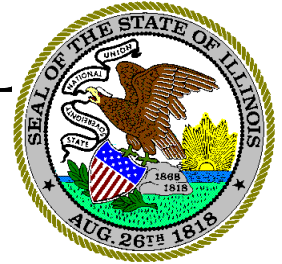


ENVIRONMENTAL REGISTER



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APPELLATE UPDATE

Fourth District Affirms Board Decision in ESG Watts

ESG Watts, Inc., v. The Illinois Pollution Control Board, and the People of the State of Illinois, Fourth District Slip. Op. No. 4-95-0642.

This case was before the appellate court on an appeal by ESG Watts (Watts) of the \$60,000 penalty imposed by the Board for failure to timely pay solid waste fees and failure to timely submit reports required to be filed by landfill operators by the Environmental Protection Act (Act) [415 ILCS 5/1 et. seq.] and environmental regulations promulgated under the Act. In the appeal, Watts admitted to violating the Act but argued that the penalty was excessive because the violations caused no environmental harm. Additionally, Watts argued that the Board improperly considered past violations (Cont'd on p. 2)

BOARD STAFF UPDATE

Congratulations to Chairman's Assistant

Congratulations are in order for Musette Vogel, attorney assistant to Chairman Claire Manning. Musette recently accepted an associate position with The Stolar Partnership, a St. Louis law firm, where she will practice Illinois and Missouri environmental law.

Musette will be greatly missed after her three-year tenure with the Board in which she has shown excellent capabilities in bringing legal philosophies and principles together into cogent decisions in difficult cases and rulemakings. ♦

Board Welcomes New Employees to Staff

The Board welcomes Mike Bonnardel and Elizabeth Ann to staff. Mr. Bonnardel, the Board's new (Cont'd on p. 2)

RULEMAKING UPDATE

RCRRA Update Adopted; Statement Of Reason For Delay Adopted, R95-20

On June 20, 1996, the Board adopted identical-in-substance amendments to the Illinois RCRA Subtitle C hazardous waste regulations. The amendments correspond with USEPA revisions to the federal hazardous waste program made during the period January 1 through June 30, 1995. The Board proposed all the necessary amendments to update the Illinois RCRA Subtitle C program to include the federal amendments, as well as a number of later actions and corrective and conforming amendments. The amendments will become effective when filed with the Secretary of State, which will be following a 30-day period to allow for USEPA evaluation and comment prior to filing. Since the filing will occur more than one (Cont'd on p. 3)

IPCB Attorney Positions Open

Interested individuals are encouraged to send resumes to Chairman Claire Manning at:

600 South Second St. Suite 402
Springfield, IL 62704
(217)524-8500

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BOARD STAFF UPDATE

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network administrator, will be working in the Board's Chicago office to handle general trouble shooting, write system administration and end-user documentation, assist users with applications, and install new and upgraded software.

Mr. Bonnardel earned a Bachelor of Science degree in Computer Science from the Illinois Institute of Technology, where he earned the honor of Dean's List twice. In addition to his studies at IIT, he worked as a teacher's assistant, and computer lab monitor. Mr. Bonnardel has taught students how to use HTML, the Novell network, VAX, various UNIX systems, the internet, the World Wide Web and DOS. He is a member of the IIT chapter of the Association for Computing Machinery and the Shadow Computer Club.

Elizabeth Ann, a graduate of Northwestern University, will be working as an intern with the Board this summer. She recently earned her bachelor's degree in environmental engineering with course work in hazardous waste management, radiation health, environmental biology and groundwater.

During the next few months Ms. Ann will be assisting the IPCB technical unit in various projects including evaluation of UST and TACO regulations, and development of the IPCB electronic library.

The Board and staff hope that you will join them in welcoming Mr. Bonnardel and Ms. Ann. ♦

Private Secretary Completes Law School

Jennifer Moore, Private Secretary to Board Member Meyer, recently earned her JD from John Marshall Law School. She will be taking the Illinois Bar Exam on July 30 and 31.

Please join the Board and Staff in congratulating her and wishing her good luck on the Bar.

APPELLATE UPDATE

(Cont'd from p. 1)

when assessing the penalty. The Fourth District disagreed with Watts and affirmed the Board in an unpublished order entered on June 28, 1996.

On April 20, 1994, the Attorney General's office filed a complaint before the Board alleging that Watts Trucking (which owns ESG Watts Inc.) and James Watts (the sole shareholder and president of Watts Trucking and ESG Watts Inc.) failed to timely file fees and reports required of landfill operators. On October

14, 1994, the Attorney General's office amended the complaint to include violations that occurred after the filing of the complaint.

The first count of the complaint alleged that quarterly reports from the Taylor Ridge Landfill (Taylor Ridge) for the fourth quarter of 1993 and the first and second quarters of 1994 were filed late and that the fees reported due had not been paid. Additionally, Count I alleged that the Sangamon Valley Landfill (Sangamon Valley) had filed its reports late and paid its fees late for each of these three quarters. Filing fees are required under Section 22.15(b) of the Act and Section 858.401(a) of the Board's rules. [415 ILCS 5/22.15(b) and 35 Ill. Adm. Code 858.401(a).]

The second count alleged that both Taylor Ridge and Sangamon Valley filed their significant modification applications (SIGMOD) late. SIGMODs were required to be filed within four years of the Board's adoption of its 1990 landfill regulations or at an earlier time if so specified by the Environmental Protection Agency (Agency). If facilities did not wish to provide a SIGMOD, they were to close within two years of the effective date of the rule. [35 Ill. Adm. Code 814.104(a) and (c).]

The third count summarized past violations found in circuit court actions and Count IV alleged Sangamon Valley failed to file a biennial revision of its closure cost estimate in accordance with 35 Ill. Adm. Code 807.623.

The State in its post-hearing brief asked the Board to take official notice of its own records of 19 prior administrative citations against Watts. Additionally, the State requested that the Board revoke Watts' operating permit or in the alternative impose civil penalties of \$254,100. Watts admitted the allegations in the complaint but argued that permit revocations and the monetary penalties requested by the Attorney General were inappropriate.

After a hearing on the violations, the Board rendered its decision. The Board did not revoke the landfill's operating permits nor did the Board pierce the corporate veil and hold Mr. Watts or Watts Trucking responsible for the violations. However, the Board did impose \$60,000 in fines on Watts.

In its May 4, 1995, opinion and order, the Board broke the \$60,000 penalty down and explained how it reached that amount. First, the Board imposed \$30,000 for late payment of quarterly fees. The amount was reached by calculating the annual cost of borrowing the money to timely pay the fees at a rate of 10% per annum and with an additional charge of 10% per annum to remove the economic incentive for late payments and to deter future violations. The Board then imposed a flat rate of \$2,500 for each late report. In reaching this

amount the Board took into account the economic benefit of not filing and the fact that Watts was currently in compliance. The total for failing to file reports was \$15,000. The Board then fined Watts \$5,000 for failure to file each SIGMOD. The Board characterized the failure to file the SIGMODs as a "substantial violation." The total for failure to file the SIGMODs was \$10,000. The Board also fined Watts \$5,000 for failure to timely file the biennial revision. The Board noted that the delay in filing benefited Watts economically but also recognized that Watts was currently in compliance. Finally, because the violations were willful, knowing, and repeated the Board assessed \$4,980 in attorney's fees as allowed for by the Act at 415 ILCS 5/42(f).

The Fourth District upheld the Board's decision to impose penalties recognizing that, "The Board is vested with broad discretionary powers in the imposition of civil penalties, and its order will not be disturbed upon review unless it is clearly arbitrary, capricious, or unreasonable." Additionally, the court recognized that the Act does not allow the Board to impose penalties unless the record adequately demonstrates the rationale for the imposition of the penalty. However, the court stated that the "Act clearly authorizes the Board to assess civil penalties for violations regardless of whether those violations resulted in actual pollution." The court also recognized that in assessing penalties the Board must look at the factors listed in Section 33(c) of the Act. [415 ILCS 5/33(c).] Additionally, in discussing Section 42(h) of the Act, the court stated, "...it is now clear from the 42(h) factors that the deterrent effect of penalties on the violator and potential violators is a legitimate goal for the Board to consider when imposing penalties." [415 ILCS 5/42(h).]

With respect to the Section 42(h) factors, the Board found and the court upheld that Watts' lack of diligence,

the economic benefits gained by untimely filings, the necessity of deterring future violations, and Watts' past history of violations were all factors which should aggravate the penalty imposed. The court acknowledged that the Board addressed each of the Section 42(h) factors and the court found the Board's discussion to be well reasoned and the court would therefore not overturn the Board's findings. [415 ILCS 5/42(h).] The Fourth District held, "the Board's decision that a stiff penalty was warranted to deter future violations was neither arbitrary nor capricious."

The court dismissed Watts' arguments relating to penalties. First Watts argued that the penalty was excessive in light of other cases. The court found that the violations in this case occurred after the new penalties in Section 42(a) [415 ILCS 5/42(a)] were in effect as opposed to the case cited by Watts where the violations took place before the new penalty amounts were enacted. The court stated that the assessed penalty amount was a small fraction of the maximums allowed by the Act and noted that the Board did not impose an additional penalty for each day of noncompliance.

Next, Watts argued that it did not receive an economic benefit from noncompliance. Again, the court upheld the Board stating, "we deem it reasonable to assume petitioner received the time value of money by delaying the expenditures necessary to prepare such reports." Additionally, the court found that Watts received economic benefits from delaying payment of its quarterly fees.

Finally, Watts challenged the Board's consideration of prior violations in aggravation of the penalty. The court in response to the challenge, stated, "the Board is allowed wide discretion under section 42(h) of the Act to consider any factor in aggravation and mitigation of the penalty." [415 ILCS 5/42(h).] ♦

RULEMAKING UPDATE

(Cont'd from p.1)

year from the date of the earliest federal amendments included in the docket, the Board also included a statement of the reasons for delay as a segment of the June 20 opinion.

Ten principal federal actions that occurred in this period were included in the docket. One principal set of amendments (three actions) were the February 9, 1995 establishment of hazardous waste listings (K156 through K161) for six carbamate production wastes, including April 17 and May 12, 1995 corrections to the carbamate

listings. Another was a major set of federal regulations that arose on May 11, 1995, when USEPA established a

new body of regulations to govern certain high-volume hazardous wastes that are being collected for recycling or disposal. June 13, 1995 amendments delisted the treated residues of certain listed hazardous waste generated by Conversion Systems, Inc. (CSI) in Sterling, Illinois. On June 29, 1995, USEPA deleted a vast number of rules that were obsolete, redundant, or outdated. Other amendments included the January 13 and April 4, 1995 amendments to testing procedures; the February 3, 1995 USEPA response to public inquiries in the wake of the Supreme Court's decision in *City of Chicago v. Environmental Defense Fund, Inc.*, 114 S. Ct. 1588 (1994); and the February 7, 1995

announcement that USEPA had studied cement kiln dust and determined not to subject this material to complete Subtitle C regulation.

The Board deviated from the normal update timeframe of January 1 through June 30, 1995 of R95-20 in a few actions. The Board included in three sets of amendments made by USEPA on July 7, September 29, and November 13, 1995 relating to the Subpart CC organic material emissions regulations. One of the added federal actions made corrections to the rules adopted by the Board on June 1 and 16, 1995, under consolidated docket number R95-4/R95-6, and two of the actions stayed the effective date of the Subpart CC organic material emission rules for tanks, containers, and surface impoundments. Further, the Board did not include two sets of amendments that did occur in the January 1 through June 30, 1995 update period because it had already taken action on the amendments in the R95-4/R95-6 docket. These were the federal amendments of January 3, 1995, which corrected errors and clarified language in the universal treatment standards adopted on September 19, 1994 as the Phase II LDRs, and of May 19, 1995, which earlier stayed the 40 CFR 264, subpart CC and 265, subpart CC regulations.

On February 1, 1996, the Board proposed the RCRA Subtitle C amendments for public comment. The public comment period began on February 16, 1996, when Notices of Proposed Amendments appeared in the Illinois Register and ended after 45 days, on April 1, 1996. The Board received significant public comments on aspects of the proposal. By an order dated June 6, 1996, the Board denied a request for oral argument on issues relating to adoption of the CSI hazardous waste delisting. The identical-in-substance provisions of the Act provide that the Administrative Procedure Act requirements for First Notice and Second Notice review by the Joint Committee on Administrative Rules did not apply to this proceeding.

Direct questions to Michael J. McCambridge, at 312-814-6924 (Internet: mmccambr@pcb016r1.state.il.us). Request copies of the proposed amendments from Victoria Agyeman, at 312-814-6920 (Internet: vageyman@pcb016r1.state.il.us). Please refer to consolidated docket R95-20. ♦

New Utility Waste Landfill Standards Proposed For Second Notice, R96-1

The Board proposed alternative standards for new utility waste landfills on September 21, 1995, in docket R96-1, for Second notice review by the joint committee on Administrative Rules (JCAR). The proposed new

Part 816 standards would establish an alternative means of satisfying the liner and cap requirements for certain new landfills. They would allow owners and operators of chemical waste landfills that accept only flue gas desulfurization (FGD) sludges and coal combustion ash from electric utilities to use these materials stabilized using the proprietary, patented Poz-O-Tec® process as liner and cap material. The proposed rules would alternatively allow monofilling of Poz-O-Tec® materials without a liner and cap.

The proposed rules mirror adjusted standards granted to Conversion Systems, Inc. in AS 93-4 and AS 93-5, on July 7, 1995. In granting the adjusted standards, the Board initiated this rulemaking in the belief that a rule of general applicability was a more appropriate method to allow the use of the Poz-O-Tec® materials. (See issue 496, Aug., 1995.) The Board proposed alternative standards for new utility waste landfills for First Notice publication in the Illinois Register on September 21, 1995. Notices of Proposed Amendments and Rules appeared in the October 31, 1995 Illinois Register, at 19 Ill. Reg. 14260 (Part 816), 14280 (Part 807), and 14286 (Part 811), starting the 45-day public comment period. (See issue 497, Oct., 1995.) The Board will be free to adopt the regulations after the end of the 45-day Second Notice period or when JCAR votes No Objection to the rules.

Direct questions to Chuck Feinen, at 312-814-3473. Request copies from Victoria Agyeman, at 312-814-3620. Please refer to docket R96-1. ♦

Docket Opened For Public Water Supplies Amendments, Amended Petition Requested, R96-18

On June 20, 1996, the Board opened a new docket for prospective amendments to the Illinois public water supplies regulations. Those regulations, codified as Subpart F of Title 35, 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 docket R96-18 followed a request by the Illinois EPA (Agency) that the Board consider certain amendments requested in another proceeding as a separate petition for rulemaking.

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.

Direct questions to Michael J. McCambridge, at 312-814-6924 (Internet: mmccambr@pcb016r1.state.il.us). Please refer to consolidated docket R96-18. ♦

SIGNIFICANT 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 over 40 such actions that occurred in June, 1996:

Five-Year CAA Title V Permit Deferral Option Adopted for Non-Major Sources in Four Source Categories

On June 3, 1996 (61 Fed. Reg. 27785), USEPA adopted amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAPs) applicable to four source categories to allow permitting authorities to defer requiring Clean Air Act (CAA) Title V permits of non-major sources in those categories. The amendments would allow states to defer requiring a permit from the affected sources for five years. The sources involved are those that are not classified as "major" sources--i.e., those that have a potential to emit less than 10 tons per year of any single hazardous air pollutant (HAP) or 25 tons per year of any combination of HAPs. The source categories involved are perchlorethylene dry-cleaning (40 CFR 63, subpart M), hard and decorative chromium electroplating and chromium anodizing (40 CFR 63, subpart N), ethylene oxide commercial sterilization and fumigation (40 CFR 63, subpart O), and secondary lead smelting (40 CFR 63, subpart X). ♦

Final Policy on Compliance Alternatives for Small Businesses

On June 3, 1996 (61 Fed. Reg. 27983), USEPA released a final policy on compliance alternatives for small businesses. The stated objective of the policy is to promote environmental compliance among small businesses and to provide incentives for them to participate in government-sponsored compliance

assistance programs or to themselves conduct environmental audits. USEPA further sought to provide guidance to the efforts of states and local governments to offer incentives for small business participation. USEPA

stated that it would defer to state actions that are consistent with the final federal policy. A small business is defined for the purposes of the policy as one employing 100 or fewer persons, including contract employees. USEPA stated that this is a simplified version of the Clean Air Act definition of a small business.

Under the policy, USEPA will refrain from seeking civil penalties for a small business that makes a good-faith effort to correct noncompliance, with certain limitations. The major limitations are that (1) the noncompliance is the company's first instance of noncompliance with the particular provision involved; (2) the noncompliance does not involve "criminal conduct"; (3) the noncompliance has not caused and is not causing harm or a threat to health, safety, or the environment. Further, the business must remedy the noncompliance within the "corrections period," which is determined by the governmental entity involved. Finally, USEPA forbearance as to noncompliance that results in economic advantage is to limit the penalty sought to the advantage incurred.

(Note: This is similar to the Illinois "Clean Break" program, with some significant differences: the Illinois program, in its Phase I, is limited to autobody and auto repair facilities and printers, and the Illinois program defines a small business as having 200 or fewer employees. See issue 500, Jan., 1996.) ♦

Revised List of Categories of Sources and Schedule for CAA NESHAP Development

On June 4, 1996 (61 Fed. Reg. 28197), USEPA published a revised listing of hazardous air pollutant (HAP) source categories and schedule for National Emissions Standards for Hazardous Air Pollutants (NESHAPs) development. The revised listing indicates

that USEPA has added seven source categories, changed the names of two, included three others within other industry groups, included two within other existing categories, and eliminated five. The schedule indicates that USEPA has developed NESHAPS for 29 source categories and proposed NESHAPs for 19 others. For the sources for which USEPA has not yet developed a NESHAP, the schedule further indicates that the due date for NESHAPS for 36 categories is November 15, 1997, and the NESHAPs due date for 91 others is November 15, 2000. USEPA has either completed or proposed action on the NESHAPs for all sources having earlier due dates.

The Clean Air Act (CAA) requires USEPA to develop and update a listing of source categories that emit HAPs. It further requires USEPA to develop NESHAPs for the source categories within certain deadlines. It also required USEPA to publish its listing and schedule and requires it to update the listing and schedule from time to time. USEPA published the initial listing of source categories on July 16, 1992 (57 Fed. Reg. 31567), which included 174 source categories. USEPA published the initial schedule for NESHAPs development on December 3, 1993 (58 Fed. Reg. 63941). Although USEPA has revised the source categories and schedules in the context of individual actions, the present action is the first publication of the entire listing with all the associated scheduled completion dates for NESHAP development. ♦

Additional Four-Month Stay of RCRA Subtitle C Subpart CC Air Emissions Regulations

On June 5, 1996 (61 Fed. Reg. 28508), USEPA granted an additional four-month stay of the effective date of the RCRA Subtitle C air emissions regulations applicable to hazardous waste tanks, containers, and surface impoundments, codified as 40 CFR 264, subpart CC and 265, subpart CC. The additional stay changed the effective date from June 6, 1996 to October 6, 1996. The purpose of the stay is to allow USEPA to finalize amendments to the regulations made in response to public comments. USEPA stated that the stay does not affect the December 8, 1997.

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 previously stayed the general effective date of the rules for six months once on May 19, 1995 (60 Fed. Reg. 26828), until December 6, 1995, and again on November 13, 1995 (60 Fed. Reg. 56952), until June 6, 1996. 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 for emission of organic material from hazardous waste tanks, containers, and surface impoundments, also called the "Subpart CC rules." USEPA explained that the amendments clarified the regulatory text of the rules, corrected typographical and grammatical errors, and clarified segments of the original preamble discussion. USEPA invited comments on the rules on August 14, 1995 (60 Fed. Reg. 41870), and stated in adopting the corrective and clarifying amendments that it will complete its evaluation of the comments received early this year. The latest delay in the effective date was to allow further time to adopt those amendments.

(Note: 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, no further action will be necessary in either of the reserved dockets R96-10 or R97-5.) ♦

National Response Team Integrated Contingency Plan Guidance Published

On June 5, 1996 (61 Fed. Reg. 28641), USEPA, the Department of Transportation (Coast Guard and Research and Special Projects Administration; USCG and RSPA), Department of the Interior (Minerals Management Service; MMS), and Department of Labor (Occupational Safety and Health Administration; OSHA) published integrated contingency plan (ICP) guidance. The guidance acts as a single resource for facilities to prepare a single contingency plan that will fulfill the requirements of multiple agencies and their regulations. The regulations that the ICP guidance is intended to cover are the MMS Facility Response Plan rules; the USEPA Oil Pollution Prevention, Risk Management Programs, and Resource Conservation and Recovery Act Contingency Planning rules; the RSPA Pipeline Response Plan rules; the USCG Facility Response Plan rules; and the OSHA Emergency Action Plan, Process Safety Standard, and HAZPOWER rules. USEPA published a list of corrections of transcription errors in the ICP on June 19, 1996 (61 Fed. Reg. 31103).

The Clean Air Act required the President to review the federal release prevention, mitigation, and response requirements, a job that the President delegated to USEPA. The review concluded that although the

requirements were effective, they were "complex, confusing, and costly." One issue identified was the multiple overlapping nature of the release reporting requirements. In publishing the ICP guidance one-plan option, the agencies involved stated that the guidance is not intended to change any of the substantive requirements, and they cautioned that other contingency planning requirements may apply that are not covered by the guidance. ♦

Elimination of CAA Acid Rain Program Direct Sale Program

On June 6, 1996 (61 Fed. Reg. 28761), USEPA adopted a direct final rule that ends the acid rain program direct sales program. The Clean Air Act (CAA) mandates that fossil fuel-fired electric generating facilities emit no more sulfur dioxide (SO₂) than that for which they hold allowances. The Act mandates that USEPA issue some SO₂ allowances to the utilities and withhold others for later auction. In order to provide allowances to new independent power producers (IPPs), the CAA further mandates that USEPA issue guarantees of priority in the conduct of annual direct sales to new generating utilities. The CAA allows USEPA to terminate the direct sales program if less than 20 percent of the allowances have been purchased in any two-year period. USEPA began the program in 1993 and had sold no allowances through the program, and USEPA had not received any requests for the guarantees. The allowances formerly available through the direct sale program will be included in the annual SO₂ allowance auction. This will add 25,000 advance auction allowances not sold by direct sales for each of the years 1993 through 1996. The rule becomes effective August 5, 1996 unless expressly withdrawn in a Federal Register notice prior to that date in response to significant adverse public comment. The accompanying notice of proposed rule appeared in the same issue of the Register (61 Fed. Reg. 28830). ♦

Repeal of Leaded Gasoline Requirements Completed

On June 6, 1996 (61 Fed. Reg. 28763), USEPA completed the repeal of its former leaded gasoline requirements begun earlier this year. The completed repeal eliminated all vehicle fuel system and gasoline fuel dispensing facility restrictions associated with the former sale of leaded gasoline. The repeal is accomplished in such a way that the former fuel tank fill-tube size restriction remains, but in such a way that motorcycles and other vehicles that never had vehicle

exhaust emissions control equipment will not become subject to the requirement.

USEPA amended its fuels and fuel additives regulations, in a February 2, 1996 (61 Fed. Reg. 3837) direct final rule, to ban lead as a motor fuel additive, effective January 1, 1996. The action also repealed the former recordkeeping and reporting requirements for refiners and importers and the requirement that automobile manufacturers place labels near the fill tube and on the dashboard of cars that says "unleaded fuel only," effective March 4, 1996, unless earlier withdrawn. This action was undertaken in response to the January 1, 1996 ban on the sale of leaded gasoline imposed by the Clean Air Act, as amended in 1990. (See memo of February 20, 1996.) One requirement that originated in the leaded fuel regulations was that vehicle manufacturers restrict the fuel fill tube of vehicles having emissions control equipment that was incompatible with leaded fuel, so that no leaded fuel could be dispensed into their tanks. When repealing the leaded fuel requirements, USEPA had retained the vehicle fill tube restrictions. It did so in response to comments from the automobile manufacturing industry relating to gasoline vapor emissions control and in the belief that all vehicles had emissions control equipment that was incompatible with leaded fuel--i.e., that all vehicles already had the restrictors.

On March 4, 1996 (61 Fed. Reg. 8221), USEPA partially withdrew the segment of the February 2, 1996 direct final rule as it related to the fill tube restriction. As a result, the automobile unleaded fuel fill-tube restriction requirement remained in effect. (See memo of March 18, 1995.) USEPA explained that it did so in response to a significant adverse public comment from Harley-Davidson, Inc., a manufacturer of motorcycles. Harley-Davidson pointed out that although motorcycles had never been subject to the fill-tube restriction requirements, the repeal would have made them subject to them. In adopting the final repeal USEPA retained the fill-tube restriction requirements for all vehicles of types that were required to have them to prevent the introduction of leaded fuel, but USEPA did so in a way that does not newly require the restrictions in other vehicles, like motorcycles, that were not previously subject to the rule. ♦

Comment Solicited by PHS on the 1995 National Toxicology Program; Candidate Chemicals Solicited for Evaluation

On June 6, 1996 (61 Fed. Reg. 28883), the Public Health Service (PHS) of the Department of Health and Human Services sought comment on its fiscal year 1995 National Toxicology Program (NTP). PHS further

solicited interested persons to submit candidate chemicals for possible toxicological evaluation.

PHS established the NTP in 1978 to further its toxicology research and to provide toxicological information to the public and governmental agencies. The NTP coordinates toxicological activities of the National Institute of Environmental Health Sciences (NIEHS), the National Institutes of Health (NIH), the National Center for Toxicological Research, the Food and Drug Administration (FDA), the National Institute for Occupational Safety and Health (NIOSH), and the Centers for Disease Control and Prevention. Agencies represented on the NTP are the Agency for Toxic Substances and Disease Registry, the Consumer Product Safety Commission, USEPA, FDA, the National Cancer Institute, NIOSH, NIEHS, NIH, and OSHA. NTP program areas include carcinogenesis, genetic toxicology, mechanism-based toxicology, alternative methods, and toxicology, which includes immunologic, neurobehavioral, and respiratory toxicology. NTP special projects include study of AIDS therapeutics and Superfund chemicals. ♦

Potential Amendments to CAA SO₂ Auction Procedures

On June 6, 1996 (61 Fed. Reg. 28995), in an advanced notice of proposed rulemaking, USEPA raised the possibility of several amendments to the acid rain program procedures for SO₂ allowance auctions. The Clean Air Act (CAA) mandates that fossil fuel-fired electric generating facilities emit no more sulfur dioxide (SO₂) than that for which they hold allowances. The Act mandates that USEPA issue some SO₂ allowances to the utilities and withhold others for later auction. The allowances withheld for auction represent 2.8 percent of the total allowances issued for a given time period. The potential amendments on which USEPA requested comment relate primarily to the timing and mechanics of the auctions. USEPA requested comment on whether it should follow a General Accounting Office recommendation and conduct single-price auctions of SO₂ allowances, in which bidders would pay the market-clearing price for the allowances. To date, sales are conducted on a price-discriminating basis--i.e., on a high-bid to low-bid basis until all allowances are sold. USEPA also sought comment on whether it should eliminate the minimum price for sale of additional allowances, whether to change the time for the sales from March to October, and whether to allow electronic transfers of allowances. ♦

Draft Supplement to St. Clair County Transit Improvements Economic Impact Study Available

On June 7, 1996 (61 Fed. Reg. 29094), USEPA announced the availability of a draft supplement to an economic impact study for federal funding of a project in Illinois. The draft supplement relates to additional and updated information relating to the St. Clair County Corridor transit improvements Metrolink extension project from East St. Louis to the Mid-America Airport. ♦

Proposed HUD Lead-Based Paint Hazard Rules

On June 7, 1996 (61 Fed. Reg. 29169), the Department of Housing and Urban Development (HUD) proposed regulations relating to notification, evaluation, and reduction of hazards from lead-based paint in federally-owned and federally-assisted housing. HUD stated that it proposed the rules to implement sections 1012 and 1013 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 and Title X of the Housing Community Development Act of 1992. It explained that the rules would set forth new requirements relating to lead-based paint hazard evaluation, notification, and reduction, for the first time consolidating all of HUD's related rules in one location. One new part or subpart will contain programmatic requirements on hazard evaluation, notification, and reduction activities. A second new part or subpart will set forth information on hazard evaluation and reduction activities based on HUD guidelines. The third part or subpart, already jointly proposed by HUD and USEPA on November 2, 1994, will relate to lead-paint hazard notification for pre-1978 housing units. ♦

CAA Perchloroethylene Dry Cleaning NESHAPs Guidance Available

On June 11, 1996 (61 Fed. Reg. 29485), USEPA announced the availability of guidance relating to the Clean Air Act (CAA) National Emission Standards for Hazardous Air Pollutants (NESHAP) applicable to perchloroethylene (PCE) dry cleaning facilities. USEPA adopted the PCE dry cleaning facility NESHAP on September 22, 1993 (58 Fed. Reg. 49354) and amended it on December 20, 1993 (58 Fed. Reg. 66287). The International Fabricare Institute filed suit in federal court to challenge the NESHAP on December 20, 1993. USEPA settled the litigation by committing itself to issuing guidance on episodic exceedances of the NESHAP standards. The guidance is entitled, "Settlement Agreement on Litigation of National Emission Standards for Hazardous Air Pollutants for Perchloroethylene Dry Cleaning Facilities." ♦

Comment Sought on Applicability of CAA Coal Preparation Plant NSPS to Coal Dump Truck Unloading Operations

On June 11, 1996 (61 Fed. Reg. 29558), USEPA sought comment on the applicability of the Clean Air Act (CAA) New Source Performance Standards (NSPS) for coal preparation plants to coal dump truck unloading operations. USEPA stated that it was in the process of determining whether these operations are regulated under the current NSPS of 40 CFR 60, subpart Y, and, if not, whether they are covered by the category. USEPA said that it is conducting the review for the purposes of determining whether these facilities are major sources subject to the Title V permit requirements of the CAA. ♦

Meetings of Common Sense Initiative Council and Subcommittees

On June 11, 1996 (61 Fed. Reg. 29559), USEPA announced meetings of the Common Sense Initiative Counsel (CSIC) and four of its subcommittees. The four subcommittees for which USEPA announced meetings were the Metal Finishing Subcommittee, the Computers and Electronics Sector Subcommittee, the Iron and Steel Sector Subcommittee, and the Petroleum Refining Sector Subcommittee.

The CSIC met in Washington, DC on June 27 and 28, 1996. Issues for discussion included leveraging capital for pollution prevention, public health literature and data for use by CSIC subcommittees, the changing roles of government agencies in sector-based environmental management, permitting reform, sector-specific and one-stop reporting, etc.

The Metal Finishing Subcommittee was scheduled to meet on July 9 and 10, 1996 in Arlington, Virginia. It was to discuss three main topics: strategic goals and performance targets for the sector, publicly owned treatment works (POTW) project recommendations, and a possible enforcement project for "bottom-tier" firms (deliberate non-compliers).

The Computers and Electronics Sector Subcommittee was to meet in Alexandria, Virginia on July 15 and 16, 1996 and break into reporting and information access, overcoming barriers to pollution prevention, and integrated and sustainable alternatives workgroup sessions. Topics to be covered included ongoing reporting reinvention projects, the end-of-life management of consumer electronics products, and alternative regulatory strategies.

The Iron and Steel Sector Subcommittee was to meet July 25, 1996 in Baltimore, Maryland. Its topics for discussion was to include potential projects and to

discuss community involvement guiding principles. The seven projects that the Iron and Steel Sector Subcommittee has thus far undertaken are Brownfields, Multi-Media Permitting, Permit Issues, Consolidated Multi-Media Permitting, Alternative Compliance Strategy, the Innovative Technology Web Site, and Barriers.

The Petroleum Refining Sector Subcommittee was scheduled to meet on July 30, 1996 in Dallas, Texas. The topics scheduled for discussion included the "One-Stop" and equipment leaks projects.

On June 28, 1996 (61 Fed. Reg. 33737), USEPA announced that the Printing Sector Subcommittee was to meet on July 17, 1996 in Arlington, Virginia. USEPA stated only that the subcommittee will discuss two ongoing projects. ♦

Meetings and Technical Workshop on Drinking Water Issues

On June 11, 1996 (61 Fed. Reg. 29560), USEPA announced public meetings and a technical workshop on drinking water issues in Washington, DC. Both the meetings and the workshop were to address issues related to the disinfection and disinfection by-products information collection rule (ICR) adopted by USEPA on May 10, 1996 (61 Fed. Reg. 24353). (See memo of June 21, 1996.) The technical workgroup met on June 12, 1996 to discuss ICR protozoan monitoring issues. The meetings were scheduled for June 13 and 14, 1996 to discuss the ICR data objectives and issues and developmental and reproductive health effects research relating to disinfection by-products. USEPA stated that it intends to conduct further meetings later in 1996. ♦

Draft Framework for Watershed Trading Available

On June 11, 1996 (61 Fed. Reg. 29563), USEPA announced the availability of a document entitled "Draft Framework for Watershed Trading." USEPA stated that the Draft Framework is a companion to the "Policy Statement for Effluent Trading" issued in January, 1996. Both are a product of the President's "Reinventing Environmental Regulation" initiative of March, 1995. USEPA invited comment on the Draft Framework, which it described as providing "a background on trading and its benefits, a series of conditions that are necessary for trading, including those that assure protection of water quality comparable to the protection that would be provided without trading." Among the information, issues, and worksheets included in the Draft Framework, USEPA

stated that it included evaluative information on five types of trading. ♦

Advanced Notice of Decisions Whether to Retain or Revise the CAA NAAQS for Ozone and Particulate Matter Based on Review

On June 12, 1996 (61 Fed. Reg. 29719), USEPA published an advance notice of its intent to propose decisions by November 29, 1996 whether to retain or revise the National Ambient Air Quality Standards (NAAQSs) developed under the Clean Air Act (CAA) for ozone and particulate matter (PM). USEPA stated that it was using the advanced notice to identify key issues in deriving its decisions on the NAAQSs. The November 29 date for proposal of USEPA's determinations derived from a judicial order in *American Lung Association v. Browner*, 884 F. Supp. 345 (D. Ariz. 1994). That order, relating to PM only, imposed a June 28, 1997 deadline for adoption of any final USEPA decision.

Section 109 of the federal Clean Air Act (CAA) requires USEPA to establish primary and secondary national ambient air quality standards for specified contaminants, including SO₂. A primary standard is directed at protection of human health, and a secondary standard is based on effects on the public welfare (including the environment). Section 109 also requires periodic review and possible revision of the established standards. USEPA last reviewed the ozone primary and secondary NAAQSs in March, 1993 (58 Fed. Reg. 13008), determining not to alter the standards. USEPA stated that it is considering replacing the present 1-hour primary ozone standard with an 8-hour standard. It stated that it is considering the smaller diameter PM (less than 2.5 microns) a different pollutant than the larger particles (from 2.5 to 10 microns) with a different primary standard. USEPA stated that its review to date has identified a number of common factors between the standards for ozone and those for PM, including atmospheric residence times, similar gaseous precursors, similar combustion-related source categories, and similar atmospheric chemistries that favor their formation. This is the reason that USEPA is conducting concurrent review of both pollutants' NAAQSs, and USEPA is considering integrated emission reduction strategies for both.

(Note: On October 11, 1995 (60 Fed. Reg. 52874), USEPA published its determination not to revise the identical primary and secondary National Ambient Air Quality Standards (NAAQSs) for nitrogen dioxide (NO₂). (See issue 499, Dec., 1995.) On May 22, 1996 (61 Fed. Reg. 25566), USEPA determined to make no substantive revision in the primary and secondary National Ambient

Air Quality Standards (NAAQS) for sulfur dioxide (SO₂). However, USEPA did make "several minor technical changes." See Issue 505, June, 1996.) ♦

Grants Available for Environmental Justice through Pollution Prevention Projects

On June 13, 1996 (61 Fed. Reg. 30063), USEPA solicited grant proposals for environmental justice through pollution prevention (EJP2) projects. USEPA stated that between \$750,000 and \$1.5 million will be available for projects that foster environmental justice through the prevention of pollution in lower income and racial minority neighborhoods. USEPA defined environmental justice as "the fair treatment of people of all races, cultures, and incomes with respect to the development, implementation, and enforcement of environmental laws, regulations, programs, and policies." It stated that pollution prevention means source reduction--i.e., "any practice that reduces or eliminates any pollutant at the source prior to recycling, treatment, or disposal." Only non-profit corporations and Indian tribes are eligible for the grants; individuals, businesses, and governmental entities are not. The grants are subject to a 5% matching requirement. ♦

CERCLA Remedial Action Cost Recovery Settlement for an Illinois Facility

On June 13, 1996 (61 Fed. Reg. 30067), USEPA announced a prospective settlement of a Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) cost recovery action involving an Illinois Superfund site. USEPA incurred \$165,118 in corrective action costs at the Waukegan Paint and Lacquer Company, Inc. site in Waukegan. Under the proposed settlement, USEPA will collect \$94,000 from the potentially responsible parties involved in settlement of its claims. ♦

Repeal of Obsolete, Superfluous, or Burdensome Air Rules Partially Withdrawn

On June 14, 1996 (61 Fed. Reg. 30162), USEPA partially withdrew its earlier repeal of air regulations that it considered obsolete, superfluous, or burdensome. USEPA had repealed the rules on April 11, 1996 (61 Fed. Reg. 16050) by a direct final rule effective June 10, 1996 unless expressly withdrawn before that time in response to significant adverse public comment. (See memo of May 9, 1996.) Among the repealed rules were 40 CFR 51.100(o) (definition of "reasonably available control technology," 51.101 (stipulations), 51.110(g) (attainment and measure of national standards), and

51.213 (transportation control measures), on which USEPA subsequently received such comments. Due to the comments, USEPA withdrew the repeal of those four provisions, leaving the repeal of all other provisions intact. USEPA will make the four withdrawn provisions the subject of a future final rule, at which time it will discuss the public comments received. ♦

Illinois Site Added to CERCLA National Priorities List

On June 17, 1996 (61 Fed. Reg. 30510), USEPA added an Illinois site to the National Priority List (NPL) pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA). The site was the Jennison-Wright Corporation facility in Granite City, assigned to Group 12 based on its hazard ranking score. (USEPA ranks sites from most to least serious based on their hazard ranking score (HRS) and places them in groups of 50 sites each.) In adding this and 12 other sites in sister states to the NPL, USEPA published the complete listing in its entirety. The list includes the following non-federal government-owned or operated sites in Illinois. (Bold face type indicates site is on the construction completion list, and underlining indicates the site is the highest priority site in Illinois):

- ♦ A & F Material Reclaiming, Inc. (Greenup)
- ♦ Acme Solvent Reclaiming (Morristown)
- ♦ Adams County Quincy Landfills 2 & 3 (Quincy)
- ♦ Amoco Chemicals Joliet Landfill (Joliet)
- ♦ Beloit Corp. (Rockton)
- ♦ Belvidere Municipal Landfill (Belvidere)
- ♦ Byron Salvage Yard (Byron)
- ♦ Central Illinois Public Service Co. (Taylorville)
- ♦ Cross Brothers Pail Recycling (Pembroke Township)
- ♦ DuPage County Landfill/Blackwell Forest (Warrenville)
- ♦ Galesburg/Koppers Co. (Galesburg)
- ♦ H.O.D. Landfill (Antioch)
- ♦ Ilada Energy Co. (East Cape Girardeau)
- ♦ Interstate Pollution Control, Inc. (Rockford)
- ♦ Jennison-Wright Corp. (Granite City)
- ♦ Johns-Manville Corp. (Waukegan)
- ♦ Kerr-McGee (Kress Creek; DuPage County)
- ♦ Kerr-McGee (Reed-Keppler Park; West Chicago)
- ♦ Kerr-McGee (West Chicago residential areas; DuPage County)
- ♦ Kerr-McGee (Sewage Treatment Plant; West Chicago)
- ♦ LaSalle Electric Utilities (LaSalle)

- ♦ Lenz Oil Service, Inc. (Lemont)
- ♦ MIG/Dewane Landfill (Belvidere)
- ♦ NL Industries/Taracorp Lead Smelter (Granite City)
- ♦ Ottawa Radiation Areas (Ottawa)
- ♦ Outboard Marine Corp. (Waukegan)
- ♦ Pagel's Pit (Rockford)
- ♦ Parsons Casket Hardware Co. (Belvidere)
- ♦ Southeast Rockford groundwater contamination (Rockford)
- ♦ Tri-County Landfill/Waste Management of Illinois (South Elgin)
- ♦ Velsicol Chemical Corp. (Marshall)
- ♦ Wauconda Sand & Gravel (Wauconda)
- ♦ Woodstock Municipal Landfill (Woodstock)
- ♦ Yeoman Creek Landfill (Waukegan)

The list of federally-owned or operated sites in Illinois includes the following:

- ♦ Joliet Army Ammunition Plant (LAP Area; Joliet)
- ♦ Joliet Army Ammunition Plant (Manufacturing area; Joliet)
- ♦ Sangamo Electric/Crab Orchard NWR (USDOI; Carterville)
- ♦ Savanna Army Depot Activity (Savanna)

USEPA proposed adding the Jennison-Wright facility (and the 12 other sites) to the NPL on October 2, 1995 (60 Fed. Reg. 51390) as a Group 13 facility. (See memo of October 10, 1995.) Under section 1006 of P.L. 104-19, enacted July 27, 1995, USEPA is required to obtain a written request from a state's Governor before adding a site in that state to the NPL.

On June 17, 1996 (61 Fed. Reg. 30575), USEPA proposed the addition of 13 new sites to the general NPL and two to the federal facilities NPL. Two of the proposed general NPL sites were Illinois facilities:

- ♦ Circle Smelting Corp (Beckemeyer)
- ♦ Sauget Area 1 (Sauget)

Based on the sites' HRSs, USEPA proposed them as Group 1 sites. ♦

USDOT Packaging, Communications, and Spill Response Requirements Adopted for Bulk Oil Shipments

On June 17, 1996 (61 Fed. Reg. 30533), the U.S. Department of Transportation (USDOT) Research and Special Programs Administration (RSPA) adopted regulations for packaging, communication, spill

response planning and implementation to prevent and contain spills of oil in transportation. The regulations, adopted under section 311(j) of the federal Clean Water Act, as amended by the Oil Pollution Act of 1990, amended an interim final rule adopted on February 2, 1993 and effective on June 16, 1993. The rules require comprehensive response plans for bulk shipments of oil (by ship, barge, rail, or portable tank) in quantities greater than 42,000 gallons and less comprehensive plans for shipments of 3,500 gallons or more. ♦

Proposed USDOT Federal-Aid Highway Wetlands Mitigation Amendments

On June 17, 1996 (61 Fed. Reg. 30553), the U.S. Department of Transportation (USDOT) Federal Highway Administration (FHWA) proposed amendments to its rules relating to mitigating the impact of federal-aid highway projects on wetlands. The FHWA stated that it was proposing the amendments to offer states greater flexibility in determining eligibility of mitigation alternatives. The proposed amendments would broaden the scope to the rules to include all wetland mitigation projects, not just those involving private lands. FHWA stated that the amendments are necessary because the present rules have become outdated due to advances in the science of wetlands management and because of statutory amendments made in the Intermodal Surface Transportation Efficiency Act of 1991 (Pub. L. 102-240). ♦

Prospective Bureau of Census Survey of Environmental Products and Services

On June 17, 1996 (61 Fed. Reg. 30592), the Department of Commerce Bureau of the Census published a notice that it is considering a survey of environmental products and services for 1995. The Bureau state that the purpose of the survey would be to measure the environmental industry and to use as a tool to promote international trade in environmental goods. The Bureau has submitted the prospective survey to the Office of Management and Budget for review. ♦

Compliance Deadline Extended for CAA Shipbuilding and Ship Repair Surface Coating NESHAP

On June 18, 1996 (61 Fed. Reg. 30814), USEPA published a direct final rule that extends the compliance deadline for the Clean Air Act (CAA) National Emission Standards for Hazardous Air Pollutants (NESHAP) for shipbuilding and ship repair surface coating operations. The deadline for submission of

implementation plans was changed from June 13, 1996 to December 16, 1996. The deadline for compliance was revised from December 16, 1996 to December 16, 1997. USEPA stated that it took this action because the rule did not allow sufficient time for assembly of implementation plans and the necessary inventory management systems and ensure compliance. The accompanying notice of proposed rule appeared in the same issue of the Federal Register (61 Fed. Reg. 30846).

USEPA adopted the Shipbuilding and Ship Repair (Surface Coating) Operations source category NESHAP on December 15, 1995 (60 Fed. Reg. 64330). The regulations established hazardous air pollutant (HAP) emissions standards for major new sources based on the maximum achievable control technology (MACT). In adopting the standards, USEPA estimated that the regulations would reduce the 920 tons (837 megagrams) in baseline emissions of HAPs from sources in this category by 350 tons (318.5 megagrams) per year, or by about 24 percent. USEPA estimated that the cost of implementing the rules would be about \$2 million nationally beyond baseline. (See memo of January 3, 1996.) ♦

Caprolactum Removed From CAA HAP List

On June 18, 1996 (61 Fed. Reg. 30816), USEPA removed caprolactum from the Clean Air Act (CAA) list of hazardous air pollutants (HAPs). Based on a petition filed by Allied Signal, Inc., BASF Corp., and DSM Chemical NA, USEPA determined that adequate data on this material indicated that it may not be reasonably expected to cause adverse environmental or human health effects. The CAA allows USEPA to add or delete compounds from the initial statutory listing based on the threat or lack of threat that they pose to human health and the environment. ♦

Corps of Engineers Permit Guidance Letters Published

On June 18, 1996 (61 Fed. Reg. 30989), the Department of Defense Army Corps of Engineers published its internal regulatory guidance letters (RGLs) pertaining to issues relating to Corps of Engineers-issued permits. The guidance letters are letters issued by the Corps headquarters to division and district engineers. The Corps developed RGLs as a means to track the guidance it directed to field agencies. The Corps published all but one of the RGLs for widest dissemination. The single RGL not published has expired. The Corps intends to publish each new RGL as it is issued and will republish the complete list of

current RGLs in early 1977. The RGLs all pertain to Corps-administered permit programs, such as dredging and wetlands permits. ♦

A Amendments to CAA SOCM I NESHAP

On June 20, 1996 (61 Fed. Reg. 31435), USEPA adopted a number of amendments to the Clean Air Act (CAA) section 112 National Emission Standards for Hazardous Air Pollutants (NESHAP) for the synthetic organic chemical manufacturing industry (SOCMI). The amendments remove three polyols (glycerol tri-(polyoxypropylene)ether, polyethylene glycol, and polypropylene glycol) from the source category because they are already regulated under the polyether polyol production NESHAP. USEPA further amended the equipment leaks provisions to clarify their intent, to correct certain oversights, and to simplify the demonstration of compliance. USEPA adopted the SOCM I NESHAP on April 22 and June 6, 1994 (59 Fed. Reg. 19402 and 29196). USEPA has previously amended the rules several times for the sake of clarification, on September 20 and October 24 and 28, 1994 (59 Fed. Reg. 48175, 53359, and 54131); January 27, April 10, and December 12, 1995 (60 Fed. Reg. 5321, 18020, 18026, and 63624); and February 29, 1996 (61 Fed. Reg. 7716). ♦

A Amendments to CAA Title V Permit Program Interim Approval Criteria

On June 20, 1996 (61 Fed. Reg. 31443), USEPA adopted amendments to Clean Air Act (CAA) Title V permit program interim approval criteria--the criteria by which USEPA may grant interim approval of a state's Title V program. USEPA explained that a state may now become eligible for interim approval even though the program does not provide for incorporation of minor source preconstruction permit conditions into the 40 CFR 70 permit. To gain the interim approval under these circumstances, the state must "show compelling reasons for the interim approval" and meet certain other permit program requirements. Interim approval lasts two years, after which the state must have corrected all deficiencies.

(Note: USEPA granted interim approval of certain elements of the Illinois operating permit program (Title V) on March 7, 1995 (at 60 Fed. Reg. 12478). USEPA stated that Illinois must cure certain deficiencies in the program to gain full approval, including correction of certain deficiencies in the insignificant activities regulations, amendment of Section 39.5(13)(c)(vi) of the Act to require the use of the significant modification procedure to incorporate emissions trades into CAAPP

permits, development of regulations defining enhanced new source review for implementing 40 CFR 70.7(d)(1)(v), and incorporation of the federal acid rain provisions into the Act by reference. Illinois must submit a complete corrected program package for USEPA review by September 9, 1996. See issue 493, April, 1995.) ♦

CAA Risk Management Rules Adopted

On June 20, 1996 (61 Fed. Reg. 31667), USEPA adopted Clean Air Act (CAA) risk management program regulations. Section 112(r) of the CAA requires USEPA to adopt rules to prevent the accidental release of regulated substances and reduce the impact of those releases that do occur. The regulated substances of interest are those listed in 40 CFR 68.130. The new regulations will apply to any stationary source that contains more than a threshold amount of any regulated substance in its processes. The rules, effective August 19, 1996, divide the universe of covered facility processes into three groups (Programs 1, 2, and 3) based on site-specific factors: the off-site consequences of a worst-case release, the accident history of the facility, and compliance with the Occupational Safety and Health Administration's (OSHA's) Process Safety Management Standard (29 CFR 1910.119). Since the regulations operate on a process-by-process basis, a single facility could have processes in different program levels.

USEPA has attempted to temper the impact of the regulations. It stated that it coordinated the development of the rules with OSHA and the Department of Transportation (USDOT). It is encouraging sources to use existing emergency response plans, rather than developing independent risk management plans (RMPs), where possible. USEPA has provided reference tables for use as guidance by small businesses in assessing the worst-case release. It has developed guidance for the ammonia refrigeration industry and intends to develop guidance for the propane handling and drinking water industry. (See below in this item.) USEPA stated that it hopes that other industry sectors will work together to develop model RMPs. The deadline for compliance is the later of June 21, 1999, three years after a regulated substance is first listed, or one year after a regulated substance is first present in a process in a quantity greater than the threshold amount.

Program 1 will apply to processes that have no history of off-site accidents within the preceding five years and no public receptors in the toxic or flammable "worst-case circle." A worst-case analysis must be done for a Program 1 facility. The owner or operator

must certify that it does not need to undertake any additional prevention steps, and it must coordinate emergency response with local authorities. The process RMP must contain a summary, registration, worst-case data, the 5-year accident history, and certification.

Program 2 processes are those that do not fulfill the prerequisites for Programs 1 or 3. In addition to the Program 1 requirements, the owner or operator of a Program 2 process must have a document management system and its safety program must include safety information, hazard review, operating procedures, training, maintenance, incident investigation, and compliance audit provisions. The Program 2 must develop an RMP and program, and the RMP must additionally include alternative release, prevention program, and emergency response data.

Program 3 processes are those that fall into certain Standard Industrial Classification (SIC) codes: 2611 (pulp mills), 2812 (chlor-alkali), 2819 (industrial inorganics), 2821 (plastics and resins), 2865 (cyclic crudes), 2869 (industrial organics), 2873 (nitrogen fertilizers), 2879 (agricultural chemicals), and 2911 (petroleum refineries). Program 3 processes are also those subject to the OSHA Process Safety Management (PSM) standard (29 CFR 1910.119), unless the process is eligible for Program 1. The Program 3 requirements add change management, pre-startup review, contractor, employee participation, and hot work permit requirements to the Program 2 requirements. Program 3 RMP requirements are parallel to those for Program 2.

In a related amendment of the same date (61 Fed. Reg. 31730), USEPA adopted a stay of the List Rule, which sets forth the regulated substances to which the RMP program applies. USEPA stayed segments of the List Rule for 18 months, until December 22, 1997, that are the subject of certain proposed amendments. Those amendments relate to the applicability of the RMP rules to stationary sources, mixtures containing regulated flammable substances, and regulated explosive substances. The stay applies to the applicability of the definition of "stationary source" as it applies to naturally-occurring hydrocarbon reservoirs and the transportation of natural gas or liquid petroleum under a certified state program, to gasoline in distribution or storage for use as fuel in internal combustion engines, naturally-occurring hydrocarbon mixtures prior to entry to a petroleum refining unit, and mixtures of a regulated flammable substance that does not have a National Fire Protection Association hazard rating of 4. Further, when proposing the stay on April 15, 1996 (61 Fed. Reg. 16598), USEPA has proposed deleting explosives from the List Rule. For this reason, USEPA did not

provide for explosives in the RMP rules. (See memo of May 9, 1996.)

Finally, USEPA announced the availability of three RMP-related guidance documents in the same issue of the Federal Register (61 Fed. Reg. 31733). The documents available are entitled "RMP Offsite Consequence Analysis Guidance," "Model Risk Management Program and Plan for Ammonia Refrigeration," and "Risk Management Plan Data Elements." "RMP Offsite Consequence Analysis Guidance" includes the methodologies and reference tables for development of worst-case and alternative scenarios for RMP rule compliance. "Model Risk Management Program and Plan for Ammonia Refrigeration" sets forth a model program plan to aid owners and operators of ammonia refrigeration facilities. "Risk Management Plan Data Elements" sets forth the types of information that should comprise an RMP.

(Note: The preamble discussion (61 Fed. Reg. 31688) notes that CAA section 502(b)(5)(A) very clearly indicates that the risk management program requirements must be enforceable through a Title V permit. This means that state permit requirements must assure compliance with the RMP rules.) ♦

Industrial Combustion Rulemaking Advisory Committee to Form

On June 21, 1996 (61 Fed. Reg. 31883), USEPA announced its intent to form an industrial combustion rulemaking advisory committee. USEPA explained that sections 112 and 129 of the Clean Air Act (CAA) identifies seven categories of combustion sources: industrial boilers, commercial-institutional boilers, process heaters, industrial-commercial solid waste incinerators, other solid waste incinerators, stationary gas turbines, and stationary internal combustion engines, for which USEPA must develop national emission standards for hazardous air pollutants (NESHAPs) by the year 2000. USEPA stated that it must perform periodic review of the CAA section 111 new source performance standards (NSPS). USEPA believes that a coordinated advisory committee that addresses all categories of sources at the same time will result in more consistent regulations and greater environmental benefits. USEPA invited nominations for the committee. ♦

Limitations of Consumer and Commercial Products VOM Emissions: Proposed Limitations for Architectural Coatings

On June 25, 1996 (61 Fed. Reg. 32729), USEPA proposed volatile organic material (VOM) emissions limitations on a class of consumer and commercial products for U.S. sale and distribution: architectural coatings. 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. The proposed rule would define an "architectural coating" as "a coating recommended for field application to stationary structures and their appurtenances, to portable buildings, to pavements, or to curbs." The proposed regulation would impose limitations on the VOM content of 55 categories of architectural coatings. It would also impose product labeling, testing, recordkeeping, and reporting requirements. Alternatively to compliance with the VOM limitation, USEPA is considering allowing the importer or manufacturer to pay an "exceedance fee" to keep the product on the market. USEPA anticipates that it will adopt the rules in time so that they will become effective as to coatings imported or manufactured for sale or distribution in the U.S. on and after April 1, 1997.

USEPA estimated that the rule would nationally reduce VOM emissions from these products by 106,000 tons per year (tpy), or by 20 percent of the 530,000 tpy in base year 1990 emissions. The reductions in ozone nonattainment areas would amount to about 46,800 tpy, at an approximate cost of \$538 per ton reduced in those areas. USEPA estimated that the overall societal cost of the regulations would amount to \$25 million. It anticipates that if all products that exceed the VOM limitation are reformulated to comply, the cost of compliance will be about \$260 per ton of reduction in VOM emissions. USEPA estimated that about 12 percent of the market would pay an exceedance fee for their products, which comprise 2 percent of industry output, rather than comply with the applicable VOC limitations.

(Note: This is the second consumer products VOM limitations proposal published by USEPA this year. On April 2, 1996 (61 Fed. Reg. 14531), USEPA proposed VOM emission standards for 24 categories of household consumer products, ranging from air fresheners to automotive and household cleaners, hairsprays, adhesives, household pesticides, nail polish removers, and shaving creams. USEPA estimated that the proposed household consumer products emission standards would reduce VOC emissions nationally by 90,000 tons per year, at a cost of \$260 per ton of VOC removed nationwide, which translates to \$563 per ton when proportioned for the usage by the 110 million out

of 260 million Americans who live in nonattainment areas for ozone. See issue 504, May, 1996.) ♦

USEPA Advisory Committee Meetings

On June 25, 1996 (61 Fed. Reg. 32796), USEPA announced meetings of five of its advisory committees. The committees involved are the Integrated Risk Project Steering Committee, the Ecological Processes and Effects Committee, the Environmental Health Committee, the Drinking Water Committee, and the Radiation Advisory Committee.

The Integrated Risk Project (IRP) Steering Committee is an ad hoc committee established by the Executive Committee of the Science Advisory Board (SAB). IRP's mission is to develop an updated ranking of the relative risk of different environmental problems based upon explicit scientific criteria, to provide an assessment of techniques and criteria that could be used to discriminate among emerging environmental risks and identify those that merit immediate attention, to assess the potential for risk reduction and propose alternative risk reduction strategies, and to identify the uncertainties and data quality issues associated with the relative rankings. It was scheduled to meet in Alexandria, Virginia on July 16 and 17, 1996.

The Ecological Processes and Effects Committee (EPEC) of the SAB is intended to evaluate the process for framing the risk assessment to respond to management goals; to select relevant assessment endpoints and measures and develop conceptual models that represent the interactions among multiple stressors, exposure pathways, ecological effects, and ecosystem processes; and to develop an analysis plan. EPEC will meet on July 18 and 19, 1996 in Washington, DC

SAB's Environmental Health Committee (EHC) is engaged in two studies of interest. EHC will discuss and review two documents: the EPA's Proposed Guidelines for Neurotoxicity Risk Assessment and the revised Thyroid Cancer Risk Assessment Policy Document. It will meet on July 18 and 19, 1996 in Washington, DC

The Drinking Water Committee (DWC) will meet on July 16 through 18, 1996 in Washington, DC The purpose of the DWC meeting is to evaluate the approach to enumerating pathogens in drinking water supplies, to identify procedures and advice relating to endocrine disruptors, to consider the impacts revisions to the Cancer Guidelines may have on the assessment of waterborne cancer hazards, to finish drafting the DWC's report on the Agency's five year research plan for microbes and disinfectant by-products.

SAB's Radiation Advisory Committee (RAC) meeting will plan an upcoming review on the

Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM) and receive briefings from the Office of Radiation and Indoor Air (ORIA) on uncertainty in radiation risk estimates, models and environmental goals for ORIA as well as a consultation on environmental indicators. RAC will meet on July 31 and August 1, 1996 in Washington, DC ♦

Proposed Revision of 1986 Guidelines for Cancer Risk Assessments

On June 25, 1996 (61 Fed. Reg. 32799), USEPA invited public comment on its proposed amendments to the 1986 Guidelines for Cancer Risk Assessment. That proposed amendments appeared in the Federal Register on April 23, 1996 (61 Fed. Reg. 17960). USEPA stated that it has used the 1986 Guideline to evaluate numerous environmental agents. The results of its studies were put into its Integrate Risk Information System (IRIS) and subsequently used in making USEPA regulatory decisions. Once USEPA finalizes the new guidelines, it intends to continue to use the IRIS data based on the 1986 Guideline studies, so long as that data remains valid, but USEPA does not intend to reassess all substances in IRIS under the new guidelines. USEPA states that under the new guidelines it intends to annually publish a list of potential candidate substances for evaluation. ♦

Proposed TSCA Rule to Require Testing Health Effects of 21 CAA HAPs

On June 26, 1996 (61 Fed. Reg. 33177), USEPA proposed a rule under the Toxic Substances Control Act that would require the manufacturers of 21 Clean Air Act (CAA) hazardous air pollutants (HAPs) to test them for certain health effects. The 21 compounds are biphenyl, carbonyl sulfide, chlorine, chlorobenzene, chloroprene, 3 cresol isomers, diethanolamine, ethylbenzene, ethylene dichloride, ethylene glycol, hydrochloric acid, hydrogen fluoride, maleic anhydride, methyl isobutyl ketone, methyl methacrylate, naphthalene, phenol, phthalic anhydride, 1,2,4-trichlorobenzene, 1,1,2-trichloroethane, and vinylidene chloride. USEPA further sought proposals for performance of pharmacokinetic studies that would allow extrapolation of oral dose rates to predict risk from inhalation exposure. USEPA also withdrew an August 12, 1986 (51 Fed. Reg. 28840) proposal for testing the oncogenicity of vinylidene chloride. ♦

Proposed Restrictions on the Use of Pesticides to Protect Groundwater Supplies

On June 26, 1996 (61 Fed. Reg. 33259), USEPA proposed restrictions on the use of five pesticides identified as probable or possible carcinogens. The proposed restrictions on the use of alachlor, atrazine, cyanazine, metolachlor, and simazine will allow states to protect groundwater resources through the development of pesticide state management plans (SMPs). A pesticide SMP will be implemented in the context of a larger comprehensive state groundwater protection program, which describes the state's overall approach to groundwater protection. An SMP will consist of several elements that describe the state's ground-water protection philosophy and its resources for controlling use of the pesticide and accomplishing its goals. Under the proposed rules, USEPA would evaluate a state plan for pesticide use restrictions and use its authorities under the Federal Insecticide, Fungicide, and Rodenticide Act to restrict the use of the pesticide. In proposing SMPs for the five pesticides, USEPA outlined that 15 additional pesticides are under consideration for SMPs. ♦

Amendments Proposed for CAA Nonmetallic Mineral Processing Plant NSPS

On June 27, 1996 (61 Fed. Reg. 33415), USEPA proposed amendments to the Clean Air Act (CAA) standards of performance for new stationary sources (NSPS) applicable to nonmetallic mineral processing plants. USEPA adopted the NSPS on August 1, 1985 (50 Fed. Reg. 31328). USEPA stated that the proposed amendments are intended to reduce the costs associated with emissions testing, recordkeeping, and reporting. The proposed amendments would not affect the numerical emissions limitations, except those applicable to individual enclosed storage bins. ♦

New CAA Emissions Standards Proposed for Highway Heavy-Duty Engines

On June 27, 1996 (61 Fed. Reg. 33421), USEPA proposed new Clean Air Act engine emissions standards for heavy-duty highway engines. The proposed amendments would reduce emissions from bus and truck engines beginning in model year 2004. USEPA stated that the amendments would reduce nitrogen oxides (NO_x) emissions by 50 percent and also reduce Hydrocarbon and particulate matter emissions from these engines. Several provisions of the amendments would increase the durability of emissions controls and provide flexibility to manufacturers in complying with the rules. ♦

Internal Guidance for Deriving Superfund MRLs and Existing MRLs for Hazardous Substances Republished

On June 27, 1996 (61 Fed. Reg. 33511), the Department of Health and Human Services, Agency for Toxic Substances and Disease Registry (ATSDR) republished its internal guidance for development of minimum risk levels (MRLs) for hazardous substances occurring at Superfund sites. ATSDR originally published the guidance on May 23, 1996 (61 Fed. Reg. 25873), but republication was necessary due to errors in the document as originally published. (See memo of June 21, 1996.) A listing of the several hazardous substances for which MRLs have already been developed appears in the guidance. As previously stated, the Superfund Amendments and Reauthorization Act requires that ATSDR and USEPA work jointly with regard to hazardous substances found at Superfund sites. ATSDR and USEPA are to derive a listing of the hazardous substances most commonly found at these sites and prepare toxicological profiles of these substances to determine significant human exposure levels (SHELs). ATSDR developed the MRLs in the course of fulfilling the mandate to develop SHELs. ATSDR stated that it used the "no-adverse-effect-level/uncertainty factor approach" and considered "the people most sensitive to such substance-induced effects" in deriving the MRLs. The MRLs are derived for acute (1-14 days), intermediate (15-364 days), and chronic (365 or more days) exposure durations and the oral and inhalation routes of exposure. ♦

Proposed Addition of Seven Industry Groups to EPCRA Reporting Requirements

On June 27, 1996 (61 Fed. Reg. 33587), USEPA proposed the addition of seven industry groups to the reporting requirements under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) and section 6607 of the Pollution Prevention Act of 1990 (PPA). The seven industry groups are metal mining, coal mining, electric utilities, commercial hazardous waste treatment, wholesale chemicals and allied products, wholesale petroleum bulk stations, and solvent recovery services. Under EPCRA section 313 certain manufacturing facilities in SIC codes 20 through 39 report annually on their releases, transfers, and other waste management practices with regard to more than 600 listed toxic chemicals and chemical categories. The information provided is then made publicly available through a variety of means, including an annual report issued by USEPA. USEPA and the states use the information as the basis for

environmental decisionmaking. USEPA estimated that SIC codes 20 through 39 represent only 0.4 percent of facilities nationwide and only 5 percent of the toxics release inventory. For these reasons, USEPA is proposing expansion of the industry segments required to report. In the same issue of the Federal Register (61 Fed. Reg. 33619), USEPA announced that it will conduct public meetings on August 7, 1996 in San Francisco and August 14, 1996 in Washington, DC to discuss the proposed added industry groups. ♦

Administrative Stay of Used Oil Mixtures Rule Vacated

On June 28, 1996 (61 Fed. Reg. 33691), USEPA published a notice explaining the effect of a recent court action on an administrative stay of the used oil mixtures rule. USEPA stated that the January 19, 1996 order of the District of Columbia Circuit court was to reinstate the mixtures rule.

Pursuant to Section 3014(a) of RCRA (42 U.S.C. § 6935(a)), as added by § 7(a) of the Used Oil Recycling Act of 1980, Pub. L. 96-463, 94 Stat. 2055, 2057, and amended by § 242, of the Hazardous and Solid Waste Amendments of 1984, Pub. L. 98-616, 98 Stat. 3221, 3260, USEPA adopted the used oil regulations on September 10, 1992 (57 Fed. Reg. 41566). Those regulations set forth a set of less burdensome rules that apply to used oil destined for recycling in lieu of the general hazardous waste management regulations. USEPA intended to ensure that hazardous waste regulation of used oil does not discourage recycling of this material, consistent with the protection of human health and the environment. A segment of the used oil rules, the mixtures rule, governs when mixtures of hazardous waste and used oil are regulated as hazardous waste and when they are regulated under the used oil standards (and the general hazardous waste rules, including the land disposal restrictions, are inapplicable).

A couple of weeks after USEPA promulgated the used oil regulations, the District of Columbia federal court released its decision in *Chemical Waste Management, Inc. v. EPA*, 976 F.2d 2 (DC Cir. 1992), cert. denied, -- U.S. --, 113 S. Ct. 1961 (1993), in which the court determined that USEPA could not allow dilution as an acceptable form of waste treatment for the purposes of land disposal. Challenges subsequently arose to the used oil mixtures rule of 40 CFR 279.10(b) based on the *Chemical Waste Management* decision, in *Safety-Kleen Corp. v. EPA*, No. 92-1629 (DC Cir.) On September 15, 1994, by agreement of the parties, the court remanded the used oil mixtures rule to USEPA for further consideration. As a result, USEPA intends to

propose a new regulation governing the management of used oil mixtures.

On October 30, 1995 (60 Fed. Reg. 55202), USEPA stayed the segment of the used oil regulations, at 40 CFR 279.10(b)(2), applicable to mixtures of used oil and characteristic waste or waste listed because it exhibits a characteristic of hazardous waste that is destined for recycling. (see memo of November 15, 1995.) The effect of that stay was that the general hazardous waste regulations, including the land disposal restrictions, apply to these used oil mixtures until USEPA takes further regulatory action. USEPA undertook this action until it could adopt a new used oil mixtures rule, it will stay 40 CFR 279.10(b)(2).

The court vacated the stay because it believed that USEPA could not amend an effective rule without notice and comment. The court believed that USEPA would vacate the rule only under the good cause exception of the federal Administrative Procedure Act. USEPA stated that the effect of the stay was to reinstate the mixtures rule.

(Note: The Board will act in the next RCRA Subtitle C update docket, R96-10, the time-frame of the original October 30, 1995 stay, despite the fact that the appropriate docket for normally acting on this notice would be R97-5, for the period January 1 through June 30, 1996. The likely effect of Board action on this notice is non-action on the original stay. The stay actually worked to make the regulatory burden greater on affected facilities by making their wastes subject to the general hazardous waste standards.) ♦

Comment Invited on USEPA Options in Dealing with WTO Decision on CAA Reformulated Gasoline

On June 28, 1996 (61 Fed. Reg. 33703), USEPA invited comments on its options in light of a decision of the World Trade Organization (WTO) that the Clean Air Act (CAA) reformulated gasoline rules violated U.S. obligations under the General Agreement on Tariffs and Trade (GATT). WTO determined, based on a complaint filed by Venezuela and Brazil, that the reformulated gasoline rules unjustifiably discriminated against imported gasoline. USEPA is trying to identify and evaluate options for responding to the decision consistent with the protection of human health and the environment and U.S. obligations under GATT. The reformulated gasoline regulations require refiners to use a baseline of 1990 for fuel quality. USEPA stated that there is presently no way for importers to gauge their 1990 quality. ♦

CAA Advisory Committee to Meet

On June 28, 1996 (61 Fed. Reg. 33736), USEPA announced that the Clean Air Act (CAA) Advisory Committee was to meet in Arlington, Virginia on July 31, 1996. The committee advises USEPA on issues relating to all aspects of implementation of the CAA. USEPA did not state the agenda for the meeting. ♦

FINAL DECISIONS 6/6/96

93-99 LTV Steel Company v. EPA - The Board granted voluntary withdrawal of this RCRA Subtitle C permit appeal involving a Putnam County facility. Consolidated with PCB 94-333.

93-173 Quantum Chemical Corporation, USI Division v. EPA - The Board granted voluntary dismissal of this NPDES permit appeal involving a Grundy County facility.

94-216 Amoco Oil Company v. EPA - The Board granted voluntary withdrawal of this underground storage tank enforcement action involving a Kane County facility

94-333 LTV Steel Company v. EPA - The Board granted voluntary withdrawal of this RCRA Subtitle C permit appeal involving a Putnam County facility. Consolidated with PCB 93-99.

95-51 Don Carson Steinheimer and Ray Darrow Steinheimer as Co-Executors of the Estate of Irene D. Steinheimer, deceased v. EPA - The Board granted voluntary dismissal of this underground storage tank enforcement action against a Morgan County facility.

96-128 People of the State of Illinois. v. Ronald Workman, d/b/a Ron's Service Center- The Board accepted a stipulation and settlement agreement in this

land enforcement action against a Sangamon County facility, ordered the respondent to pay a civil penalty of

\$5,000.00, and ordered him to cease and desist from further violation.

96-137 People of the State of Illinois. v. Kimball Hill, Inc., an Illinois corporation- The Board accepted a stipulation and settlement agreement in this water enforcement action against a Lake County facility, ordered the respondent to pay a civil penalty of \$15,000.00, and ordered it to cease and desist from further violation.

96-160 People of the State of Illinois. v. Bobak Sausage Company, an Illinois 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 \$10,000.00, and ordered it to cease and desist from further violation.

96-179 Gilbert and Linda Marshall v. Danny Lingenfelter, individually and as President of the Central Illinois Dirt Riders Association - The Board dismissed this citizen's air and noise enforcement action against a Fulton County facility, concluding that the respondent was an amateur or professional sporting activity, as defined and exempted by the Act.

96-199 Aurora Electronics, Inc. v. EPA - Having previously granted a request for an extension of time to file to 90 days, the Board dismissed this docket because no underground storage tank appeal was filed on behalf of this Cook County facility.

96-204 Downtown Oil v. EPA - Having previously granted a request for an extension of time to file to 90 days, the Board dismissed the matter because no underground storage tank reimbursement determination appeal was timely filed on behalf of this Cook County facility.

96-205 Daily Southtown, Inc. v. EPA - Having previously granted a request for an extension of time to file to 90 days, the Board dismissed this docket because no air permit appeal was timely filed on behalf of this Cook County facility.

96-223 People of the State of Illinois. v. Tucker Properties, Inc. d/b/a Rollins Crossing Shopping Center - The Board accepted a stipulation and settlement agreement in this land enforcement action against a Lake County facility, ordered the respondents to pay a civil penalty of \$10,000.00, and ordered it to cease and desist from further violation.

96-248 Shell Wood River Refining Company v. EPA - Upon receipt of an Agency recommendation, the Board

granted this Madison County facility a 45-day provisional variance from the sulfur dioxide emissions limitations of the air pollution control regulations applicable in the Illinois portion of the St. Louis metropolitan area, for the period from August 1, 1996 to September 14, 1996.

96-249 City of Savanna v. EPA - Upon receipt of an Agency recommendation, the Board granted this Carroll County facility a 45-day provisional variance from the requirement to discharge only in accordance with its NPDES permit certain total suspended solids effluent requirements of the water pollution control regulations, for the period beginning May 30, 1996 and ending after 45 days or when treatment plant repairs are completed, whichever comes first.

AC 95-11 EPA v Gordon McCann - The Board granted voluntary dismissal of the respondent Larson Foundation and entered a default order against the respondent Gordon McCann, finding that this Logan County respondent had violated Section 21(p)(1) of the Act and ordering him to pay a civil penalty of \$500.00.

AC 96-45 EPA v James E. Deisher - The Board entered a default order, finding that this Lawrence County respondent had violated Sections 21(p)(1), 21(p)(2), and 21(p)(3) of the Act and ordering him to pay a civil penalty of \$1,500.00.

AS 93-1 In the Matter of: Petition of Quantum Chemical Corporation, USI Division, for an Adjusted Standard from 35 Ill. Adm. Code 304.129(c) - The Board granted voluntary dismissal of this petition filed on behalf of a Grundy County facility for an adjusted standard from certain biochemical oxygen demand and total suspended solids effluent requirements of the water pollution control regulations.

AS 95-1 In the Matter of: Petition of Tommy House Tire Company, Inc. for an Adjusted Standard from 35 Ill. Adm. Code Part 848.202(b)(2) and 848.202(b)(5) The Board granted reconsideration and removed a condition from the adjusted standard granted the Macon County petitioner on March 21, 1996, with conditions from certain tire and building separation requirements of the land pollution control (used tire) regulations.

AS 95-3 In the Matter of: Joint Petition of the City of Metropolis and the Illinois Environmental Protection Agency for an Adjusted Standard from 35 Ill. Adm. Code Part 304 for 5-day Biological Oxygen Demand (Bod-5), suspended Solids and Ammonia Nitrogen - The Board granted this Massac County petitioner an adjusted

standard, with conditions, from certain of the biochemical oxygen demand, total suspended solids, and ammonia nitrogen effluent requirements of the water pollution control regulations.

FINAL DECISIONS 6/20/96

92-108 The OK Trucking Company v. EPA - The Board granted voluntary dismissal of this underground storage tank reimbursement determination appeal involving a Cook County facility.

94-275 People of the State of Illinois. v. Boyd Brothers, Inc. - The Board accepted a stipulation and settlement agreement in this water enforcement action against a Williamson County facility, ordered the respondent to pay a civil penalty of \$9,750.00, and ordered it to cease and desist from further violation. Consolidated with PCB 94-311.

94-311 People of the State of Illinois v. Abandon Mined Lands Reclamation Council, an Illinois state entity - The Board granted voluntary dismissal of citizen's water enforcement action against a Williamson County facility. Consolidated with PCB 94-275.

96-129 People of the State of Illinois. v. Siciliano, Inc. an Illinois corporation - The Board accepted a stipulation and settlement agreement in this air enforcement action against a number of Sangamon County facilities, ordered the respondent to pay a civil penalty of \$5,000.00, and ordered it to cease and desist from further violation.

96-142 People of the State of Illinois. v. A.E. Staley Manufacturing Company, a Delaware corporation - The Board accepted a stipulation and settlement agreement in this land enforcement action against a Macon County facility, ordered the respondent to pay a civil penalty of \$35,000.00 and ordered it to cease and desist from further violation.

96-145 People of the State of Illinois. v. Schmidt Bros. Landscaping, Inc. an Illinois corporation - The Board accepted a stipulation and settlement agreement in this land enforcement action against a Will County facility, ordered the respondent to pay a civil penalty of \$5,000.00, and ordered it to cease and desist from further violation.

96-174 The Knapheide Mfg. Co. v. EPA - The Board granted this Adams County facility a variance, subject to conditions, from certain volatile organic material (VOM)

emissions requirements applicable to miscellaneous metal parts and products coating operations using air dried coating and extreme performance coating.

96-213 Edelstein Water Co-Op v. EPA - The Board granted this Peoria County facility a variance, subject to conditions, from the standards of issuance and restricted status provisions of the public water supplies regulations, as they would otherwise relate to the radium content of drinking water.

96-216 Richard Johnson v. EPA - Having previously granted a request for a 90-day extension of time to file, the Board dismissed this docket because no underground storage tank appeal was timely filed on behalf of this McHenry County facility.

AC 96-44 County of Will v. Carl Smits - The Board entered a default order, finding that this Will County respondent had violated Section 21(p)(3) of the Act and ordering him to pay a civil penalty of \$500.00.

AC 96-46 County of Montgomery v. Envotech-Illinois, Inc. - The Board entered a default order, finding that this Montgomery County respondent had violated Section 21(o)(5) of the Act and ordering it to pay a civil penalty of \$500.00.

AC 96-47 EPA v. Frank A. Olson - The Board entered a default order, finding that this Henderson County respondent had violated Section 21(p)(1) of the Act and ordering him to pay a civil penalty of \$500.00.

AS 96-8 In the Matter of: Petition of Central Illinois Light Company (Duck Creek Station) petition for an Adjusted Standard from 35 Ill. Adm. Code Part 302.208 and 35 Ill. Adm. Code Part 304.105 - The Board granted this Fulton County facility an adjusted standard, with conditions, from certain of boron effluent discharge requirements and water quality standards of the water pollution control regulations.

R95-20 In the Matter of: RCRA Subtitle C Update, USEPA Regulations (1-1-95 through 6-30-95, 7-7-95, 9-29-95, 11-13-95 & 6-6-96) - The Board adopted identical-in-substance amendments to the Illinois RCRA Subtitle C hazardous waste regulations to correspond with USEPA revisions to the federal hazardous waste program made during the period January 1 through June 30, 1995. For further information, see Rulemaking Update.

NEW CASES 6/6/96

96-235 People of the State of Illinois. v. Medalist, Inc. - The Board received this air and land enforcement action against a DuPage County facility for hearing.

96-236 Shell Oil Products Company v. EPA - The Board ordered the filing of an amended petition on behalf of a Cook County facility for a variance from certain of the risk-based soil remediation requirements of the land pollution control (underground storage tank) regulations.

96-237 People of the State of Illinois. v. ESG Watts, Inc. - The Board received this land enforcement action involving a Sangamon County facility for hearing.

96-238 Citizens United For A Responsible Environment v. Browning-Ferris Industries of Illinois, Inc. and the Village Board of the Village of Davis Junction, Illinois - The Board accepted this pollution control facility (landfill) siting appeal involving a proposed Ogle County facility for hearing.

96-239 The Solar Corporation v. EPA - The Board accepted this petition filed on behalf of a Lake County facility for a variance from the volatile organic material emissions requirements of the air pollution control regulations applicable to application of interior air-dried coatings to automotive/transportation plastic parts in the Chicago metropolitan area for hearing.

96-240 People of the State of Illinois. v. Rogers O'Hare Motor Terminal Limited and Carolina Freight Carriers Corporation - The Board received this water and underground storage tank enforcement action against a Cook County facility for hearing.

96-241 Shell Oil Products Co. v. EPA - Having received a request for an extension of the time to file to 90 days, the Board reserved this docket for any underground storage tank fund reimbursement determination appeal that might be filed on behalf of this Will County facility.

96-242 American Roofing & Repair Company v. EPA - The Board accepted underground storage tank fund reimbursement determination appeal involving a DuPage County facility for hearing.

96-243 Residents Against A Polluted Environment and the Edmund B. Thornton Foundation v. County of LaSalle & Landcomp Corporation - The Board accepted this pollution control facility (landfill) siting appeal involving a proposed LaSalle County facility for hearing.

96-244 People of the State of Illinois. v. Langos Corporation - The Board received this air enforcement action against a Cook County facility for hearing.

96-245 People of the State of Illinois. v. Pamarco, Inc. - The Board received this RCRA Subtitle C enforcement action against a Kane County facility for hearing.

96-246 City of DeKalb v. EPA - The Board held this petition filed on behalf of a DeKalb County facility for an extension of the variance granted June 20, 1991 in PCB91-34 from the standards for issuance and restricted status requirements of the public water supply regulations as they relate to the radium content of the petitioner's water for the Agency recommendation.

96-247 Macon County Landfill #2 and #3 v. EPA - The received a request for an extension of the time to file to 90 days any land (landfill) permit appeal on behalf of this Macon County facility.

96-248 Shell Wood River Refining Company v. EPA - *See Final Actions*

96-249 City of Savanna v. EPA - *See Final Actions*

AC 96-48 County of Jackson v. Southern Illinois Regional Landfill - The Board received an administrative citation against a Jackson County respondent.

AC 96-49 County of Jackson v. Southern Illinois Regional Landfill - The Board received an administrative citation against a Jackson County respondent.

AC 96-50 County of LaSalle v. Lone Star Industries, Inc. - The Board received an administrative citation against a LaSalle County respondent.

AC 96-51 Montgomery County, Illinois v. Envotech- Illinois, Inc. - The Board received an administrative citation against a Montgomery County respondent.

AC 96-52 EPA v. City of Mound City - The Board received an administrative citation against a Marshall County respondent.

AS 96-10 In the Matter of: Petition of Commonwealth Edison Company for an Adjusted Standard from 35 Ill. Adm. Code 302.211(d) and (e) - The Board ordered the Will County petitioner to file an amended petition for an adjusted standard that would grant its Joliet, Will County, Crawford, and Fisk generating stations an alternative thermal discharge standard.

NEW CASES 6/20/96

96-217 Jewel Food Stores, Inc. and American Store Properties, Inc., v. EPA - Having previously granted an extension of time to file, and having received a timely-filed petition, the Board accepted this underground storage tank appeal involving a Cook County facility for hearing.

96-247 Macon County Landfill #2 and #3 v. EPA - The Board accepted this request for 90-day extension of time to file a land permit appeal on behalf of a Macon County facility.

96-250 White & Brewer Trucking, Inc. v. EPA - The Board accepted this request for 90-day extension of time to file a land permit appeal on behalf of a Montgomery County facility.

96-251 Waste Management of Illinois, Inc. (Laraway RDF, Solid Waste Unit) v. EPA - Having received a request for an extension to 90 days for time to file, the Board reserved this docket for any land permit appeal that might be filed on behalf of this Will County facility.

96-252 Martin & Bayley, Inc. v. EPA - The Board accepted this underground storage tank reimbursement determination appeal involving a Marion County facility for hearing.

96-253 People of the State of Illinois v. Material Service Corporation, a Delaware corporation - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action against a Kane County facility, the Board ordered publication of the required newspaper notice.

96-254 Marathon Oil Co. v. EPA - The Board ordered the filing of an amended petition on behalf of this Crawford County facility for a variance from certain particulate emissions requirements of the air pollution control regulations.

96-255 Laidlaw Waste Systems, Inc. v. EPA - The Board accepted this request for a 90-day extension of the time to file a land permit appeal on behalf of a Madison County facility.

96-256 People of the State of Illinois v. Crier Development Co. - The Board received a water enforcement action filed against a DuPage County facility.

96-257 People of the State of Illinois v. Rockford Blacktop Construction Company - Upon receipt of a proposed stipulation and settlement agreement and an agreed motion to request relief from the hearing requirement in this water enforcement action against a Winnebago County facility, the Board ordered publication of the required newspaper notice.

AC 96-53 EPA v. Elmer Meints - The Board received an administrative citation against a Livingston County respondent.

AC 96-54 EPA v. Finger Refuse Service, Inc. - The Board received an administrative citation against a Lee County respondent.

AC 96-55 EPA v. Ray Stokes and Ted Bidleman, d/b/a Ray's and Bidleman's Tree Care, and Michael Rengel - The Board received an administrative citation against a Peoria County respondent.

AS 96-11 In the Matter of: Petition of Chemetco, Inc. for an Adjusted Standard from 35 Ill. Adm. Code Part 720.131(a), (c) - The Board acknowledged receipt of this petition for an adjusted standard petition filed on behalf of a Madison County facility for a determination that material accumulated speculatively and material reclaimed is not solid waste, as such is defined under the RCRA Subtitle C requirements of the land pollution control regulations, and held it pending receipt of proof of publication.

R96-18 In the Matter of: Amendments to 35 Ill. Adm. Code Subtitle F - The Board opened a new docket for prospective amendments to the Illinois Title 35, Subpart F public water supplies regulations in response to an Agency request that the Board consider certain amendments requested in another proceeding as a separate petition for rulemaking. For further information, see Rulemaking Update.

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.

26-Jul-96 02:00 P.M.	PCB 93-250 A-E	<u>People of the State of Illinois v. Clark Oil & Refining Corporation</u> James R. Thompson Center, Suite 11-500, 100 West Randolph Street, Chicago, Illinois
26-Jul-96 10:30 A.M.	PCB 96-198 L-V	<u>Land and Lakes Company (River Bend Prairie Facility) v. IEPA</u> James R. Thompson Center, Suite 11-500, 100 West Randolph Street, Chicago, Illinois
29-Jul-96 10:00 A.M.	PCB 93-015 N-E, Citizens	<u>Dorothy Furlan and Michael Furlan v. University of Illinois School of Medicine--Administration Bldg., Room 501, 504 Elm Street, Rockford, Illinois</u>
31-Jul-96 10:00 A.M.	PCB 95-158 L-E	<u>People of the State of Illinois v. City of Herrin--Herrin City Hall, City Council Chambers, 300 North Park Street Herrin, Illinois</u>
5-Aug-96 01:00 AM	PCB 96-246 PWS-V	<u>City of DeKalb v. IEPA--City Council Chambers, DeKalb Municipal Building, DeKalb, Illinois</u>
9 Aug-96 10:00 AM	PCB 96-239 A-V	<u>The Solar Corporation v. IEPA--Libertyville Village Hall, 118 West Cook Street, Libertyville, Illinois</u>
14-Aug-96 10:00 AM	PCB 96-107 R, Air	<u>People of the State of Illinois v. ESG Watts, Inc.--County Building, County Board Room, 1504 Third Avenue, Rock Island, Illinois</u>
16-Aug-96 10:00 A.M.	R96-017 R, Air	<u>In the Matter of: Exemptions from State Permit Requirements, Amendments to 35 Ill. Adm. Code 201 and 214</u> James R. Thompson Center, 100 West Randolph, Room 9-040, Chicago, Illinois
19-Aug-96 09:00 A.M.	PCB 96-053 N-E, Citizens	<u>David and Susi Shelton v. Steven and Nancy Crown</u> James R. Thompson Center, 100 West Randolph, Room 9-040, Chicago, Illinois
20-Aug-96 09:00 A.M.	PCB 96-053 N-E, Citizens	<u>David and Susi Shelton v. Steven and Nancy Crown</u> James R. Thompson Center, 100 West Randolph, Room 9-040, Chicago, Illinois
21-Aug-96 09:00 A.M.	PCB 96-053 N-E, Citizens	<u>David and Susi Shelton v. Steven and Nancy Crown</u> James R. Thompson Center, 100 West Randolph, Room 9-040, Chicago, Illinois
21-Aug-96 10:00 A.M.	PCB 95-162 L-V	<u>Illinois Landfill, Inc. v. IEPA--Vermillion County Court House Annex, County Board Room, 6 North Vermillion, Danville, Illinois</u>
23-Aug-96 09:00 A.M.	PCB 96-211 P-A, Air	<u>Hydrosol, Inc. v. IEPA</u> James R. Thompson Center, 100 West Randolph, Room 9-040, Chicago, Illinois
27-Sept-96 10:00 A.M.	PCB 96-110 N-E, Citizens	<u>Sara Scarpino and Margaret Scarpino v. Henry Pratt Company--Old Kane County Courthouse, Courtroom 110, 100 South Third Street, Geneva, Illinois</u>

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 Public Water Supplies

Restricted Status List -- Public Water Supplies

The Restricted Status List was developed to give additional notification to officials of public water supplies which are in violation of 35 Ill. Adm Code, Subtitle F: Public Water Supplies, Chapter I or the Illinois Environmental Protection Act.

The Restricted Status List will include all Public Water Supplies for which the Agency has information indicating a violation of any of the following requirements: Finished water quality requirements of 35 Ill. Adm Code, Part 604, Subparts B and C; maintenance of adequate pressure on all parts of the distribution system under all conditions of demand; meeting raw water quantity requirements of 35 Ill. Adm Code 604.502; or maintenance of treatment facilities capable of providing water "assuredly adequate in quantity" as required by Section 18 of the Illinois Environmental Protection Act.

A public water supply on the Restricted Status List will not be issued permits for water main extensions, except for certain limited situations, or unless the supply has been granted a variance from the Illinois Pollution Control Board for the violation, or from permit issuance requirements of Section 39 of the Act.

This list is continually being revised as new information becomes available, and therefore, specific inquiries as to the status of any public water supply should be directed to the Division of Public Water Supplies for final determination. This list reflects the status as of July 1, 1996.

- * Indicates public water supplies which have been added to the list since the previous publication.
- ** Indicates actions are being taken by officials to bring the public water supply into compliance.

RDS:sp/0046g/2

Illinois Environmental Protection Agency
 Division of Public Water Supplies
 Restricted Status List -- Public Water Supplies
 July, 1996

<u>NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY NO.</u>	<u>RGN</u>	<u>NATURE OF PROBLEM</u>	<u>POP. SERVED</u>	<u>LISTING DATE</u>
Acorn Acres Sbdv (Lake Co. - 0975020)	2	Inadequate Pres. Tank	250	12/16/83
Ashley (Washington Co. - 1890100)	6	Trihalomethane	825	06/15/92
Bahl Wtr/Pioneer Acres (JoDaviess Co. - 0855200)	1	Inad. Pres. Storage	700	12/15/93
Bardolph (McDonough - 1090050)	5	Trihalomethane	299	03/15/95
Bartmann Health Care Center (Logan Co. - 1075169)	5	Inadequate Pres. Tank	93	12/16/83
Bel-Air Sbdv (Will Co. - 1975130)	2	Inadequate Pres. Tank	91	08/04/81
Belmont-Highwood PWD (DuPage Co. - 0435180)	2	Trichloroethylene	498	09/16/93
Beverly Mr Cntrl Imp Assn (Tazewell Co. - 1795120)	5	Inadequate Pres. Tank	525	03/17/89
Beverly Mr-Grant (Tazewell Co. - 1795100)	5	Inadequate Pres. Tank	610	03/20/81
Biggsville (Henderson Co. - 0710050)	5	Radium & Radiological	400	03/17/86
Blue & Gold Homeowners Assn (Winnebago Co. - 2015250)	1	Inadequate Press. Tank & Source of Supply	170	06/17/83
Blue Mound (Macon Co. - 1150100)	4	Nitrate	1,350	09/15/95
Bluff Lake Lodges, Inc (Lake Co. - 0970240)	2	Inad. Pres. Storage	25-200	12/15/93
Bonnie Lane Wtr (Kendall Co. - 0930010)	2	Inadequate Pres. Tank	49	09/16/93
Bradford (Stark Co. - 1750050)	1	Radium	920	03/17/86
Bradley Heights Sbdv (Winnebago Co. - 2015050)	1	Inadequate Pres. Tank	192	09/13/85
Breezeway Sbdv (Tazewell Co. - 1795150)	5	Inadequate Pres. Tank	175	09/17/82
Briar Garden Apts (Winnebago Co. - 2015190)	1	Inadequate Pres. Tank	60	12/17/82
Briarcrest Sbdv Hmwnrs Assn (Lake Co. - 0971060)	2	Radium & Gross Alpha	120	12/16/92
Broadview Academy (Kane Co. - 0895149)	2	Radium	304	09/19/86

Brookview Sbdv (Peoria Co. - 1435100)	5	Nitrate	300	09/16/93
Bryant (Fulton Co. - 0570200)	5	Radium & Radiological	310	03/15/95
Buck Lake Ests Sbdv (DeKalb Co. - 0375100)	1	Inadequate Pres. Tank	200	09/14/84
Buckingham (Kankakee Co. - 0910250)	2	Inadequate Pres. Tank	330	03/17/89
* Byron Woods Subdiv. (Rock Island Co. - 1610070)	1	Arsenic	75	06/17/96
* Camelot Water Company, Inc. (Peoria Co. - 1435450)	5	Trihalomethanes & Atrazine	1,001	06/17/96
Carlinville (Macoupin Co. - 1170150)	5	Atrazine	6,532	03/15/96
Campus (Livingston Co. - 1050050)	4	Inadequate Pres. Tank	230	03/20/81
Carroll Hts Utl Cmpny (Carroll Co. - 0155200)	1	Inadequate Pres. Tank	80	03/20/81
Century Pines Apts (Carroll Co. - 0150020)	1	Inadequate Pres. Tank	50	12/14/90
Cherry Vale East Apts (Winnebago Co. - 2015470)	1	Inadequate Pres. Tank	180	01/14/82
Cherry View Apts (Winnebago Co. - 2015278)	1	Inadequate Pres. Tank	60	06/17/83
Claremont Hills Subdiv. (McHenry Co. - 1115080)	2	Inadequate Pres. Tank	330	03/15/96
Clarendon Wtr Cmpny (DuPage Co. - 0435300)	2	Inadequate Pres. Tank	1,953	03/20/81
Clearview Sbdv (Will Co. - 1975360)	2	Inadequate Pres. Tank	420	01/13/82
Coalton (Montgomery Co. - 1350100)	5	Low System Pressure	325	03/20/81
Coffeen (Montgomery Co. - 1350150)	5	Trihalomethane	800	03/17/92
Community Srvc Corp (McHenry Co. - 1115350)	2	Inadequate Pres. Tank	750	09/16/83
Country Club Mir Well 1 (Rock Island Co. - 1617286)	1	Inadequate Pres. Tank	32	01/14/82
Croppers 2nd & 3rd Addn (Rock Island Co. - 1615200)	1	Inadequate Pres. Tank	29	12/16/83
Cropsey Cmnty Wtr (McLean Co. - 1135150)	4	Inadequate Pres. Tank	60	03/20/81
Crystal Clear Wtr Cmpny (McHenry Co. - 1115150)	2	Inadequate Pres. Tank	900	09/16/88
* Crystal Heights Assn (McHenry Co. - 1115150)	2	Inadequate Pres. Tank	93	06/17/96
Ctzns Lombard Heights Dvn (DuPage Co. - 0435700)	2	Inadequate Pres. Tank	980	12/17/82
D and R Apts (Champaign Co. - 0190030)	4	Inadequate Pres Tank	26	09/16/93
Deering Oaks Sbdv (McHenry Co. - 1115200)	2	Inadequate Pres. Tank	60	12/17/82
* DeKalb (DeKalb Co. - 0370100)	1	Radium	35,000	06/20/96
DeKalb Univ Dvl Corp (DeKalb Co. - 0375148)	1	Inadequate Pres. Tank	950	12/16/92
DePue (Bureau Co. - 0110300)	1	Radium	1,725	09/16/94
DeWitt Cnty Nursing Home (DeWitt Co. - 0395129)	4	Inadequate Pres. Tank	80	06/17/83
DL Well Owners Assn (Lake Co. - 0975380)	2	Inadequate Pres. Tank	125	03/18/83
* Donnellson (Bond Co. - 0054360)	6	Trihalomethane	197	06/17/96
Dover (Bureau Co. - 0110350)	1	Inadequate Pres. Tank	200	05/25/81
East Mreland Wtr Assn (Will Co. - 1975600)	2	Inadequate Pres. Tank	753	03/20/81
East Mreland Wtr Corp. (Will Co. - 1975640)	2	Inadequate Pres. Tank	135	03/15/96
Eberts 2nd Addn (Rock Island Co. - 1615280)	1	Inadequate Pressure Tank	35	09/15/89
Echo Lake Black IV Water Assn (Lake Co. - 0970130)	2	Inadequate Pres. Tank	50	06/15/88
Echo Lake Wtr Sys Block 7 (Lake Co. - 0975820)	2	Inadequate Pres. Tank	48	09/16/83
Edelstein Wtr Coop (Peoria Co. - 1435150)	5	Radium & Radiological	115	06/13/86
Elm Oak Mutual Wtr Sys (Lake Co. - 0975736)	2	Inadequate Pres. Tank	45	06/13/86
Emmett Utl Inc (McDonough Co. - 1095200)	5	Inadequate Pres. Tank	39	12/17/82
Evergreen Vlg Sbdv (Rock Island Co. - 1615310)	1	Inadequate Pres. Tank	250	03/20/81
Fahnstock Court Sbdv (Peoria Co. - 1435200)	5	Inadequate Pres. Tank	30	05/25/81
Fair Acres Sbdv (Will Co. - 1975680)	2	Inadequate Pres. Tank	185	10/19/81
Fairview (Fulton Co. - 0570450)	5	Radiological, Radium & Inadequate Pressure Tank	620	03/20/81
Farm Colony (Kendall Co. - 0935140)	2	Radium	25	03/17/86
Forest Lake Addn (Lake Co. - 0975500)	2	Inadequate Pres. Tank	180	12/16/83
Fox Lawn Utl Cmpny (Kendall Co. - 0935150)	2	Radium	240	03/17/86
Galena Knolls Sbdv (Peoria Co. - 1435300)	5	Nitrate	180	06/15/88
Garden Street Imprv Assn (Will Co. - 1975376)	2	Inadequate Pres. Tank	62	09/15/89
Glenkirk Campus North (Lake Co. - 0977189)	2	Inadequate Pres. Tank	64	06/15/88
Glenkirk Campus South (Lake Co. - 0977199)	2	Inadequate Pres. Tank	36	06/15/88
Good Shepherd Manor (Kankakee Co. - 0915189)	2	Inadequate Pres. Tank	140	03/17/89
Great Oaks & Beacon Hls Apts (Winnebago Co. - 2015488)	1	Inadequate Pres. Tank	43	12/17/82
Greenfield Cmnty Well Cmpny (Will Co. - 1975760)	2	Inadequate Pres. Tank	25	12/16/83
Hawthorn Woods (Lake Co. - 0970450)	2	Inadequate Pres. Tank	800	03/15/95
Hazelwood 1st Addn Well 2 (Henry Co. - 0735446)	1	Inadequate Pres. Tank	32	09/17/82
Hazelwood 2nd Addn Well 2 (Henry Co. - 0735666)	1	Inadequate Pres. Tank	32	09/17/82
Hazelwood 2nd Addn Well 3 (Henry Co. - 0735686)	1	Inadequate Pres. Tank	32	09/17/82

Heatherfield Sbdv (Grundy Co. - 0635150)	2	Inadequate Pres. Tank	91	09/17/82
Hettick (Macoupin Co. - 1170500)	5	Atrazine	250	03/15/95
Hickory Hls Sbdv Assn 1 (Tazewell Co. - 1795386)	5	Inadequate Pres. Tank	31	06/14/85
Hickory Hls Sbdv Assn 2 (Tazewell Co. - 1795396)	5	Inadequate Pres. Tank	30	06/14/85
Highland Lake Sbdv (Lake Co. - 0975750)	2	Inadequate Pres. Tank	294	03/20/81
Highland Sbdv (Kane Co. - 0895530)	2	Inadequate Pres. Tank	50	09/16/83
Hillsboro (Montgomery Co. - 1350300)	5	Atrazine & Trihalomethane	7, 249	12/16/94
Hillview Sbdv (Will Co. - 1975800)	2	Inadequate Pres. Tank	99	03/15/85
Homeowners Assn of Four Lakes Subdiv. (LaSalle - 0995110)	1	Radium	45	09/19/88
Hopewell (Marshall Co. - 1235150)	1	Radiological	350	09/15/95
Huntley (McHenry Co. - 1110350)	2	Barium	2, 453	12/15/95
Huntley Cmnty Sbdv (Will Co. - 1975840)	2	Inadequate Pres. Tank	48	03/16/84
Ill. Prairie Est. Sbdv (LaSalle Co. - 0995300)	1	Radium	45	06/15/88
Ingalls Park Sbdv (Will Co. - 1975880)	2	Inadequate Pres. Tank	690	09/16/83
Island Lake Wtr Cmpny (Lake Co. - 0975080)	2	Iron	2, 250	06/15/90
Kingston Mines (Peoria Co. - 1430450)	5	Radium	350	03/17/86
Kinsman (Grundy Co. - 0630450)	2	Radium	150	03/17/86
Kirkwood (Warren Co. - 1870050)	5	Radium & Radiological	1, 008	07/23/93
Ladd (Bureau Co. - 0110450)	1	Radium	1, 350	10/04/85
Lake Lynwood Wtr Sys (Henry Co. - 0735330)	1	Inadequate Pres. Tank	98	08/31/81
Lake Williamson Christian Center (Macoupin Co. - 1175100)	5	Atrazine	475	03/15/96
Lakeview Sbdv (Whiteside Co. - 1955150)	1	Inadequate Pres. Tank	146	03/20/81
Lakewood Shores Imprv Assn (Will Co. - 1975930)	2	Radium	93	03/17/86
Lakewood Wtr Sys (Lake Co. - 0975400)	2	Inadequate Pres. Tank	49	12/16/83
Larchmont Sbdv (Winnebago Co. - 2015290)	1	Inadequate Pres. Tank	106	06/17/83
Larson Court Rentals (Rock Island Co. - 1615728)	1	Inadequate Pres. Tank	48	01/14/82
Legend Lakes Wtr Assn (Winnebago Co. - 2015300)	1	Inadequate Pres. Tank	225	03/14/91
Lemon Street Well Cmpny (Rock Island Co. - 1615550)	1	Inadequate Pres. Tank	470	03/20/81
Liberty Park Homeowners Assn (DuPage Co. - 0435600)	2	Inadequate Pres. Tank	1, 092	09/17/92
Lindenwood Wtr Assn (Ogle Co. - 1415300)	1	Inadequate Pres. Tank	50	01/13/82
Lisbon North Inc (Grundy Co. - 0631000)	2	Inadequate Pres. Tank	30	09/14/90
Little York (Warren Co. - 1870100)	5	Radium	356	12/16/91
London Mills - (Fulton County - 0574620)	5	Inadequate Pres. Tank	670	12/14/84
Lostant (LaSalle Co. - 0990450)	1	Radium & Radiological	550	03/17/86
Lynn Cntr (Henry Co. - 0735100)	1	Inadequate Pres. Tank	147	03/15/95
Lynnwood Water Corp (LaSalle Co. - 0995336)	1	Inadequate Pres. Tank	114	03/18/83
M C L W Sys Inc (Mercer Co. - 1315150)	1	Inadequate Source	100	03/20/81
Maple Hill Imprv Assn (DuPage Co. - 0435800)	2	Inadequate Pres. Tank & Trichloroethylene	234	08/31/81
Maple Hill Nursing Ctr (Lake Co. - 0971090)	2	Inadequate Pres. Tank	204	06/15/93
Maple Leaf Ests Wtr Corp (Monroe Co. - 1335100)	6	Inadequate Pres. Tank	39	03/20/81
Mayfair Sbdv (Tazewell Co. - 1795750)	5	Inadequate Pres. Tank	150	03/16/90
Melrose Rental Apts (Kane Co. - 0895228)	2	Inadequate Pres. Tank	38	03/15/94
Metro Util. -Liberty Ridge (DuPage Co. - 0435650)	2	Inadequate Pres. Tank	2, 510	03/15/94
Metro Utl Valley Dvn (Kendall Co. - 0935100)	2	Inadequate Pres. Tank	2, 200	03/16/90
Mission Brook Sndst (Cook Co. - 0315920)	2	Radium	3, 200	03/14/91
Mecherville Sbdv (Kane Co. - 0895300)	2	Inadequate Pres. Tank	1, 120	03/20/81
Mnmmouth (Warren Co. - 1870150)	5	Radium	9, 500	12/15/93
* Mbund PWD (St. Clair Co. - 1635050)	6	Inadequate Plant Capacity	1, 800	06/17/96
Mbunt Carroll (Carroll Co. - 0150200)	1	Radium	1, 726	12/15/95
Mbunt Gilead Shcrhm (Greene Co. - 0615129)	6	Inadequate Pres. Tank	28	09/16/83
Naplate (LaSalle Co. - 0990600)	1	Radium	560	03/15/96
Nauvoo (Hancock Co. - 0670500)	5	Trihalomethane	1, 200	8/13/93
Neponset (Bureau Co - 0110700)	1	Radium	640	09/14/90
Nokomis (Montgomery Co. - 1350450)	5	Trichloroethylene	2, 908	09/15/95
Northern Hills Util. Co. (Stephenson Co. - 1775050)	1	Inadequate Pres. Tank	290	03/15/96
Northside Peterson Wfnd (DuPage Co. - 0435866)	2	Inadequate Pres. Tank	30	12/15/89
Northwest Belmont Imprv Assn (DuPage Co. - 0435900)	2	Inadequate Pres. Tank	115	09/29/81
Oak Ridge Sndst (Woodford Co. - 2035300)	1	Inadequate Pres. Tank	240	03/20/81
Oakhaven Sbdv (Tazewell Co. - 1795760)	5	Inadequate Pres. Tank	35	05/25/81
Oakview Avenue Wtrwks Inc (Will Co. - 1977210)	2	Inadequate Pres. Tank	350	03/20/81

Odell (Livingston Co. - 1050550)	4	Radium	1, 100	03/17/86
Olivet Nazarene College (Kankakee Co. - 0915279)	2	Inadequate Pres. Tank	1, 450	03/15/94
Ophiem PWS (Henry Co. - 0735150)	1	Inadequate Pres. Tank	150	06/18/82
Osco Mutual Wtr Supply Cpy Inc (Henry Co. - 0735200)	1	Inadequate Pres. Tank	115	12/15/89
Oswego (Kendall Co. - 0930150)	2	Radium	4, 500	15/15/95
Park Crest Wtr Cmpny (Stephenson Co. - 1775100)	1	Inadequate Pres. Tank	1, 200	09/14/84
Park Hill Ests Well 1 (Rock Island Co. - 1617806)	1	Inadequate Pres. Tank	32	06/18/82
Park Road Wtr Assn (Will Co. - 1977330)	2	Inadequate Pres. Tank	60	12/17/82
Park View Wtr Corp (Kane Co. - 0895500)	2	Inadequate Pres. Tank	150	12/17/82
Pleasant Village (Kane Co. - 0895228)	2	Inadequate Pres. Tank	N/A	06/18/82
Plum Creek Condos (Cook Co. - 0317080)	2	Radium	570	03/17/86
Polo Drive & Saddle Rd Sbdv (DuPage Co. - 0437000)	2	Inadequate Pres. Tank	95	12/17/82
Prairie Ridge Assn (McHenry Co. - 1115730)	2	Inadequate Pres. Tank	140	03/16/90
Prairie View Wtr Assn (Tazewell Co. - 1795900)	5	Inadequate Pres. Tank	55	03/20/81
Ransom (LaSalle Co. - 0990900)	1	Radium	450	03/17/86
Reddick (Kankakee Co. - 0914780)	2	Radium	208	09/16/93
Ridgecrest North Sbdv (Grundy Co. - 0635250)	2	Inadequate Pres Tank	85	09/16/93
Ridgewood Sbdv (Will Co. - 1977650)	2	Inadequate Pres. Tank	315	06/18/82
Rock Island Arsn (Rock Island Co. - 1615387)	1	Trihalomethane	9, 000	06/15/92
Rockdale (Will Co. - 1970850)	2	Radium	1, 500	03/17/86
Rome Farms #9 (Peoria Co. - 1435500)	5	Nitrate	200	09/15/95
RR 1 - Il Wtr Assn (Macoupin Co. - 1175260)	5	Trihalomethane	81	06/15/92
Salem Childrens Hm (Livingston Co. - 1055229)	4	Inadequate Pres. Tank	66	03/18/83
Save Site (St. Clair Co. - 1635289)	6	Trihalomethane	375	06/15/92
Schram City (Montgomery Co. - 1350600)	5	Trihalomethane	690	06/16/94
Scribner Street Sbdv (Will Co. - 1977660)	2	Inadequate Pres. Tank	50	03/18/83
Shawmita Trc Wtr Assn (Will Co. - 1977690)	2	Inadequate Pres. Tank	125	09/17/92
Silvis Heights Wtr Corp (Rock Island Co. - 1615750)	1	Inadequate Pres. Tank	1, 680	03/20/82
Skyview Sbdv (Kankakee Co. - 0915526)	2	Inadequate Pres. Tank	65	09/14/84
South Wilmington (Grundy Co. - 0630650)	2	Radium	750	03/15/93
Spring Valley (Bureau Co. - 0111000)	1	Radium	5, 850	09/17/92
St. Charles Cnsn Wfnd 3 (DuPage Co. - 0437040)	2	Inadequate Pres. Tank	30	12/15/89
St. Charles Skyline Swr-Wtr Cpy (Kane Co. - 0895030)	2	Inadequate Pres. Tank	1, 300	09/19/86
St. Peter (Fayette Co. - 0510300)	6	Trihalomethane	807	06/15/92
Standard (Putnam Co. - 1550300)	1	Radium	280	09/16/91
Steeleville (Randolph Co. - 1570650)	6	Radium	2, 305	03/17/86
Sturm Sbdv (Lake Co. - 0977010)	2	Inadequate Pres. Tank	63	03/16/84
Suburban Heights Sbdv (Rock Island Co. - 1615800)	1	Inadequate Pres. Tank	114	12/16/83
Summit Homeowners Assn (Lake Co. - 0975280)	2	Inadequate Pres. Tank	48	03/16/84
Sunnyland Sbdv (Will Co. - 1977730)	2	Inadequate Pres. Tank	350	09/16/83
Swedona Wtr Assn (Mercer Co. - 1315200)	1	Inadequate Pres. Tank	100	06/15/90
Sylvan Lake 1st Sbdv (Lake Co. - 0977100)	2	Inadequate Pres. Tank	210	06/14/91
Table Grove (Fulton Co. - 0570900)	5	Radium & Radiological	500	03/20/81
Taylor Springs (Montgomery Co. - 1350650)	5	Trihalomethane	671	03/17/92
The Mill (Winnebago Co. - 2010040)	1	Inadequate Pres. Tank	90	12/16/94
Tindalls 3rd & 6th Addns (Rock Island Co. - 1617376)	1	Inadequate Pres. Tank	28	06/18/82
Towners Sbdv (Lake Co. - 0977250)	2	Inadequate Pres. Tank	238	01/14/82
Trivoli PWD (Peoria Co. - 1435510)	5	Inadequate Pres. Tank	350	06/17/83
Turkey Hollow Well Corp (Rock Island Co. - 1615686)	1	Inadequate Pres. Tank	32	06/18/82
Vermont (Fulton Co. - 0570950)	5	Atrazine	808	09/15/95
Vet's Place Sbdv (Peoria Co. - 1435650)	5	Nitrate & Inadequate Pres. Tank	85	12/16/94
Wadsworth Oaks Sbdv (Lake Co. - 0977320)	2	Radium	80	09/19/86
Walk-Up Woods Wtr Cmpny (McHenry Co. - 1115800)	2	Inadequate Pres. Tank	763	12/17/82
Wermes Sbdv (Kane Co. - 0895750)	2	Inadequate Pres. Tank	150	12/16/88
* West Chicago (DuPage Co. - 0430900)	2	Radium	14, 796	06/20/96
West Shoreland Sbdv (Lake Co. - 0977050)	2	Inadequate Pres. Tank	220	06/14/91
Westfield (Clark Co. - 0230200)	4	Inadequate Water Source	700	06/15/93
Williamson (Madison Co. - 1191100)	6	Trihalomethane	350	06/15/92
Wonder Lake Water Company (McHenry Co. - 1115750)	2	Inadequate Pres. Tank	1, 161	06/16/94
Woodland Hts Ests Sbdv (Peoria Co. - 1435760)	5	Inadequate Pres. Tank	245	03/20/81

Woodsmoke Ranch Assn (LaSalle Co. - 0990030)	1	Inadeq. Pres. Tank & Radium	350	06/15/90
WSCO Dvl-Ridgewood (Rock Island Co. - 1615670)	1	Inadequate Pres. Tank	475	03/20/81
Yates City (Knox Co. - 0950700)	5	Radium, Inadequate Pres. Tank & Radiological	900	03/20/81
York Center Coop (DuPage Co. - 0437550)	2	Inadequate Pres. Tank	240	06/15/88
2nd Street Water Assn (Lake Co. - 0971140)	2	Inadequate Pres. Tank	33	12/15/95

Public Water Supplies Removed from Previous List

- Bellwood (Cook Co. - 0310150)
- Byron Hills Subdiv. Well 6 (Rock Island Co. - 1617266)
- Cambridge (Henry Co. - 0730300)
- Gardner (Grundy Co. - 0630400)
- Geneva (Kane Co. - 0890350)
- Pleasant Hill Community Assn (DuPage Co. - 0435980)
- Staunton Res. Rd Wtr Corp (Macoupin Co. - 1175250)
- Sycamore (DeKalb Co. - 0370550)
- Woodland (Iroquois Co. - 0751000)

Illinois Environmental Protection Agency

Division of Public Water Supplies

Critical Review List -- Public Water Supplies

The Critical Review List was developed to give additional notification to officials of public water supplies which may be close to being in violation of 35 Ill. Adm Code, Subtitle F: Public Water Supplies, Chapter I or the Illinois Environmental Protection Act.

A supply will be placed on the Critical Review List when Agency records indicate that it is approaching any of the violations which would place it on the Restricted Status List.

This list is continually being revised as new information becomes available, and therefore, specific inquiries as to the status of any public water supply should be directed to the Division of Public Water Supplies for final determination. This list reflects the status as of July 1, 1996.

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RDS:sp/0046g/4

Illinois Environmental Protection Agency
 Division of Public Water Supplies
 Critical Review List -- Public Water Supplies
 July, 1996

<u>NAME OF PUBLIC WATER SUPPLY/COUNTY/FACILITY NO.</u>	<u>RGN</u>	<u>NATURE OF PROBLEM</u>	<u>POP. SERVED</u>	<u>LISTING DATE</u>
Albers (Clinton Co. - 0270050)	6	Inadequate Plant Capacity	850	03/15/96
Baylis (Pike Co. - 1490100)	5	Source Capacity	300	09/13/85
Bluford (Jefferson Co. - 0810100)	7	Low System Pressure	465	03/20/81
Carlyle (Clinton Co. - 0270300)	6	Inadequate Treatment Plant	7,978	12/15/93
Clinton (DeWitt Co. - 0390050)	4	Inadequate Plant Capacity	7,437	06/14/91
DePue (Bureau Co. - 0110300)	1	Inadequate Treatment Plant	1,930	12/15/93
Dieterich (Effingham Co. - 0490150)	4	Inadequate Source	568	03/15/94
Edwardsville (Madison Co. - 1190250)	6	Inad. Treatment Plant	30,581	12/15/93
Evansville (Randolph Co. - 1570250)	6	Plant Capacity	1,838	05/25/81
Georgetown (Vermilion Co. - 1830350)	4	Inadequate Water Plant	3,678	06/15/93
Hardin (Calhoun Co. - 0130200)	6	Low System Pressure	1,175	11/25/81
Highland Hls Sndst (DuPage Co. - 0435560)	2	Inadequate Pressure Tank	1,100	09/17/92
Homer (Champaign Co. - 0190300)	4	Inadequate Source	1,300	03/15/94

Kincaid (Christian Co. - 0210250)	5	Plant Capacity	2,640	06/14/85
Lake Marian Wtr Corp (Kane Co. - 0895200)	2	Low System Pressure & Inadequate Pres. Storage	800	09/14/84
Lewistown (Fulton Co. - 0570600)	5	Inadequate Source	2,700	06/15/88
McHenry Shores Wtr Cmpny (McHenry Co. - 1115020)	2	Low System Pressure	1,170	09/17/92
Metro Utl Chickasaw Dvn (Will Co. - 1975320)	2	Low System Pressure	7,700	09/17/92
Millstadt (St. Clair Co. - 1630850)	6	Low System Pressure	2,750	12/16/91
Patoka (Marion Co. - 1210400)	6	Inadequate Treatment Plant	820	12/15/93
Pearl (Pike Co. 1490650)	5	Inadequate Pres. Tank	322	09/17/82
Pecatonica (Winnebago Co. -2010250)	1	Low System Pressure	1,830	06/15/90
South Highway PWD (Jackson Co. - 0775400)	7	Low System Pressure	8,189	06/15/92
Stockton (Jo Daviess Co. - 0850450)	1	Low System Pressure	1,900	06/15/84
Sumner (Lawrence Co. - 1010300)	7	Low System Pressure	1,553	12/13/85
Taylor Springs (Montgomery Co. - 1350650)	5	Low System Pressure	650	02/20/81
Tower Ridge Sbdv (Rock Island Co. - 1615780)	1	Inadequate Pres. Tank	70	03/15/94
Walnut Hill (Marion Co. - 1210600)	6	Low System Pressure	1,200	06/14/85
West Liberty Dundas Wtr Dist (Richland Co. - 1595050)	7	Low System Pressure & Inadequate Source	693	12/14/84
Wonder Lake Wtr Cmpny (McHenry Co - 1115750)	2	Inadequate Storage	1,080	12/14/90

Public Water Supplies Removed from Previous List

Caseyville (St. Clair Co. - 1630250)
 North Utica (LaSalle Co. - 0990650)