



ENVIRONMENTAL REGISTER



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RULEMAKING UPDATE

SDWa Update Amendments Proposed For Public Comment, R95-17

On April 18, 1996, the Board proposed identical-in-substance amendments to the Illinois public water supplies regulations for public comment. The docket, R95-17, includes federal amendments adopted by USEPA to the federal Safe Drinking Water Act (SDWA) regulations that occurred in the period January 1 through June 30, 1995. During that time period, USEPA adopted three sets of amendments that could potentially have affected the Illinois SDWA program. On June 28, 1995 (60 Fed. Reg. 33658), USEPA revised the provisions relating to federal review of the adequacy of state programs. On June 29, 1995, USEPA engaged in two actions. First (60 Fed. Reg. 33912), USEPA deleted obsolete, redundant, and out-dated rules in response to a Presidential initiative. Second (60 Fed. Reg. 34084), USEPA made technical corrections to the SDWA analytical methods. The Board analyzed the federal amendments and determined that no amendments were necessary based on the June 28 action; (Cont'd on p. 3)



Board Offers Opinions And Orders For Sale On The World Wide Web

The Illinois Pollution Control Board reminds readers that it will be placing its opinions and orders in both rulemakings and case decisions, as well as hearing transcripts, on the Board's Home Page of the World Wide Web. The documents (Cont'd on p. 2)

LEGISLATIVE UPDATE

Compromise Reached Between Livestock Industry And Environmentalists -- Livestock Management Facilities Act Passed to Governor Edgar

On Thursday May 2 the Illinois Senate passed HB 3151 on to the Governor by a vote of 55-0-0. The bill was previously passed in the Illinois House on Friday, April 19, 1996. Passage of the bill followed a week of negotiations that concluded with a compromise agreement worked out between State Agencies, environmentalists, the livestock industry, and the Governor's Office.

HB 3151 creates the Livestock Management Facilities Act to require owners of large livestock management facilities (feed lots) that build, expand, or modify their waste lagoons to first register their facilities with (Cont'd on p. 2)

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Board Offers Opinions And Orders For Sale On The World Wide Web (Cont'd from p. 1)

will be placed in a secure area of the Home Page. Access codes are currently for sale at \$250 per year for FY97 (July 1, 1996 through June 30, 1997). The opinions, orders and transcripts will be free of charge for May and June while this service is being developed.

Opinions and orders will be added to the secured area after each Board meeting. Transcripts of IPCB hearings will be available when received from the court reporter. This new service will substantially reduce the costs incurred by individuals and firms that acquire IPCB documents, particularly if those documents are obtained from the Board on a regular basis. Board staff estimate that approximately 4,000 pages of final opinions and orders and 14,000 hearing transcript pages will be available in FY96. If purchased at the regular hard copy price of 75 cents per page, the cost would total \$13,500. While most do not purchase all final opinions and transcripts, significant cost savings can be realized even by those having only an intermittent need for the information.

The opinions, orders and transcripts will be available in Adobe Acrobat Portable Document Format (PDF); a free copy of "Acrobat Reader" can be downloaded from Adobe. An index of the documents will be maintained and available for those using Acrobat Exchange (available from software retailers for approximately \$52). The index and the Acrobat Exchange software will allow the documents to be electronically word searched, a significant advantage over paper copies. Complete information regarding this service will be provided on the Board's Home Page.

The opinions, orders and transcripts will be free of charge for May and June while this service is being developed. Visit our Web Page for more information. The Board's Web Page address is:

<http://www.state.il.us/pcb/pcbpage.htm> ♦

LEGISLATIVE UPDATE (Cont'd from p. 1)

the Department of Agriculture (Department). The bill sets forth fees to be paid to the Department, plus penalties for failure to register. Further, the bill directs the Department to investigate any complaints stemming from such facilities and, if necessary, turn such complaints over to the Illinois Environmental Protection Agency. Any enforcement action would be handled through the normal adjudication process before the Pollution Control Board.

HB 3151 expands the current residential set-back requirements for larger feed lots, based upon the number of animals handled at the facility. The bill also requires feed lots with 1,000 or more animals to submit waste management plans to the Department. The bill further requires owners of livestock facilities to purchase insurance or a surety bond whose amount is to be determined by the Department, to cover the cleanup costs of any potential environmental spill or contamination, and requires the Department to conduct investigations of new or expanded facilities during the preconstruction, construction, or post-construction phases. HB 3151 requires such facilities to practice odor control methods as set forth in the Environmental Protection Act and related Board and/or IEPA rules, as well as comply with all other Board and IEPA rules covering agricultural-related waste. Finally, the bill clarifies that nothing in the bill prohibits the IEPA from investigating or pursuing any enforcement action against any livestock facility suspected to be or found in violation of any provision of the Environmental Protection Act.

Specific to the rulemaking provisions, the bill creates a special Advisory Committee made up of the IEPA, the Department of Natural Resources (DNR), the Department of Public Health (DPH), and the Department of Agriculture (Department) to make recommendations to the Department for the proposed rules. The Department (which would chair the Advisory Committee) would propose the rules to the Pollution Control Board. The Department would have 6 months from the effective date of the bill to propose rules to the Board, after which the Board would have 6 months to hold public hearings and adopt final rules.

The genesis of this bill began with the creation of a task force earlier this year to study and make recommendations to the Department regarding management of very large hog, cattle, turkey, and chicken operations such as those already proposed in Cass County near Beardstown, Pike County near Kinderhook, Champaign County near Mahomet, and others. When the Task Force completing its report earlier this spring, the Department introduced two identical bills, SB 1777 (Donahue) and HB 3151 (Myers). Early on, both bills were amended to clarify that The new Act would not limit or preempt any authority over livestock management facilities provided for in the Illinois Environmental Protection Act (meaning all current enforcement authority by the IEPA, Attorney General, and State's Attorneys, and all adjudicatory responsibilities by the Board for any environmental violations and odor complaints will remain as they are today). ♦

RULEMAKING UPDATE

SDWA Update Amendments Proposed For Public Comment, R95-17 (Cont'd from p. 1)

it determined, however, that amendments were necessary based on both June 29 actions.

In addition to the immediate federally-prompted amendments, the Board determined that a number of additional amendments to the state's rules were necessary based on a comment received from the Illinois EPA (Agency). The Agency had suggested a series of corrections to the whole of the Board's Subtitle F regulations.

A Notice of Proposed Amendments appeared in the May 3, 1996 Illinois Register, at 20 Ill. Reg. 6121 (Part 607) and 6133 (Part 611). The Board may proceed to adopt amendments based on the proposal 45 days after that date, when the public comment period expires. Direct questions to Michael J. McCambridge, at 312-814-6924 (Internet address: mmccambr@pcb016r1.state.il.us). Request copies of the Board's opinion and order from Victoria Agyeman, at 312-814-3620 (Internet address: vagyeman@pcb016r1.state.il.us). Please refer to docket number R95-17. ♦

Wastewater Pretreatment Amendments Proposed For Public Comment, R96-12

The Board proposed identical-in-substance amendments to the Illinois wastewater pretreatment regulations for public comment on April 18, 1996. The update docket, R96-12, includes USEPA amendments that occurred between July 1 and December 31, 1995 to the federal regulations upon which the Illinois rules are based. During that time USEPA amended its 40 CFR 136 regulations three times in ways that could potentially impact the Illinois wastewater pretreatment program by adding analytical procedures. On August 2, 1995 (60 Fed. Reg. 39586), USEPA added to an analytical procedure for determining polychlorinated biphenyls (PCBs) in wastewater. On August 28 (60 Fed. Reg. 44670), USEPA further added procedures for determining total Kjeldahl nitrogen (TKN) in wastewaters. Finally, on October 16 (60 Fed. Reg. 53529), USEPA added whole effluent toxicity (WET) testing methods. Part 310 of the Illinois rules incorporates 40 CFR 136 by reference, so the Board proposed updating the version of that provision incorporated to include the new methods.

A Notice of Proposed Amendments appeared in the May 3, 1996 Illinois Register, at 20 Ill. Reg. 6126. The Board may proceed to adopt amendments based on the proposal 45 days after that date, when public comment period expires. Direct questions to Diane F. O'Neill, at 312-814-6062 (Internet address: doneill@pcb016r1.state.il.us). Request copies of the Board's opinion and order from Victoria Agyeman, at 312-814-3620 (Internet address: vagyeman@pcb016r1.state.il.us). Please refer to docket number R96-12. ♦

Commonwealth Edison Petition For Site-Specific Landfill Financial Assurance Regulation Withdrawn, R94-30

On April 4, 1996, the Board granted voluntary dismissal of an October 17, 1994 petition from Commonwealth Edison Company (Com-Ed) for a site-specific rule. (See Issue 490, Jan., 1995.) The petition sought a declaration that the Commonwealth Edison Joliet/Lincoln Quarry facility, in Will County, is a surface impoundment, and not a landfill subject to the land pollution control (landfill) regulations. In the alternative, Com-Ed sought site-specific regulations relating to leachate management, groundwater monitoring, and final cover requirements at this facility. The Board had earlier, on July 7, 1995, granted withdrawal of the portion of the petition that sought a declaration that the facility is a surface impoundment. (See Issue 496, Aug.-Sept., 1995.)

In the original petition, Com-Ed stated that it has placed over 11,000 tons of bottom ash and slag from two coal-fired generating stations each year in the facility, and has held a landfill permit for the facility for several years. Under the landfill amendments of 1990, Com-Ed notified the Agency that it intended to close the facility by September 18, 1997, within seven years of the effective date of the amendments, but it has since reconsidered this decision due to the remaining capacity of the facility. Com-Ed initially sought a declaration that the facility is a surface impoundment to avoid compliance with the 1990 landfill amendments, which the site concededly cannot meet.

Direct questions to Kevin Desharnais, at 312-814-6926 (Internet address: kdesharn@pcb016r1.state.il.us). Please refer to docket R94-30. ♦

Board Dismisses Water Toxics Proposal, R92-8

On April 4, 1996, the Board dismissed a proposal for amendment of the Illinois effluent and stream water quality regulations, docketed as R92-8. The proposal

would have amended the existing water quality regulations "to limit further and eventually eliminate the discharge of toxic and bioaccumulative pollutants, establish more enforceable water quality criteria and develop effective plans for limiting pollution in watersheds seriously affected by nonpoint pollution." Specifically proposed were additional numeric general water quality standards for 36 chemicals, methods to determine whole effluent toxicity-based criteria, and methods to determine and utilize bioaccumulation factors. The proposal would have limited the term of site-specific rules and exemptions to five years, as well as requiring inclusion and consideration of additional information in applications for NPDES and pretreatment permits. The proposal also requested the addition of a Watershed Planning Process, which would have required the development of a comprehensive watershed plan for water bodies that contain chemical contaminants in excess of water quality standards or which fail to meet newly proposed biological integrity standards.

The Illinois Chapter of the Sierra Club, the Citizens for a Better Environment, the Lake Michigan Federation, and the McHenry County Defenders jointly initiated this proceeding when they filed their rulemaking petition on July 21, 1992. On September 3, 1992, the Board accepted the proposal and conducted public hearings on January 22, March 4 and 5, and April 14 and 15, 1993. The proponents filed an amended petition on June 23, 1993. The Board conducted an additional hearing on the proposal on September 28, 1994. (See issue 486, Sept., 1994.)

In dismissing this proceeding on April 4, the Board reviewed the extensive procedural history and background of the proposal. It cited several reasons why it believed that dismissal was the appropriate course of action at this time. The Board stated that the dismissal was based on its decision not to move forward with the particular approach put forward; this was "not a decision against achieving environmental progress." The Board stated that many of the initiatives the proposal put forward were already underway in other arenas, including in ongoing programs of the IEPA, the Department of Natural Resources, and the Department of Commerce and Community Affairs, such as pollution prevention programs and the Illinois watershed management program. Other aspects of the proposal were the subject of IEPA and federal review, such as the federal-state triennial review process under the federal Clean Water Act and the bioaccumulation of certain substances. The Board felt that adequate time should be allowed to demonstrate the merits of these programs. The Board noted that it must further remain open to incentive-based alternatives to the traditional

command-and-control method of environmental regulation. The Board observed that it stands ready to entertain proposals if regulatory processes are demonstrated as necessary in any of these areas.

Address questions to Kathleen M. Crowley, at 312-814-6929 (Internet address: kcrowley@pcb016r1.state.il.us). Obtain copies of the Board's opinion and order from Victoria Agyeman, at 312-814-3620 (Internet address: vagyeman@pcb016r1.state.il.us). (Please refer to docket R92-8.) ♦

SIGNIFICANT RECENT FEDERAL ACTIONS

The Board continues its series of reports on recent federal actions from the Federal Register that are of interest to the Board and the regulated community. Below are highlighted 18 such actions that occurred in April, 1996:

Part VII 15% ROP SIP Approval (R94-33)

On April 2, 1996 (61 Fed. Reg. 14484), USEPA approved the state implementation plan (SIP) revision including the Part VII 15% ROP plan amendments. The SIP approval will become effective June 3, 1996 unless USEPA earlier expressly withdraws the approval by a Federal Register notice. A notice of proposed amendments appeared in the same issue of the Register (61 Fed. Reg. 14520).

The Board adopted the Part VII 15% ROP amendments on May 4, 1995, under docket number R94-33. The amendments require specified controls on synthetic organic chemical manufacturing industry (SOCMI) distillation and reactor processes and on bakery industry ovens. The Part VII amendments lowered VOM emissions from batch chemical processes having certain standard industrial classification (SIC) codes in the Chicago and Metro-East areas, including a broad range of chemical manufacturing activities: plastic materials and resins (SIC 2821), medicinal chemicals and botanical production (SIC 2833), pharmaceutical operations (SIC 2834), gum and wood chemicals (SIC 2861), cyclic crudes and intermediates (SIC 2865), industrial organic chemicals (SIC 2869), and agricultural chemicals (SIC 2879). The Part VII amendments also regulate emissions from Stepan Chemical Company's Millsdale facility, in Elwood. They further added definitions for "batch process train", "batch operation", "process vent", and "single unit operation." Anticipated VOM emissions reductions through the Part VII amendments were 12.63 tpd in the Chicago area and 0.36 tpd in the Metro-East area. ♦

Proposed Consumer Products VOC Emission Standards

On April 2, 1996 (61 Fed. Reg. 14531), USEPA proposed volatile organic compound (VOC, the same as VOM in the Illinois regulations) emission standards for consumer products. USEPA proposed the action under Section 183(e) of the federal Clean Air Act (CAA), based on its determination that emissions from consumer products can contribute to tropospheric ozone formation. USEPA estimates that the proposed emission standards would reduce VOC emissions nationally by 90,000 tons per year, at a cost of \$260 per ton (\$237 per tonne) of VOC removed nationwide, which translates to \$563 per ton (\$618 per tonne) when proportioned for the usage by the 110 million out of 260 million Americans who live in nonattainment areas for ozone.

USEPA noted that four states presently have regulations governing the VOC content of some consumer products: California, Massachusetts, New York, and Texas. Representatives of the consumer products industry expressed concern over the effect of multiple standards nationwide. Further, 13 states submitted VOC reductions through a federal consumer products regulation as part of their 15 percent ROP plans. In response, USEPA proposed the rule that would regulate the VOC content of 24 categories of consumer products, ranging from air fresheners to automotive and household cleaners, hairsprays, adhesives, household pesticides, nail polish removers, and shaving creams. USEPA is trying to secure an 80 percent reduction in the emissions of VOC from this aggregated source. The proposal is based on a survey submitted to 3,700 manufacturers of consumer products. The proposed federal standards are similar to those submitted to USEPA by the consumer products industry, and are consistent with the existing state rules. ♦

HSWA Phase III LDRs Adopted; Existing LDRs Amended; Enforcement Policy on Combustion of Inorganic Wastes Codified

On April 8, 1996 (61 Fed. Reg. 15565), USEPA adopted the Phase III land disposal restrictions (LDRs), instituting treatment standards for wastes from carbamate pesticide production and primary aluminum production. In adopting this action, USEPA further amended the LDRs applicable to hazardous wastes exhibiting the characteristic of reactivity and wastewaters that exhibit the characteristics of ignitability, corrosivity, reactivity, or toxicity. USEPA further codified its enforcement policy that combustion is not an acceptable form of treatment for inorganic

wastes because the process dilutes rather than effectively treats the constituents. The amendments were largely effective on April 8, 1996, except that portions of the LDRs will become effective on July 1, 1996, January 8, 1997, and April 8, 1998. Since the amendments are based on the Hazardous and Solid Waste Amendments of 1984 (HSWA), they will go into effect in Illinois on their federal effective date without regard to whether they have been incorporated into the Illinois regulations.

Under HSWA, the land disposal of hazardous waste is prohibited unless the waste is treated to meet USEPA-established, best demonstrated available technology (BDAT)-based standards. HSWA mandates that USEPA establish standards for the treatment of land-disposed hazardous waste. The present regulations are Phase III of USEPA's efforts under that mandate. The Phase III rules include treatment standards for two "newly-listed" wastes: carbamate pesticide production wastes and spent aluminum potliners from primary aluminum production.

Along with the new Phase III LDRs, USEPA also amended the LDRs applicable to three types of corrosive characteristic wastewaters: (1) those treated in a surface impoundment and ultimately discharged under the Clean Water Act (CWA), (2) those given CWA-equivalent treatment and land applied (not subject to the CWA), and (3) those treated and disposed in non-hazardous Class I wells subject to regulation under the Safe Drinking Water Act (SDWA) under the underground injection control (UIC) program. The amended LDRs would require not only removal of the hazardous characteristic, as in the prior regulations, but also removal of hazardous constituents in the waste. These amendments affected the existing UIC rules, the RCRA Subtitle C rules, and the CWA wastewater pretreatment rules. USEPA noted that legislation presently pending in the Congress (HR 2036) could affect the requirement of applying the LDRs to low-risk decharacterized wastes managed in centralized wastewater treatment systems.

The amendments relating to treatment of characteristic wastes (i.e., ignitable, corrosive, reactive, or toxic wastes) was prompted by a judicial decision in *Chemical Waste Management v. EPA*, 976 F.2d 2 (D.C. Cir. 1992), cert. denied, 113 S. Ct. 1961 (1993). The court held that merely treating a waste to remove the characteristic that rendered it hazardous was insufficient. Rather, treatment must also remove or immobilize toxic constituents, except where the waste is undergoing further treatment in a CWA-regulated wastewater treatment system before disposal. USEPA amended the LDRs for these wastes to assure treatment for the underlying hazardous constituents.

In adopting the amendments, USEPA observed that the Hazardous Waste Identification Rule (HWIR), proposed December 21, 1995 (60 Fed. Reg. 66344) is presently pending. (See issue 501, Feb., 1996.) USEPA is required by court order to finalize that proceeding by December 15, 1996. When the HWIR is adopted, those risk-based treatment standards will supersede the lower BDAT-based standards of the Phase III LDRs.

(Note: The Board will include this action in the RCRA Subtitle C, UIC, and wastewater pretreatment program update amendments for the period January 1 through June 30, 1996. Docket numbers have not yet been assigned to those proceedings. Reservation of the dockets customarily occurs immediately after the close of the update period, i.e., around July 1, 1996 for these dockets.) ♦

Illinois VI/M Program SIP Approved (R94-19 & R94-20)

On April 9, 1996 (61 Fed. Reg. 15715), USEPA adopted a direct final rule approving the state implementation plan (SIP) for the Illinois vehicle inspection and maintenance program (VI/M). The VI/M revision is implemented for the Chicago and East St. Louis (Metro East) metropolitan areas. The state is required under the federal Clean Air Act (CAA) to implement the program for the Chicago area by 2007; the required implementation date for the Metro East area is 1996. The program is part of the state's ozone implementation plan. The approval will become effective on June 10, 1996, unless expressly withdrawn before that date. The notice of proposed rule appeared in the same issue of the Federal Register (61 Fed. Reg. 15751).

The Board adopted regulations pertaining to the vehicle inspection and maintenance program under the Environmental Protection Act (Act; 415 ILCS 5) and the Vehicle Emissions Inspection Law of 1995 (VEIL)(625 ILCS 5). In docket R94-19, using the "fast-track" procedure of Section 28.5 of the Act and Section 13B-20 of VEIL, the Board adopted vehicle engine exhaust emission standards on December 1, 1994. In docket R94-20, using the "identical-in-substance" procedure of Sections 7.2 and 28.4 of the Act and Section 13B-20(a) of VEIL, the Board adopted fuel system evaporative emissions standards on the same date. The Agency submitted the regulations to USEPA for SIP review, together with other required elements of the Illinois VI/M program, on June 26, 1995. The program is in partial response to a 1989 agreement between USEPA, the State of Illinois, and the State of Wisconsin. The emissions reductions of 8.4 tons of volatile

organic material per day (tpd VOM) in the Chicago metropolitan area and 0.2 tpd VOM in the metropolitan E. St. Louis area are creditable towards the state's Reasonable Further Progress (ROP) goal of 15percent. ♦

Results of the Fourth Annual 1996 SO₂ Auctions on the CBOT

On April 10, 1996 (61 Fed. Reg. 15934), USEPA announced the results of the 1996 sulfur dioxide (SO₂) allowances auction on the Chicago Board of Trade (CBOT). This auction, the fourth annual auction of SO₂ emission allowances, which began in 1992 pursuant to section 416 of the Clean Air Act, (see issue 495, June-July, 1995), sold spot (1996), 6-year (2002), and 7-year (2003) allowances. The sales raised \$18,276,768, which USEPA will turn over to the utilities from which it withheld the allowances or which offered the allowances.

The federal acid rain program provides for trading in emission allowances to reduce the total amount of acid rain-causing pollutants emitted, in this instance SO₂ by coal-fired utilities. An allowance is a transferable authorization to emit a quantity of the pollutant of concern. USEPA issued allowances to certain existing utility facilities, and ultimately all utilities will receive allowances and be required to use them to emit SO₂. In issuing the allowances, USEPA withheld 2.8 percent of them from the utilities. It was that small withheld segment and those contributed by utilities that were the subject of the auction.

The results for the three categories of allowances at auction were as follows:

CBOT received 139 bids for 911,735 1996 allowances. The auction sold 150,000 allowances (158,000 offered for sale: 150,000 withheld from the utilities and 8,000 voluntarily contributed by the utilities) to 47 successful bidders for \$10,221,537 in the spot auction. The prices for 1996 allowances ranged from \$66.05 to \$300.00.

CBOT received 34 bids for 148,026 2002 allowances. The auction sold 25,000 allowances (32,000 offered: 25,000 unsold from the 1995 direct sale and 7,000 contributed) to nine bidders for \$1,633,986. The prices ranged from \$64.14 to \$150.00.

CBOT received 92 bids for 404,634 2003 allowances. The auction sold 100,000 allowances (107,000 offered: 100,000 withheld and 7,000 contributed) to 25 bidders for

\$6,421,245. The prices ranged from \$63.01 to \$151.00. ♦

Intput Sought on Public Participation in RCRA Permitting

On April 10, 1996 (61 Fed. Reg. 15942), USEPA sought public input on expanding public participation in permitting under the Resource Conservation and Recovery Act of 1976 (RCRA). To further its objective of expanding public participation, USEPA requested input on forming a public participation bibliography, which will identify documents and publications useful to persons wanting to get involved in the RCRA permitting process. USEPA will post the bibliography on the Internet (EPA Home Page: <http://www.epa.gov>), in USEPA publications, and via the RCRA/Superfund Hotline (800-424-9346). Subject matters of particular interest to USEPA include community organizing, environmental justice, risk communication, creative problem-solving and alternative dispute resolution, environmental activism, and information sharing. USEPA stated that it is not interested in adding technical data and documents to the bibliography. ♦

Removal of Obsolete, Superfluous, and Burdensome Air and RCRA Subtitle D Rules

On April 11, 1996 (61 Fed. Reg. 16050) and on April 26, 1996 (61 Fed. Reg. 18501), USEPA deleted more obsolete, superfluous, and obsolete rules in one direct final rulemaking and one final rulemaking. USEPA undertook these actions as part of its ongoing efforts in response to the March 4, 1995 Presidential mandate that executive agencies review their rules and delete obsolete and outdated provisions. (See issue 496, Aug.-Sept., 1995 and 503, Apr., 1996.) Included among the deleted provisions are those that are legally obsolete, rules that duplicate statutory provisions or guidance, and those that unduly restrict or inhibit USEPA's discretion or that are otherwise unduly burdensome. The deletions are not intended to have a substantive effect on implementation of the programs involved.

Among the rules that USEPA deleted from its air regulations on April 11 are 40 CFR 51 national provisions rendered obsolete by the Clean Air Act Amendments of 1977 and 1990, some that duplicate statutory provisions, another that was wholly precatory in nature, and one that was rendered unnecessary by recent USEPA access to certain data. Among the 40 CFR 52 state provisions deleted were some relating to Illinois' implementation of the Clean Air Act programs, such as obsolete attainment deadlines and certain federal

program elements superseded by federally-approved state implementation plan (SIP) segments. These deletions will become effective June 10, 1996 unless expressly withdrawn before that time. The notice of proposed amendments appeared in the same issue of the Federal Register (61 Fed. Reg. 16068).

The deletions of April 26 related to implementation of the Resource Conservation and Recovery Act (RCRA) Subtitle D requirements. USEPA removed 40 CFR 241, "Guidelines for the Land Disposal of Solid Waste", which it originally adopted in 1974 pursuant to the pre-RCRA provisions of the Solid Waste Disposal Act. USEPA stated that the rules of 40 CFR 257 and 258, which implement RCRA Subtitle D, rendered part 241 unnecessary by addressing the same subject matter. ♦

Implementation of OECD Council Decision on International Movements of Hazardous Waste for Recycling

On April 12, 1996 (61 Fed. Reg. 16289), USEPA adopted amendments to the RCRA Subtitle C hazardous waste regulations implementing the March 30, 1992 Organization for Economic Development (OECD) "Council Decision C(92)39 Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations." USEPA stated that its action was intended to assure that international shipments between the U.S. and signatories to the 1992 Basel Convention may proceed even though the U.S. is not yet a signatory, although the U.S. is a member of the OECD. The Basel Convention prohibits trade in certain hazardous wastes unless complying agreements exist relating to waste resource recovery. The covered wastes include organic solvent wastes; waste petroleum oils; PCB, PCT, and PBB wastes; household wastes; and used oils. All other shipments of wastes for all other purposes will remain subject to the existing RCRA Subtitle C regulations. USEPA amended all parts of the federal hazardous waste regulations, except the land disposal restrictions, to begin implementing the provisions of the 1992 Basel Convention. The amendments are effective July 11, 1996. USEPA intends further actions to implement the Convention.

The covered wastes are divided into "green-", "amber-", and "red-list" wastes. Green-list waste is presumed non-hazardous, and those on the amber and red lists are presumed hazardous. The movement of red-list waste is presumed more hazardous than amber-list waste due to the nature of the resource recovery or of the waste itself. Shipments of green-list waste are subject to the constraints of normal commercial transactions, but not additional controls. Shipments of

amber-list waste are subject to the amber-list control system, which would require that the transaction be subject to a written contract that provides for pre-shipment notification and alternative arrangements in the event of various contingencies. The conditions for shipments of red-list waste are similar to those for amber-list waste, with the notable exception that the receiving and transit countries' tacit agreement (through a failure to object to the shipments) is not enough to allow the transfer to proceed. Shipments of red-list waste require the prior written approval of the receiving and transit countries.

(Note: USEPA observed that although the regulation of international commerce is reserved to the federal government, it may delegate certain activities to the states. The Board will carefully review the federal amendments to determine what changes may be required in the next, as-yet unreserved RCRA Subtitle C update docket for this time period to maintain consistency with the federal regulations and to assure that the Illinois rules properly and adequately inform the regulated community as to the hazardous waste requirements that would apply under particular *circumstances*.) ♦

Proposed Amendments to the SDWA Lead and Copper Rules to Facilitate Implementation

On April 12, 1996 (61 Fed. Reg. 16347), USEPA proposed minor amendments to the lead and copper rules of the primary drinking water regulations intended to facilitate implementation of the lead and copper control program. USEPA stated that its proposed minor amendments were intended to eliminate unnecessary requirements, to reduce the burden of the reporting requirements, and to facilitate uniform national implementation of the rules.

USEPA adopted the lead and copper rules on June 7, 1991 (56 Fed. Reg. 26460) to reduce the lead and copper levels at the consumer's tap as close as possible to the maximum contaminant level goal (MCLG). The tiered rules require periodic inspections of public water systems to determine whether a problem exists, and they set forth various staged corrective measures a that supplier must undertake if a problem is found to exist. USEPA formed a work group, including USEPA headquarters and regional staff and several state officials, to study the regulations and their implementation. The workgroup recommended a number of revisions to the regulations. As a result, USEPA has proposed a number of minor amendments to implement the recommendations of the work group. Several areas of the regulations are potentially impacted by the proposal. These include optimization of corrosion control, reduced monitoring, waivers for "all

plastic" systems, sampling site selection, public education, sample holding times, and water quality monitoring requirements, among others.

Two additional proposed amendments resulted from the litigation in *American Water Works Assoc. v. EPA*, 40 F.3d 1266 (D.C. Cir. 1994). The first amendment, resulting from the settlement of the litigation, would authorize the states to invalidate the results of lead and copper monitoring under certain circumstances. The second, which resulted from the court's decision, would amend the definition of "control" over a lead service line. The court had earlier vacated USEPA's definition of "control" over a lead service connection to the extent it would require the supplier to exert "control" over a privately-owned service connection. Under this decision, USEPA cannot require a supplier to replace a lead service line if it lies on private property. This is different from USEPA's approach under 40 CFR 141.84(d), which requires replacement of a lead service line up to the building inlet unless the supplier can demonstrate that it does not control the line, and 141.84(e), which presumes supplier control over the service line in the absence of certain proofs by the supplier to the contrary. In response, USEPA proposed a revised definition that would require replacement only of that portion that the supplier has the legal authority to replace.

Finally, USEPA noted that the American Water Works litigation challenged the exclusion of transient, non-community water systems from the lead and copper rules. Although USEPA did not propose any amendment to this aspect of the rules and stated that it thought that the exclusion was appropriate, USEPA stated that it is presently collecting further information for review and comment with regard to the exclusion. ♦

Proposed Deletion of Explosives from CAA Release Reporting Requirements; Proposed Exemption for Gasoline from Threshold Quantity Determinations; Proposed Stay of Potentially Affected Rules

On April 15, 1996 (61 Fed. Reg. 16598), USEPA proposed deleting Division 1.1 explosives from the release reporting requirements under Section 112(r) of the Clean Air Act (CAA). USEPA further proposed to delete regulated flammable substances in gasoline and naturally-occurring hydrocarbon mixtures prior to processing from the threshold quantity determination requirements. Finally, USEPA proposed clarification that the definition of "stationary source" does not include naturally-occurring hydrocarbon reservoirs and that the Chemical Accident Prevention Provisions do not apply to sources on the outer continental shelf. USEPA intends that the proposed amendments would

allow a better focus of accident prevention efforts on high-hazard operations and avoid duplication of efforts with other regulatory requirements. In the same issue of the Federal Register, USEPA proposed staying the segments of the 40 CFR 68 rules that would be affected by the proposed amendments.

Federal CAA section 112(r) contains requirements related to prevention of accidental releases, to prevent accidental releases and minimize the consequences of releases. It required USEPA to promulgate a list of "regulated substances" that could cause death, injury, or serious adverse effects to human health and the environment in the event of an accidental release. USEPA's final rule on the list of substances and thresholds promulgated the regulated list of substances and thresholds that identify sources subject to the accident prevention rules on January 31, 1994 (59 Fed. Reg. 4478). Stationary sources that have more than a threshold quantity of a regulated substance are subject to accident prevention regulations promulgated under CAA section 112(r)(7), including the requirement to develop risk management plans. USEPA stated that it intends to adopt an accident prevention rule in late Spring 1996.

In the list of regulated substances, USEPA included 77 acutely toxic substances, 63 flammable gases and volatile flammable liquids, and Division 1.1 high explosive substances, as listed by United States Department of Transportation regulations. The threshold quantities for toxic substances range from 500 to 20,000 pounds. Following EPA's promulgation of regulated substances and thresholds in the List Rule, litigation, in *American Petroleum Institute v. EPA*, No. 94-1273 (D.C. Cir.), and consolidated cases, and members of the regulated community raised a number of issues concerning the list and thresholds. As a result, USEPA proposed the various amendments to the rules. ♦

Final Report of the Federal Facilities Environmental Restoration Dialog Committee Available

On April 16, 1996 (61 Fed. Reg. 16632), USEPA announced the availability of the final report of the Federal Facilities Environmental Restoration Dialog Committee (FFERDC), an advisory committee chartered by USEPA. The report, dated April, 1996, presents consensus principles and recommendations for improving Federal facilities cleanup. FFERDC included members from the federal Departments of Agriculture, Defense, Energy, and Interior; USEPA; the National Oceanic and Atmospheric Administration; the Agency for Toxic Substances and Disease Registry; state, tribal, and local governments; and national,

regional, and locally based environmental, community, environmental justice, and labor organizations.

USEPA estimated that the federal government is responsible for addressing contamination at more than 61,000 sites at a cost of between \$230 and \$390 billion over the next 75 years. The final report provides consensus approaches for involving stakeholders in cleanup and funding decisions at federal facilities. The report includes chapters on the principles for environmental cleanup of federal facilities, community involvement, advisory boards, funding and priority setting, and capacity building. ♦

Ammendment of FIFRA Policy on Sale, Distribution, and Use of Amended, Canceled, or Suspended Pesticides

On April 16, 1996 (61 Fed. Reg. 16632), USEPA announced that it was amending its June 26, 1991 (56 Fed. Reg. 29362) policy on the sale, distribution, and use of existing stocks of pesticide whose registration is amended, canceled, or suspended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). USEPA announced that it will provide an opportunity for public comment before it would modify the existing stocks provision for any canceled pesticide, except in the case of an emergency. USEPA stated that it would publish its final decision in the Federal Register.

Since 1991, the policy, entitled "Existing Stocks of Pesticide Products; Statement of Policy" has established the policies that USEPA would generally follow in making individual decisions concerning whether, and under what conditions, USEPA would permit the continued sale, distribution, and use of existing stocks of pesticide products whose registrations under FIFRA were amended, canceled, or suspended. In general, if there are significant risk concerns associated with a canceled pesticide, the Agency will not allow continued sale, distribution, or use of the product, unless the benefits will exceed the risks involved. Where there are no significant risk concerns associated with the cancellation of a pesticide, USEPA states that it will generally allow the unlimited use of existing stocks, and unlimited sale by persons other than the registrant. USEPA stated that it will generally allow a registrant to continue to sell existing stocks for one year after cancellation.

The United Farmworkers of America sued USEPA in 1995 in the District of Columbia district court over a cancellation order. As a result of a settlement agreement, USEPA amended its existing stocks policy to permit a greater degree of public involvement in its existing stocks dispositions. USEPA intends to apply its

revised policy without regard to the statutory mechanism it uses to cancel the pesticide registration. ♦

Proposed Revised CAA and RCRA Subtitle C Standards for Hazardous Waste Combustors

On April 19, 1996 (61 Fed. Reg. 17357), USEPA proposed amendments to its Clean Air Act (CAA) and Resource Conservation and Recovery Act (RCRA) Subtitle C hazardous waste regulations. The amendments would revise the standards applicable to hazardous waste combustors, those operating hazardous waste incinerators, hazardous waste-burning cement kilns, and hazardous waste-burning lightweight aggregate kilns. USEPA proposed the amended standards under joint authority of the CAA and RCRA. The revised standards would limit emissions of chlorinated dioxins and furans, other toxic organic compounds, toxic metals, hydrochloric acid, chlorine gas, and particulate matter from combustors. They would reflect the application of the maximum achievable control technologies (MACT), as specified by the CAA. USEPA stated that it anticipates that the MACT standards would result in greater protection of human health and the environment than is possible using the existing RCRA standards. The proposal also includes the addition of hazardous waste-burning lightweight aggregate kilns to the list of source categories, in accordance with CAA section 112(c)(5); the exemption of secondary lead facilities subject to MACT from RCRA emission controls; consideration of the exclusion of certain "comparable fuels;" and revision of the boiler and industrial furnace (BIF) rule small quantity burner exemption. ♦

Method Added for Determination of Cadmium, Lead, and Mercury Air Emissions from Municipal Waste Combustors

On April 25, 1996 (61 Fed. Reg. 18260), USEPA added new Method 29, "Determination of Metals Emissions from Stationary Sources", to 40 CFR 60, Appendix A. This method is intended for use in determining the cadmium, lead, and mercury emissions from municipal waste combustors. USEPA simultaneously made conforming amendments to Method 101A of 40 CFR 61, Appendix B, to provide consistency with new Method 29, and to the procedures for sample collection and handling. ♦

Call for Instrument Panel Supplier Participation in the Automobile Sector Common Sense Initiative Project

On April 29, 1996 (61 Fed. Reg. 18728), USEPA called for suppliers of automotive instrument panels to participate in the Life Cycle Management/Supplier Partnership (LCM/SP) Project Team of the Automobile Manufacturing Sector Subcommittee of the Common Sense Initiative (CSI). The project team is seeking to reduce the overall environmental impacts of automobile manufacturing by developing principles and strategies for life cycle management in automobile manufacturing and to voluntarily demonstrate or pilot test those principles and strategies.

The CSI is a USEPA-sponsored program to involve stakeholders in the identification of "cleaner, cheaper, and smarter" solutions to environmental challenges. It currently embraces six industrial sectors, including the automobile manufacturing sector. A number of projects within the CSI Automobile Manufacturing Sector involve alternative regulatory system development, community-based technical assistance and involvement, input on existing regulations, and the development and demonstration of principles and strategies for life cycle management. The LCM/SP Project Team was initially established in January of 1995 with the creation of CSI. It includes representatives from auto manufacturers and trade associations, USEPA, state environmental agencies, and environmental and community groups. ♦

Limited Extension of Enforcement Policy of RCRA Storage Prohibition at Mixed Waste Generator Facilities

On April 26, 1996 (61 Fed. Reg. 18588), USEPA announced a limited extension of its civil enforcement policy on a statutory provision. The policy, initially published on August 29, 1991 (56 Fed. Reg. 42730), relates to the Resource Conservation and Recovery Act (RCRA) section 3004(j) prohibition against storage of waste at generator facilities that produced "mixed waste", i.e., mixtures of hazardous and radioactive waste. Under the policy, USEPA has stated that it will view violations involving relatively small quantities of mixed waste as a low priority, since USEPA views other facilities as having a higher priority. The policy applies to mixed waste that is prohibited from land disposal for which there are no available options for treatment or disposal. The announcement extends the effectiveness of the policy for an additional two years, effective April 21, 1996, until April 20, 1998. USEPA had previously extended the policy on April 20, 1994 (59 Fed. Reg. 18813). ♦

Proposed RCRA Subtitle C Standards for Management of Contaminated Media from Remedial Actions

On April 29, 1996 (61 Fed. Reg. 18779), USEPA proposed new regulations for the management of contaminated media (soils, groundwater, and sediments) produced in the course of government-monitored remedial actions. The new regulations, proposed as 40 CFR 269, would apply to those wastes currently regulated under the RCRA Subtitle C hazardous waste rules. USEPA proposed the rules as part of the President's regulatory reform initiative.

The proposal makes a number of changes in the existing hazardous waste regulations. It would establish modified land disposal restriction (LDR) treatment requirements and modified permitting requirements for higher-risk contaminated media that remain subject to the hazardous waste regulations. The proposal would authorize the removal of lower-risk contaminated media from most of the burden of those rules. Units managing contaminated media would no longer need to meet the minimum technological requirements (MTRs). The amendments would withdraw the existing standards for corrective action management units (CAMUs) that USEPA adopted on February 16, 1993 (58 Fed. Reg. 8658), and management of dredged material permitted under the Clean Water Act (CWA) or the Marine Protection, Research, and Sanctuaries Act (MPRSA) would no longer be required. Other amendments would revise the rules for federal authorization of state RCRA Subtitle C programs to streamline the process for this proposed rule; for the proposed Hazardous Waste Identification Rule (HWIR), proposed by USEPA on December 21, 1995 (60 Fed. Reg. 66344; see issue 501, Feb., 1996); and for the revised standards for hazardous waste combustion facilities, proposed on April 19, 1996 (61 Fed. Reg. 17357). ♦

Proposed National CAA VOM Standards for Automobile Refinish Coatings

On April 30, 1996 (61 Fed. Reg. 19005), USEPA proposed national volatile organic material (VOM) standards for automobile refinish coatings. This is the first phase of amendments to control VOM emissions from consumer products, as required under section 183(e) of the Clean Air Act (CAA), based on USEPA's determination that emissions from consumer products can contribute to tropospheric ozone formation.

Section 183(e) requires USEPA to study the impact of volatile organic compound (VOC, which is the same as "volatile organic material" or "VOM" in the Illinois regulations) emissions from consumer and commercial

products and report to Congress. USEPA submitted the required report on March 15, 1995 and established a priority list for future regulations. Consumer and commercial products account for 80 percent of VOC emissions in ozone nonattainment areas in the U.S., on a reactivity-adjusted basis. USEPA divided the universe of consumer products into four categories, with a set of regulations due for each succeeding group every two years. Automobile refinish coatings are in the first group, with regulations due by March, 1997. The product groups were listed on March 23, 1995 (60 Fed. Reg. 15264) as follows:

Group I (due in 1997): consumer products (24 categories), shipbuilding and repair coatings, aerospace coatings, architectural coatings, autobody refinishing coatings, aerosol spray paints, and wood furniture coatings.

Group II (due in 1999): lithographic printing materials, industrial cleaning solvents, flexible packaging printing materials, and flat wood paneling coatings.

Group III (due in 2001): miscellaneous metal products coatings, large appliance coatings, fiberglass boat manufacturing materials, and miscellaneous industrial adhesives.

Group IV (due in 2003): paper, film, and foil coatings; letterpress printing materials, plastic parts coatings, metal furniture coatings, auto and light truck assembly coatings, and petroleum dry-cleaning solvents.

Significant Other Categories (within the scope of CAA section 183(e), yet not within a prospective regulated product group): agricultural pesticides, rotogravure publication printing materials, nonautomotive paint thinners, cutback asphalt paving materials, synthetic fiber spinning materials, metal can coatings, tire-manufacturing cements, metal coil coatings, roofing materials, magnet wire coatings, mold release agents, and all other consumer products.

USEPA estimated that the regulation of the four product groups would cover 80 percent of domestic VOM emissions:

Group I: 1,197,000 tons per year (tpy)
(1,085,000 megagrams per year
(tonne/yr)).

Group II: 1,030,000 tpy (934,000 tonne/yr).

Group III: 460,000 tpy (418,000 tonne/yr).

Group IV: 388,000 tpy (352,000 tonne/yr).

Total (all four Groups): 3,075,000 tpy
(2,789,000 tonne/yr).

Total Significant Other Categories (for which there is no prospective group and controls): 687,000 tpy (623,000 tonne/yr).

National VOM Total Emissions: 3,838,000 tpy
(3,482 tonne/yr)

Based on the figures set forth by USEPA in its original March, 1995 proposal, the emissions from the automobile refinishing coatings category account for 94,300 tpy (85,500 tonne/yr) nationally. The regulations will include requirements for labeling the products, their VOM contents, and manufacturer recordkeeping and reporting requirements. They will go into effect four months after they appear in the Federal Register. USEPA estimated in adopting the regulation that the rule would reduce VOM emissions by 35,800 tpy (32,500 tonne/yr), with some added reductions in hazardous air pollutant (HAP) emissions. USEPA estimated that cost of the regulation at \$4,500,000 annually, or \$126 per ton (\$140 per tonne) of VOM eliminated.

USEPA proposed emission standards for consumer products on April 2, 1996 (61 Fed. Reg. 14531). USEPA estimated that those proposed emission standards would reduce VOC emissions nationally by 90,000 tons per year, at a cost of \$260 per ton (\$237 per tonne) of VOC removed nationwide (which USEPA translated to \$563 per ton (\$618 per tonne) when proportioned for the usage by the 110 million out of 260 million Americans who live in nonattainment areas for ozone). ♦

FINAL DECISIONS 4/4/96

92-99 A. B. Dick Company, Inc. v. EPA The Board granted voluntary dismissal of this underground storage tank fund reimbursement determination appeal involving a Cook County facility.

95-135 People of the State of Illinois v. Harper-Wyman Company - - The Board accepted a stipulation and settlement agreement in this special waste hauling enforcement action involving a Randolph County facility, ordered the respondent to pay a civil penalty of \$5,000.00, and ordered it to cease and desist from further violation.

96-59 Earle Aronson (Don's Gas for Less) v. Office of The State Fire Marshal The Board granted voluntary dismissal of this underground storage tank fund reimbursement determination appeal involving a Kane County facility.

96-134 Schilling Petroleum Company v. EPA Having previously granted a request for a 90-day extension of time to file, the Board dismissed this underground storage fund reimbursement determination appeal because no petition was timely filed on behalf of this St. Clair County facility.

96-203 People of the State of Illinois v. L. Keller Oil Properties, Inc., a Delaware corporation; and Charles F. Keller The Board granted voluntary withdrawal of this underground storage tank enforcement action against a Madison County facility.

96-210 Richardson Electronics, Ltd. v. EPA Upon receipt of an Agency recommendation, the Board granted a thirty 30-day provisional variance from the ninety 90-day limitation on the accumulation of hazardous wastes at this Kane County facility.

AC 94-24 EPA v. Frank Blair The Board accepted a joint stipulation and settlement agreement, dismissed this administrative citation filed against a Cass County facility, and ordered the respondent to pay a civil penalty of \$500.00

AC 96-2 EPA v. William Hanna The Board granted voluntary withdrawal of a petition to review this administrative citation filed against a Carroll County respondent and entered a default order, finding that this had violated Section 21(o)(1) of the Act and ordering him to pay a civil penalty of \$500.00.

AC 96-35 LaSalle County v. CSX Transportation, Inc The Board entered a default order, finding that this LaSalle 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.

AS 96-5 In the Matter of: Illinois Department of Transportation, District 8 petition for an Adjusted Standard from 35 Ill. Adm. Code Part 304.124- The Board granted this Madison County facility an adjusted standard, with conditions, from the total suspended solids effluent requirements of the water pollution control regulations.

R92-8 In the Matter of: Proposed Amendments to 35 Ill. Adm. Code Subtitle C (Water Toxics and Bioaccumulation) *See Rulemaking Update*

R94-30 In the Matter of: Commonwealth Edison Company petition a site-specific regulation for Existing Landfills and Units from 35 Ill. Adm. Code Part 811-814 *See Rulemaking Update.*

R92-8 In the Matter of: Proposed Amendments to 35 Ill. Adm. Code Subtitle C (Water Toxics and Bioaccumulation) Among other factors, the Board found that existing regulatory and other mechanisms were adequate to enhance Illinois stream water quality and dismissed this citizens group's petition for water quality amendments.

R94-30 In the Matter of: Commonwealth Edison Company petition a site-specific regulation for Existing Landfills and Units from 35 Ill. Adm. Code Part 811-814 The Board granted voluntary withdrawal of this petition for site-specific regulations relating to the leachate management, groundwater monitoring, and final cover requirements that would apply to this Will County landfill.

FINAL DECISIONS 4/18/96

91-206 Clayton Chemical Company v. EPA The Board accepted a stipulation and granted voluntary dismissal of this RCRA Subtitle C permit appeal filed on behalf of a St. Clair County facility.

92-131 C.O.A.L. (Citizens Opposed to Area Landfills) v. Laidlaw Waste Systems, Inc. and the Perry County Board of Commissioners- Having previously remanded this matter in response to a mandate of the Fifth District appellate court, which reversed and remanded the Board's order of January 21, 1993, in order to allow the withdrawal of the application for local siting approval filed on behalf of a proposed Perry County facility, and having received a certified copy of the Perry County Board of Commissioners minutes noting the withdrawal, the Board closed this docket.

95-161 S & C. Electric Company, Inc. v. EPA The Board granted voluntary dismissal of this petition filed on behalf of a Cook County facility for a variance from certain of the volatile organic material emissions requirements of the air pollution control regulations applicable to coating operations located in the Chicago metropolitan area.

95-175 People of the State of Illinois v. Polymer Color, Inc. - The Board accepted a stipulation and settlement agreement in this air enforcement action against a McHenry County facility, ordered the respondent to pay a civil penalty of \$18,000.00, and ordered it to cease and desist from further violation.

AC 96-39 EPA v M.K. O'Hara Construction, Inc., Kenneth O'Hara and Madalyn O'Hara- The Board entered a default order, finding that these Cass County respondents had violated Section 21(p)(1) of the Act and ordering them to pay a civil penalty of \$500.00.

NEW CASES 4/4/96

96-175 Caterpillar, Inc. v. EPA - Having previously granted an extension of time to file, the Board accepted a timely-filed land permit appeal on behalf of a Peoria County facility for hearing.

96-191 White Cap, Inc. v. EPA - The Board accepted this petition for air variance involving a Cook County facility for hearing.

96-195 City of Prospect Co. v. EPA - The Board ordered the filing of an amended petition for a variance from certain of the restricted status and standards for issuance requirements of the public water supply regulations as they apply to the radium content of the drinking water provided by this Cook County facility.

96-198 Land And Lakes Company v. EPA - The Board vacated its earlier order accepting this petition for a six-month variance from the deadline of the land pollution control regulations for this existing Cook County landfill to file an application for significant modification and held it for the Agency's recommendation.

96-200 People of the State of Illinois. v. Pelmore Construction, Inc. a dissolved Illinois corporation, and Eddie L. Pelmore, individually and as President of Pelmore Construction, Inc. - The Board accepted this air enforcement action against a Champaign County facility for hearing.

96-201 People of the State of Illinois. v. Coalville Road Enterprises, Inc., an Illinois corporation, f/k/a Streator Area Landfill, Inc., an Illinois corporation- The Board accepted this land enforcement action against a Livingston County facility for hearing.

96-202 People of the State of Illinois. v. Donald and Robert Hastie, d/b/a Hastie Trucking and Mining Company, a Partnership - The Board accepted this air enforcement action against a Hardin County facility for hearing.

96-203 People of the State of Illinois v. L. Keller Oil Properties, Inc., a Delaware corporation; and Charles F. Keller - See Final Decisions.

96-204 Downtown Oil v. EPA - The Board accepted this request for 90-day extension of time to file an underground storage tank reimbursement determination appeal on behalf of a Cook County facility.

96-205 Daily Southtown, Inc. v. EPA - The Board accepted this request for 90-day extension of time to file an air permit appeal on behalf of a Cook County facility.

96-206 Anne Shepard, James Verhan, and Jerold Leckman v. Northbrook Sports Club- The Board held this citizen's noise enforcement action filed against a Lake County facility for a frivolous and duplicitous determination.

96-207 People of the State of Illinois. v. Piece Work Specialists, Inc., an Illinois corporation- The Board accepted this RCRA enforcement action filed against a Tazewell County facility for hearing.

96-208 People of the State of Illinois. v. Frank Merkendorf, Belden Tools, Inc., and Phil Pinello- The Board accepted this RCRA enforcement action filed against a DuPage County facility for hearing.

96-209 People of the State of Illinois. v. Macon County Landfill Corporation- The Board accepted this land enforcement action filed against a Macon County facility for hearing.

96-210 Richardson Electronics, Ltd. v. EPA- See Final Decisions

AC 96-42 EPA v. John Sharp d/b/a John's Auto Savage - The Board received an administrative citation against a Montgomery County respondent.

AC 96-43 EPA v. Envirofil of Illinois, Inc. - The Board received an administrative citation against a McDonough County respondent.

AS 95-9 In the Matter of: Commonwealth Edison Company petition for an Adjusted Standard from 35 Ill. Adm. Code Part 811.814 - The Board acknowledge receipt of this petition for an adjusted standard from certain of the leachate collection and management, groundwater monitoring and well location, zone of attenuation, and other requirements of the land pollution control (landfill) regulations filed on behalf of a Will County facility and held it pending receipt of publication.

NEW CASES 4/18/96

96-211 People of the State of Illinois. v. Classic Mold Company, Inc., an Illinois corporation and Larry Caldrone - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion for relief from the hearing requirement, the Board ordered publication of the required newspaper notice in this air enforcement action against a Cook County facility.

96-212 People of the State of Illinois. v. Egyptian Community School District Unit #5- Upon receipt of a proposed stipulation and settlement agreement and an agreed motion for relief from the hearing requirement, the Board ordered publication of the required newspaper notice in this water enforcement action against a Cook County facility.

96-213 Edelstein Water Coop. v. EPA- The Board held this petition for a variance from the restricted status and standards for issuance requirements of the public water supply regulations, as they apply to the combined radium and gross alpha contents of the drinking water provided by this Peoria County facility, for an Agency recommendation.

96-214 People of the State of Illinois. v. Brass Foundry Company, Inc., an Illinois corporation- The Board accepted this RCRA enforcement action against a Peoria County facility for hearing.

96-215 Illinois State Toll Highway Authority v. EPA - The Board accepted this underground storage tank fund reimbursement determination appeal filed on behalf of a DuPage County facility for hearing.

96-216 Richard Johnson v. EPA - The Board accepted this request for 90-day extension of time to file an underground storage tank appeal on behalf of a McHenry County facility.

96-217 Jewel Food Stores, Inc. v. EPA- The Board accepted this request for 90-day extension of time to file an underground storage tank fund reimbursement determination appeal on behalf of a Cook County facility.

96-218 Mobil Oil Corporation v. EPA - The Board held this petition filed on behalf of a Will County facility for an extension of the variance from certain of the ammonia nitrogen effluent requirements of the water pollution control regulations granted March 3, 1994 in PCB 93-151 for the Agency recommendation.

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.

22-May-96 09:30 A.M.	PCB 96-086 P-A, Land	<u>BFI Modern Landfill #1 & #2 v. IEPA</u> Regional State Headquarters Complex, IDOT Conference Room, 1100 E. Port Plaza Drive, Collinsville, Illinois
23-May-96 09:30 A.M.	PCB 96-086 P-A, Land	<u>BFI Modern Landfill #1 & #2 v. IEPA</u> Regional State Headquarters Complex, IDOT Conference Room, 1100 E. Port Plaza Drive, Collinsville, Illinois
29-May-96 10:00 A.M.	PCB 96-118 A-E	<u>People of the State of Illinois v. Dennis Fults d/b/a St. Clair Construction and Paving</u> -Illinois Pollution Control Board, Suite 402, 600 South Second Street, Springfield, Illinois
29-May-96 11:00 A.M.	PCB 95-162 L-V	<u>Illinois Landfill, Inc. v. IEPA</u> -Vermilion County Courthouse Annex, Room 319, 6 North Vermilion, Danville, Illinois
30-May-96 10:00 A.M.	PCB 96-068 A-E, Citizens	<u>Donetta Gott, Lyndell Chaplin, Gary Wells, Earnest L. Ellison and Maxine Ellison v. M'Orr Pork, Inc.</u> -Pike County Courthouse, 204 East Adams, Pittsfield, Illinois
04-Jun-96 09:30 A.M.	PCB 96-151 L-E, Citizens	<u>Keith F. Boyer v. Felecia Harris, a/k/a Felecia Dawkins, and Chicagoland Mortgage Corporation</u> -James R. Thompson Center, Suite 11-500, 100 West Randolph Street, Chicago, Illinois
20-Jun-96 10:00 A.M.	PCB 96-069 N-E, Citizens	<u>Thomas Corning and Kimberly Corning v. Thurela's, Pam and Arthur Hegji as owners</u> -Libertyville Village Hall, 118 West Cook Street, Libertyville, Illinois
24-Jun-96 10:30 A.M.	R96-003 R, Land	<u>In the Matter of: Illinois Cast Metals Association Proposed Amendments to for Existing Landfills Accepting Potentially Usable Steel or Foundry Industry Waste: 35 Ill. Adm. Code 814.902 (Standards for Operation and Closure)</u> James R. Thompson Center, Room 9-040, 100 West Randolph Street, Chicago, Illinois
26-Jun-96 10:00 A.M.	R96-003 R, Land	<u>In the Matter of: Illinois Cast Metals Association Proposed Amendments to for Existing Landfills Accepting Potentially Usable Steel or Foundry Industry Waste: 35 Ill. Adm. Code 814.902 (Standards for Operation and Closure)</u> Madison County Administrative Building, Board Room, 157 North Main Street, Edwardsville, Illinois
28-Jun-96 11:00 A.M.	PCB 96-147 W, Mine-E	<u>People of the State of Illinois v. Illinois Cement Company</u> LaSalle County Courthouse, Courtroom 206, 119 West Madison, Ottawa, Illinois
01-Jul-96 10:00 A.M.	PCB 96-053 N-E, Citizens	<u>David and Susi Shelton v. Steven and Nancy Crown</u> James R. Thompson Center, Suite 11-500, 100 West Randolph Street, Chicago, Illinois

Calendar Code

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)	SO ₂	SO 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		

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
 DIVISION OF WATER POLLUTION CONTROL
 RESTRICTED STATUS LIST

In order to comply with 35 Illinois Administrative Code Section 306.401 Illinois Pollution Control Board Regulations, the Illinois EPA has prepared the following list of facilities which are on Restricted Status. Restricted Status is defined as the Agency determination that a sewer or lift station has reached hydraulic capacity or that a sewage treatment plant has reached design capacity, such that additional sewer connection permits may no longer be issued without causing a violation of the Act or Regulations. Please note that the list is continually being revised to reflect the current situation. Therefore, if you have any questions on the capability of a treatment facility or transport system, please contact this Agency for a final determination. This listing reflects the status as of March 31, 1996.

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

<u>FACILITY NAME</u>	<u>RESPONSIBLE AUTHORITY</u>	<u>COUNTY</u>	<u>REMAINING CAPACITY</u>
Astoria-Washington and Lincoln St. Overflow; Adams & State St. Overflow**	Town of Astoria	Fulton	0
Athens STP	City of Athens	Menard	0
Bourbonnais (Belle Aire Subd.)	Village of Bourbonnais	Kankakee	0
Camelot Utilities - Wastewater Collection System	Camelot Utilities	Will	0
Camp Point (a portion mh 60-68)	Village of Camp Point	Adams	0
Candlewick Lake STP	Consumer Ill. Water Co.	Boone	0
Canton - S.S. Surcharging New Salem, 4th Ave., Sycamore, Sycamore Terr., Main Street	City of Canton	Fulton	0
Chapin (North and South Main Terminal L.S.)	Village of Chapin	Morgan	0
Clearview S.D.	Clearview S.D.	McLean	0
East Alton STP	City of East Alton	Madison	0
Farmington	City of Farmington	Fulton	0
Highview Estates	Highview Water Co.	Tazewell	0
Lake Zurich - Knollwood, Minonski, Main Ls's	Village of Lake Zurich	Lake	0
Maple Lawn Homes STP	Maple Lawn Homes	Woodford	0
Riverton (Sewer System-Partial)	Village of Riverton	Sangamon	0
Rosewood Heights S.D. - Ninth Street LS	Rosewood Heights S.D.	Madison	0
Round Lake Beach - Oaktree Subd. Pumping Sta.**	America Today, Inc.	Lake	0
Sullivan Lake Development STP	Lake Development	Lake	0
Taylorville Shawnee Ave. Pump Station	City of Taylorville	Christian	0
Utilities Unlimited	Utilities Unlimited	Will	0
Viriden (Sewer System-Partial)	Viriden S.D.	Macoupin	0
Washington (Devonshire Estates)	City of Washington	Tazewell	0
Washington (Rolling Meadows)	City of Washington	Tazewell	0
Wateka STP	City of Wateka	Iroquois	0

Deletions from previous Quarterly Report None

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY
 DIVISION OF WATER POLLUTION CONTROL
 CRITICAL REVIEW LIST

In order to comply with 35 Illinois Administrative Code Section 306.401, Illinois Pollution Control Board Regulations, the Illinois Environmental Protection Agency has prepared the following list of facilities which are on Critical Review. Critical Review as defined as the Agency determination that a sewer or lift station is approaching hydraulic capacity or that a sewage treatment plant is approaching design capacity such that additional sewer connection permit applications will require close scrutiny to determine whether issuance would result in a violation of the Act or Regulations. Please note that these lists are continually being revised to reflect the current situation. Therefore, if you have any questions on the capability of a treatment facility or transport system, please contact the Agency for a final determination. This listing reflects the status as of March 31, 1996.

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

<u>FACILITY NAME</u>	<u>RESPONSIBLE AUTHORITY</u>	<u>COUNTY</u>	<u>REMAINING CAPACITY</u>	<u>PE ADDED SINCE LAST LIST</u>
Beardstown Sanitary Dist.**	City of Beardstown	Cass	1,900	0
Beecher STP	Village of Beecher	Will***	87	89
Benton-Southeast STP	City of Benton	Franklin	60	0
Bethalto (L.S. #1)	Village of Bethalto	Madison	87	0
Bolingbrook STP 2	Village of Bolingbrook	Will	630	0
Braidwood STP	City of Braidwood	Will	526	0
Carrier Mills	Village of Carrier Mills	Saline	836	0
Carrollton	City of Carrollton	Greene	140	0
Chester	City of Chester	Randolph	26	0
Citizens Utilities of Ill.	Citizens Utilities of Ill.	Will	0	0
Derby Meadows Utility Co. STP				
Citizens Utilities of Ill.	Citizens Utilities of Ill.	Will	10	0
River Grange**				
Crest Hill - West STP	City of Crest Hill	Will	0	627
Creve Coeur	Village of Creve Coeur	Tazewell	2,330	0
Downers Grove Sanitary Dist.	Downers Grove S.D.	DuPage	8,110	71
Earlville	City of Earlville	LaSalle	215	0
East Dundee STP	Village of E. Dundee	Kane	933	50
Elkville	Village of Elkville	Jackson	6	0
Elmhurst	City of Elmhurst	DuPage	0	0
Findlay	Village of Findlay	Shelby	60	0
Hebron	Village of Hebron	McHenry	0	0
Herrin	City of Herrin	Williamson	710	25
Herscher	Village of Herscher	Kankakee	365	0
Highland STP	City of Highland	Madison	523	0
Hoopeston	City of Hoopeston'	Vermilion	0	0
CLPWD-Deerfield Rd. Interceptor	County of Lake Public Works Dept.	Lake	***	0
CLPWD-Diamond-Sylvan STP	County of Lake Public Works Dept.	Lake	248	0
Lake in the Hills S.D.	Village of Lake in the Hills	McHenry	1,650	787
Manhattan	Village of Manhattan	Will	0	0
Milan	Village of Milan	Rock Island	1,122	0
Moline (North Slope)	City of Moline	Rock Island	1,151	0
Mundelein STP	Village of Mendelein	Lake	583	0
O'Fallon	City of O'Fallon	St. Clair	460	190
Orangeville	Village of Orangeville	Stephenson	0	0
Pearl City	Village of Pearl City	Stephenson	0	0
Peotone	Village of Peotone	Will	195	0
Rock Island (Main)	City of Rock Island	Rock Island	5,001	0
Round Lake-Rosewood Sewage Pumping Station**	Village of Round Lake	Lake	97	0
Sycamore (Southwest)	City of Sycamore	DeKalb	0	0
Thompsonville STP	Village of Thompsonville	Franklin	35	0

Deletetions from previous quarterly report Kildeer-Bishop-Ridge STP

***Contact IEPA - Permit Section