessment; biogeochemical dynamics; biomolecular science and engineering; biotransformation and biodegradation; community dynamics and microbial ecology; systems engineering, integration, prediction, and optimization; and social implications and concerns in bioremediation. The object of the NABIR program, directed at determining the viability of bioremediation, is to develop technologies for DOE site cleanup through fundamental research. The initial focus is on metals and radionuclides in the soils below root level. DOE seeks grant applications in all areas. DOE raised a number of

questions of specific interest. Up to \$10 million will be available for grants in fiscal years 1997 and 1998. ♦

Federal Interagency Task Force to Coordinate Issuance of CERCLA Administrative Orders

On November 25, 1996 (61 Fed. Reg. 59886), the Council on Environmental Quality (CEQ) announced that a federal interagency task force had formed to coordinate implementation of Executive Order 13016 (61 Fed. Reg. 45871, Aug. 30, 1996), which amended Executive Order 12580 (52 Fed. Reg. 2923, Jan. 29, 1987). These orders delegate the issuance of various orders under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) to the various federal administrative agencies. The agencies involved are USEPA, the U.S. Coast Guard, the Department of the Interior, the National Oceanic and Atmospheric Administration (for the Department of Commerce), the Department of Agriculture, the Department of Defense, and the Department of Energy. The task force intends to develop a memorandum of understanding among the agencies, towards implementation of Executive Order 13016. ♦

Organic Material Emission Requirements for Hazardous Waste Tanks, Containers, and Surface Impoundments Amended

On November 25, 1996 (61 Fed. Reg. 59931), USEPA adopted amendments to its organic material emission requirements applicable to hazardous waste tanks, containers, and surface impoundments (the "Subpart CC rules"). The action amended and clarified the rules and the preamble discussion of the rules in response to public comments raised relating to the Subpart CC rules. The Subpart CC rules control emissions of organic material from certain vessels containing hazardous waste. In adopting the rules, USEPA further stayed the effective date of the rules until December 6, 1996.

USEPA originally adopted the Subpart CC rules on December 6, 1994 (59 Fed. Reg. 62896), to become effective June 6, 1995. Confronted with criticism of the rules, USEPA stayed the general effective date of the rules several times, while it considered ways to respond by amending or clarifying the rules: on May 19, 1995 (60 Fed. Reg. 26828), until December 6, 1995; on November 13, 1995 (60 Fed. Reg. 56952), until June 6, 1996; on June 5, 1996 (61 Fed. Reg. 28508), until October 6, 1996; and in the present action, until December 6, 1996. None of the stays affected the December 8, 1997 deadline for ultimate compliance. On September 29, 1995 (60 Fed. Reg. 50426), USEPA indefinitely stayed the effective date of the Subpart CC

regulations as they would specifically apply to organic peroxide manufacturing processes. On February 9, 1996 (61 Fed. Reg. 4903), USEPA adopted technical amendments to the 40 CFR 264, Subpart CC and 265, Subpart CC standards. USEPA explained in both the February 9 and November 25 actions that the amendments clarified the regulatory text of the rules, corrected typographical and grammatical errors, and clarified segments of the original preamble discussion.

The Board adopted the initial Subpart CC rules and the first stay (until December, 1995) on June 1 and 16, 1995, in docket R95-4/R95-6. The Board adopted amendments on June 20, 1996, in docket R95-20, that will incorporate the federal stays granted on September 29 and November 13, 1995 and June 5, 1996. Due to that prompt action, further action was not necessary in either of the reserved dockets R96-10 or R97-5 based on those two stays. The present amendments and stay fall within the nominal July 1 through December 31, 1996 period of the reserved RCRA Subtitle C update docket R97-21. ♦

Uniform Procedures Proposed for National Response Team Consideration of Historic Properties During Emergency Response Actions

On November 27, 1996 (61 Fed. Reg. 60257), the Advisory Council on Historic Preservation (ACHP) announced that a proposed programmatic agreement had been developed for use by the National Response Team in emergency response actions. Under the National Historic Preservation Act (NHPA), federal agencies must consider the impact of their actions on historic properties, including those included in the National Register of Historic Places and those eligible for inclusion. The proposed agreement would overcome some of the difficulties encountered in implementing the existing regulations in emergency situations while ensuring appropriate considerations as required under NHPA. The ACHP, the U.S. Coast Guard, USEPA, and the Departments of the Interior, Agriculture, Commerce, Defense, and Energy jointly issued the notice. ♦

Financial Assurance Requirements Adopted for Government Owners and Operators of Landfills

On November 27, 1996 (61 Fed. Reg. 60327), USEPA adopted a new financial assurance mechanism for government owners and operators of municipal solid waste landfills (MSWLFs). The new mechanism allows government entities that own or operate a MSWLF to provide the required financial assurance for facility closure and post-closure care and for corrective action at the facility while avoiding the costs of using third-party financial instruments. To qualify for use of the financial

test, the entity must fulfill certain requirements. The financial requirements consider the entity's bond rating or financial ratio, accounting practices, and an auditor's opinion, and they would impose a limit on the entity's operating deficit. Public notice requirements would have the governmental entity make certain public disclosures of closure and post-closure care and corrective action cost estimates and to include the costs actually incurred or expected in their annual budgets. The new test further requires the government owner or operator to annually determine if it still meets its requirements and to obtain alternative financial assurance if it fails to meet them.

USEPA adopted management standards for MSWLFs on October 9, 1991 (56 Fed. Reg. 50978) under Subtitle D of the Resource Conservation and Recovery Act (RCRA Subtitle D). The existing regulations require MSWLF owners and operators to maintain financial assurance adequate to assure the proper closure and post-closure care of the facilities they own or operate and for possible corrective action at the facility. Those rules specify acceptable mechanisms to demonstrate financial assurance and further allow authorized states to approved additional mechanisms. USEPA delayed the effective date of the financial assurance requirements on April 7, 1995 (60 Fed. Reg. 17649) until April 9, 1997, in order to allow itself enough time to develop financial tests for use by government and corporate owners and operators. USEPA has now adopted the new financial test for government owners and operators, and stated that it will adopt the test for corporate owners and operators in the spring of 1997. The April 9, 1997 effective date for financial assurance requirements remains unchanged, but an authorized state may waive the requirements until April 9, 1998 if it makes certain findings.

(Note: The Board will include this action in the RCRA Subtitle D update docket R97-20 for the period July 1 through December 31, 1996.)♦

Grants for Residential Lead-Based Paint Abatement Research

On November 27, 1996 (61 Fed. Reg. 60499), the Department of Housing and Urban Development (HUD) announced the availability of \$2.5 million in grant monies for research into the evaluation and control of hazards posed by residential lead-based paint. HUD stated that it would be seeking to fund between five and ten projects at \$100,000 to \$250,000 each. The object is to increase the accuracy of evaluation and efficacy of reduction of the hazards posed by residential lead-based paint.

Earlier this year (61 Fed. Reg. 24407, May 14, 1996), HUD announced the availability of funds for state lead abatement programs: \$50 million for abatement in eligible housing units (Category A) and \$4 million for

abatement in eligible housing units on Superfund sites (Category B). USEPA also earlier announced (61 Fed. Reg. 21463, May 10, 1996) the availability of \$12.5 million in grants funds for the development of state accreditation and certification programs for lead-based paint abatement professionals. (See issue 505, June, 1996.)♦

Proposed Settlement of CAA Citizen Suit

On November 29, 1996 (61 Fed. Reg. 60702), USEPA announced the proposed settlement of a Clean Air Act (CAA) citizen suit. The action, Sierra Club v. Browner, no. 93-0124 (D.D.C.) contested USEPA's failure to adopt emissions standards for new nonroad engines, as required under the CAA. The proposed settlement would require USEPA to issue guidance for states on state implementation plan (SIP) emission credits for California tier 2 utility and lawn and garden equipment engine emission regulations.

On July 3, 1995 (60 Fed. Reg. 34582), USEPA adopted phase I emissions standards for new nonroad spark-ignition engines at or below 25 horsepower (small SI engines), engines used primarily in lawn and garden equipment. The Phase 1 regulations are similar to the California tier 1 regulations, designating product lines into groups of engines, requiring manufacturer emissions testing, requiring engine certification and labelling, and prohibiting the sale of uncertified engines. USEPA stated that the Phase 2 regulations (equivalent to California tier 2 rules, might include useful life requirements, in-use emissions requirements, evaporative emissions, refueling emissions, etc.) (See issue 496, Aug.-Sept., 1995.)♦

USEPA Comments Submitted on USDA Rules

On November 29, 1996 (61 Fed. Reg. 60702), USEPA announced that it had submitted comments on two recent U.S. Department of Agriculture (USDA) regulations implementing the Federal Agriculture Improvement and Reform Act of 1996. USEPA commented on the interim final Natural Resources Conservation Service (NRCS) "Swampbuster" regulations and proposed Commodity Credit Corporation (CCC) regulations for implementing the Environmental Quality Incentives Program (EQIP).

USEPA commented that amendments to NRCS Swampbuster regulations may effect implementation of the Clean Water Act wetlands protection provisions. USDA adopted interim final rules on September 6, 1996 (61 Fed. Reg. 47019) to implement the amendments the 1996 Act made to the Food Security Act of 1985. The

Food Security Act encouraged conservation by linking farming practices in converted farmlands and highly erodible lands to federal aid. The 1996 Act made a number of changes in the aid program requirements, including a number relating to the status of wetlands and prior converted farmland and activities within them. USEPA recommended a formal agreement among USEPA, the NRCS, the U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service to clarify the Swampbuster status of prior converted cropland when wetland characteristics return. USEPA further suggested revision of the environmental assessment of the rule before USDA adopts a final rule.

USEPA made several comments on the CCC proposed regulations for implementing the EQIP. The CCC proposed the amendments on October 11, 1996 (61 Fed. Reg. 53573), seeking to consolidate several existing conservation programs to provide technical, financial, and educational assistance to farmers and ranchers facing threats to natural resources on their lands. Under the amendments, the CCC would designate areas having significant soil, water, or related natural resource concerns as priority areas, which will receive the primary focus of the program. (See issue 510, Nov., 1996.) USEPA commented that it supported the CCC's proposed approach for designating priority areas, recommended establishment of a financial incentive program that would encourage states to develop priority areas so that funds would be directed to the critical environmental problems, and suggested that the CCC reject proposals that do not meet relevant criteria. USEPA further recommended that CCC should define a "large confined livestock operation" and emphasize that assistance is intended for family farming and ranching operations. USEPA suggested that the definition should define the operations at a specific level, allowing exceptions based on ability to pay and potential environmental benefits. ♦

Miscellaneous Federal Meetings

Meeting of: National Advisory Committee for Acute Exposure Guideline Levels for Hazardous Substances
Date and Location: December 16 through 18, 1996, Washington, DC

Announced purpose: Deliberation on development of Acute Exposure Guideline Levels (AEGs) for ammonia, cyanogen chloride, nitric acid, dimethyl hydrazine, methyl hydrazine, ethylene oxide, phosgene, chlorine, and phosphine. (Note: A meeting in March will consider carbon tetrachloride, aniline, toluene 2,6-diisocyanate and toluene 2,4-diisocyanate, isopropyl chloroformate, ethyleneimine, methyl isocyanate, and hydrogen chloride.)

Notice citation: 61 Fed. Reg. 56541, November 1, 1996

Meeting of: National Environmental Justice Advisory Council, including subcommittees: Enforcement, Health and Research, International, Indigenous Peoples, Public Participation, and Waste/Facility Siting.

Date and Location: December 10 through 12, 1996, Baltimore, MD

Announced purpose: Discussion of Enforcement Roundtable, reinvention initiatives.

Notice citation: 61 Fed. Reg. 56679, November 4, 1996

Meeting of: Clean Air Act Advisory Committee, Ozone, Particulate Matter and Regional Haze Implementation Programs Subcommittee

Date and Location: November 19 and 20, 1996, Denver, CO

Announced purpose: Not announced.

Notice citation: 61 Fed. Reg. 56680, November 4, 1996

Meeting of: Food Safety Advisory Committee

Date and Location: November 14 and 15, 1996, Fairfax, VA

Announced purpose: Discussion of implementation of the Food Quality Protection Act (Pub. L. 104-170, eff. Aug. 3, 1996), which requires greater protection of consumers, especially infants and children, under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Food, Drug, and Cosmetic Act (FDCA); discussion of use of a 10-fold safety factor to protect infants and children, consideration of in utero exposure for cancer studies, risk management and risk assessment decisionmaking rationale, etc.

Notice citation: 61 Fed. Reg. 57414, November 6, 1996

Meeting of: Pesticide Program Dialog Committee

Date and Location: November 12 and 13, 1996, Arlington, VA

Announced purpose: Overview of the Food Quality Protection Act (Pub. L. 104-170, eff. Aug. 3, 1996); discussion of the Reduced Use/Reduced Risk Program under the Government Performance and Results Act and product labelling.

Notice citation: 61 Fed. Reg. 57414, November 6, 1996

Meeting of: Reinvention Criteria Committee, National Advisory Council for Environmental Policy and Technology

Date and Location: December 11 and 12, 1996, Washington, DC

Announced purpose: To provide USEPA with perspectives of interested persons on criteria for measuring progress and success in reinvention efforts and identify criteria for self-certification.

Notice citation: 61 Fed. Reg. 58188, November 13, 1996

Meeting of: USEPA; U.S. Department of Agriculture, Food Safety and Inspection Service; U.S. Department of Health and Human Services, Food and Drug Administration

Date and Location: November 18, 1996, Washington, DC

Announced purpose: Discussion of agenda items for the twelfth session of the General Principles Committee of the Codex Alimentarius Commission to be held November 25 through 28, 1996 in Paris, France. (Note: The United Nations Food and Agriculture and World Health Organizations established the Codex in 1962. It encourages fair trade in food and protection of the health and economic interests of consumers. The Codex adopts food standards, codes of practice, and other guidelines and promotes their adoption and implementation by governments. The Codex seeks to ensure that the world's food supply is sound, wholesome, free from adulteration, and informatively labeled. USDA, FDA, and EPA manage and carry out the U.S. Codex.)

Notice citation: 61 Fed. Reg. 58369, November 14, 1996

Meeting of: Common Sense Initiative Council, Petroleum Refining Sector Subcommittee

Date and Location: December 4, 1996, Seattle, WA

Announced purpose: Discussion of two-year assessment of the subcommittee and future plans.

Notice citation: 61 Fed. Reg. 58406, November 14, 1996

Meeting of: Common Sense Initiative Council, Petroleum Refining Sector Subcommittee, Equipment Leaks and One-Stop/Public Access Workgroups

Date and Location: December 3, 1996, Seattle, WA

Announced purpose: Discussion of current work.

Notice citation: 61 Fed. Reg. 58406, November 14, 1996

Meeting of: Common Sense Initiative Council, Printing Sector Subcommittee

Date and Location: December 4, 1996, St. Louis, MO

Announced purpose: Discussion of progress of project teams; hear report on technical assistance and community involvement and on major sources, public participation, and thresholds for proposed permit.

Notice citation: 61 Fed. Reg. 58406, November 14, 1996

Meeting of: Common Sense Initiative Council, Iron and Steel Sector Subcommittee

Date and Location: December 5, 1996, Alexandria, VA

Announced purpose: Discuss progress on current projects (brownfields, consolidated multi-media report-

ing, alternative compliance strategy, the iron and steel web site, barriers to innovative technology, spent pickle liquor, multi-media permitting, permit issues, community involvement, etc.) and development of effluent guidelines.

Notice citation: 61 Fed. Reg. 58406, November 14, 1996

Meeting of: Common Sense Initiative Council, Metal Finishing Sector Subcommittee

Date and Location: December 9 through 11, 1996, Tempe, AZ

Announced purpose: Discussion of strategic goals, RIITE reporting, and research and technology projects.

Notice citation: 61 Fed. Reg. 58406, November 14, 1996

Meeting of: Common Sense Initiative Council, Automobile Manufacturing Sector Subcommittee

Date and Location: December 12, 1996, Washington, DC

Announced purpose: Review and discussion of workplans and reports from the Life Cycle Management Supplier Partnership Team and Alternative Strategies Regulatory Systems and Community Team.

Notice citation: 61 Fed. Reg. 58406, November 14, 1996

Meeting of: Office of Ground Water and Drinking Water

Date and Location: November 21 and 22, 1996, Washington, DC

Announced purpose: Discussion of options for regulatory policy alternatives and issues relating to development of an interim enhanced surface water treatment rule and a stage I disinfectants/disinfection byproducts rule.

Notice citation: 61 Fed. Reg. 58408, November 14, 1996

Meeting of: Science Advisory Board, Integrated Human Exposure Committee

Date and Location: December 19 and 20, 1996, Washington, DC

Announced purpose: Discussion and review of the Office of Research and Development draft Exposure Factors Handbook, intended to update a 1990 version of the book.

Notice citation: 61 Fed. Reg. 58683, November 18, 1996

Meeting of: Industrial Combustion Coordinated Rulemaking (ICCR) Advisory Coordinating Committee

Date and Location: January 8 and 9, 1997, Alexandria, VA

Announced purpose: Discussion of ICCR document, hear workgroup progress and plans. (Note: This notice listed the membership of the Committee and composition of its subcommittees. A number of members were from Illinois: Tom Bach, Manager, Environmental Permitting, Natural Gas Pipeline Company of America; Mark Calmes, Director Environmental Engineering Services, Archer Daniels Midland Company; John Fanning, Deputy Commissioner, City of Chicago Department of General Services; Stephen Gerritson, Executive Director, Lake Michigan Air Directors Consortium (LADCO); Jim Greer, Natural Gas Pipeline Company of America; Glenn F. Keller, Executive Director, Engine Manufacturers Association; Jed R. Mandel, General Counsel, Engine Manufacturers Association; William C. Passie, Engine Emissions Manager, Caterpillar, Inc.; and Jorge Torres, Chief Engineer, Compressors, Natural Gas Pipeline of America.)
 Notice citation: 61 Fed. Reg. 59211, November 21, 1996

Meeting of: Office of Pollution Prevention and Toxics
 Date and Location: December 10, 1996, Chicago, IL and December 12, 1996, Washington, DC
 Announced purpose: Provide opportunity for public input to the initiative. (Note: USEPA outlined the Facility Identification Initiative on October 7, 1996 (61 Fed. Reg. 52588), whose intent is to establish a uniform set of facility identification data and infrastructure in order to facilitate access to information. See issue 510, Nov., 1996.)
 Notice citation: 61 Fed. Reg. 59229, November 21, 1996

Meeting of: Clean Air Act Advisory Committee, Accident Prevention Subcommittee
 Date and Location: December 11, 1996 (teleconference)
 Announced purpose: Discussion, inter alia, of electronic submission of risk management plans for hazardous air pollutants.
 Notice citation: 61 Fed. Reg. 59229, November 21, 1996

Meeting of: National Advisory Council for Environmental Policy and Technology, Community-Based Environmental Protection Committee
 Date and Location: December 17 and 18, 1996, Washington, DC
 Announced purpose: Discussion of recommendations the Committee intends to submit to USEPA.
 Notice citation: 61 Fed. Reg. 59437, November 22, 1996

Meeting of: Science Advisory Board, Ecological Risk Subcommittee

Date and Location: December 10 through 12, 1996, New Orleans, LA
 Announced purpose: Discuss ranking ecological risks for the Integrated Risk Project and discuss integration of methodologies for ranking human health and ecological risks.
 Notice citation: 61 Fed. Reg. 59437, November 22, 1996

Meeting of: Urban Wet Weather Flows Advisory Committee
 Date and Location: January 9 and 10, Alexandria, VA and April 28 and 29, 1997, Arlington, VA
 Announced purpose: Discussion of monitoring, watershed framework, stormwater effluent limitations, no exposure, physical impacts, and water quality issues relating to wet weather flows.
 Notice citation: 61 Fed. Reg. 59885, November 25, 1996

Meeting of: Urban Wet Weather Flows Advisory Committee, Storm Water Phase II Advisory Subcommittee
 Date and Location: December 11 through 13, 1996, Alexandria, VA and February 20 and 21, 1997, Arlington, VA
 Announced purpose: Discussion of framework for Phase II implementation.
 Notice citation: 61 Fed. Reg. 59885, November 25, 1996

Meeting of: Urban Wet Weather Flows Advisory Committee, Sanitary Sewer Overflow (SSO) Advisory Subcommittee
 Date and Location: December 16 and 17, 1996, Arlington, VA
 Announced purpose: Discussion of key issues and the overall SSO strategy.
 Notice citation: 61 Fed. Reg. 59885, November 25, 1996

Meeting of: Forum on State and Tribal Toxics Action (FOSTTA)
 Date and Location: December 9, 1996, Alexandria, VA
 Announced purpose: Discussion of the Toxics Release Inventory (TRI), State and Tribal Enhancement, Chemical Management, and Lead Projects. (Note: FOSTTA is designed to foster the exchange of enforcement-related information among the states and USEPA Office of Prevention, Pesticides and Toxic Substances (OPPTS) and Office of Enforcement and Compliance Assurance (OECA).)
 Notice citation: 61 Fed. Reg. 60098, November 26, 1996

Meeting of: State FIFRA Issues Research and Evaluation Group

Date and Location: December 2 and 3, 1996, Arlington, VA

Announced purpose: Receipt of reports on current projects and discussion of implementing the Food Quality Protection Act.

Notice citation: 61 Fed. Reg. 60099, November 26, 1996

Meeting of: Endocrine Disruptors Screening and Testing Advisory Committee

Date and Location: December 12 and 12, 1996, South San Francisco, CA

Announced purpose: Discussion of Committee goals and objectives and the scope of its activities, including whether consideration of other than estrogenic effects, human health and ecologic effects, and single compound

or multiple compound effects is mandated by the Safe Drinking Water Act Amendments of 1996 and methods for testing and screening compounds for effects.

Notice citation: 61 Fed. Reg. 60280, November 27, 1996

Meeting of: U.S. Department of Transportation, Research and Special Programs Administration, Office of Pipeline Safety

Date and Location: January 29, 1997, New Orleans, LA
Announced purpose: Gathering public input on improving existing regulations on response plans for onshore oil pipelines.

Notice citation: 61 Fed. Reg. 60674, November 29, 1996

FINAL DECISIONS 11/7/96

92-105 Weyerhaeuser Company v. EPA- The Board granted voluntary dismissal of this underground storage tank fund reimbursement determination appeal involving a Cook County facility.

94-260 People of the State of Illinois v. Components Corporation of America, a New York corporation- The Board accepted a stipulation and settlement agreement in this RCRA enforcement action against a Crawford County facility, ordered the respondent to pay a civil penalty of \$23,000.00, and ordered it to cease and desist from further violations.

96-123 Incobrasa Industries, Inc. v. EPA- The Board granted voluntary dismissal of this land permit appeal with prejudice involving a Iroquois County facility.

96-175 Caterpillar, Inc. v. EPA - The Board granted voluntary withdrawal of this land permit appeal involving a Peoria County facility. Board Member Kathleen K. Hennessey abstained.

96-191 White Cap, Inc. v. EPA - The Board granted this Cook County facility a variance from certain capture efficiency test requirements of the air pollution control regulations applicable to volatile organic material emissions in the Chicago metropolitan area, subject to conditions. Board Member Marili McFawn concurred Board Member Kathleen K. Hennessey abstained.

96-254 Marathon Oil Company v. EPA- The Board granted this Crawford County facility a variance from certain particulate matter emissions and opacity requirements of the air pollution control regulations applicable to petroleum refinery fluidized bed catalytic cracking units. Board Member Marili McFawn dissented. Board Member Kathleen K. Hennessey abstained.

96-266 J. Clarke Baker & Co. and Real Estate Fund, Inc. v. EPA - The Board granted voluntary dismissal of this citizens land enforcement action against a Cook County facility.

97-63 People of the State of Illinois v. Russell Cook, d/b/a Cook's Hauling and Contracting- The Board accepted a stipulation and settlement agreement in this air enforcement action against a Shelby County facility, ordered the respondent to pay a civil penalty of \$2,000.00, and ordered him to cease and desist from further violations.

AC 95-26 EPA v. Orville Bartels - The Board accepted a stipulation and settlement agreement, ordering the Jersey County respondent to pay a civil penalty of \$500.00.

AC 97-2 EPA v. Joseph C. Smith and Laverne A. Smith- The Board entered a default order, finding that these Jersey County respondents had violated Section 21(p)(1) of the Act and ordering them to pay a civil penalty of \$500.00. Consolidated with AC 97-4.

AC 97-4 EPA v. Joseph C. Smith and Laverne A. Smith- The Board entered a default order, finding that these Jersey County respondents had violated Sections 21(p)(1) and 21(p)(5) of the Act and ordering them to pay a civil penalty of \$1,000.00. Consolidated with AC 97-2.

AC 97-6 County of Will v. First National Bank of Lockport Trust #72-22960 - The Board entered a default order, finding that this Will County respondent had violated Sections 21(p)(1) and 21(p)(3) of the Act and ordering it to pay a civil penalty of \$1,000.00.

AC 97-12 County of Will v. Bob Linkowski - The Board entered a default order, finding that this Will County respondent had violated Sections 21(p)(1) and 21(p)(3) of the Act and ordering him to pay a civil penalty of \$1,000.00.

AC 97-16 County of Will v. David Stokes- The Board entered a default order, finding that this Will County respondent had violated Sections 21(p)(1) and 21(p)(3) of the Act and ordering him to pay a civil penalty of \$1,000.00.

AC 97-18 EPA v. Alice M. Hoffer and Margaret A. Gunther - The Board entered a default order, finding that these Tazewell County respondents had violated Section 21(p)(1) of the Act and ordering them to pay a civil penalty of \$500.00.

AC 97-19 EPA v. Kit Owens d/b/a Metropolis Tire Store - The Board granted voluntary withdrawal of this administrative citation against a Massac County respondent.

AC 97-20 EPA v. William Decker- The Board entered a default order, finding that this Livingston County respondent had violated Sections 21(p)(1) and 21(p)(3) of the Act and ordering him to pay a civil penalty of \$1,000.00.

AC 97-23 EPA v. Village of Markham - The Board entered a default order, finding that this Will County respondent had violated Sections 21(p)(1) and 21(p)(3) of the Act and ordering it to pay a civil penalty of \$1,000.00.

AC 97-27 EPA v. Willie Lightfoot - The Board granted the agency's motion to voluntarily withdraw this administrative citation against a Perry County respondent.

AS 94-10 In the Matter of: Petition of Enviro Corporation for an Adjusted Standard from 35 Ill. Adm. Code Part 721 Subpart D: list of Hazardous Substances, Appendix I - The Board amended its order of February 15, 1996, in which the Board granted an adjusted standard from certain RCRA Subtitle C hazardous wastes listings, in order to accommodate a change in facility ownership. Board Members Marili McFawn and Joseph Yi concurred.

FINAL DECISIONS 11/21/96

90-165 Riverside Laboratories, Inc. v. EPA - The Board granted voluntary dismissal of this air permit appeal involving a Kane County facility.

95-158 People of the State of Illinois v. City of Herrin - The Board accepted a stipulation and settlement agreement in this land enforcement action against a Williamson County facility, ordered respondent to pay a civil penalty of \$13,000.00, \$2000.00 in Attorney General's fees and costs, and ordered it to cease and desist from further violation.

96-185 Douglas and Barbara Oltman v. Kelly Cowan - The Board dismissed this citizens noise enforcement action against a Rock Island County facility, finding that there was no unreasonable interference based on consideration of the factors of Section 33(c) of the Act.

96-244 People of the State of Illinois v. Langos Corporation - The Board accepted a stipulation and settlement agreement in this air enforcement action against a Cook County facility, ordered the respondent to pay a civil penalty of \$25,000.00, and ordered it to cease and desist from further violation.

96-254 Marathon Oil Company v. EPA - The Board vacated its order of November 7, 1996 and granted this Crawford County facility a variance from certain particulate matter emissions and opacity requirements of the air pollution control regulations applicable to fluidized bed catalytic converter catalyst regenerators and other sources, subject to conditions. Board Members Marili McFawn and Kathleen M. Hennessey abstained.

97-51 City of West Chicago v. EPA - The Board granted this DuPage County facility a variance from the standards of issuance and restricted status provisions of the public water supply regulations, subject to conditions, as they relate to the radium content of the petitioner's drinking water.

97-90 Taracorp Industries, Inc. v. EPA - Upon receipt of an Agency recommendation, the Board granted a 30-day provisional variance from the 90-day limitation on the accumulation of hazardous waste at this Madison County facility.

AC 97-21 EPA v. John Sexton Sand and Gravel Corporation - The Board accepted a stipulation and settlement agreement in this administrative citation action against a Cook County facility, ordered the respondent to pay a civil penalty of \$500.00, and ordered it to cease and desist from further violation.

AC 97-26 EPA v. Browning-Ferris Industries of Iowa, Inc. - The Board entered a default order, finding that this Rock Island County respondent had violated Section 21(o)(11) of the Act and ordering it to pay a civil penalty of \$500.00.

AC 97-28 County of Vermilion v. Illinois Landfills, Inc. - The Board entered a default order, finding that this Vermilion County respondent had violated Section 21(o)(5) of the Act and ordering it to pay a civil penalty of \$500.00.

AC 97-29 County of Will v. Harry Horman - The Board entered a default order, finding that this Will County respondent had violated Sections 21(p)(1) and 21(o)(4) of the Act and ordering him to pay a civil penalty of \$1,000.00.

NEW CASES 11/7/96

97-47 Daubs Landfill v. EPA - The Board accepted this land permit appeal involving a Wayne County facility for hearing.

97-67 Mid-American Waste Systems of Illinois, Inc. v. EPA - The Board accepted this request for an extension of time to file a land permit appeal on behalf of a Cook County facility.

97-76 Regent Investment Corporation v. EPA - The Board accepted this request for an extension of time to file an underground storage tank appeal on behalf of a Cook County facility.

97-77 Village of Lake Zurich v. EPA - The Board held this petition filed on behalf of a Lake County facility for a variance from the restricted status and standards of issuance requirements of the public water supply regulations, as they apply to the radium content of the petitioner's water, for the Agency recommendation.

97-78 DeKalb Sanitary District v. EPA - The Board held this petition filed on behalf of a DeKalb County facility for a variance

from the biochemical oxygen demand and total suspended solids effluent requirements of the water pollution control regulations for the Agency recommendation.

97-79 Jane Graham and Kathy Creech v. City of Paris, et al. - The Board held this citizen's air enforcement action against a Edgar County facility for a frivolous and duplicitous determination.

97-80 People of the State of Illinois v. Allied Techsystems, Inc. - The Board received this RCRA Subtitle C enforcement action against a Will County facility for hearing.

97-81 Quantum Chemical Corporation v. EPA. - The accepted this air permit appeal involving a Douglas County facility for hearing.

97-82 General Motors Corporation v. EPA - The Board accepted this request for an extension of time to file an underground storage tank appeal on behalf of a DuPage County facility.

97-83 Laidlaw Waste Systems, Inc. v. EPA - The Board accepted this request an extension of time to file a land permit appeal on behalf of a St. Clair County facility.

97-84 George Casnave v. Standard Oil Company, Inc., and Ray L. Pearson - The Board held this citizen's underground storage tank enforcement action against a Cook County facility for a frivolous and duplicitous determination.

AC 97-31 County of Vermilion v. Emery Johnson - The Board received an administrative citation against a Vermilion County respondent.

AC 97-32 County of Will v. Vito Caprio - The Board received an administrative citation against a Will County respondent.

AC 97-33 County of Macon v. David Scott - The Board received an administrative citation against a Will County respondent.

AC 97-34 EPA v. Fountain Valley Mobile Home Park and Fred Rosenberger - The Board received an administrative citation against Champaign County respondents.

AC 97-35 County of Will v. Ferdinand J. Ambrosini - The Board received an administrative citation against a Will County respondent.

AC 97-36 County of LaSalle v. Four Star Marina, Inc. - The Board received an administrative citation against a LaSalle County respondent.

AS 97-4 In the Matter of: Petition of the Ensign-Bickford Company for an Adjusted Standard from 35 Ill. Adm. Code 703.183 - The Board accepted this petition for an adjusted standard for a Union County facility from certain RCRA Subtitle C hazardous waste treatment storage and disposal facility Part B permit requirements of the land pollution control (hazardous waste) regulations.

AS 97-5 In the Matter of: Petition of the Louis Berkman Company, d/b/a the Swenson Spreader Company, for an Adjusted Standard from 35 Ill. Adm. Code 215, Subpart F - The Board ordered the filing of an amended petition on behalf of this Ogle County facility for an adjusted standard from certain volatile organic material emissions requirements of the air pollution control regulations applicable to coating operations.

NEW CASES 11/21/96

97-85 People of the State of Illinois v. East Riverdale Gravel Company - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this mine enforcement action against a McHenry County facility, the Board ordered publication of the required newspaper notice.

97-86 IMC AgriBusiness (formerly New Baden/Vigoro Industries) v. EPA - The Board accepted this request for an extension of time to file a underground storage tank appeal on behalf of this Clinton County facility.

97-87 Commonwealth Edison Company v. EPA - The accepted this NPDES permit appeal involving a Will County facility for hearing.

97-88 Laidlaw Waste Systems, Inc. v. EPA - The Board accepted this request for an extension of time to file a land permit appeal on behalf of a Coles County facility.

97-89 People of the State of Illinois v. API Industries, Inc. - The Board received this air enforcement action against a Cook County facility for hearing.

97-90 Taracorp Industries, Inc. v. EPA - *See Final Actions.*

AC 97-37 County of Vermilion v. Randall Richter - The Board received an administrative citation against a Vermilion County respondent.

AC 97-38 EPA v. Peter Gomez and Teri Wakeland - The Board received an administrative citation against Mercer County respondents.

AC 97-39 EPA v. Gale Wilhelms and Linda Wilhelms - The Board received an administrative citation against Stephenson County respondents.

Board received an administrative citation against Will County respondents

AC 97-40 County of Will v. Arthur Burchett - The Board received an administrative citation against a Will County respondent.

AC 97-42 EPA v. Sharon Tondina - The Board received an administrative citation against an Iroquois County respondent.

AC 97-41 County of Will v. Utilities Unlimited, Inc. and Charles Petrekis Sr., d/b/a Utilities Unlimited, Inc. - The

CALENDAR OF HEARINGS

All hearings held by the Board are open to the public. Times and locations are subject to cancellation and rescheduling without notice. Confirmation of hearing dates and times is available by calling the Clerk of the Board at 312- 814-6931.

| Date & Time | Case # & Type | Case Name and Location |
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| 3-Jan-97 11:00 A.M. | PCB 96-069 N-E, Citizens | <u>Thomas Corning and Kimberly Corning v. Thurela's, Pam and Arthur Hegji as owners</u> --Lake Zurich Village Hall, Village Council Chambers, Lower Level, 70 East Main Street, Lake Zurich, Illinois |
| 14-Jan-97 09:00 A.M. | R97-015 R, Land | <u>In the Matter of: Livestock Waste Regulations, 35 Ill. Adm. Code 506</u> -Black Hawk Village, 1111 East Morton, Jacksonville, Illinois |
| 15-Jan-97 10:00 A.M. | R97-012 R, Land | <u>In the Matter of: Tiered Approach to Corrective Action (T.A.C.O.) 35 Ill. Adm. Code 742</u> --201 Municipal West, Council Chambers, Third Floor, 7th and Monroe Street, Springfield, Illinois |
| 16-Jan-97 09:00 A.M. | R97-015 R, Land | <u>In the Matter of: Livestock Waste Regulations, 35 Ill. Adm. Code 506</u> -Champaign Brookens Administrative Center 1776 Washington, Meeting Room 1, Urbana, Illinois |
| 21-Jan-97 10:00 A.M. | R97-013 R, Air | <u>In the Matter of: Emissions Reduction Market System Adoption of 35 Ill. Adm. Code 205 and Amendments to 35 Ill. Adm. Code 106</u> -James R. Thompson Center, Room 9-040, 100 West Randolph Street, Chicago, Illinois |
| 22-Jan-97 09:30 A.M. | PCB 95-122 UST-E, Citizens | <u>Olive Streit and Lisa Streit v. Oberweis Dairy, Inc., Richard J. Fetzer and Johnnie W. Ward, d/b/a Serve-N-Save, and Richard J. Fetzer, individually, Amoco Oil Company, Mobil Oil Corporation</u> --Kane County Courthouse, 100 South Third Street, Geneva, Illinois |
| 23-Jan-97 11:30 A.M. | PCB 96-194 A-V | <u>The D.B. Hess Company, Inc. v. IEPA</u> --McHenry County Courthouse/ Government Center, Room C290, 2200 Seminary Street, Woodstock, Illinois |
| 27-Jan-97 09:00 A.M. | R97-015 R, Land | <u>In the Matter of: Livestock Waste Regulations, 35 Ill. Adm. Code 506</u> -University Inn of DeKalb, 1212 West Lincoln Highway, DeKalb, Illinois |
| 28-Jan-97 10:00 A.M. | AS 97-002 Land, RCRA | <u>In the Matter of: Petition of Chemetco, Inc. for an Adjusted Standard from 35 Ill. Adm. Code 720.131 (a) and (c)</u> --State Regional Office Building, IDOT Class Room, 1100 East Port Plaza Drive, Collinsville, Illinois |
| 29-Jan-97 09:00 A.M. | R97-015 R, Land | <u>In the Matter of: Livestock Waste Regulations, 35 Ill. Adm. Code 506</u> -Regency Hotel, 3282 North Henderson, Galesburg, Illinois |
| 31-Jan-97 09:00 A.M. | R97-015 R, Land | <u>In the Matter of: Livestock Waste Regulations, 35 Ill. Adm. Code 506</u> -Ramada Inn, 405 South 44th Street, Mt. Vernon, Illinois |
| 31-Jan-97 10:00 A.M. | AC 97-013 AC | <u>County of DuPage v. Saleem M. Choudhry</u> --DuPage County Judicial Center, Courtroom 2003, 505 North County Farm Road, Wheaton, Illinois |

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| 3-Feb-97 10:00 A.M. | R97-013 R, Air | <u>In the Matter of: Emissions Reduction Market System Adoption of 35 Ill. Adm. Code 205 and Amendments to 35 Ill. Adm. Code 106</u> -James R. Thompson Center, Room 9-040, 100 West Randolph Street, Chicago, Illinois |
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Calendar Code

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|-------|--|-----------------|--|
| 3d P | Third Party Action | A-C | Administrative Citation |
| A-E | Air Enforcement | A-S | Adjusted Standard |
| A-V | Air Variance | CSO | Combined Sewer Overflow Exception |
| GW | Groundwater | HW Delist | RCRA Hazardous Waste Delisting |
| L-E | Land Enforcement | L-S-R | Landfill Siting Review |
| L-V | Land Variance | MW | Medical Waste (Biological Materials) |
| N-E | Noise Enforcement | N-V | Noise Variance |
| P-A | Permit Appeal | PWS-E | Public Water Supply Enforcement |
| PWS-V | Public Water Supply Variance | R | Regulatory Proceeding |
| RCRA | Resource Conservation and Recovery Act proceeding (hazardous waste only) | S0 ₂ | S0 ₂ Alternative Standards (35 ILL. ADM. CODE 302.211(f)) |
| SWH-E | Special Waste Hauling Enforcement | SWH-V | Special Waste Hauling Variance |
| T | Thermal Demonstration Rule | T-C | Tax Certifications |
| T-S | Trade Secrets | UST-Appeal | Underground Storage Tank Corrective Action Appeal |
| UST-E | Underground Storage Tank Enforcement | UST-FRD | Underground Storage Tank Fund Reimbursement Determination |
| W-E | Water Enforcement | W-V | Water Variance |
| WWS | Water-Well Setback Exception | | |